KITS

1-22-2009 Version # 3

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Tuesday, February 10, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	08-10-CZ10-2	MINISTERIOS EL BUEN PASTOR, INC.	07-366	01-54-39	
B.	09-1-CZ10-5	LEON FLAGLER HOLDINGS, LLC	08-179	03-54-40	
C.	09-1-CZ10-1	LUCIA MARTIN, ET AL	07-187	08-54-40	
D.	09-1-CZ10-2	RAUL MARTIN	08-23	13-54-39	
E.	09-1-CZ10-3	DELSY COUSO & REINIER ARMAS	08-32	13-54-39	
F.	09-1-CZ10-4	MISTER AEB DEVELOPERS, LLC	08-137	10-54-39	

CURRENT

1.	09-2-CZ10-1	ABITBOL WINGS, LLC	08-129	15-54-39	N
2.	09-2-CZ10-2	ALEXIS PENA & MABEL YANES	08-146	13-54-39	N
3.	09-2-CZ10-3	ORFA RESTREPO	08-187	13-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF TUESDAY, FEBRUARY 10, 2009

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. **MINISTERIOS EL BUEN PASTOR, INC. (08-10-CZ10-2/07-366)** **1-54-39**
Area 10/District 12

(1) EU-1 and EU-M to EU-M

(2) SPECIAL EXCEPTION to permit a religious facility.

(3) Applicant is requesting to permit a building height of 50' (35' permitted).

IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING:

(4) Applicant is requesting to permit a building of public assemblage setback of 25' (50' required) from the front (west) property line.

(5) Applicant is requesting to permit a lot coverage of 21.3% (15% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 - #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Ministerios El Buen Pastor Internacional," as prepared by Gail Byron Baldwin, dated stamped received 4/8/08 and consisting of 7 sheets. Plans may be modified at public hearing.

LOCATION: Lying east of N.W./S.W. 122 Avenue, approximately 464' south of N.W. 2 Street, A/K/A: 45 S.W. 122 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.22 Acres

Department of Planning and Zoning Recommendation: Approval of request #1; denial without prejudice of request #2; denial without prejudice of requests #3 through #5 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV).

Protests: 98 Waivers: 470

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

B. **LEON FLAGLER HOLDINGS L. L. C. (09-1-CZ10-5/08-179)** **3-54-40**
Area 10/District 6

(1) DELETION of Resolutions No. 4ZAB-142-79 and 5ZAB-113-95, both passed and adopted by the Zoning Appeals Board.

The purpose of request #1 is to allow the applicant to delete previous resolutions tying the site to the automobile dealership and to allow the development of a medical office building on the subject site.

(2) Applicant is requesting to permit 2 detached signs (1 detached sign permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Leon Medical Centers," as prepared by MGE Architects, Sheet "L.2.1" dated stamped received 10/14/08, Sheet "A1.01," dated stamped received 10/31/08 and the remaining sheets dated stamped received 9/16/08 for a total of 11 sheets. Plans may be modified at public hearing.

LOCATION: 150 N.W. 79 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.2 Acres

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 under Section 33-311(A)(7) (generalized modification standards) and denial without prejudice of same under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

C. LUCIA MARTIN, ET AL (09-1-CZ10-1/07-187) **8-54-40**
Area 10/District 10

Applicants are requesting to permit a laundry room, family room and covered terrace addition to a single-family residence setback a minimum of 2.9' (7.5' required) from the interior side (west) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Lucia Martin & Gualberto Navarro," as prepared by J. H. Manucy, Inc., 2 sheets dated stamped received 8/28/08 and the remaining sheet dated stamped received 11/4/08 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 9981 S.W. 15 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 36

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

D. RAUL MARTIN (09-1-CZ10-2/08-23) **13-54-39**
Area 10/District 10

Applicant is requesting to permit a porte-cochere addition to a single-family residence setback 10' (25' required) from the front (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Renovation Owner Raul Martin," as prepared by Felix E. De La Noval, Sheet "A-0" dated stamped received 10/22/08, and the remaining 3 sheets dated stamped received 2/5/08 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 3920 S.W. 124 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 120'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

E. **DELSY COUSO & REINIER ARMAS (09-1-CZ10-3/08-32)** **13-54-39**
Area 10/District 10

Applicants are requesting to permit a detached covered terrace for a single-family residence setback 58.8' (75' required) from the front (west) property line, setback 3.2' (7.5' required) from the interior side (north) property line and setback 2.27' (5' required) from the rear (east) property line and spaced 6.3' (10' required from the residence).

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

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Mr. Armas and Delsy Couso," as prepared by William Plasencia P. A., dated stamped received 2/19/08 and consisting of 1 sheet. Plans may be modified at public hearing.

LOCATION: 3191 S.W. 117 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 100'

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

F. **MISTER AEB DEVELOPERS L. L. C. (09-1-CZ10-408-137)** **10-54-39**
Area 10/District 11

RU-1M(b) to RU-1M(a)

LOCATION: The northwest corner of S.W. 144 Avenue and theoretical S.W. 17 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.68 Gross Acres

Department of Planning and Zoning Recommendation: Approval, subject to the Board's acceptance of the proffered covenant.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

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1. ABITBOL WINGS L. L. C. (09-2-CZ10-1/08-129) **15-54-39**
Area 10/District 11

(1) UNUSUAL USE to permit outdoor dining.

(2) SPECIAL EXCEPTION to permit a bar in connection with a restaurant.

(3) SPECIAL EXCEPTION of spacing requirements to permit a bar in connection with a restaurant spaced less than the required 2,500' from religious facilities and public schools.

(4) MODIFICATION of Paragraph #1 of a Declaration of Restrictions, recorded in Official Record Book 12374, Pages 1208-1211, reading as follows:

FROM: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted prepared by Bellon, Perez & Perez, Inc. Architects & Planners entitled 'Las Americas Central Plaza VI,' dated the 5th day of October, 1984'."

TO: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted entitled 'Hurricane Grill,' as prepared by Angel C. Saqui, FAIA, Sheet 'A1.01' dated stamped received 11/4/08, and plans entitled "Hurricane Grill & Wings," as prepared by Crossroads Architecture, Inc., Sheet 'A1.2' dated stamped received 12/8/08 and a 'Liquor Survey for 14211 SW 42 St,' as prepared by James Beadman & Assoc., Inc., dated stamped received 7/3/08 for a total of 3 sheets."

(5) MODIFICATION of Exhibit "A" of a Declaration of Restrictions recorded in Official Record Book 12374, Pages 1208-1211, reading as follows:

FROM:
Auditoriums
Bait & Tackle Shops
Billiard Rooms & Pool Rooms
Convention Halls
Massage Parlors
Lawn Mowers, Retail, Sales & Service
Motorcycle Sales & Repairs
Open Air Theaters
Pawn Shops
Self-Service Storage Facilities
Schools
Pubs & Bars."

TO: Auditoriums
Bait & Tackle Shops
Billiard Rooms & Pool Rooms
Convention Halls
Massage Parlors
Lawn Mowers, Retail, Sales & Service
Motorcycle Sales & Repairs
Open Air Theaters
Pawn Shops
Self-Service Storage Facilities
Schools."

(6) MODIFICATION of Paragraph #1 of a Declaration of Restrictive Covenants in Lieu of a Unity of Title, recorded in Official Records Book 15044, Pages 1388-1393, reading as follows:

FROM: "1. The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza VI,' as prepared by Bellon, Perez & Perez, Inc., Architects and Planners, dated the 5th day of October, 1984 and last revised on October 15, 1984."

TO: "1. The property will be developed in substantially in accordance with the spirit and intent of the plans submitted entitled 'Hurricane Grill,' as prepared by Angel C. Saqui, FAIA, Sheet 'A1.01' dated stamped received 11/4/08 and plans entitled "Hurricane Grill & Wings," as prepared by Crossroads Architecture, Inc., Sheet 'A1.2' dated stamped received 12/8/08 and a liquor survey entitled 'Liquor Survey for 14211 SW 42 St,' as prepared by James Beadman & Assoc., Inc., dated stamped received 7/3/08 for a total of 3 sheets."

The purpose of requests #4-#6 is to allow the applicant to submit revised plans showing outdoor dining for a previously approved shopping center and to delete restrictions prohibiting pubs and bars; to permit a bar in conjunction with a restaurant.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #4-#6 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

LOCATION: 14211 S.W. 42 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.91 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice of request #1; approval with conditions of requests #2 and #3; modified approval with conditions of requests #4 and #6, to show the removal of the outdoor dining area; approval with conditions of request #5 under Section 33-311(A)(7) (generalized modification standards); denial without prejudice of requests #4 through #6 under Section 33-

311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing).

Protests: 2 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **ALEXIS PENA AND MABEL YANES (09-2-CZ10-2/08-146)** **13-54-39**
Area 10/District 10

Applicants are requesting to permit a covered terrace addition to a single-family residence setback 11.33' (25' required) from the rear (NE/ly) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Terrace for: Alexis Pena and Mabel Yanes," as prepared by Juan A. Rodriguez-Jomolca, dated stamped received 8/4/08 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 2901 Village Green Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7,875 sq. ft.

Department of Planning and Zoning Recommendation: Modified approval with conditions under Section 33-311(A)(4)(b) (NUV) to permit the proposed covered terrace addition to setback 14' in lieu of the requested 11.22' and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. **ORFA RESTREPO (09-2-CZ10-3/08-187)** **13-54-39**
Area 10/District 10

Applicant is requesting to permit a bedroom and family room addition to a single-family residence setback 13.65' (25' required) from the rear (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization of Florida Room for Ms. Orfa Restrepo, consisting of 3 sheets, dated stamped received 10/08/08. Plans may be modified at public hearing.

LOCATION: 3011 S.W. 122 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' X 100'

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

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

A. MINISTERIOS EL BUEN PASTOR, INC.
(Applicant)

08-10-CZ10-2 (07-366)
Area 10/District 12
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1959	Joyce Gray	Special permit horseback riding school.	ZC	Approved w/conds.
1965	Joyce Gray	Use variance and special exception.	ZAB	Approved w/conds.
1985	Directors, Building, Zoning & Planning Depts.	Zone change from GU to EU-M.	BCC	Approved
1985	Directors, Building, Zoning & Planning Depts.	- Zone change from AU to EU-1. - Non-Use variance.	BCC	Approved

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

D

APPLICANT'S NAME: **MINISTERIOS EL BUEN PASTOR, INC.**

REPRESENTATIVE: Stanley Price

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ10-2 (07-366)	January 13, 2009	CZAB10		09

REC: Approval of request #1; denial without prejudice of request #2; denial without prejudice of requests #3 through #5 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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: To meet with the neighbors and submit a covenant to staff.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	**S**	George A. ALVAREZ	**X**		
MR.		Jorge BARBONTIN	**X**		
VICE-CHAIRMAN		Julio R. CACERES			**X**
MR.		Jose GARRIDO (C.A.)	**X**		
MR.	**M**	Ruben POL III	**X**		
CHAIRMAN		Carlos A. MANRIQUE	**X**		
		VOTE:	**5**	**0**	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#2

APPLICANT'S NAME: **MINISTERIOS EL BUEN PASTOR, INC.**

REPRESENTATIVE: Jerry Proctor

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ10-2 (07-366)	October 30, 2008	CZAB10		08

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Jan 13, 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: Per applicant's request to work w/ staff and meet with neighbors.

At applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	**S**	George A. ALVAREZ	**X**		
MR.	**M**	Jorge BARBONTIN	**X**		
VICE-CHAIRMAN		Julio R. CACERES			**X**
MR.		Jose GARRIDO (C.A.)	**X**		
MR.		Ruben POL III	**X**		
CHAIRMAN		Carlos A. MANRIQUE		**X**	
		VOTE:	**4**	**1**	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **DAVID HOPE**

3

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Ministerios El Buen Pastor, Inc. **PH:** Z07-366 (08-10-CZ10-2)

SECTION: 1-54-39 **DATE:** February 10, 2009

COMMISSION DISTRICT: 12 **ITEM NO.:** A

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A. INTRODUCTION:

- **REQUESTS:**

  (1) EU-1 and EU-M to EU-M

  (2) SPECIAL EXCEPTION to permit a religious facility.

  (3) Applicant is requesting to permit a building height of 50' (35' permitted).

  IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING:

  (4) Applicant is requesting to permit a building of public assemblage setback of 25' (50' required) from the front (west) property line.

  (5) Applicant is requesting to permit a lot coverage of 21.3% (15% permitted).

  Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 - #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Ministerios El Buen Pastor Internacional," as prepared by Gail Byron Baldwin, Sheet "A-100" dated stamped received 5/6/08 and the remaining sheets dated stamped received 4/8/08 and consisting of 7 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicant is seeking to rezone the subject property from EU-1, Single-family One Acre Estate District and EU-M, Single-family Modified Estate District, to EU-M and to permit a religious facility with a greater height than permitted. In the alternative to the zone change, the applicant is seeking to permit said religious facility on a parcel of land in the EU-1 and EU-M zoning districts and to permit the religious facility with a lesser front setback than required. Additional requests to permit the proposed religious facility with a greater height and lot coverage than permitted are also being sought.

- **LOCATION:** Lying east of N.W./S.W. 122 Avenue, approximately 464' south of N.W. 2 Street, A/K/A: 45 S.W. 122 Avenue, Miami-Dade County, Florida.

- **SIZE:** 4.22 Acres

- **IMPACT:** Approval of this application will allow a rezoning of the subject site which will provide additional residential units to the community or will allow the proposed religious facility to meet the lot coverage and setback requirements under the EU-M zoning district. This application will bring additional traffic and noise into the residential area and may impact public services. Additionally, the reduced setback and increased lot coverage and height could have a negative visual impact on the community.

B. ZONING HEARINGS HISTORY: In 1959, the subject property was granted a special permit to operate a horseback riding school with 12 additional stalls by the Board of County Commissioners (BCC), pursuant to Resolution #4036. In 1965, the subject property was granted a use variance and a special exception to permit a riding academy in a GU, Interim District, zone as would be permitted in an AU, Agricultural District, by the Zoning Appeals Board (ZAB), pursuant to Resolution #3-ZAB-133-65. In March 1985, the southern portion of the subject site (Lots 14 and 15) was included as part of an application filed by the Directors of the Building and Zoning and Planning Departments that was granted a district boundary change from GU to EU-M, Single Family Modified Estate District, pursuant to Resolution #Z-63-85. Concurrently, in March 1985, the northern portion of the subject site (Lots 16 through 18) was included as part of an application on a larger portion of land filed by the Directors of the Building and Zoning and Planning Departments that was granted a zone change from GU, AU, and EU-1, Single Family One Acre Estate District, to EU-1 and a request to permit certain existing platted lots with less than the required 125' of lot frontage and less than the required one acre of lot area as residential building sites, pursuant to Resolution #Z-64-85.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

2. 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.

3. **Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to

promote this localized form within the metropolitan pattern of urban centers and transit corridors:

4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

5. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.

6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
EU-1 and EU-M; Vacant	Estate Density Residential, 1 to 2.5 dua
Surrounding Properties:	
NORTH: EU-1; Vacant	Estate Density Residential, 1 to 2.5 dua
SOUTH: RU-1; Vacant	Estate Density Residential, 1 to 2.5 dua
EAST: EU-1; Single-family residences	Estate Density Residential, 1 to 2.5 dua
WEST: EU-M; Single-family residences	Estate Density Residential, 1 to 2.5 dua

The subject property lies east of NW/SW 122 Avenue, approximately 464' south of NW 2 Street and is currently vacant. The subject property is surrounded by undeveloped parcels of land, single-family residences, and is located approximately 1.66 miles east of and within the Urban Development Boundary (UDB).

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Acceptable**

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(3) Special Exception, Unusual and New Uses. 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.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting in order to allow the applicant time to submit a covenant and continue to work with the neighbors. It should be noted that the applicant has submitted a covenant that restricts development of the subject site to the submitted plans, restricts hours of operation for the religious facility, provides traffic monitoring measures, prohibits the use of outdoor speaker systems, regulates

lighting of the outdoor parking lot, provides that the maximum number of fixed seats shall be limited to 1,200, prohibits schools, child and adult daycare centers on the site, restricts delivery hours of service, prohibits outdoor events such as picnics, prohibits commercial uses on site, provides that the row of parking spaces shown along SW 122 Avenue will be removed from the submitted plan and remain as open space, and that the drainage system shall be constructed substantially in accordance with the storm water management plan and maintenance plan approved by DERM. This application was also deferred from the October 30, 2008 meeting at the applicant's request with leave to amend to allow the applicant time to meet with the neighbors and work with staff. It should be noted that on December 1, 2008 the applicant amended this application to include a request for a zone change from EU-1, Single-family One Acre Estate District and EU-M, Single-family Modified Estate District, to EU-M (request #1). In addition to request #1, the applicant is requesting a special exception to permit a religious facility (request #2) and to permit the religious facility with a maximum height of 50' (35' permitted) (request #3). In the alternative to request #1, the applicant seeks to permit said religious facility setback 25' (50' required) from the front (west) property line (request #4) and to permit a lot coverage of 21.3% (15% permitted for 2 stories) (request #5). Therefore, based on the above, request #1 needs to be analyzed in conjunction with requests #2 and #3; however, requests #4 and #5 would not apply. In the alternative to request #1, requests #2 through #5 would be under consideration by the Board. Plans submitted by the applicant depict the aforementioned requests. The 4.22-acre subject property lies east of NW/SW 122 Avenue, approximately 464' south of NW 2 Street and is currently vacant. The subject property is surrounded by undeveloped parcels of land, single-family residences, and is located approximately 1.66 miles east of and within the Urban Development Boundary (UDB).

The submitted plans indicate a 39,386 sq. ft., two-story principal structure that consists of vestibule areas, a social hall, reading room, prayer room, kitchen, multi-purpose room and a large semi-circular-shaped sanctuary on the ground floor. The second floor consists of Sunday school classroom areas, storage areas, offices, a recording room, library, kitchen, and lunchroom. The applicant's letter of intent indicates that the rotunda at the southwest corner of the sanctuary will function as the main entrance to the building. The sanctuary occupies most of the structure, and provides 13,714 sq. ft. to accommodate a large gathering of people. Parking areas are provided on the north, east, and south portions of the site. Staff notes that the submitted plans indicate that the applicant has provided a surplus of 177 parking spaces yielding a total of 336 where 159 parking spaces are required. As such, staff notes that adequate on-site parking has been provided. Three two-way drives are located off of NW/SW 122 Avenue and access to the site is to be secured through manual gates in a 4' high wall that runs along the front (west) property line, which the applicants have noted on the plans are to remain open during hours of operation. A one-way circular drive is provided along the west property line that also provides access to the site off of NW/SW 122 Avenue for a total of 5 driveway openings onto NW/SW 122 Avenue along the front (west) property line. The submitted plans indicate that a proposed 6' high concrete wall and abundant landscaping are to be provided along the north, east and south property lines between the proposed religious facility and the abutting EU-1 and RU-1 zoned properties. Additionally, the landscaping strip, which is at a minimum 8' wide along the south property line, is to include landscaping in the form of Dahoon Holly, East Palatka Holly, and Twinberry trees as well as continuous hedges in the form of Wild Coffee and Green Cocoplum. However, staff is not supportive

of this application and notes that the scale, mass, and height of the proposed religious facility are incompatible with the residences in the surrounding community.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department **(PWD)** has **no objections** to this application. However, their memorandum indicates that the proposed gates are to remain open during hours of operation and that the landscaping and fences must comply with the safe sight distance triangle requirements. Their memorandum further indicates that the proposed religious facility does not generate any new additional daily peak hour vehicle trips and therefore, the application meets traffic concurrency criteria. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:13** minutes.

Approval of the application would permit a religious facility on the subject property. This site is located in a section of land that is zoned EU-1 and EU-M and is predominantly developed with single-family residences. The applicant is seeking to rezone the subject site from EU-1, Single-family One Acre Estate District and EU-M, Single-family Modified Estate District, to EU-M, which would allow the proposed religious facility to comply with the front setback and lot coverage requirements. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Estate Density Residential** use which permits a minimum of 1 to a maximum of 2.5 dwelling units per gross acre yielding a minimum of 4 to a maximum of 12 units permitted on the 4.97 gross-acre site. As such, staff notes that the requested EU-M zoning is numerically consistent with the density threshold of the Estate Density Residential land use designation. Detached estates that utilize only a small portion of the total parcel generally characterize this density category. However, 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 the Master 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. The interpretative text of the CDMP also indicates that non-residential uses such as **houses of worship** located in Estate Density neighborhoods should be located 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. The subject property is designated as Estate Density Residential use on the LUP map; however, staff notes that the site does not meet the above criteria as it is not located in an activity node nor within a section center and in therefore, not consistent with the interpretative text of the Guidelines for Urban Form. Additionally, staff notes that, although the subject property is located along a half-section line roadway, NW/SW 122 Avenue, the site is an interior lot, located mid-block and is not transitional to higher intensity land uses; therefore, the approval of the requested religious facility use on the site or any other building of public assemblage such as a school or auditorium would be **inconsistent** with the objectives of the CDMP. While staff acknowledges that the approval of this application would allow the applicant to provide a service for the community, **Land Use Policy LU-4C** of the interpretative text in the CDMP indicates that residential neighborhoods shall be protected from intrusion by uses that

would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic. Staff is of the opinion that the proposed religious facility reflects an over-utilization of the site, would be intrusive to the surrounding residences, and is therefore, **incompatible** with the area. Further, the proposed religious facility does not comply with the provisions found in **Land Use Policy LU-4C**, as approval of the application is inconsistent with the CDMP policy to protect the neighborhood from intrusion by a proposed use that would disrupt the tranquility, character and overall welfare of the residential neighborhood, and would create excessive noise and traffic that would have a negative impact on the surrounding area. Staff is of the opinion that the proposed religious facility use on this parcel would be too intense for the site as evidenced by the numerous requests sought herein for reduced setback distances, increased building height and lot coverage, and, if approved, would result in a building mass that is excessive and out of character with the surrounding area. As such, staff opines that the applicant's request for a **religious facility** is **inconsistent** with the goals, objectives and policies of the Master Plan and **incompatible** with the area. Moreover, it should be noted that the Generalized Neighborhood Development Pattern envisioned by the CDMP calls for areas located midblock along half section line roadways to be developed for low density residential use. Based on the foregoing, it should be noted that staff would not be supportive of any building of public assemblage such as a religious facility, school, or auditorium on the subject site and opines that approval of a building of public assemblage on this site would be incompatible with the residential character of the area. Notwithstanding the aforementioned, should the Board determine that the intensity of the proposed use is compatible with the surrounding area, then the Board could make a finding that this proposed use is consistent with the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. It should be noted that the approval of the proposed district boundary change from EU-1 and EU-M to EU-M and the requested special exception to permit a religious facility would allow the proposed religious facility to meet the front setback and lot coverage requirements of the EU-M zoning district. However, staff opines that the applicant's request for a **religious facility** is **inconsistent** with the goals, objectives and policies of the Master Plan and **incompatible** with the area. Staff acknowledges that the proposed rezoning to EU-M will not have an unfavorable impact on the environment as indicated in DERM's memorandum. Further, the requested rezoning does not unduly burden or affect public transportation facilities in the area as evidenced by the Public Works Department's memorandum which indicates that the application meets initial traffic concurrency criteria. As previously mentioned, staff notes that, although the subject property is located along a half-section line roadway, NW/SW 122 Avenue, the site is an

interior lot, located mid-block and is not transitional to higher intensity land uses; therefore, the approval of the requested religious facility use on the site would be **inconsistent** with the objectives of the CDMP. Staff opines that the subject site is better suited for single-family residential development. As such, staff has no objections to the rezoning of the subject site from EU-1 and EU-M to EU-M and notes that approval of the requested zone change would allow the applicant to configure the site with 8 residential lots which is numerically consistent with the density threshold of the LUP Map of the CDMP. Moreover, staff notes that approval of the requested zone change to EU-M with the utilization of Severable Use Rights (SURs) would allow the applicant to configure the site with a total of 9 residential lots which is numerically consistent with the density threshold of the LUP Map of the CDMP. Staff notes that the subject property abuts EU-M zoned properties to the west which are developed with single-family residences and that the southern two-fifths of the subject site is currently zoned EU-M. As such, staff opines that the proposed EU-M zoning on the subject site would be compatible with the surrounding area and consistent with the LUP Map of the CDMP. Based on all of the aforementioned, staff recommends approval of the zone change to EU-M.

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the proposed religious facility would result in excessive noise or traffic, cause undue or excessive burden on transportation, streets, roads or highways, or provoke excessive overcrowding and concentration of people, 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. The 4.22-acre subject property adjoins single-family residences to the east and west and undeveloped parcels of land to the north and south, and is located approximately 1.66 miles east of and within the Urban Development Boundary (UDB). The EU-1 and EU-M zoned subject property is currently vacant. As previously mentioned, the submitted plans indicate a 13,714 sq. ft. sanctuary, which occupies most of the structure, and provides for a large gathering of people. Additionally, the submitted plans indicate a 6,780 sq. ft. social hall on the ground floor as well as several offices and Sunday school classrooms, among other rooms, on the second floor, which could result in an over concentration of people. Staff acknowledges that, in 1982, a 4.24-acre parcel of land located on the northeast corner of SW 120 Avenue and SW 2 Street, approximately 323' to the east of the subject site, was granted, among other requests, a special exception to permit a religious facility as well as an unusual use to permit a pre-school, day nursery and after school care, pursuant to Resolution #4-ZAB-117-82. It should be noted that said religious facility was built in 1984 and is located at 11975 SW 2 Street. Staff's review of the approved plans for said religious facility revealed that the approved religious facility is significantly smaller in terms of height and scale than the facility that is the subject of this application. Specifically, the plans submitted for the religious facility approved in 1982 indicate a total building area of 9,500 sq. ft. and a 3,800 sq. ft. sanctuary with a maximum building height of 35'. As such, staff is of the opinion that the proposed religious facility use that is the subject of this public hearing, as illustrated on the submitted plans, will result in a large concentration of people on the site, which will cause a burden on area roads when meetings are held and will not be compatible with the residential character of the surrounding area. Staff further acknowledges that the Public Works Department has no objections to this application however; staff notes that the proposed religious facility will not be located on a major right-of-way and will therefore further overburden local streets and roads. Moreover, staff notes that the submitted plans illustrate a total of 5 driveway

openings onto NW/SW 122 Avenue along the front (west) property line, which staff opines is intensive and intrusive to the single-family residences located across NW/SW 122 Avenue, to the west of the subject site, due to increased traffic activity associated with the proposed religious facility use. Additionally, staff notes that public or semi-public uses such as houses of worship that are located in Estate Density neighborhoods as specified in the CDMP, should be located only in activity nodes, or sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. Staff opines that the size of the religious facility and proposed location for such use as proposed is **incompatible** with the area and **inconsistent** with the goals and objectives of the CDMP. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(3).

When requests #3 through #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of the requests would be **incompatible** with the surrounding area and would negatively affect the appearance of the community. Staff opines that the approval of request #3, to permit the proposed religious facility structure with a maximum height of 50' (35' permitted), will have a negative visual impact on the surrounding community. Staff acknowledges that the submitted elevation plans depict a Mediterranean architectural style with abundant fenestration and arches and illustrate a variation in building heights that includes a rotunda estimated to attain a maximum height of 50' as well as a reading room and second story foyer, each estimated to attain a height of 40'11". Furthermore, the majority of the building features a flat roof that attains a height of 33'6" when measured to the roofline. It should be noted that Section 33-55 of the Zoning Code provides that regulations that limit building height shall not apply to church spires and steeples. Staff notes that church spires and steeples are non-habitable structures and are typically ornamental. However, staff notes that the 50' high rotunda illustrated on the submitted site plan is a habitable space and, in conjunction with the reading room and foyer, exceeds 10% of the roof area by 0.3%, which staff acknowledges is a minor overage. Notwithstanding the foregoing, the rotunda is subject to the height restrictions enumerated in the Zoning Code. As previously mentioned, the subject site is surrounded on all sides by single family and estate residences zoned EU-1, EU-M, and RU-1, which zones limit building heights to a maximum of 35' (two stories). Further, staff's review of the surrounding area reveals that residences that adjoin the subject site are one-story and, as such, staff maintains that the requested maximum building height of 50' for the proposed religious facility is **incompatible** with the scale of the adjoining development. Request #4, to permit a building of public assemblage setback 25' from the front (west) property line, and request #5, to permit a lot coverage of 21.3% (15% permitted for 2 stories), are requested should the Board opt to retain the existing zoning, and as an alternative to request #1, a zone change from EU-1 and EU-M to EU-M. Approval of request #4 would allow the proposed religious facility to comply with merely 50% of the setback requirement of the more restrictive zoning on the subject site, the EU-1 zoning. It should be noted that the northern portion of the subject site (Lots 16 through 18) is zoned EU-1 in which buildings of public assemblage are required to be setback a minimum of 50' from the front property line and that the southern portion of the subject site (Lots 14 and 15) is zoned EU-M in which buildings of public assemblage are only required to be setback 25' from a property line that abuts a public highway, which in this case coincides with the front (west) property line. Historically, the Department's policy on sites with dual zoning districts applies the more restrictive zoning requirements for development criteria such as setback, height and lot coverage. Therefore in this instance, when the more restrictive setback requirement of the two zones is applied, the proposed religious

facility is required to be setback a minimum of 50' from the front (west) property line. The requested variance of building setback from the front (west) property line is due to the porte-cochere which measures 22'4" in length and represents approximately 4% of the total building frontage. Accordingly, staff acknowledges that the majority, approximately 96%, of the building frontage complies with the 50' setback requirement of the EU-1 zone for buildings of public assemblage. However, staff notes that single-family residences are located to the west of the subject site, which front on NW/SW 122 Avenue, directly across from the subject site. As such, staff opines that request #4 is an indication of the intrusiveness of this project on the adjoining properties.

As previously mentioned, the Department's policy on sites with dual zoning districts applies the more restrictive zoning requirements for development criteria such as setback, height and lot coverage. Staff notes that the EU-1 zone allows a maximum lot coverage of 15%, while the EU-M zone allows a maximum lot coverage of 30%. Therefore in this instance, when the more restrictive lot coverage allowance of the two zones is applied, the proposed religious facility is allowed a maximum lot coverage of 15%. Request #5, to permit a lot coverage of 21.3% (15% permitted for 2 stories) would allow the construction of the proposed 39,386 sq. ft. religious facility on the site, which staff opines is indicative of a building mass and scale that is out of character and proportion with the area and, therefore, incompatible with same. Staff notes that no similar approvals have been granted in the surrounding area. As previously mentioned, staff acknowledges that in 1982, a 4.24-acre parcel of land located, approximately 323' to the east of the subject site, was granted, among other requests, a special exception to permit a religious facility as well as an unusual use to permit a pre-school, day nursery and after school care, pursuant to Resolution #4-ZAB-117-82. However, it should be noted that said approval was void of requests for variances of setback, height or lot coverage. As such, staff determines that requests #3 through #5 would be out of scale and character with the surrounding properties and thus detrimental to the stability of the area. Further, staff is not supportive of request #2 as it is **incompatible** with the area and **inconsistent** with the CDMP, and since requests #3 through #5 are an integral part of/and germane to request #2, staff recommends denial without prejudice of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV).

When requests #3 through #5 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not demonstrated how the denial of the requests will result in unnecessary hardship. As such, staff recommends denial without prejudice of requests #3 through #5 under Section 33-311(A)(4)(c) (ANUV).

Accordingly, staff opines that the proposed EU-M zoning on the subject site would be **compatible** with the surrounding area and **consistent** with the LUP Map of the CDMP but that the size of the religious facility and proposed location for such use as proposed is **incompatible** with the area and **inconsistent** with the goals and objectives of the CDMP. As such staff recommends approval of request #1, denial without prejudice of request #2, and denial without prejudice of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Approval of request #1, denial without prejudice of request #2, and denial without prejudice of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS**: None.

DATE INSPECTED: 10/30/07
DATE TYPED: 08/22/08
DATE REVISED: 08/25/08; 09/04/08; 09/15/08; 09/16/08; 09/25/08; 09/26/08; 10/06/08; 10/21/08; 11/25/08; 12/05/08; 12/15/08; 12/23/08; 12/30/08; 01/21/09; 01/30/09; 02/03/09
DATE FINALIZED: 02/03/09
MCL:MTF:LVT:NN:NC

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

Memorandum

MIAMI-DADE COUNTY

Date: December 16, 2008

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

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

Subject: C-10 #Z2007000366-2nd Revision
Ministerios el Buen Pastor, Inc.
45 S.W. 122nd Avenue
District Boundary Change from EU-1and EU-M to EU-M and Special Exception to Permit a Religious Facility
(EU-1/EU-M) (4.2 Acres)
01-54-39

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

The proposed project has received Cut and Fill approval # 537. Full compliance with all conditions set forth in said approval is required prior platting or seeking building permits.

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to

platting and/or site development, or Miami-Dade Public Works approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

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

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

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

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

Tree Preservation
According to the landscape plans submitted with this application, only one Ficus benghalensis tree exists on the southwest portion of the property. Ficus benghalensis is a prohibited tree as referenced in Section 24-49.9 of the Code. Per Section 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from site prior to development. However, a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject property that is not a prohibited species.

The applicant is advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject property that is not a prohibited species. The applicant is advised to contact the DERM Tree Program at (305) 372-6574 for further information.

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP

for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code; therefore, it may be scheduled for public hearing. Furthermore, this memorandum shall constitute DERM's written approval as required by the Code.

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

REVISION 1
PH# Z2007000366
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:MINISTERIOS EL BUEN PASTOR, INC

This Department has no objections to this application.

Gates are to remain open during hours of operation.

Landscaping and fences must comply with safe sight distance triangle requirements set forth in Sec. 33-11 of the Miami-Dade County Code.

Additional improvements may be required at time of permitting.

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.
24-APR-08

REVISION 4

Memorandum

Date: 15-DEC-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000366

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated May 14, 2008.
APPROVAL:
Fire Engineering & Water Supply Bureau has no objection to Letter of Intent date stamped December 1, 2008.

Service Impact/Demand:

Development for the above Z2007000366
located at LYING EAST OF NW/SW 122 AVENUE, APPROXIMATELY 464' SOUTH OF NW 2 STREET, A/K/A: 45 SW 122 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1288 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
N/A (Office)	square feet	37,728 (institutional)	square feet
N/A (Retail)	square feet	N/A (nursing home/hospitals)	square feet

Based on this development information, estimated service impact is: 11.20 alarms-annually.
The estimated average travel time is: 6:13 minutes

Existing services:

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

Station 58 - Tamiami - 12700 SW 6 Street.
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plan date stamped May 6, 2008. Substantial changes to the plan will require additional service impact analysis.

DATE: 05/13/08
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

MINISTERIOS EL BUEN PASTOR, INC	45 S.W. 122 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2007000366

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5/12/2008 – No current Team Metro violations.

CASE # 200112005819
09/06/2001 – Warning issued for fence in disrepair.
10/15/2001 – Re-inspection conducted – fence still in disrepair. Citation issued.
04/25/2002 – Corrected by owner. Case closed.

CASE# 200112003991
06/28/2001 – Warning issued for junk and trash.
09/06/2001 – Corrected by owner. Case closed.

CASE# 200112003820
09/28/2000 – Citation issued for overgrowth.
12/13/2000 – Corrected by owner. Case closed.

MINISTERIOS EL BUEN PASTOR INC

MARIA PANIZO

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: Ministerios El Buen Pastor, Inc.

NAME AND ADDRESS	Percentage of Stock
Lidia Rodriguez	100%
9940 N.W 29 Ter.	
Miami Fl. Dade 33172.	

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

TRUST/ESTATE NAME N/A

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Ownership

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Z07306
OCT 17 2007
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: N/A

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

Date of contract: _____

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

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: _____
(Applicant)

Sworn to and subscribed before me this 7 day of OCTOBER 2007. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

Notary Public State of Florida
Violeta Bello
My Commission DD442064
Expires 07/04/2009

My commission expires: _____

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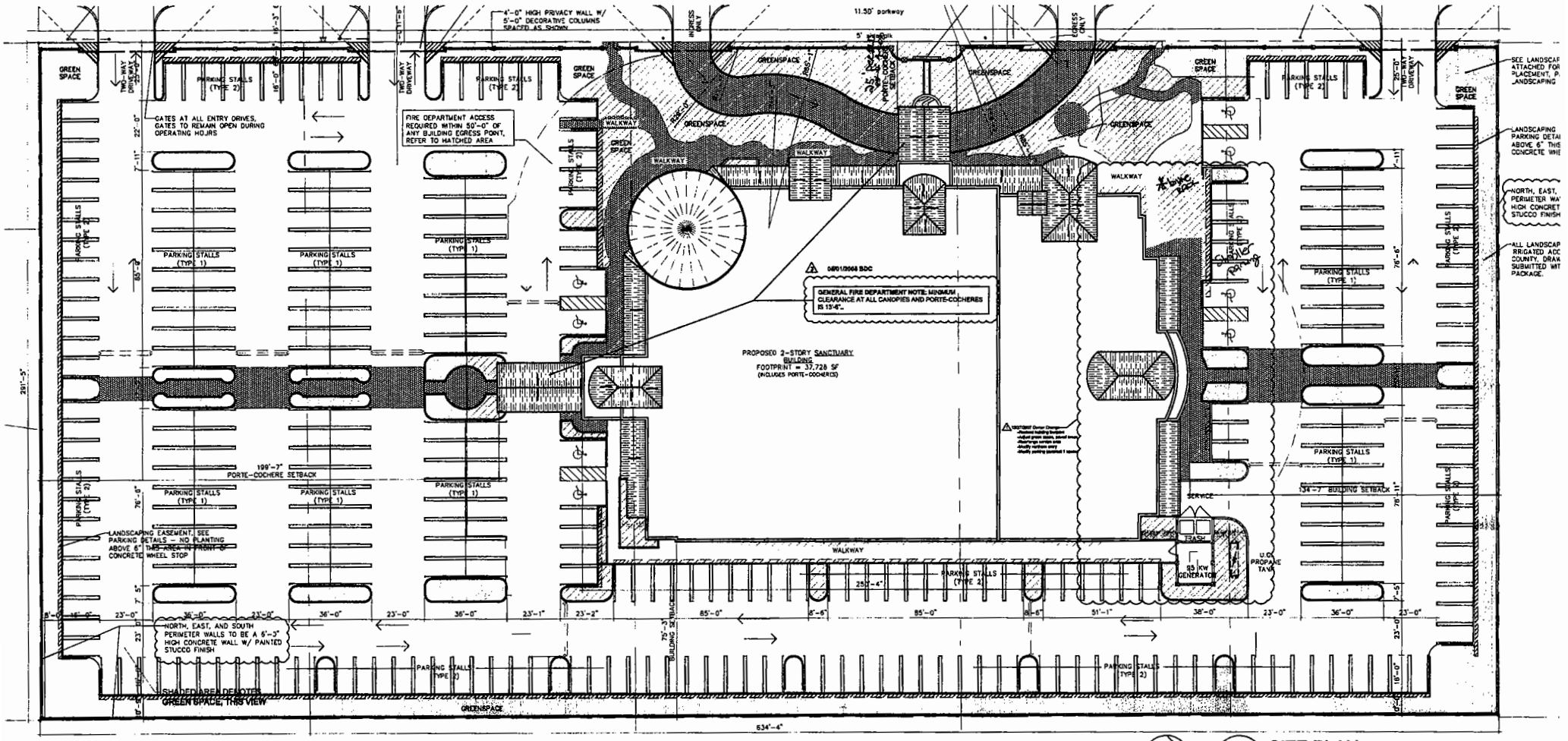
207366
OCT 17 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

*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

1 **SITE PLAN**
1" = 20'-0"

ENLARGED SITE PLAN

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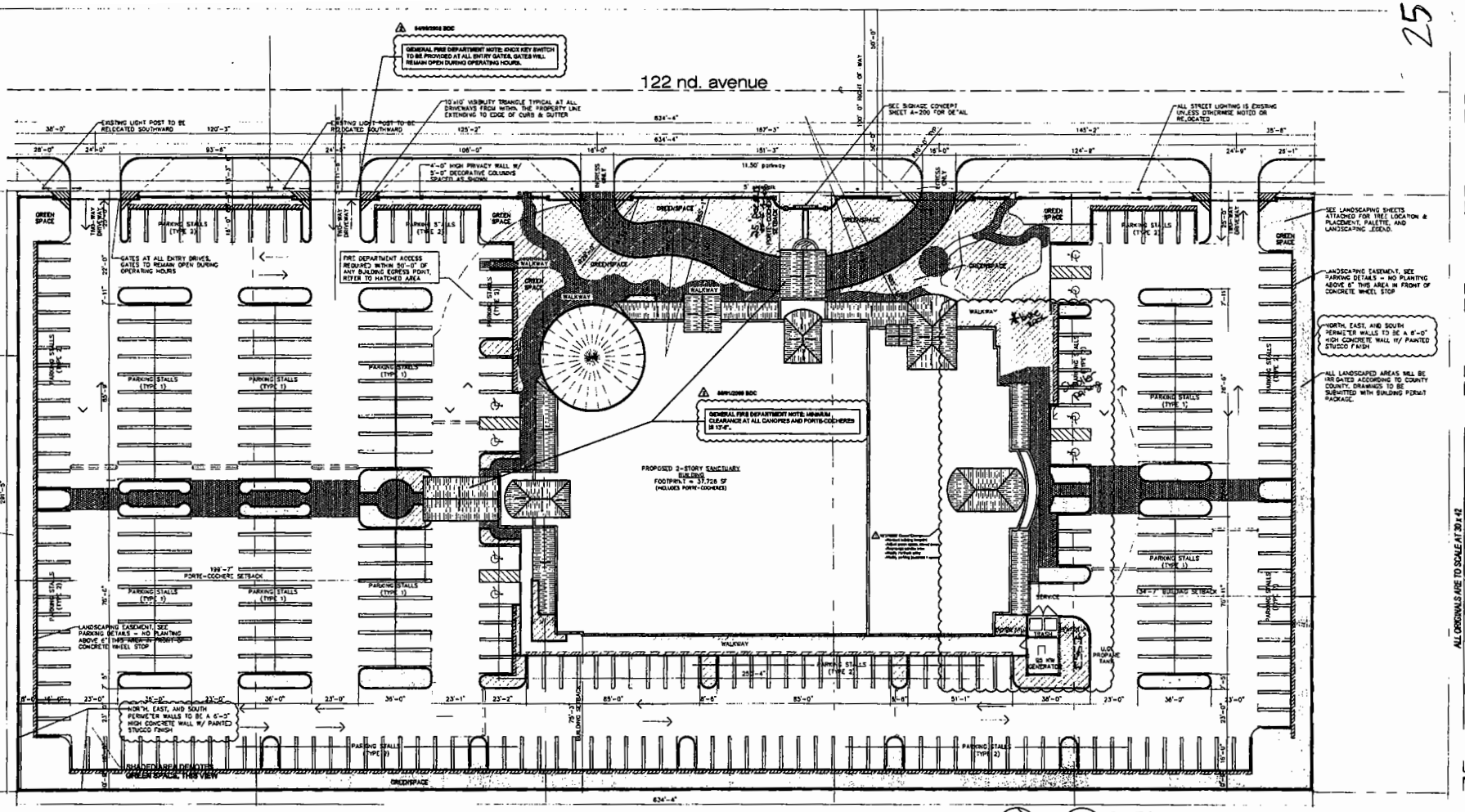
MIAMI-DADE COUNTY
PROCESSED ON 2007
DATE: MAY 09 2008
BY: RL

25



1 SITE PLAN
1" = 20'-0"

ZONING LEGEND

PROJECT/ADDRESS:	MINISTERIOS EL BUEN PASTOR CHURCH 45 SW 122ND AVENUE, MIAMI, FL	
LEGAL DESCRIPTION:	Lots 14, 15, 16, 17 and 18 Block 21, of SWEETWATER ESTATES, according to the plat thereof as recorded in Book 28, at Page 38 of the Public records of Miami-Dade County, Florida	
ZONING CLASSIFICATION:	EU-1, EU-M	
HEIGHT (TO RIDGE OF ROTUNDA):	REQUIRED: 35'-0"	PROVIDED: Max. 50'-0" VARIANCE REQUESTED
NET LAND AREA:	182,644 SF	4.2 ACRES
LOT COVERAGE:	36,580 SF	21.1% VARIANCE REQUESTED 12/27/2007 Owner Change
SETBACKS:	REQUIRED	PROVIDED
FRONT (SW 122ND AVE)	50'-0"	Min. 25'-0" (Edge of Porte-Cochere) VARIANCE REQUESTED
INTERIOR SIDE (NORTH)	75'-0"	134'-7"
INTERIOR SIDE (SOUTH)	75'-0"	199'-7"
REAR (EAST)	75'-0"	75'-3"

PARKING:	REQUIRED	PROVIDED
REGULAR CARS	318	328
HC ACCESSIBLE	8	8
TOTAL CARS	326 153 per rev'd OR	336 12/27/2007 Owner Change
NOTE: SEE SHEET A-100.1 TO VIEW SQUARE FOOTAGE USED IN CALCULATING REQUIRED # OF CARS.		
GREEN SPACE:	REQUIRED	PROVIDED
	N/A	31,815 SF 17.2%

Lot Coverage
40609/182644 = 22.2%

04/05/2006 BDC: ZONING INFO PLACED WITH SITE PLAN

VIGNETTE REMOVED AND RELOCATED TO A-100.1 FOR CLARITY AND ADDITIONAL INFORMATION.

0.1 LEGEND
1" = 40'-0"

SHADED AREA INDICATES AREA (SQUARE FOOTAGE) USED IN CALCULATING REQUIRED PARKING

MUNICIPAL SUBMITTAL PACKAGE - FINAL PRODUCT SUBJECT TO CHANGE

ALL ORIGINALS ARE TO SCALE AT 30x42

GAIL BYRON BALDWIN ARCHITECT INC
AA-0003601
3250 MARY STREET SUITE # 406
COCONUT GROVE, FL 33133
TEL (305) 443 - 2268
FAX (305) 443 - 3903
gail@gailbaldwin.com

CLIENT:
PASTORA LIDIA RODRIGUEZ

CHURCH VISIONARY:
JOSE GONZALEZ

CONSULTANT:

Ministerios El Buen Pastor
INTERNACIONAL
45 Southwest 122nd Avenue
Miami, Florida 33182

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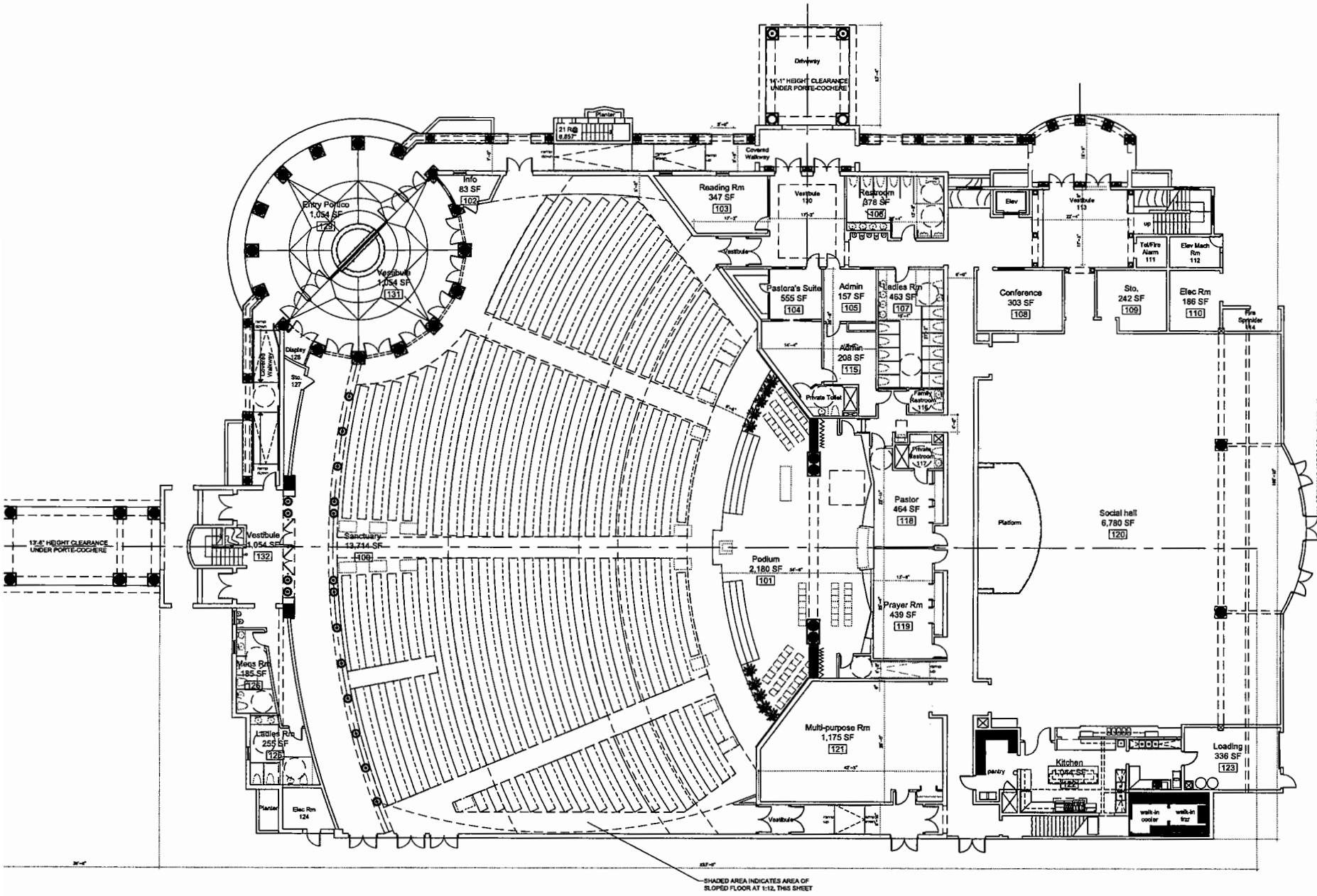
04/05/2006 MIAMI-DADE COMMENTS
05/01/2006 BDC

SCALE:
AS NOTED

SHEET NO:
SITE PLAN
A-100



N 1 GROUND FLOOR
1/8" - 1'-0"

MUNICIPAL SUBMITTAL PACKAGE - FINAL PRODUCT SUBJECT TO CHANGE

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26

GAIL BYRON BALDWIN ARCHITECT INC
AA-0003601
3250 MARY STREET SUITE # 406
COCONUT GROVE, FL 33133
TEL (305) 443 - 2266
FAX (305) 443 - 2803
gail@gailbaldwin.com

CLIENT:
PASTORA LIDIA RODRIQUEZ

CHURCH VISIONARY:
JOSE GONZALEZ

CONSULTANT:

Ministerios El Buen Pastor INTERNACIONAL
45 Southwest 122nd Avenue
Miami, Florida 33182

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04/05/2008 MIAMI-DADE COMMENTS

SCALE:
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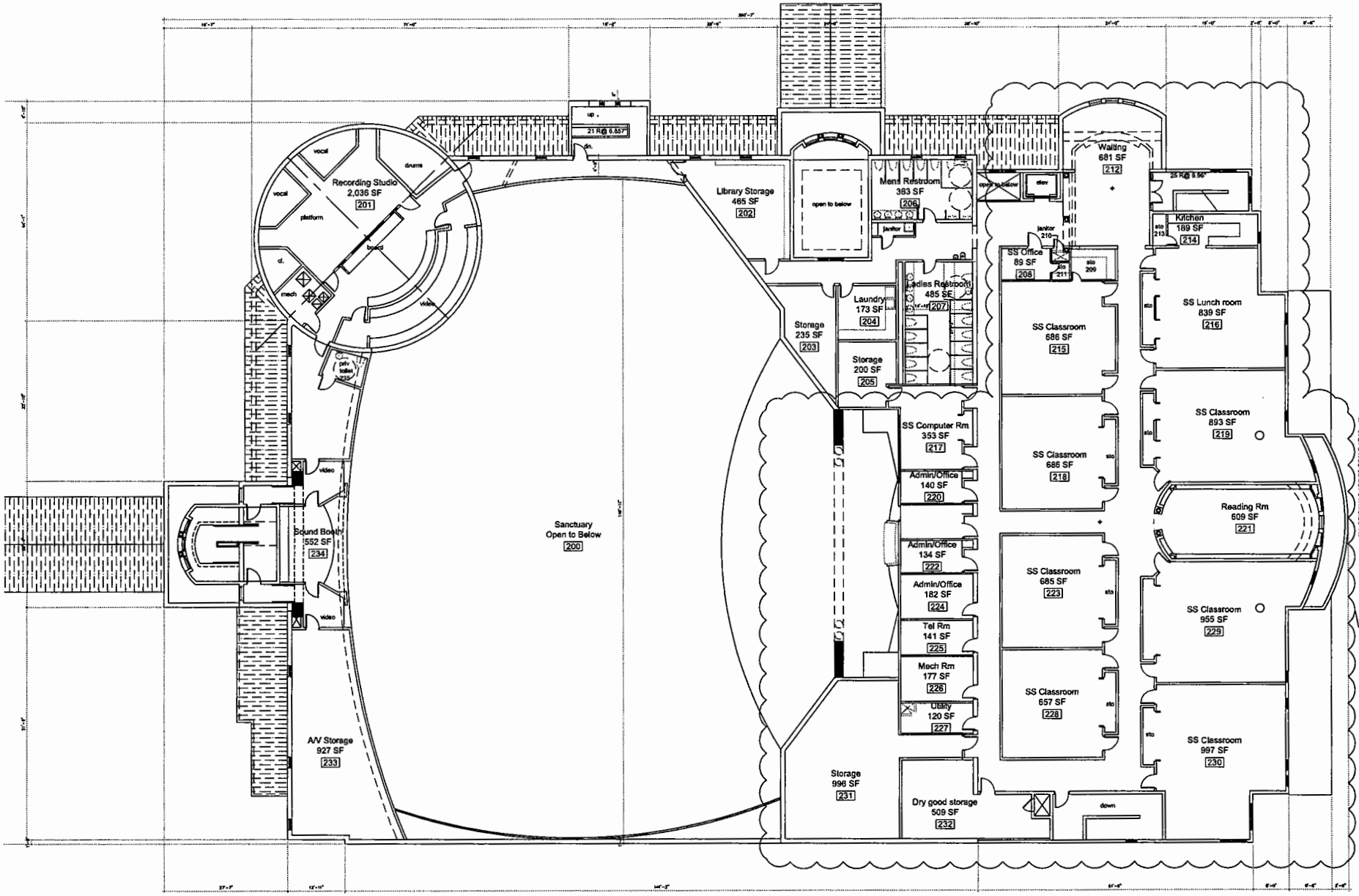
SHEET NO:
GROUND LEVEL
A-101



N 1 SECOND FLOOR
1/8" - 1'-0"

MUNICIPAL SUBMITTAL PACKAGE - FINAL PRODUCT SUBJECT TO CHANGE

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[illegible]

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AA-0003601
3250 MARY STREET
SUITE # 406
COCONUT GROVE, FL 33133
TEL (305) 443 - 2266
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INTERNACIONAL
45 Southwest 122nd Avenue
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SCALE:
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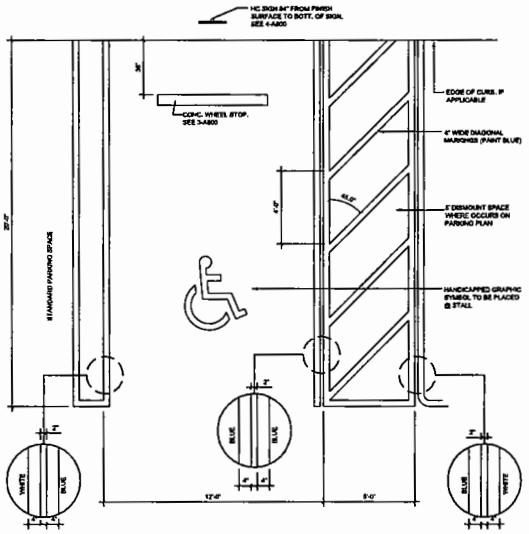
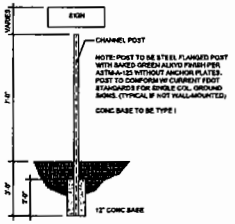
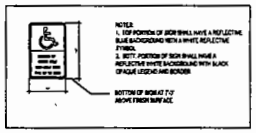
SHEET NO:
SECOND LEVEL
A-102



2 A-100.1 HANDICAPPED PARKING STALL (TYP)
SCALE: 3/8" = 1'-0"

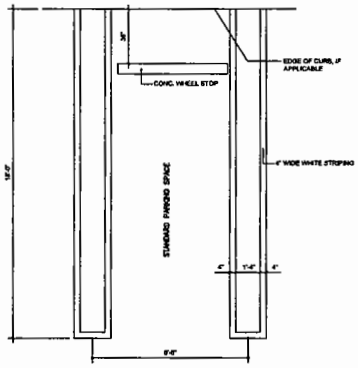


2.1 HANDICAPPED SIGN LOCATION (TYP)
3/8" = 1'-0"

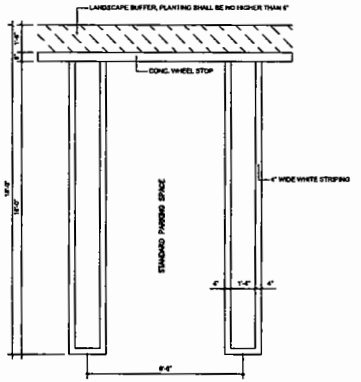


2.2 HANDICAPPED SIGNAGE
3/8" = 1'-0"

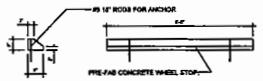
2.3 HANDICAPPED GRAPHIC
3/8" = 1'-0"



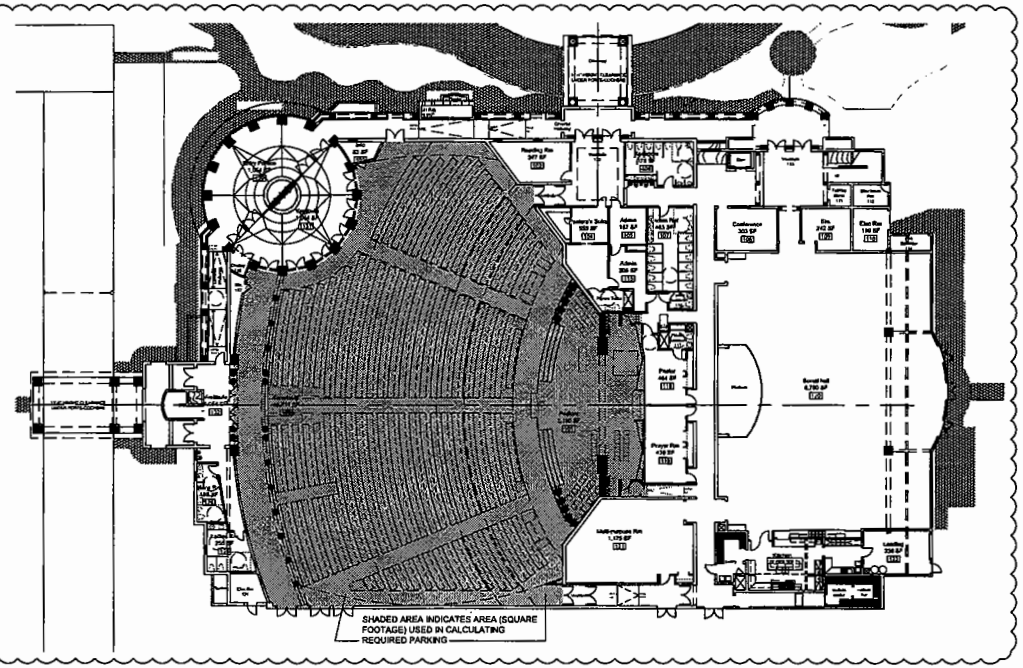
3 A-100.1 REGULAR PARKING STALL (TYPE 1)
SCALE: 3/8" = 1'-0"



4 A-100.1 REGULAR PARKING STALL (TYPE 2)
SCALE: 3/8" = 1'-0"



2.5 CONCRETE PARKING CURB
1/2" = 1'-0"



1 PARKING LEGEND
1/16" = 1'-0"

NOTE: PER CODE, REQUIRED PARKING FOR CHURCH/SANCTUARY USE IS BASED ON THE SQUARE FOOTAGE OF THE SANCTUARY, PODIUM, AND WALKWAYS WITHIN THE SANCTUARY. SEE SHADED AREA AT RIGHT.

MUNICIPAL SUBMITTAL PACKAGE - FINAL PRODUCT SUBJECT TO CHANGE

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GAIL BYRON BALDWIN ARCHITECT INC
AA-0003801

3250 MARY STREET
SUITE # 406
COCONUT GROVE, FL 33133
TEL (305) 443 - 2266
FAX (305) 443 - 3903
gail@gailbaldwin.com

CLIENT:
PASTORA LIDIA RODRIQUEZ

CHURCH VISIONARY:
JOSE GONZALEZ

CONSULTANT:

ALL ORIGINALS ARE TO SCALE AT 30 x 42

Ministerios El Buen Pastor
INTERNACIONAL
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Miami, Florida 33182

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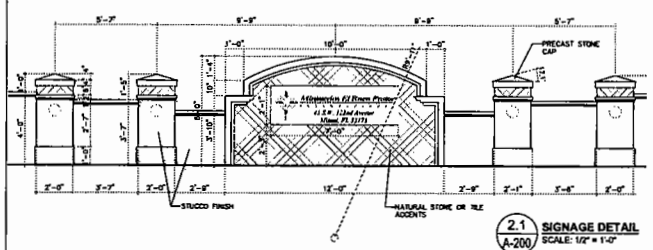
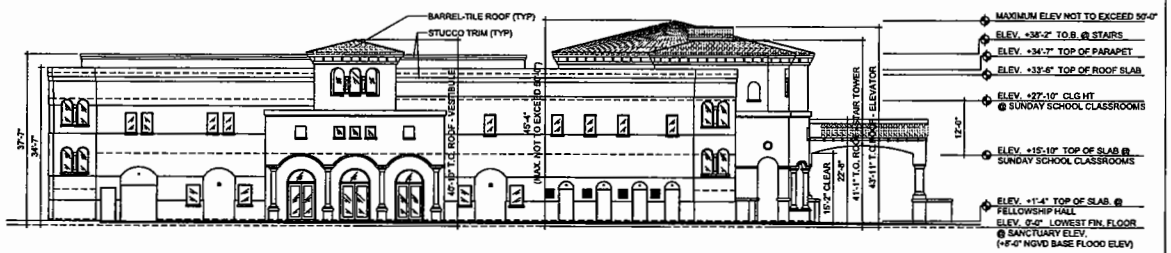
1 12/27/2007 OWNER CHANGES
2 04/05/2008 MIAMI-DADE COMMENTS

SCALE:
AS NOTED

SHEET NO:
SITE PLAN DETAILS
A-100.1

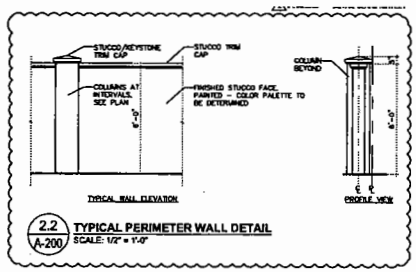


2.1 / A-200 **SIGNAGE DETAIL**
SCALE: 1/2" = 1'-0"

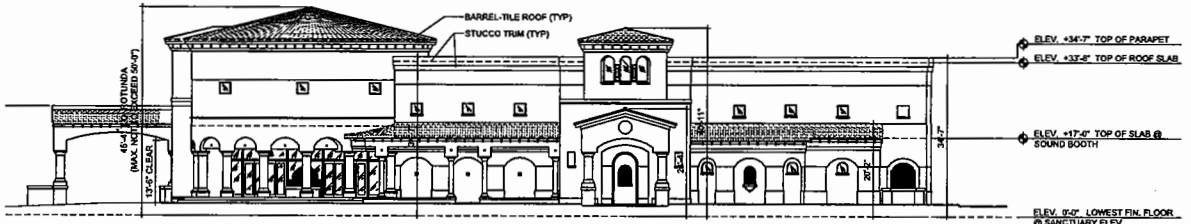


1 **NORTH ELEVATION**
3/32" = 1'-0"

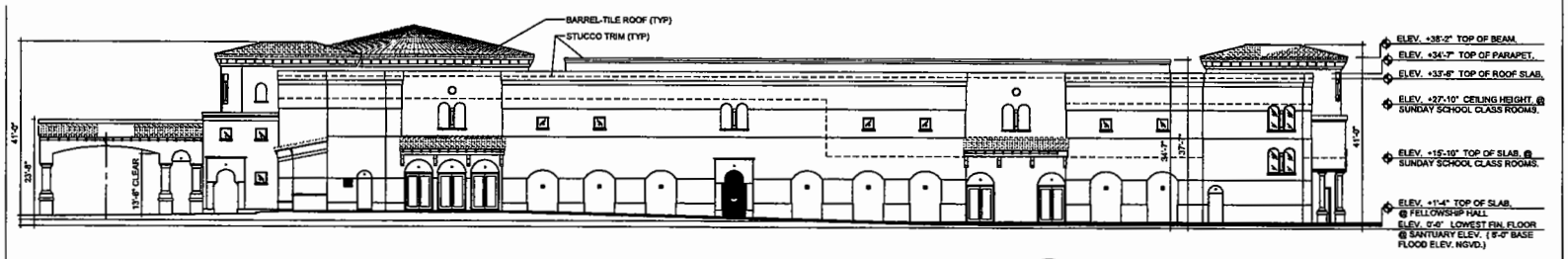
2 **WEST ELEVATION**
3/32" = 1'-0"



2.2 / A-200 **TYPICAL PERIMETER WALL DETAIL**
SCALE: 1/2" = 1'-0"



3 **SOUTH ELEVATION**
3/32" = 1'-0"



4 **EAST ELEVATION**
3/32" = 1'-0"

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[illegible]

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GAIL BYRON BALDWIN ARCHITECT INC
AA--0003601
3250 MARY STREET SUITE # 406
COCONUT GROVE, FL. 33133
TEL (305) 443 - 2288
FAX (305) 443 - 3903
gail@gailbaldwin.com

CLIENT:
PASTORA LIDIA RODRIQUEZ

CHURCH VISIONARY:
JOSE GONZALEZ

CONSULTANT:

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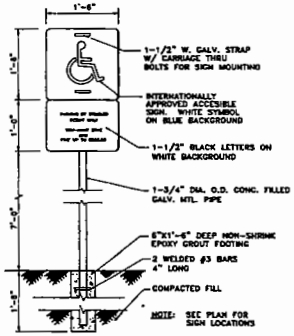
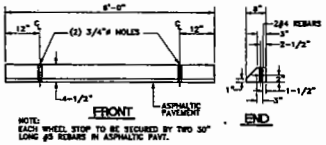
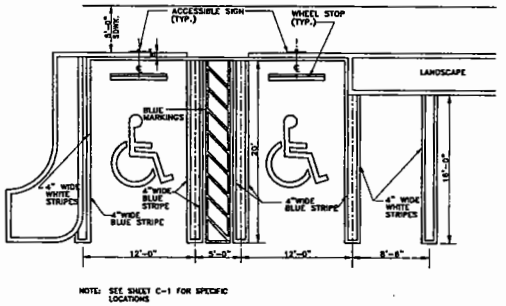
SHEET NO:
ELEVATIONS
A-200



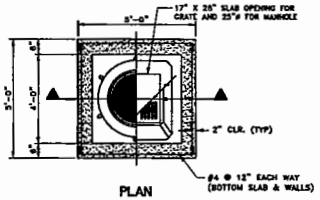
ACCESSIBLE SIGN
N.T.S.



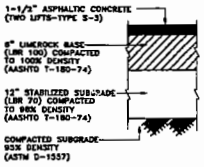
WHEEL STOP DETAIL
N.T.S.



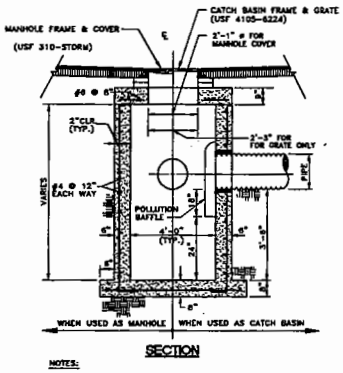
TYPICAL ACCESSIBLE PARKING LAYOUT
SCALE: 3/16"=1'-0"



PLAN



ASPHALTIC PAVEMENT
N.T.S.



SECTION

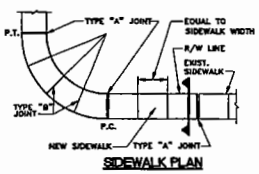
NOTES:
1. SUMP 2'-0" (TYP.), EXCEPT AT POLLUTION CONTROL STRUCTURES SUMP TO BE 3'-6".
2. PROVIDE BAFFLES AS REQUIRED BY MIAMI-DADE D.E.R.M., AS NOTED.

CATCH BASIN/MANHOLE DETAIL
N.T.S.

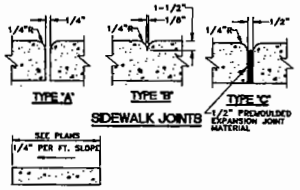
DRAINAGE STRUCTURE TABLE					
ID	TYPE	RIM/ GRATE	PIPE INVERT	STRUCTURE INVERT	POLLUTION BAFFLE
A	CATCH BASIN	7.30	4.30	0.80	2
B	CATCH BASIN	7.30	4.30	0.80	2
C	CATCH BASIN	7.30	4.30	0.80	2
D	CATCH BASIN	7.30	4.30	0.80	2

TABLE OF SIDEWALK JOINTS	
TYPE	LOCATION
"A"	P.C. AND P.T. OF CURVES. JUNCTION OF EXISTING AND NEW SIDEWALKS.
"B"	5'-0" CENTER TO CENTER ON SIDEWALKS
"C"	WHERE SIDEWALK ABUTS CONCRETE CURBS, DRIVEWAYS, AND SIMILAR STRUCTURES ALSO, EVERY 50 FEET OF CONTINUOUS SIDEWALK

TABLE OF SIDEWALK THICKNESS "T"	
LOCATION	"T"
RESIDENTIAL AND INTERIOR AREAS	4"
AT DRIVEWAYS AND OTHER AREAS	6"



SIDEWALK PLAN



SIDEWALK JOINTS

SECTION

STANDARD SIDEWALK CONSTRUCTION
N.T.S.

N

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GAIL BYRON BALDWIN
ARCHITECT
INC

AA-0003401

3250 MARY STREET
SUITE # 406
COCONUT GROVE, FL. 3313
TEL (305) 443 - 2266
FAX (305) 443 - 3905
gail@gailbaldwin.com

OWNER:
PASTORA LIDIA RODRIGUEZ

JOSE GONZALEZ

MEP CONSULTANT:

ENG SEAL:

MINISTERIOS EL BUEN PASTOR INTERNACIONAL
45 S.W. 122ND AVENUE
MIAMI, FLORIDA 33182

SEAL:

02007 Gail B. Baldwin, AIA
Fl. Reg. #4452

COMM. NO:
05-200

PRINTED FOR:
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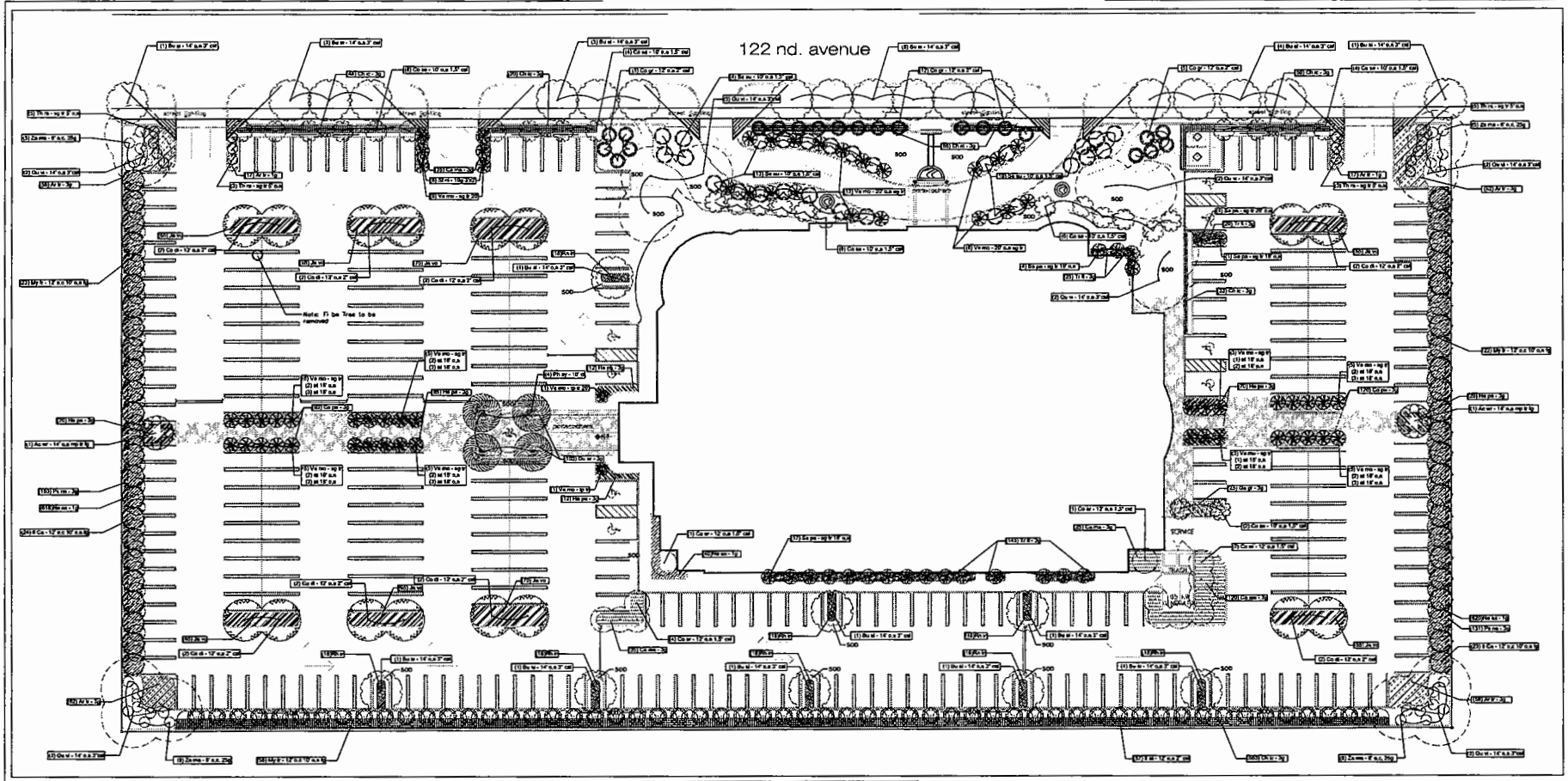
1-03-2008

REVISIONS:

SCALE:
AS SHOWN

SHEET NO:
C-3
3 OF



LANDSCAPE PLAN
1/20" =1'-0" 10-17-07

Tree/Shrub Legend

ID tag	Symbol	Scientific Name	Native Y/N	Caliper Installed	Height Installed	SQ.FT. Area	QTY	Comments
Ba ba		Raphiolepis umbellata	Yes		12"	3301	1273	12 o.c
Ar fe		Arbutus unedo 'Marina'	No		36"		1292	36 o.c
Cordia		Cordia boissieri 'Texas Wild'	No		10"	1452	2153	48 o.c
Ch fi		Chilopsis linearis 'Willow Leaf'	Yes		12'-14"	4344	7886	3'-6" o.c. (20) 4'-0" o.c. (16) 5'-0" o.c.
Co co		Cordia boissieri 'Texas Wild'	No		10"	4344	2172	48 o.c
Co co		Tristania conferta	No		10"	784	1423	24 o.c
Ep gr		Eupatorium grayii	No		10"	351	25	24 o.c
Hespe		Hymenoxys pinnata	Yes		10"	1254	2178	24 o.c
Ja ad		Jatropha podagrica	No		10"	3140	2326	24 o.c
Ph co		Phyllostachys aurea 'Holy Culms'	Yes		24"	1256	2290	24 o.c
Ro ma		Rosmarinus officinalis 'Prostratus'	No		10"	490	1452	24 o.c
Ru fr		Ruellia brittoniana	Yes		10"	837	1395	24 o.c
Se ci		Senna cernua	Yes	2"	12' o.c		38	
Ch ol		Chamaerops humilis	Yes	2"	12' o.c		16	
Ca pr		Caesalpinia pulcherrima	Yes	3"	12' o.c		12	8' o.c.
Co pr		Chamaerops humilis 'Cerifera'	Yes	3"	15' o.c		23	
Ka ela		Caryota mitis	Yes	12"	15' o.c		36	
Ki pl		Tabebuia impetiginosa 'Tabebuia Pink'	No	8"	15' o.c		67	
Vi ca		Ficus microcarpa 'Nitida'	Yes	12"	15' o.c		47	12' o.c. by
Ve fi		Myrtus ferruginea 'Variegata'	Yes	12"	15' o.c		103	6' o.c. by
Ca pr		Caesalpinia pulcherrima	Yes	3"	12' o.c		17	
Ba ba		Raphiolepis umbellata	No	12"	10' o.c		23	
Ba ba		Raphiolepis umbellata	No				6	10g
Ag ma		Agave macroacantha 'Marginata'	Yes		12' o.c		3	24" o.c. by
Ph ru		Phoenix roebelenii 'Robellini'	Yes		15' o.c		6	
Ka pa		Kalanchoe pinnata	Yes		12" OF PL		15	12"
Th ca		Thalictrum calabricum	Yes		8" o.c		74	12"
Ma ma		Muhlenbergia macroura	No		12" OF PL		67	36" o.c. by 24" o.c.
Zo ma		Zoysia matrella	No				25	36sf/ea
SOD						1178		

LANDSCAPING LEGEND & CALCULATIONS		
ZONING DISTRICT	E(U)-1, EGAM	
NET LAND AREA	4.236 ACRES / 184,522 SF	
OPEN SPACE		
A. REQUIRED OPEN SPACE	REQUIRED	PROVIDED
NET LOT AREA (80 FT) x 30% = 184,522 SF x 30%	0 SF	33,415 SF = 17.2%
B. PARKING LOT TREES REQ'D		
1 TREE PER 60 SF OF LANDSCAPED AREA = 31,613 SF / 60 SF	356 TREES	
LANDSCAPE CALCULATION		
A. MAX. ECO AREA ALLOWED	REQUIRED	PROVIDED
B. 50% x NET LOT AREA = 184,522 SF x 50%	MAX. 92,311 SF	11,723 SF
TREES		
A. NO. OF TREES REQUIRED PER NET LOT ACRE		
LESS THE NO. OF EXISTG TREES MEETING NEC REQUIREMENTS		
= 5 TREES PER NET LOT ACRE = 5 EXISTG TREES TO REMAIN		
= (24 TREES x 4.24 ACRES) - 5 TREES	119 TREES	(This number is ridiculous)
A1. PARKING LOT TREES REQUIRED		
1 TREE PER 60 SQ FT OF LANDSCAPE AREA OF PARKING LOT		
= 31,613 SQ FT OF LANDSCAPE AREA / 60 SQ FT	356 TREES	
A2. STREET TREES REQUIRED (min. SPACING 30' OC)		
= STREET FRONTAGE / 30'-0" = 554'-0" / 30'-0"	18 TREES	
TOTAL TREES REQUIRED	**416 TREES**	
B. PERCENTAGE OF PALMS ALLOWED	ALLOWED	PROVIDED
= 30% OF TREES REQUIRED = 416 TREES x 30%	125 PALMS	124 PALMS
C. EACH PALM SHALL BE CREDITED AS HALF OF 1 TREE FOR THE TREE COUNT = 124 PALMS / 2		62 TREES
D. NATIVE TREES REQUIRED		
= 80% OF TREES REQUIRED = 416 TREES x 80%	125 TREES	237 NATIVE TREES
D. NON-NATIVE TREES PROVIDED		90 NON-NATIVE TREES
E. SURPLUS OF SHRUBS TO BE USED IN TREE COUNT (SEE BELOW)		
SURPLUS OF SHRUBS /10 = 50 SHRUBS /10		5 TREES
NUMBER OF TREES	**REQUIRED**	**PROVIDED**
	416 TREES	**427 TREES**

SHRUBS		
A. NO. OF TREES REQUIRED x 10 = 416 * 10	4160 SHRUBS	4253 SHRUBS
SURPLUS OF SHRUBS TO BE USED IN TREE COUNT		
SURPLUS OF SHRUBS /10 = 50 SHRUBS /10		5 TREES
B. PERCENTAGE OF NATIVE SHRUBS REQUIRED		
= SHRUBS REQUIRED * 33% = 4160 * 33%	1248 SHRUBS	2764 NATIVE

Existing Tree Survey

ID tag	Symbol	Scientific Name	Native Y/N	Caliper Installed	Height Installed	QTY	Comments
Fibe	○	Ficus benghalensis	No	48"	50'-0"	1	Shade damage + decay

Tree Removal Mitigation Calculation

ID tag	Symbol	Scientific Name	Native Y/N	Caliper Installed	Height Installed	QTY	Total number of repl. Trees req. (2" DBH minimum / 12' minimum height)
Fibe	○	Ficus benghalensis	No	48"	50' o.c	1	16

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CARL BYRON BALDWIN ARCHITECT

CLIENT
PASTORAL DE LA ASUNCION

CONSULTANTS

Ministerios El Buen Pastor
INTERNATIONAL

SEAL

CONST. SET
07-0-03

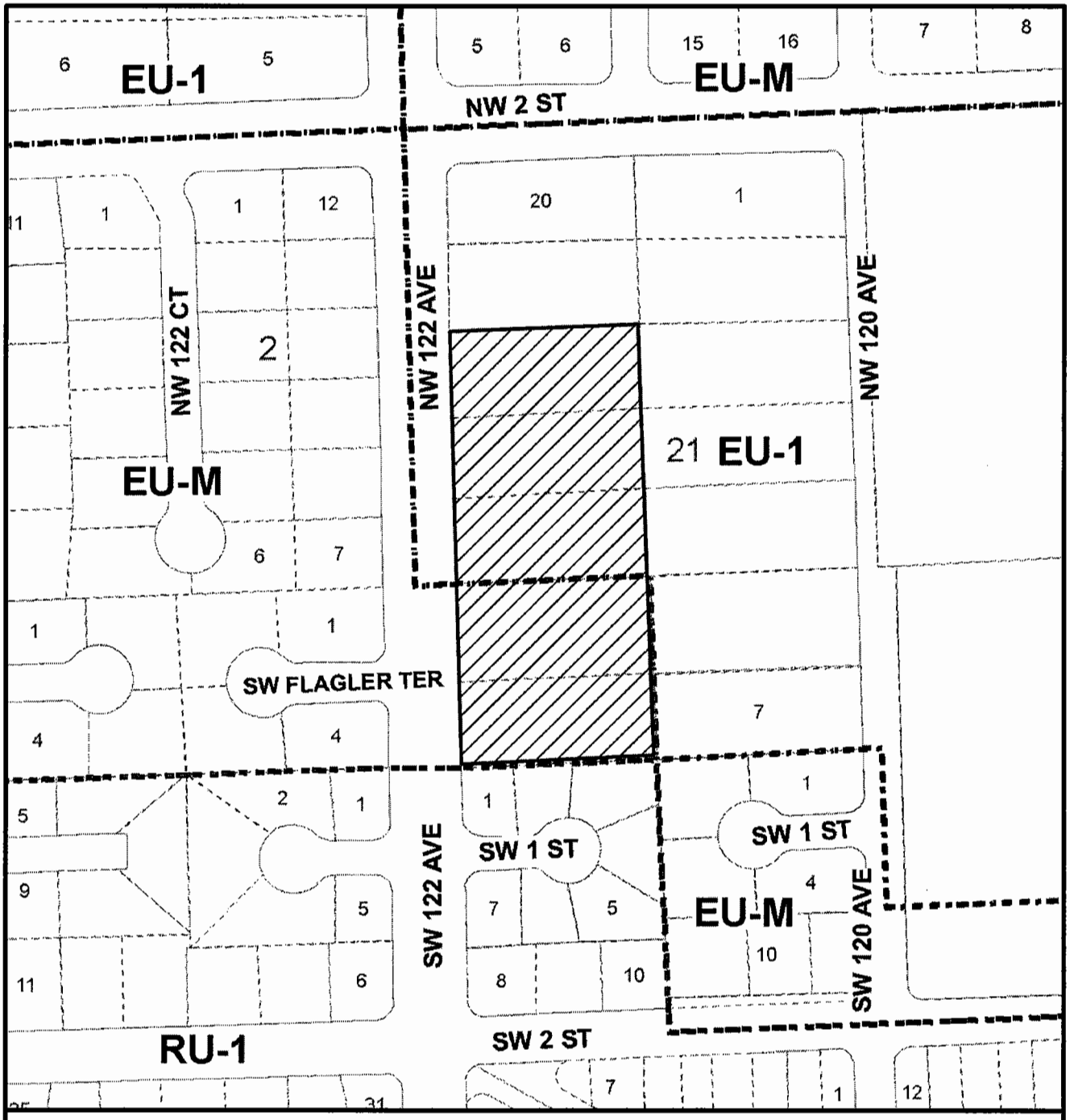
PRINTED FOR
10-17-2007

REVISIONS

SCALE
1" = 20'-0"

SHEET NO.
L-1

SUBMISSIONS ARE PRELIMINARY - FINAL PRODUCT SUBJECT TO CHANGE



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-366

N

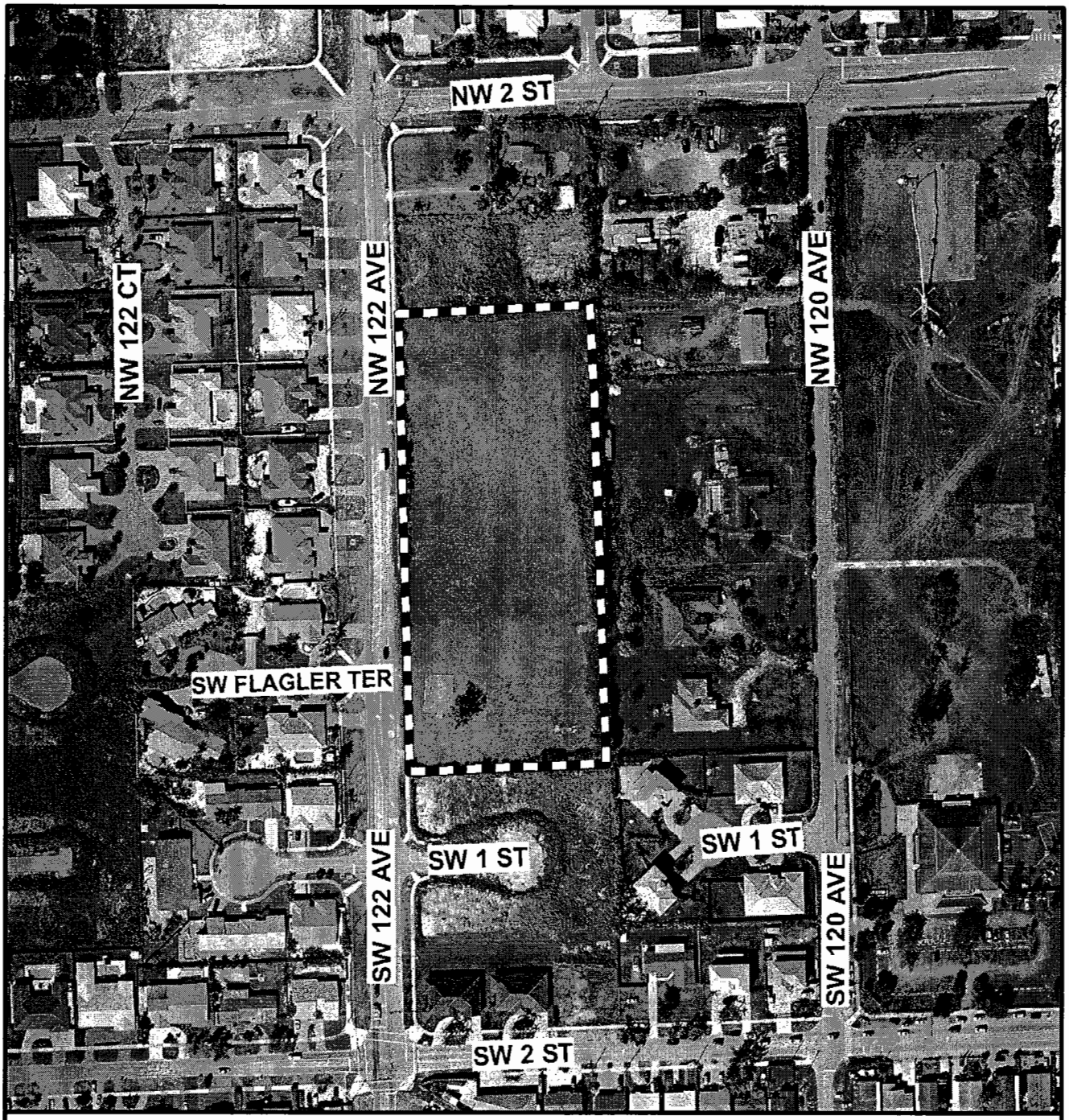
SUBJECT PROPERTY

Section: 01 Township: 54 Range: 39
Applicant: MINISTERIOS EL BUEN PASTOR, INC.
Zoning Board: C10
District Number: 12
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/18/07

REVISION	DATE	BY
32		



MIAMI-DADE COUNTY
AERIAL

Process Number
07-366

N

SUBJECT PROPERTY

Section: 01 Township: 54 Range: 39
Applicant: MINISTERIOS EL BUEN PASTOR, INC.
Zoning Board: C10
District Number: 12
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/18/07

REVISION	DATE	BY

B. LEON FLAGLER HOLDINGS, LLC
(Applicant)

09-1-CZ10-5 (08-179)
Area 10/District 6
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1969	Herbert Sadkin, Tr.	Zone change from RU-2 to BU-2.	BCC	Approved w/conds.
1972	City National Bank of Miami, Tr.	Modification conditions #1 and #2 new plot plan.	ZAB	Approved
1979	City National Bank of Miami	Special exception to modify site plan to permit paint repair and body shop for new car agency.	ZAB	Approved w/conds.

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#5

APPLICANT'S NAME: **LEON FLAGLER HOLDINGS L.L.C.**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-1-CZ10-5 (08-179)	January 13, 2009	CZAB10		09

REC: Approval with conditions of request #1 under Section 33-311(A)(7) (generalized modification standards) and denial without prejudice of same under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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: To address the Board's concerns and to provide a covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ	X		
MR.		Jorge BARBONTIN		X	
VICE-CHAIRMAN		Julio R. CACERES			X
MR.	S	Jose GARRIDO (C.A.)	X		
MR.	M	Ruben POL III	X		
CHAIRMAN		Carlos A. MANRIQUE	X		
		VOTE:	4	1	

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

2

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Leon Flagler Holdings L.L.C. **PH:** Z08-179 (09-1-CZ10-5)

SECTION: 3-54-40 **DATE:** February 10, 2009

COMMISSION DISTRICT: 6 **ITEM NO.:** B

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) DELETION of Resolutions No. 4ZAB-142-79 and 5ZAB-113-95, both passed and adopted by the Zoning Appeals Board.

  The purpose of request #1 is to allow the applicant to delete previous resolutions tying the site to an automobile dealership in order to allow the development of a new medical office building in on the subject site.

  (2) Applicant is requesting to permit 2 detached signs (1 detached sign permitted).

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Leon Medical Centers," as prepared by MGE Architects, Sheet "L2.1" dated stamped received 10/14/08, Sheet "A1.01," dated stamped received 10/31/08 and the remaining sheets dated stamped received 9/16/08 for a total of 11 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application will allow the deletion of prior resolutions in order to allow the applicant to submit a new site plan showing a new medical office building in lieu of a previously approved automobile dealership. Additionally the applicant is requesting to permit 1 additional detached sign, for a total of 2 detached signs where the Zoning Code allows a maximum of 1 detached sign.

- **LOCATION:** 150 N.W. 79 Avenue, Miami-Dade County, Florida.

- **SIZE:** 5.2 Acres

B. **ZONING HEARINGS HISTORY:** In 1969, the subject site was part of a larger tract of land that was granted a zone change from RU-2, Two-Family Residential District, to BU-2, Special Business District, subject to conditions, one of which restricted development of the site to a submitted site plan, pursuant to Resolution No. Z-122-69. In 1972, the subject site remained part of a larger tract of land that was granted approval of a request to modify Condition #1 of Resolution No. Z-122-69 to require approval of a plot use plan by the Directors of the Building and Zoning Department and the Planning Department and to delete a Condition #2 of Resolution No. Z-122-69 that restricted development of the site to a previously approved plan. In 1979, a portion of the subject site was granted approval of a special exception to modify a site plan approved by the Zoning Director to permit the applicant to submit revised plans showing an automobile dealership and a special

exception to permit a paint shop, major mechanical repair shop and top and body shop in connection with a new automobile dealership, pursuant to Resolution No. 4-ZAB-142-79. In 1995, pursuant to Resolution No. 5-ZAB-113-95, the Zoning Appeals Board (ZAB) approved, subject to conditions, a request to modify a Condition of Resolution No. 4-ZAB-149-79 in order to allow the applicant to submit a revised site plan showing improvements to the façade of the automobile dealership, a request to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to delete the required wall at the vehicle storage and repair areas, a special exception to permit automobile rentals in conjunction with the new car dealership in the BU-2 district, a request to permit a landscape open space of 12.55% (15.5% required), a request to permit 2 metal buildings spaced 3.5' (20' required) from each other and to permit the aforementioned buildings spaced 12' (20' required) from a covered area/metal storage building, pursuant to Resolution No. 5-ZAB-113-95.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. 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 uses.

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Policy LU-9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-2; Vacant	Business and Office
Surrounding Properties	
NORTH: BU-2; Religious facility and shopping center	Business and Office
SOUTH: BU-2; Fast-food restaurants	Business and Office
EAST: BU-2; Religious facility and Shopping Mall	Business and Office
WEST: BU-2; Automobile dealership	Business and Office

The subject property consists of two interior lots located at 150 NW 79 Avenue. The surrounding area is characterized by a myriad of commercial uses such as fast food restaurants, an automobile dealership and a shopping center. A major regional shopping mall, Mall of the Americas, is located immediately to the east of the subject site, across NW 79 Avenue.

E. SITE AND BUILDINGS:

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

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting to allow the applicant time to address the Board's concerns and to provide a covenant restricting the development of the site to the submitted plans and limiting the use of the site to a medical office. It should be noted that the applicant has submitted a covenant that restricts the development of the site to the submitted plans and restricts the use of the site to a medical office, including but not limited to: doctor's offices, diagnostic services, pharmacy, durable medical equipment, ambulatory out patient services, and the like. The subject property consists of two interior lots located at 150 NW 79 Avenue. The surrounding area is characterized by a myriad of commercial uses such as fast food restaurants, an automobile dealership and a shopping center. A major regional shopping mall, Mall of the Americas, is located immediately to the east of the subject site, across NW 79 Avenue. The applicant seeks to delete Resolutions No. 4-ZAB-142-79 and No. 5-ZAB-113-95, both passed and adopted by the Zoning Appeals Board, in order to allow the applicant to submit a new site plan showing a medical office building in lieu of a previously approved automobile dealership (request #1). Additionally, the applicant is requesting to permit 2 detached signs where the Zoning Code allows a maximum of 1 detached sign (request #2). The submitted plans depict the aforementioned requests.

The Department of Environmental Resources Management (**DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all conditions as set forth in their memorandum. The **Public Works Department** has **no objections** to this application. Additionally, their memorandum indicates that the gates must remain open during hours of operation and that the proposed roadway and median improvements are subject to the approval of the Director of the Public Works Department. Their memorandum further indicates that this application will generate an additional **174** pm daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "B", "C" and "D". The **Miami-Dade Fire Rescue Department (MDFR)** also has no **objections** to this application and their memorandum indicates that the estimated average travel response time is **7:18** minutes. The **Miami-Dade Aviation Department (MDAD) does not object** to this application and their memorandum indicates that the 94 ft. AMSL (Above Mean Sea Level) structure at this location conforms to the Miami-Dade County Height Zoning Ordinance.

The applicant seeks the deletion of two Resolutions that restricted the development of the subject site to a previously approved automobile dealership in order to develop the site with a new medical office building. The applicant also seeks to permit 2 detached signs on the site (1 detached sign permitted). The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category 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, entertainment and cultural facilities, amusements and commercial recreation establishments. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. As such, the proposed medical office use on the subject property is consistent with the LUP Map of the CDMP. Further, the CDMP indicates in **Policy LU-9B vii** of the Land Use Element that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Staff acknowledges that this Department has frequently recommended denial of applications seeking deviations from the signage regulations and usually opines that the Zoning

Code provides adequate signage allowances. However, upon review of the submitted plans and the configuration of the subject site, staff opines that because the subject site is "L" shaped and has dual frontage on both NW 2 Street and NW 79 Avenue, the request to permit a 2nd detached sign on the site would not be visually intrusive to the surrounding area since both signs will be on opposite ends of the site, one along NW 2 Street and another along NW 79 Avenue, and the proposed signs are each only 18 square feet in size. As such staff is of the opinion that the approval of this application, subject to conditions, is **consistent** with the CDMP, **compatible** with the surrounding community and would not have an adverse visual impact on the surrounding area.

When request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the deletion of Resolutions No. 4-ZAB-142-79 and No. 5-ZAB-113-95, will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. As previously mentioned, the applicant seeks to delete Resolutions No. 4-ZAB-142-79 and No. 5-ZAB-113-95, both passed and adopted by the Zoning Appeals Board, in order to allow the applicant to submit a new site plan showing a new medical office building in lieu of a previously approved automobile dealership. Staff notes that the 5.2-acre subject site is currently vacant. The submitted plans depict the subject site to be developed with a proposed 4-story medical office building that is centrally located on the subject site which staff opines is less visually intrusive than the previous configuration for the automobile dealership which featured two buildings. Staff acknowledges that the businesses that surround the subject site are 1-story structures. However, it should be noted that all of the properties that surround the subject site are zoned BU-2, which allows unlimited height subject to compliance with setback, floor area ratio (FAR), and landscape open space requirements. Furthermore, the memorandum issued by the Public Works Department indicates that the 174 additional PM daily peak hour vehicle trips generated by this application will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. Moreover, it should be noted that the proposed 4-story medical office building, complies with setback, FAR, parking, and landscape open space requirements of the BU-2 zoning district. As such, staff opines that the proposed 4-story medical office building as depicted on the submitted site plan, will be less visually and aurally intrusive to the adjacent properties than the previously approved automobile dealership which was approved in conjunction with a special exception to permit a paint shop, major mechanical repair shop as well as variances of landscape open space and building spacing requirements. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the approval of request #1 will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all the aforementioned, staff recommends approval with conditions of request #1 under Section 33-311(A)(7).

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

When request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not negatively affect

the appearance of the community. As previously mentioned, the applicant is requesting to permit 2 detached signs where the Zoning Code allows a maximum of 1 detached sign (request #2). Staff's review of the submitted plans indicates that the applicant proposes two detached 18 square foot signs on the site, one along NW 79 Avenue and another along NW 2 Street. As such, it should be noted that the two signs will be located on opposite ends of the "L" shaped subject property, which staff opines, will avoid the appearance of visual clutter due to excessive signage placed in close proximity. Additionally, staff notes that the submitted plans illustrate abundant landscaping in the form of palms and Live Oak trees near the location of each of the two signs, which staff opines will provide buffering for said signage. Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

Under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request #2 is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This request does not comply with the standards of said section since the property can be utilized in accordance with the previously approved variances pursuant to Resolutions No. 4-ZAB-142-79 and 5-ZAB-113-95. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that approval with conditions of requests #1 and #2 are **compatible** with the surrounding area and are **consistent** with the LUP map designation and the interpretative text of the CDMP. Accordingly, staff recommends approval with conditions of request #1 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of request #1 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Leon Medical Centers," as prepared by MGE Architects, Sheet "L2.1" dated stamped received 10/14/08, Sheet "A1.01," dated stamped received 10/31/08 and the remaining sheets dated stamped received 9/16/08 for a total of 11 sheets.

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

4. That the applicants obtain a Certificate of Use from the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

DATE INSPECTED: 12/12/08
DATE TYPED: 12/12/08
DATE REVISED: 12/15/08; 01/21/09; 01/22/09; 02/03/09
DATE FINALIZED: 02/03/09
MCL:MTF:NN:JV:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: October 14, 2008

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

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

Subject: C-10 #Z2008000179
Leon Flagler Holdings, LLC
150 N.W. 79th Avenue
Modification of a Resolution to Permit a New Site Plan for a Medical Building
(BU-2) (5.2 Acres)
03-54-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

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

Hazardous Materials Management
Due to the nature of activities associated with the proposed land use, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Fuel Storage Facilities
Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

Pollution Remediation
The applicant is advised that there are records of petroleum contamination assessment or remediation issues abutting the subject property to the west (Ford Midway Mall, Inc., 8155 W. Flagler Street, UT-745/F-394). The contaminated site is currently under assessment.

Air Quality Preservation
In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

Wetlands
The subject property does not contain jurisdictional 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 landscape plan submitted with this application indicates that one specimen-sized (trunk diameter 18 inches or greater) sabal palm, shown as dead, will be removed and that non specimen trees will be removed from the site. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

Enforcement History
DERM has found the following enforcement records for the subject property:

Expressway Toyota (IW5):
DERM issued a Notice of Violation (NOV) on May 13, 1986 for the discharge of waste oil to the sanitary sewer system. DERM received complaints about the violation on August 17, 1987 and November 5, 1987. Based on subsequent inspections and samples, a second NOV was issued on February 12, 1988. An inspection was conducted on January 27, 1989 as a follow-up to facility submittals and compliance was verified and the case was subsequently closed.

Expressway Toyota, Inc. (UT-835):
A tank removal inspection on August 9, 1991 revealed hydrocarbon contamination in the ground water at the subject site. During the period of May 1992 through September 1995, there were various submittals of Contamination Assessment Reports (CAR) and No Further Action Plans (NFAP) which were disapproved by DERM. A Monitoring Only Plan (MOP) followed by a Site Rehabilitation Closure Report (SRCR) were subsequently submitted and approved and the case was closed on April 23, 1997.

Expressway Toyota (UCVN #073387):
DERM issued Uniform Civil Violation Notice #073387 on November 16, 1994 for violation of Section 24-11(9) of the Code; specifically, discharge of storm water to sanitary sewers. On March 3, 1995, an Affidavit of Compliance was filed for the violation and the case was closed.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

PH# Z2008000179
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:LEON FLAGLER HOLDINGS, LLC

This Department has no objections to this application.

Gates are to remain open during hours of operation.

Proposed roadway and median improvements are subject to the approval of the Director.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 174 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-44	SW 87 Ave. s/o Flagler St.	B	B
F-1141	W. Flagler St. w/o SR 826	D	D
F-1074	SW 87 Ave. n/o SW 12 St.	C	C
9154	W. Flagler St. w/o SW 87 Ave.	D	D

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

Raul A Pino, P.L.S.
09-OCT-08

MIAMI INTERNATIONAL AIRPORT

Commercial Airport:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka
Opa-locka West

Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

October 7, 2008

Ms. Maria Cristina Eljaiek
Leon Medical Center
11501 SW 40 Street
Miami, Florida 33165

RE: Determination Number DN-08-09-079 Airspace and Land Use Analysis for Leon Flagler Holdings, LLC, located at 150 NW 79 Avenue, Miami-Dade, FL
Folio No.: 3040030170010 and 3040030000022

Dear Ms. Eljaiek:

The Miami-Dade Aviation Department (MDAD) has reviewed the above referenced project for an airspace analysis and determination letter. Our review finds that the assumed 94 ft AMSL (Above Mean Sea Level) structure at this location conforms to the amended Miami International Airport (Wilcox Field) Zoning Ordinance, approved by the Miami-Dade County Commission on July 2007.

It is necessary to file with the FAA for the structure height as stated above by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. Any construction cranes for this project reaching or exceeding 62 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using FAA Form 7460-1, Notice of Proposed Construction or Alteration. The form is available through this office or through the FAA website: https://oeaaa.faa.gov . This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the construction contractor may "e-file" online at https://oeaaa.faa.gov .

This height determination is an estimate issued on a preliminary or advisory basis based, in part, on the description provided to us by you, which includes specific structure location and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase in heights requires separate notice to the Federal Aviation Administration (FAA) and Miami-Dade Aviation Department (MDAD).

Based on the above, MDAD would not object to a proposed structure height that conforms to the Miami International Airport (Wilcox Field) Zoning Ordinance as long as:

1) FAA determines that the construction of building at the above mentioned height will not diminish or affect the safety, efficiency or capacity of the Miami International Airport in any way; and

2) FAA issues a "Determination of No Hazard" for this project and location; and,

3) An interested party does not file a "petition for review" to FAA's aeronautical study that has yet to be completed for this project and location.

Please note that the airspace review process is governed by two different regulations: the Code of Miami-Dade County Article XXXVII, Miami International Airport (Wilcox Field) Zoning, and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. The County's Aviation Department or the applicable municipal building official determines whether the County's height limitations are met, and FAA determines whether FAA building, marking and height requirements are met. It is the responsibility of the Aviation Department to administer and enforce the regulations prescribed in the Miami International Airport (Wilcox Field) Zoning Ordinance.

Additionally, please note that upon completion of this project, no Certificate of Use and Certificate of Occupancy shall be issued by a municipality or Miami-Dade County until approval is obtained by this office certifying that the structure was built no higher that the height approved by this letter. The approval shall be issued by this office after submittal by applicant of the required information as outlined in the Miami International Airport (Wilcox Field) Zoning Ordinance, Section 33-349 Airspace Approvals, Paragraph A, Subsection 2.

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

Sincerely,

José A. Ramos, R.A.
Chief of Aviation Planning Section

JR/AH/cf

C: M. Fajardo
N. Jolly
S. Harman
A. Herrera
Marc C. LaFerrier, Department of Planning and Zoning
Jeffrey E. Lehrman
File Airspace

19

REVISION 2

Memorandum

Date: 01-DEC-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000179

Fire Prevention Unit:

Fire Engineering & Water supply has reviewed and approved the plans dated stamp received 10/31/08.

Service Impact/Demand:

Development for the above Z2008000179
located at 150 N.W. 79 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1296 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	78,000 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 52.3 alarms-annually.
The estimated average travel time is: 7:18 minutes

Existing services:

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

Station No. 48 - 8825 NW 18th Terrace
Rescue, TRT Heavy Rescue USAR

Planned Service Expansions:

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

N/A

Fire Planning Additional Comments:

N/A

OFFICE OF NEIGHBORHOOD COMPLIANCE
TAMIAMI REGION

ENFORCEMENT HISTORY

LEON FLAGLER HOLDINGS, LLC	150 N.W. 79 AVENUE, MIAMI, Fl 3040030170010 3040030000022
APPLICANT	**ADDRESS**
12/29/08	08-179
DATE	**HEARING NUMBER**

Folio# 30-4003-017-0010

No open cases. No current violations.

Previous Cases:

CMS# 200003007552 –NOV issued in October 2000 for Unauthorized Use. Case closed as complied.

CMS# 200003008725 – NOV issued in October 2000 for Signs Without Permit. Case closed as complied.

Folio# 30-4003-000-0022

No open cases. No current violations. No previous cases.

NAME OF LLC: Leon Flagler Holdings, LLC

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
LEON MEDICAL CENTERS INC 11501 SW 40th ST. 2nd FLOOR MIAMI, FL 33165	100%
Shareholders:	
BENJAMIN LEON, JR	67.0989%
SILVIA LEON	32.0009%

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

BENJAMIN LEON III	7.5389%
LOURDES LEON	7.5389%
ALBERT MAURY	7.5389%
SILVIA MAURY	7.5389%
CARLOS NUNEZ	0.0758%

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: _____
(Applicant)

Sworn to and subscribed before me this 5th day of September 2008. Affiant is personally know to me or has produced _____ as identification.

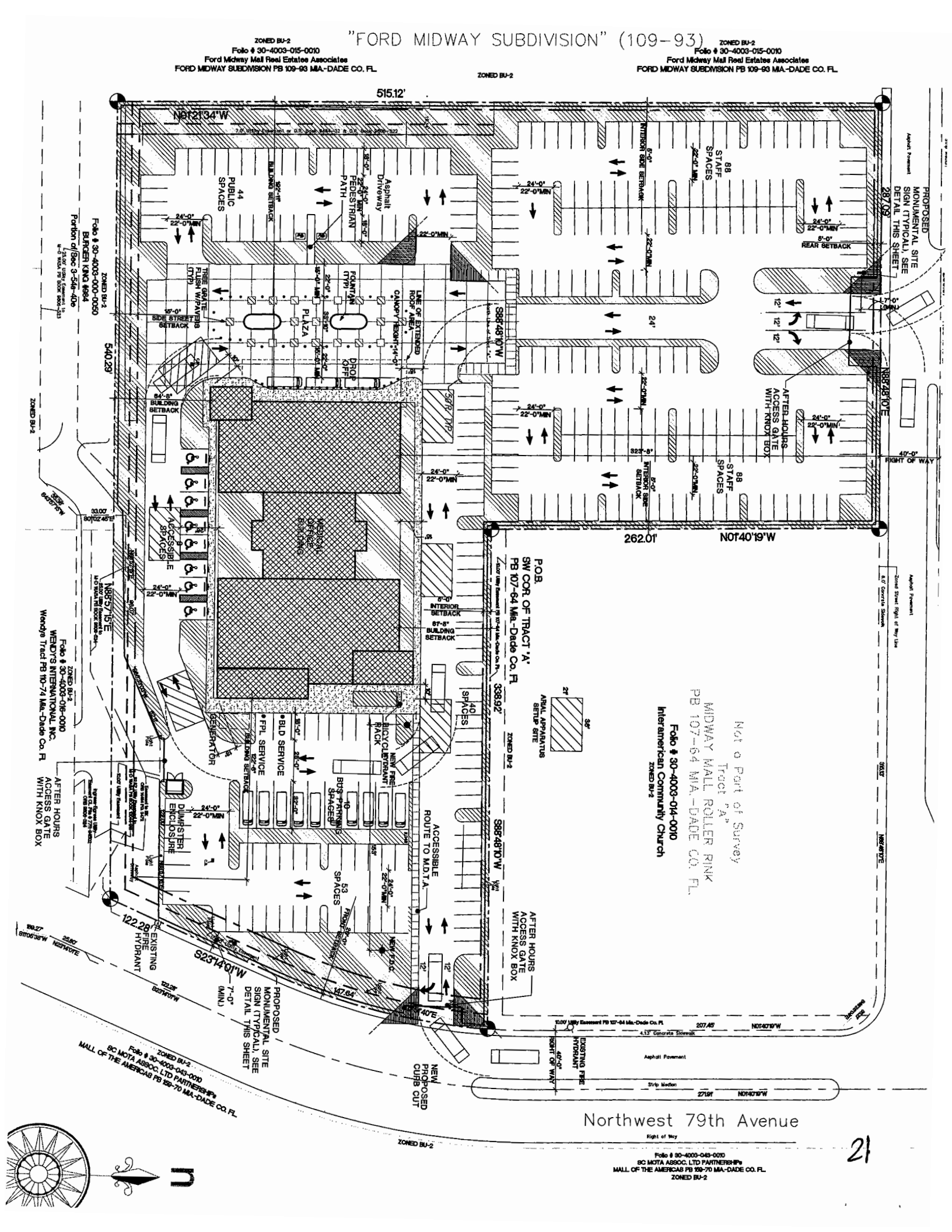
_____
(Notary Public)

JEFFREY E. LEHRMAN
MY COMMISSION # DD 710924
EXPIRES: September 3, 2011
Bonded Thru Notary Public Underwriters

My commission expires: _____

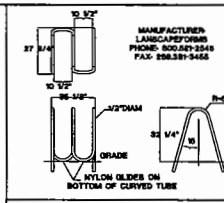
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

RECEIVED
SEP 16 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

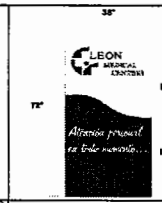

"FORD MIDWAY SUBDIVISION" (109-93)
ZONED BU-2
Folio # 30-4003-015-0010
Ford Midway Mall Real Estates Associates
FORD MIDWAY SUBDIVISION PB 109-93 MIA.-DADE CO. FL.
515.12'
N01°21'34"W
540.29'
S88°48'10"W
262.01'
N01°40'19"W
287.09'
N88°48'10"E
40'-0" RIGHT OF WAY
PROPOSED MONUMENTAL SITE SIGN (TYPICAL), SEE DETAIL THIS SHEET
88 STAFF SPACES
44 PUBLIC SPACES
Asphalt Driveway
PEDESTRIAN PATH
PLAZA
DROP OFF
MEDICAL OFFICE BUILDING
ACCESSIBLE SPACES
AFTER HOURS ACCESS GATE WITH KNOX BOX
INTERIOR SIDE SETBACK
REAR SETBACK
SIDE STREET SETBACK
BUILDING SETBACK
INTERIOR SETBACK
FRONT SETBACK
Folio # 30-4003-000-0050
BURGER KING #984
Portion of Sec 3-54-40e
Folio # 30-4003-016-0010
WENDY'S INTERNATIONAL INC.
Wendys Tract PB 110-74 Mia.-Dade Co. Fl.
Folio # 30-4003-043-0010
SC MOTA ASSOC. LTD PARTNERSHIPs
MALL OF THE AMERICAS PB 159-70 MIA.-DADE CO. FL.
P.O.B.
SW COR. OF TRACT 'A'
PB 107-64 Mia.-Dade Co. Fl.
Not a Part of Survey
Tract "A"
MIDWAY MALL ROLLER RINK
PB 107-64 MIA.-DADE CO. FL.
Folio # 30-4003-014-0010
Interamerican Community Church
ZONED BU-2
ARIAL APPARATUS SETUP SITE
338.92'
S88°48'10"W
207.45'
N01°40'19"W
122.28'
S23°14'01"W
147.64'
N23°14'01"E
EXISTING FIRE HYDRANT
NEW P.D.C.
NEW PROPOSED CURB CUT
ACCESSIBLE ROUTE TO M.D.T.A.
BICYCLE RACK
NEW FIRE HYDRANT
DUMPSTER ENCLOSURE
GENERATOR
FPL SERVICE
BLD SERVICE
BUS PARKING SPACES
53 SPACES
40 SPACES
Northwest 79th Avenue
Right of Way
ZONED BU-2

21

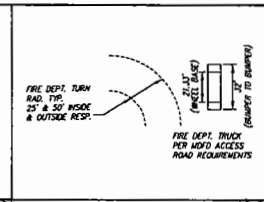
RECEIVED
MIAMI-DADE COUNTY
PROCESSED: Z06-179
DATE: 07/31/2006
BY: BS



TYPICAL BIKE RACK
SCALE: N.T.S. 5 A1.01

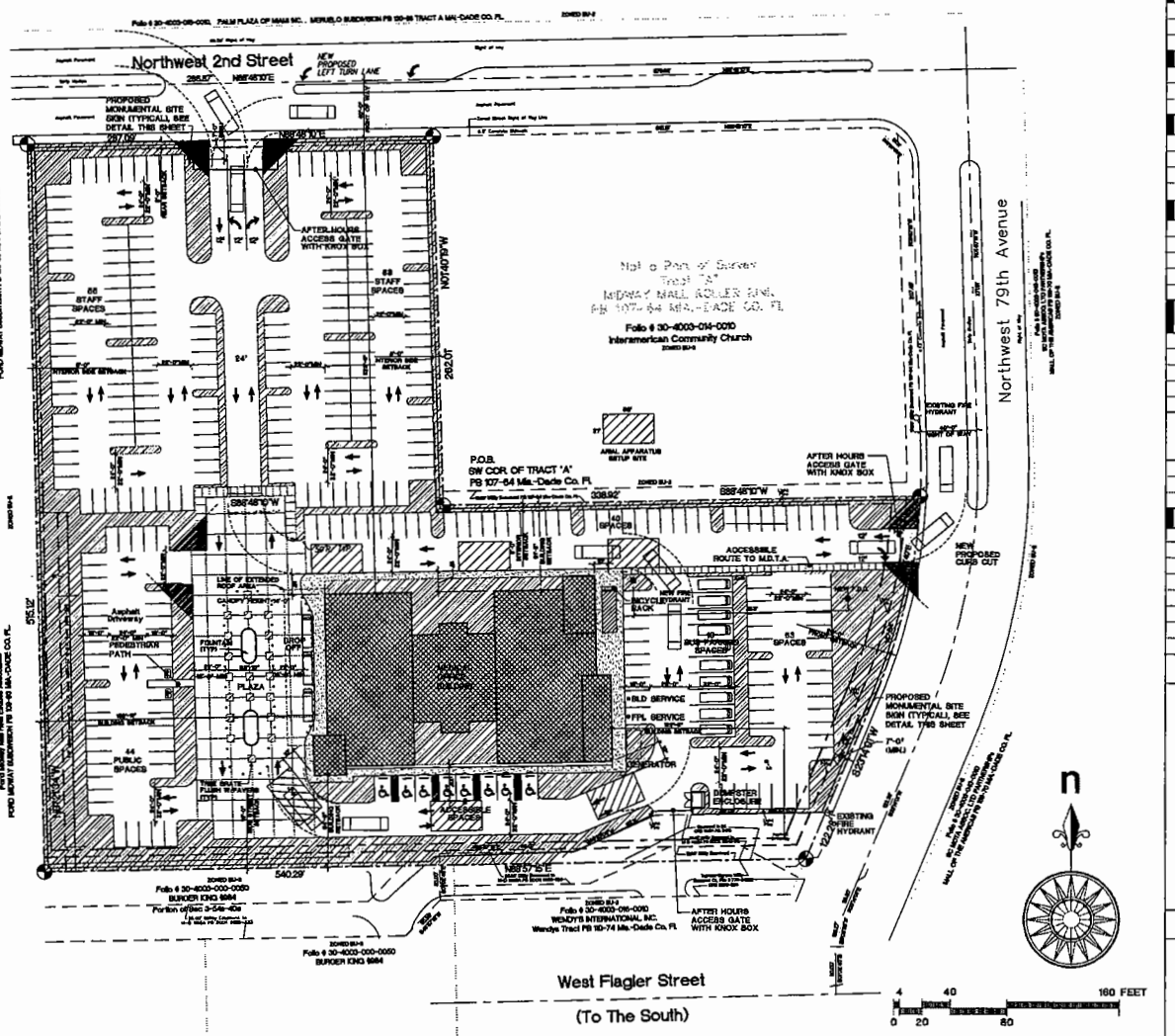


TYPICAL MONUMENTAL SIGN
SCALE: N.T.S. 4 A1.01



FIRE DEPARTMENT TURN RAD.
SCALE: N.T.S. 3 A1.01

SITE PLAN MAP
SCALE: N.T.S. 2 A1.01



PROPOSED SITE PLAN
SCALE: 1" = 40'-0" 1 A1.01

ZONING INFORMATION:

SITE INFORMATION

PROPERTY ADDRESS:
150 N.W. 79TH AVE, MIAMI, FLORIDA 33126

ZONING DISTRICTS:
MIAMI-DADE COUNTY
BU-2 BUSINESS DISTRICTS, SPECIAL

ZONING DESIGNATION INTENDED USE:
CLINIC / OFFICE

FEMA REGULATION AND COUNTY PLAIN MANAGEMENT CRITERIA
FLOOD ZONE 00
LIES OUTSIDE THE 100 YEARS FLOODPLAINS

	MAX ALLOWED	PROVIDED
GROSS LAND AREA (acres)		5.19 acres
Less R-O-W		
Less Water		
Less Other		
NET LAND AREA (SQ.FT.)		225,925 SQ. FT. (100%)
Less Lot coverage	140% Maximum Lot Coverage	21,258 SQ. FT. (10%)
Less Paved Area		150,658 SQ. FT. (68%)
Less Landscape Open Space		53,971 SQ. FT. (24%)
LANDSCAPE OPEN SPACE REQUIREMENTS	MIN. REQUIRED	PROVIDED
(more then 5 acres and up to 25 acres)		
14% For 1 Story		
14%+1.5% Increase From 2nd To 8th	225,925 SQ.FT (15.5%)=35,018 SQ.FT.	53,971 SQ. FT.
2.5% Per Floor after 8th		
SETBACKS REQUIREMENTS	MIN. REQUIRED	PROVIDED
Front	20'	20'-0"
Side Street	15' OR 25'	15'-0"
Interior Side	0', 5', 10' OR 15'	5'-0"
Rear	0', 5', OR 20'	5'-0"
Between Buildings	20'	
MAXIMUM FLOOR AREA RATIO (F.A.R) PER No. OF BUILDING STORIES		PROPOSED
	1) 21,258 SQ.FT.	
	2) 18,905 SQ.FT.	
	3) 18,905 SQ.FT.	
	4) 18,905 SQ.FT.	
	75,000 SQ.FT. = F.A.	
F.A.R.	F.A.R. PERMITTED	F.A.R. PROVIDED
0.4 (1 Story) Increase 0.1 per additional floor up to 8 stories	225,925 SQ.FT (1.73=184,925 SQ.FT	75,000 SQ.FT. / 225,925 .34% (75,000 SQ.FT.)
	MAX HEIGHT / MAX STORIES	HEIGHT PROVIDED / STORIES PROVIDED
HEIGHT OF PROPOSED BUILDING	No. Max / No. Max	70'-0"
MAX NUMBER OF STORIES		4
PARKING SPACES	MIN. REQUIRED	PROPOSED
	75,000 / 250 = 312 Spaces	321 Spaces
Standard	300 8'-6" X 18'-0"	299 8'-0" X 18'-0"
Accessible Stalls	8 12'-0" X 18'-0"	8 12'-0" X 18'-0"
Baby Stroller	2	2
Dedicated Building Service Parking	1	1 12w
Dedicated FPL Service Parking	1	1 12w
Dedicated Bus Parking		10 11'-4" X 32'-0"
Bicycle Parking	12	12

LEGAL DESCRIPTION:

PARCEL 1: All of Tract "A" of MIDWAY REALTY, according to the Plat thereof, as recorded in Plat Book 114, X at Page 44, of the Public Records of Miami-Dade County, Florida, and

PARCEL 2: A Portion of the West 1/2 of the Northeast 1/4 of Section 3, Township 54 South, Range 40 East, being more particularly described as follows: Begin at the Southwest corner of Tract A, as Shown on the Plat of "MIDWAY MALL ROLLER RINK" as recorded in Plat Book 107, at Page 64, of the Public Records of Miami-Dade County, Florida, thence South 88 Degrees 48 minutes 10 seconds West along the Westerly prolongation of the South line of said Tract A for 288.52 feet to the Point on the West line of the East 1/2 of the West 1/2 of the Northeast 1/4 of Said Section 3, thence North 01 Degree 21 minutes 34 seconds West along said West line of the East 1/2 of the West 1/2 of the Northeast 1/4 of Section 3 for 262.00 feet, thence North 88 Degrees 48 minutes 10 seconds East along the Westerly Prolongation of the North line of said Plat of "MIDWAY MALL ROLLER RINK" for 288.87 feet, thence South 01 degree 40 minutes 19 seconds East, along the west line of the aforsmentioned Tract A (and its Northerly Prolongation) for 262.01 feet to the POINT OF BEGINNING, said lands lying and being in Miami-Dade County, Florida.

SITE PLAN LEGEND:

- EXISTING EASEMENT LINE WITHIN PROPERTY
- SETBACK LINE
- PROPERTY LINE
- LANDSCAPE OPEN SPACE (PERVIOUS)
- BUILDING FOOTPRINT

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CONSULTANTS:
- LANDSCAPE ARCHITECTURE

PROJECT NAME:
LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH STREET
MIAMI, FLORIDA 33126

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER: 2004.068
DATE 1 06/15/06
CAD FILE NO: MSA1.01
AGENCY NO 1

REVISIONS/SUBMISSIONS:

SEAL:
PEDRO DIDCUPA, AIA AR-0020278
JOSE L. BATISTA, AIA AR-0026486
ROLANDO CORDIA, AIA AR-0026148
ROBERTO A. BATH, AIA AR-[illegible]

DRAWING TITLE:
PROPOSED SITE PLAN

DRAWING NO: A1.01

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MIAMI-DADE COUNTY
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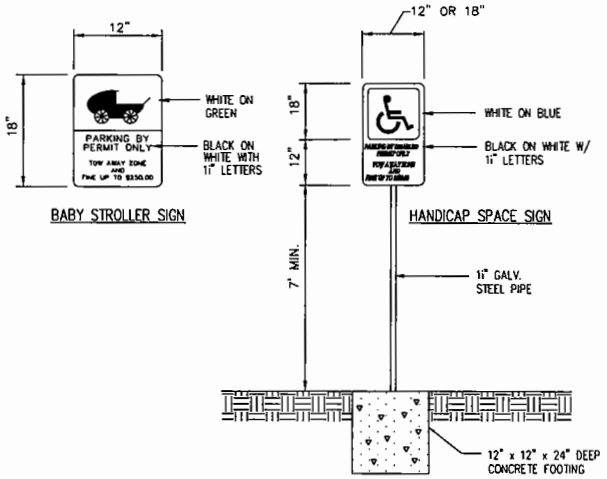
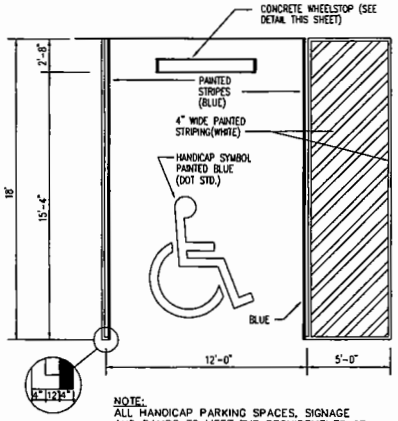
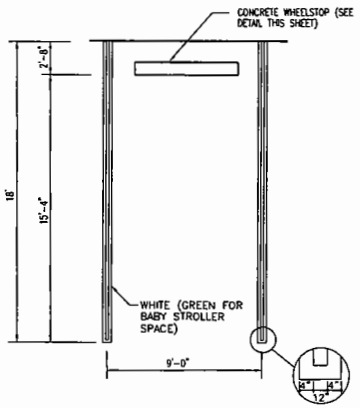
DATE: SEP 14 2008
BY: BR

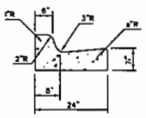




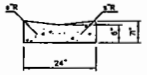
NOTE:
ALL HANDICAP PARKING SPACES, SIGNAGE AND RAMPS TO MEET THE REQUIREMENTS OF SFBC 2004 ED. - ACCESSIBILITY CHAPTER 11.



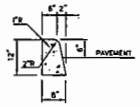
TYPICAL HANDICAP/STROLLER PARKING SIGN DETAILS



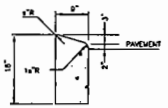
6" CURB AND GUTTER (TYPE "F")



VALLEY GUTTER

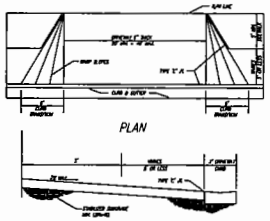


TYPE "D" MEDIAN CURB

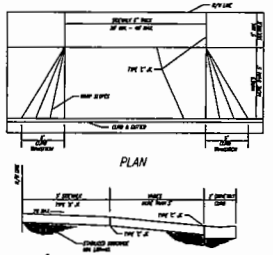


TYPE "B" CONCRETE CURB

TYPICAL HANDICAP PARKING STALL



TYPICAL PARKING STALL

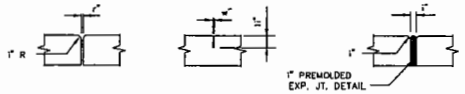


TYPICAL CURB AND CURB AND GUTTER SECTIONS

TABLE OF SIDEWALK JOINTS	
TYPE	LOCATION
"A"	P.C. AND P.T. OF CURVES. JUNCTION OF EXISTING AND NEW SIDEWALKS.
"B"	5'-0" CENTER TO CENTER ON SIDEWALKS.
"C"	* WHERE SIDEWALK ABUTS CONCRETE CURBS, DRIVEWAYS AND SIMILAR STRUCTURES

* AT THE DISCRETION OF THE ENGINEER

TABLE OF SIDEWALK THICKNESS "T"	
LOCATION	"T"
RESIDENTIAL AREAS	4"
AT DRIVEWAYS AND OTHER AREAS	6"

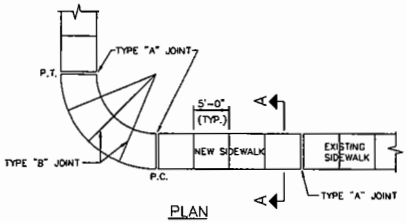


TYPE 'A' (ISOLATION JOINTS)

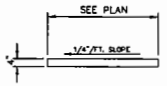
TYPE 'B' (CONTROL JOINTS)

TYPE 'C' (ISOLATION JOINTS)

SIDEWALK JOINTS

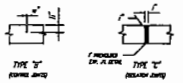


PLAN



SECTION 'A - A'

CONCRETE DRIVEWAY



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FAX: 305-666-0117
FLORIDA REGISTRATION NUMBER:

PROJECT NAME:
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OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33128

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER :	2008.068
DATE :	09/15/08
CAD FILE NO:	868A1.02
AGENCY NO :	

REVISIONS/SUBMISSIONS:

SEAL:

DRAWING TITLE:
SITE AND PARKING DETAILS

DRAWING NO: A1.02

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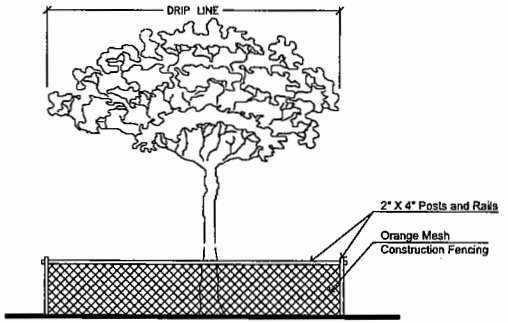
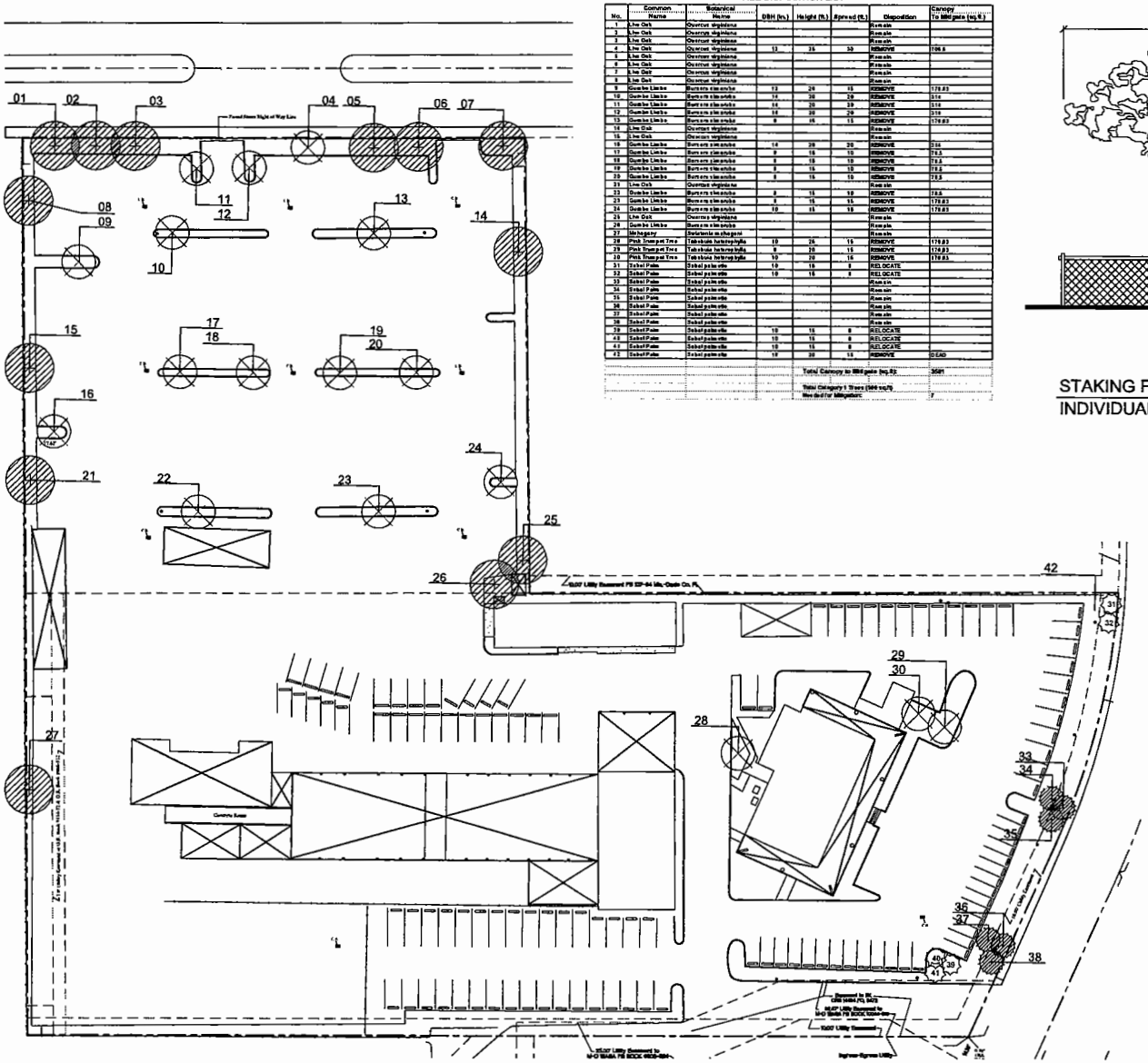
REVISED #: 226-179
DATE: SEP 14 2006
BY: BR

TREE DISPOSITION LIST

No.	Common Name	Botanical Name	DBH (in.)	Height (ft.)	Spread (ft.)	Disposition	Canopy To Be gain (sq. ft.)
1	Live Oak	Quercus virginiana				Remain	
2	Live Oak	Quercus virginiana				Remain	
3	Live Oak	Quercus virginiana				Remain	
4	Live Oak	Quercus virginiana	13	35	30	REMOVE	706.5
5	Live Oak	Quercus virginiana				Remain	
6	Live Oak	Quercus virginiana				Remain	
7	Live Oak	Quercus virginiana				Remain	
8	Live Oak	Quercus virginiana				Remain	
9	Gumbo Limbo	Bursera simaruba	12	24	15	REMOVE	176.63
10	Gumbo Limbo	Bursera simaruba	14	30	30	REMOVE	314
11	Gumbo Limbo	Bursera simaruba	14	30	30	REMOVE	314
12	Gumbo Limbo	Bursera simaruba	14	30	30	REMOVE	314
13	Gumbo Limbo	Bursera simaruba	8	15	15	REMOVE	176.63
14	Live Oak	Quercus virginiana				Remain	
15	Live Oak	Quercus virginiana				Remain	
16	Gumbo Limbo	Bursera simaruba	14	30	30	REMOVE	314
17	Gumbo Limbo	Bursera simaruba	8	15	10	REMOVE	78.5
18	Gumbo Limbo	Bursera simaruba	8	15	10	REMOVE	78.5
19	Gumbo Limbo	Bursera simaruba	8	15	10	REMOVE	78.5
20	Gumbo Limbo	Bursera simaruba	8	15	10	REMOVE	78.5
21	Live Oak	Quercus virginiana				Remain	
22	Gumbo Limbo	Bursera simaruba	8	15	10	REMOVE	78.5
23	Gumbo Limbo	Bursera simaruba	8	15	15	REMOVE	176.63
24	Gumbo Limbo	Bursera simaruba	10	15	15	REMOVE	176.63
25	Live Oak	Quercus virginiana				Remain	
26	Gumbo Limbo	Bursera simaruba				Remain	
27	Mahogany	Swietenia mahogani				Remain	
28	Pink Trumpet Tree	Tabebuia heterophylla	10	25	15	REMOVE	176.63
29	Pink Trumpet Tree	Tabebuia heterophylla	8	20	15	REMOVE	176.63
30	Pink Trumpet Tree	Tabebuia heterophylla	10	20	16	REMOVE	176.63
31	Sabal Palm	Sabal palmetto	10	15	8	RELOCATE	
32	Sabal Palm	Sabal palmetto	10	15	8	RELOCATE	
33	Sabal Palm	Sabal palmetto				Remain	
34	Sabal Palm	Sabal palmetto				Remain	
35	Sabal Palm	Sabal palmetto				Remain	
36	Sabal Palm	Sabal palmetto				Remain	
37	Sabal Palm	Sabal palmetto				Remain	
38	Sabal Palm	Sabal palmetto				Remain	
39	Sabal Palm	Sabal palmetto	10	15	8	RELOCATE	
40	Sabal Palm	Sabal palmetto	10	15	8	RELOCATE	
41	Sabal Palm	Sabal palmetto	10	15	8	RELOCATE	
42	Sabal Palm	Sabal palmetto	10	30	15	REMOVE	DEAD
						Total Canopy to BE gain (sq. ft):	3581
						Total Category 1 Trees (300 sq/ft) Needed for Mitigation:	7



STAKING FOR TREE PROTECTION
INDIVIDUAL TREE



LEGEND

SYMBOL	DESCRIPTION
	PALM TO BE RELOCATED
	EXISTING PALM TO REMAIN
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED

0 15 30 60 90
SCALE IN FEET

NORTH

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REVISED #:
DATE: SEP 14 2006
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PROJECT NAME
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LEON FLAGLER HOLDINGS, L.L.C.
LEON MEDICAL CENTER FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER:
DATE:
CAD FILE NO:
AGENCY NO:

REVISIONS/SUBMISSIONS

SEAL:

DRAWING TITLE:
DISPOSITION PLAN/LIST

DRAWING NO: L 1.1

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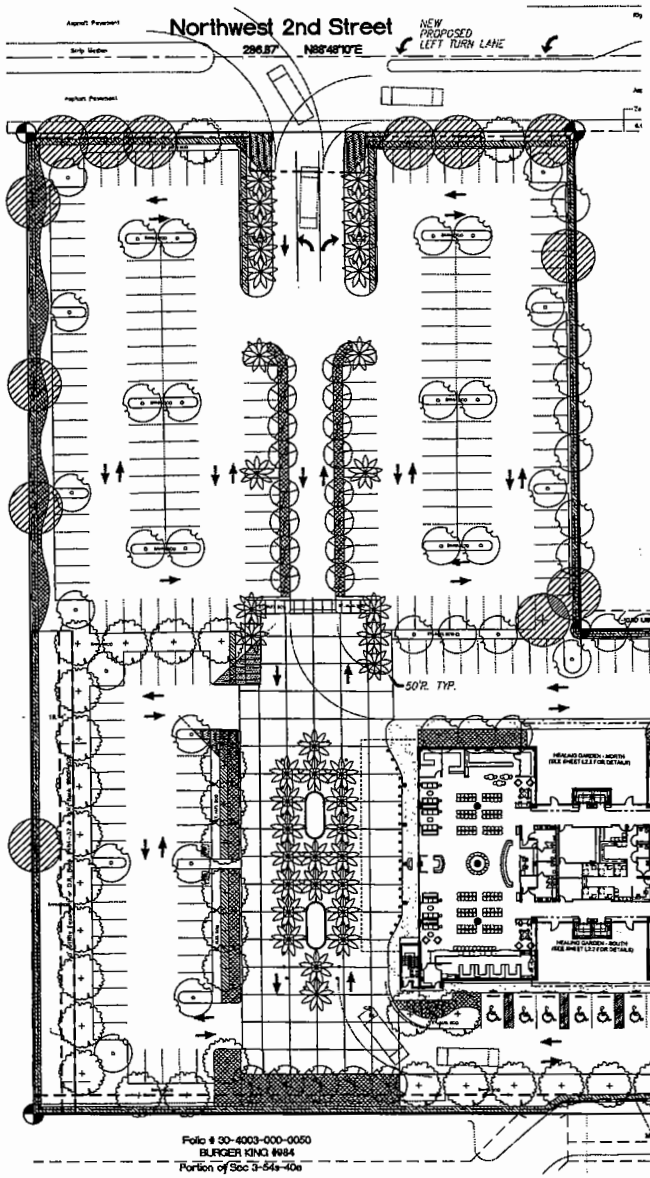
MIAMI-DADE COUNTY
PROCESS #: 226-129
DATE: OCT 14 2008
BY: RK



Symbol			Plant Name		Native	Caliper		Height	Canopy	Qty.
Symbol	New	Exist.	Scientific	Common	Yes	No	Installed	Installed	Installed	Quantity
	X		Roystonea elata	Royal Palm	X		18"	12' gw	20'	38
	X		Sabal palmetto	Sabal Palm	X		12"	16' oa	0	11
	X		Quercus virginiana	Live Oak	X		4"	14'-16'	7'-8'	9
			Conocarpus erectus	Green Buttonwood	X		4"	14'-16'	7'-8'	19
			Swietenia mahogani	Mahogany	X		4"	14'-16'	7'-8'	22
	X		Dolonix regia	Royal Poinciana		X	3	12'-14'	5'	1
	X		Euhesala arborea	Verawood		X	3"	12'-14'	5'-7'	5
	X		Coccoloba diversifolia	Pigeon Plum	X		3	12'-14'	5'-7'	15
	X		Lysiloma latisiliqua	Lysiloma	X		3	12'-14'	5'-7'	16
	X		Dissoxanque dactylons	Japanese Blueberry		X	3	12'-14'	5'	8
	X		Bursera simaruba	Gumbo Limbo			3		5'-7'	24
	X		Eugenia foetida	Spanish Stopper	X		2 1/2"	10'-12'	4'	9
	X		Ligustrum japonicum	Japanese Privet		X	2 1/2"	10'-12'	5'-7'	16
	X		Plumeria pudica	Bridal Bouquet		X	2 1/2"	10'-12'	5'	3
	X		Serna surattensis	Glaucous cassia		X	2 1/2"	10'-12'	5'	3
	X		Chrysobalanus icaco	Cocoplum	X		7 gal., 36" ht., full, 30"O.C.			1080
	X		Codiaeum variegatum	Croton		X	3 gal., 24" ht., full, 24"O.C.			450
	X		Hamelia patens	Fire Bush	X		3 gal., 20" ht., full, 24"O.C.			480
	X		Schefflera arboricola	Dwarf. Schefflera		X	3 gal., 20" ht., full, 24"O.C.			480
			Tripsacum dactyloides	Florida Gama Grass	X		3 gal., 24" ht., full, 30"O.C.			260
			Tripsacum floridana	Dwf Fakahatchee	X		3 gal., 24" ht., full, 24"O.C.			330
	X		Nephrolepis exaltata	Boston Fern	X		1 gal., 18 ht., full, 18"O.C.,			500
	X		Ficus " Green Island"	Ficus Green Island		X	3 gal., 16 ht., full, 18"O.C.,			500
	X		Dianella tasmanica	Flax Lily		X	3 gal., 16 ht., full, 18"O.C.			500
	X		Raphiolepis indica	Indian Hawthorn		X	3 gal., 18 ht., full, 18"O.C.			250
	X		Aechmea blanchetiana	Bromeliad		X	7 gal.,30" ht,full, 36" o.c.			7
	X		Cordilyne terminalis	TI Plant		X	7 gal., 36" ht., full,36" o.c.			9
	X		Phoenix roebelenii	Pygmy Date Palm		X	15 gal.,4'-5' ht.,triplas			5
Sod	X		Stenotaphrum secundatum	St. Augustine Sod	X		Solid Sod			
Sod	X		Bahia Argentina	Bahia Sod	X		Solid Sod			

Note: All buffer shrubs facing street right-of-ways, shall be a minimum height of 36" at time of planting.

LANDSCAPE LEGEND

Zoning District: BU-2 Net Lot Area: 5.2 acres 225925 square feet

	Required	Provided
OPEN SPACE		
A. Square feet of open space required by Chapter 33, as indicated on the site plan: Net lot area= 225925 square feet X 18.5 % = 41796 square feet	41796	51422
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces: 372 X 10 square feet per parking space =	3720	3720
C. Total Square feet of landscaped open space as required by Chapter 33 = A + B =	45516	54642
LAWN AREA CALCULATION		
A. Total Square feet of landscaped open space required by Chapter 33 =	53971	54642
B. Maximum lawn area (St. Augustine Sod) permitted = 20 % X 53971 square feet =	10794	9680
TREES		
A. The number of trees required per net lot acre = 22 X 5.2 =	114	-
less the existing number of trees that meet the minimum requirements (minus)	13	-
= 22 trees x net lot acreage	101	143
B. 30% palm trees allowed (two palms = one tree) Palms provided:	61	61
C. Percentage of native trees required = number of trees provided X 30% =	30	127
D. Street trees (min. average spacing 35' o.c.) 425 linear feet along street / 35 =	12	12
Palms as street trees (max. average spacing 25' o.c.) linear feet along street / 25 =	0	-
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.) linear feet along street / 25 =	0	-
F. Total number of trees required/ provided:	114	216
SHRUBS		
A. The total number of trees required x 10 = the number of shrubs required =	1270	4900
B. The number of shrubs required x 30% = the number of native shrubs required =	381	2740
IRRIGATION PLAN		
Required by Chapter 33 Auto Irrigation X or hose bib provided.		

LEGEND

SYMBOL	DESCRIPTION
	RELOCATED PALM
	EXISTING PALM TO REMAIN
	EXISTING TREE TO REMAIN

0 15 30 60 90
SCALE IN FEET

NORTH

25

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AGENCY NO.:

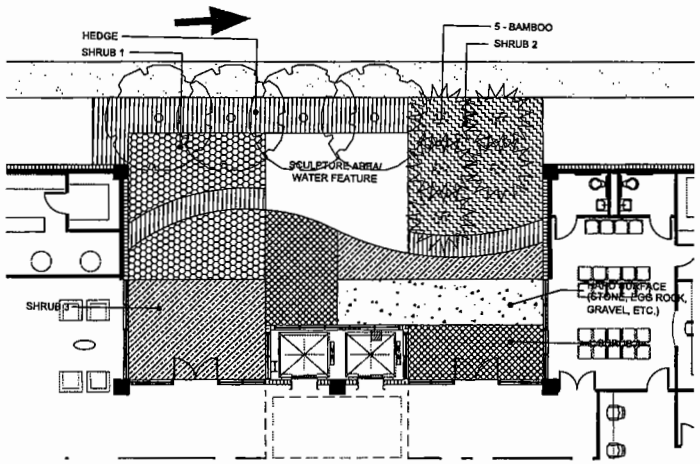
REVISIONS/SUBMISSIONS

SEAL:

DRAWING TITLE:
LANDSCAPE PLAN

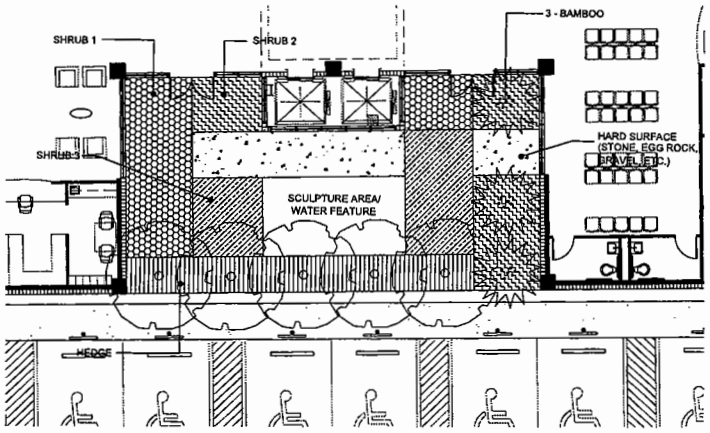
DRAWING NO: L 2.1

RECEIVED
MIAMI-DADE COUNTY
PLANNING & ZONING
DATE: SEP 14 2006
BY: RA



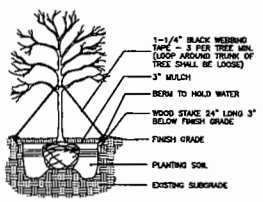
HEALING GARDEN DETAIL - NORTH

SCALE: 1" = 8'

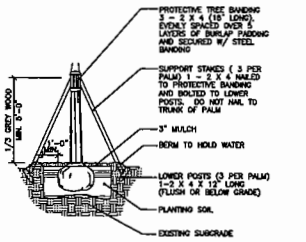


HEALING GARDEN DETAIL - SOUTH

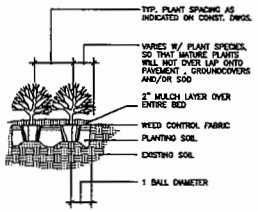
SCALE: 1" = 8'



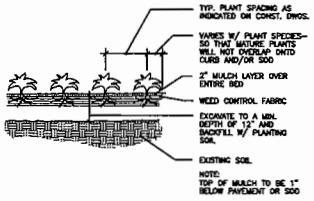
TREE PLANTING DETAIL
N.T.S.



PALM PLANTING DETAIL – SHRUB AREA
N.T.S.

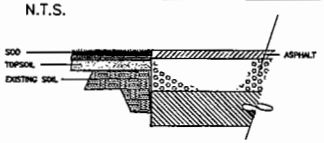


SHRUB PLANTING DETAIL
N.T.S.

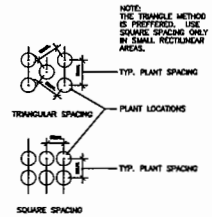


GROUNDCOVER PLANTING DETAIL
N.T.S.

SOD ADJACENT TO CONCRETE DETAIL
N.T.S.



SOD ADJACENT TO ASPHALT DETAIL
N.T.S.



SHRUB AND GROUNDCOVER SPACING
N.T.S.

Landscape Notes:

1. All plant material shall be Florida No. 1, as specified in the Grades and Standards for Nursery Plants and Part II, Palms and Trees current edition.

2. All trees and palms shall be staked or guyed. Guying and staking shall be done in accordance with details and all local practices.

3. All plant material shall meet or exceed the size requirements as specified in the plant list. No substitutions shall be accepted without the Landscape Architect's approval.

4. Contractor is responsible for verifying all underground utilities and obtaining the necessary clearances prior to planting.

5. All areas to receive planting shall be prepared with planting soil. Planting soil shall consist of a mixture of 80% sand and 20% muck.

6. All planted areas are to receive a 2" layer of Florimulch - Shredded Melaleuca mulch.

7. New trees, palms, shrubs and groundcovers shall be fertilized with Agriform Planting tablets, 20-10-5 formula, 21 grem, in accordance with manufacturers recommendations.

8. Sodded areas shall be fertilized with a granular fertilizer having a 12-6-6 analysis, at a rate of 12 lbs. per 1000 SF of lawn and in accordance with the manufacturer's recommendations.

9. All trees, palms, shrubs and groundcovers shall be guaranteed for a period of one (1) year from the time of final acceptance.

10. All landscaped areas shall be irrigated with an automatic irrigation system providing 100% coverage. A rain sensor shall be included for the system.

11. All areas not covered by buildings, paving, playgrounds, shrubs or groundcover shall be planted with sod.

MGE ARCHITECTS
150 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0413 F.305.441.8404
www.mgearchitects.com
AA-F000131

CONSULTANTS
CURTIS + ROGERS DESIGN STUDIO INC
Landscape Architecture
3250 MARY STREET, SUITE 301
COCONUT GROVE, FLORIDA 33133
305.445.1774 / 305.445.9468 FAX
www.rogersdesign.com LIC LC 0002341

PROJECT NAME
LEON MEDICAL CENTERS
LEON FLAGLER HOLDINGS, L.L.C.
LEON MEDICAL CENTER FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER:
DATE:
CAD FILE NO:
AGENCY NO :

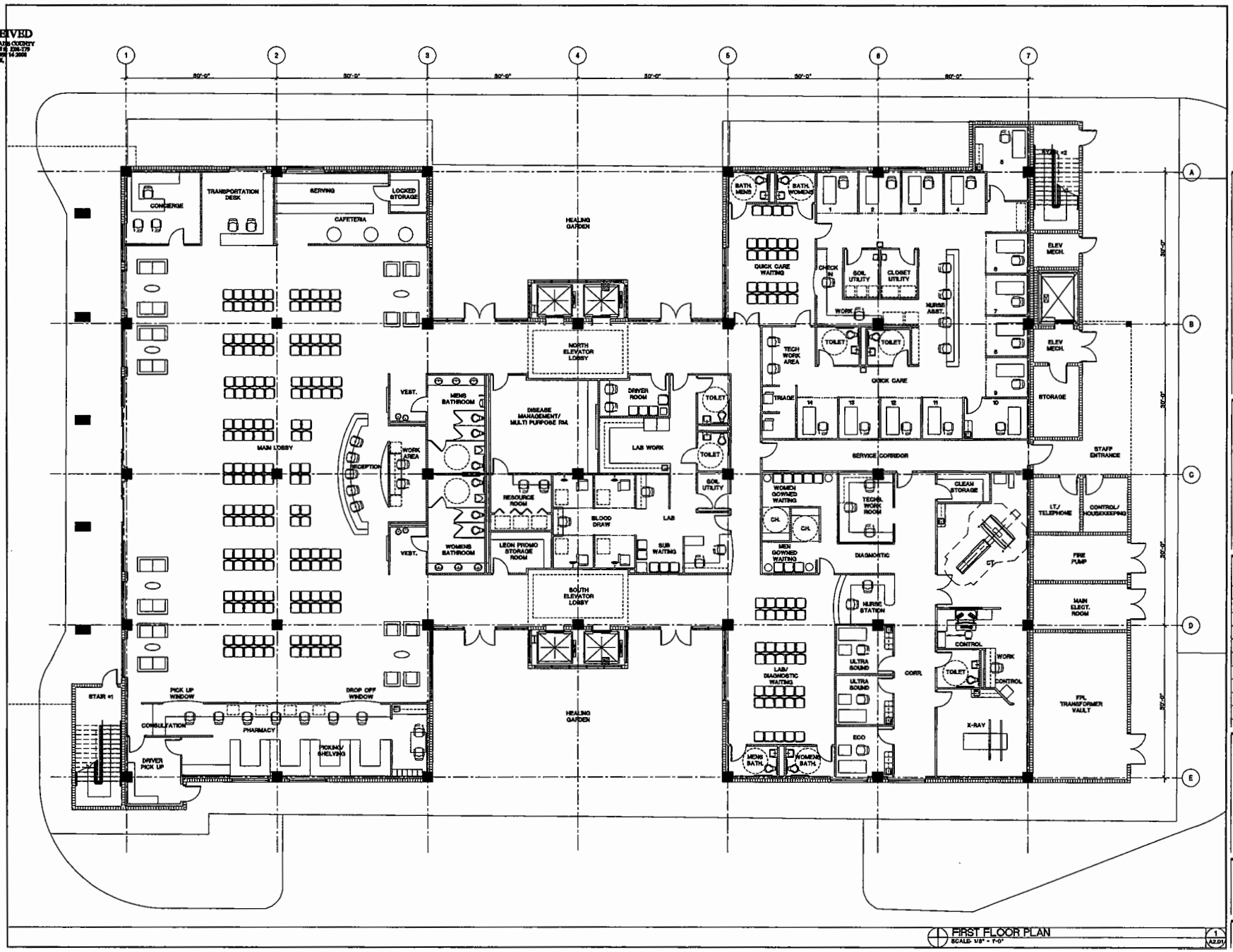
REVISIONS/SUBMISSIONS

SEAL:

DRAWING TITLE
LANDSCAPE DETAILS

DRAWING NO: L 2.2

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 2005-779
DATE: 09/14/2005
BY: AH



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

MGE ARCHITECTS
MGE Architects, Inc.
800 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0413 F.305.441.0404
www.mgearchitects.com
AA-F000781

CONSULTANTS:
- LANDSCAPE ARCHITECTURE
CURTIS AND ASHBURN DESIGN STUDIO INC.
2600 MAIN STREET, SUITE 201
SARASOTA, FLORIDA 34237
PHONE: 941.955.6575
FAX: 941.955.6576
FLORIDA REGISTRATION NUMBER:

PROJECT NAME:
LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33126

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER: 2005.068
DATE: 09/15/05
CAD FILE NO.: BASA2.DS
AGENCY NO.:

REVISIONS/SUBMISSIONS:

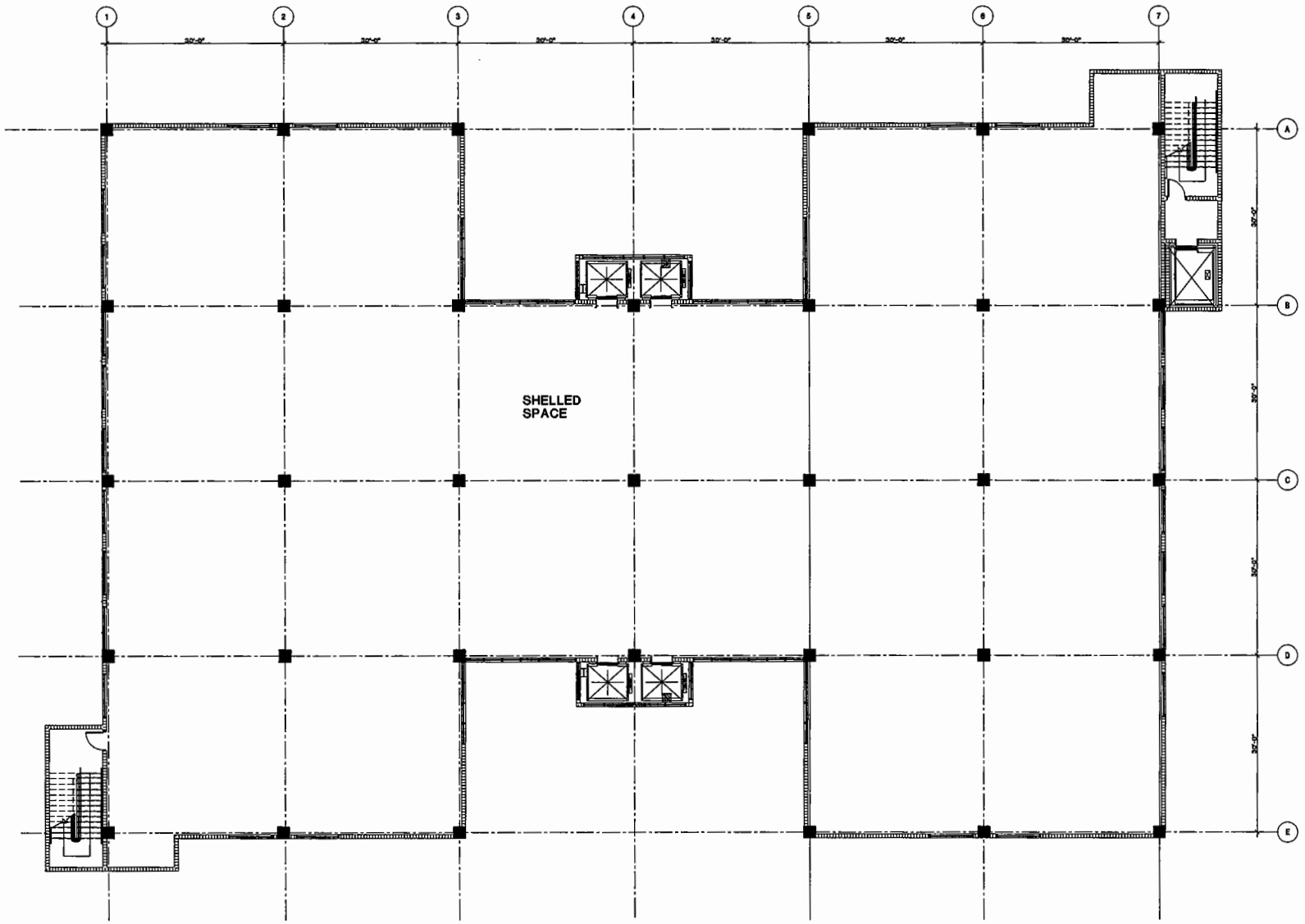
SEAL:

© PEDRO CODORNIU, AIA AR-0000779
© JOSE L. ESTEVEZ, AIA AR-0004462
© ROLANDO CORREA, AIA AR-0008748
© ROBERTO A. BATTY, AIA AR-0100484

DRAWING TITLE:
FIRST FLOOR PLAN

DRAWING NO: A2.01

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 278-179
DATE: SEP 16 2008
BY: RR



FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"
1
A2.04

MGE ARCHITECTS
150 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0413 F.305.441.8404
www.mgearchitects.com
AA-F000121

CONSULTANTS:

- LANDSCAPE ARCHITECTURE
  CURTIS AND ROBERS
  DESIGN STUDIO INC.
  2850 MARY STREET, SUITE 201
  COCONUT GROVE, FL 33133
  PHONE: 305. 442-1771
  FAX: 305. 442-0655
  FLORIDA REGISTRATION NUMBER

PROJECT NAME:

LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33129

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER:	2008.058
DATE :	09/15/08
CAD FILE NO:	858A204
AGENCY NO :	

REVISIONS/SUBMISSIONS:

SEAL:

PEDRO GOICOURIA, AIA AR-0005779
JOSE L. ESTEVEZ, AIA AR-0004882
ROLANDO CORREA, AIA AR-0004745
ROBERTO A. SMITH, AIA AR-0004846

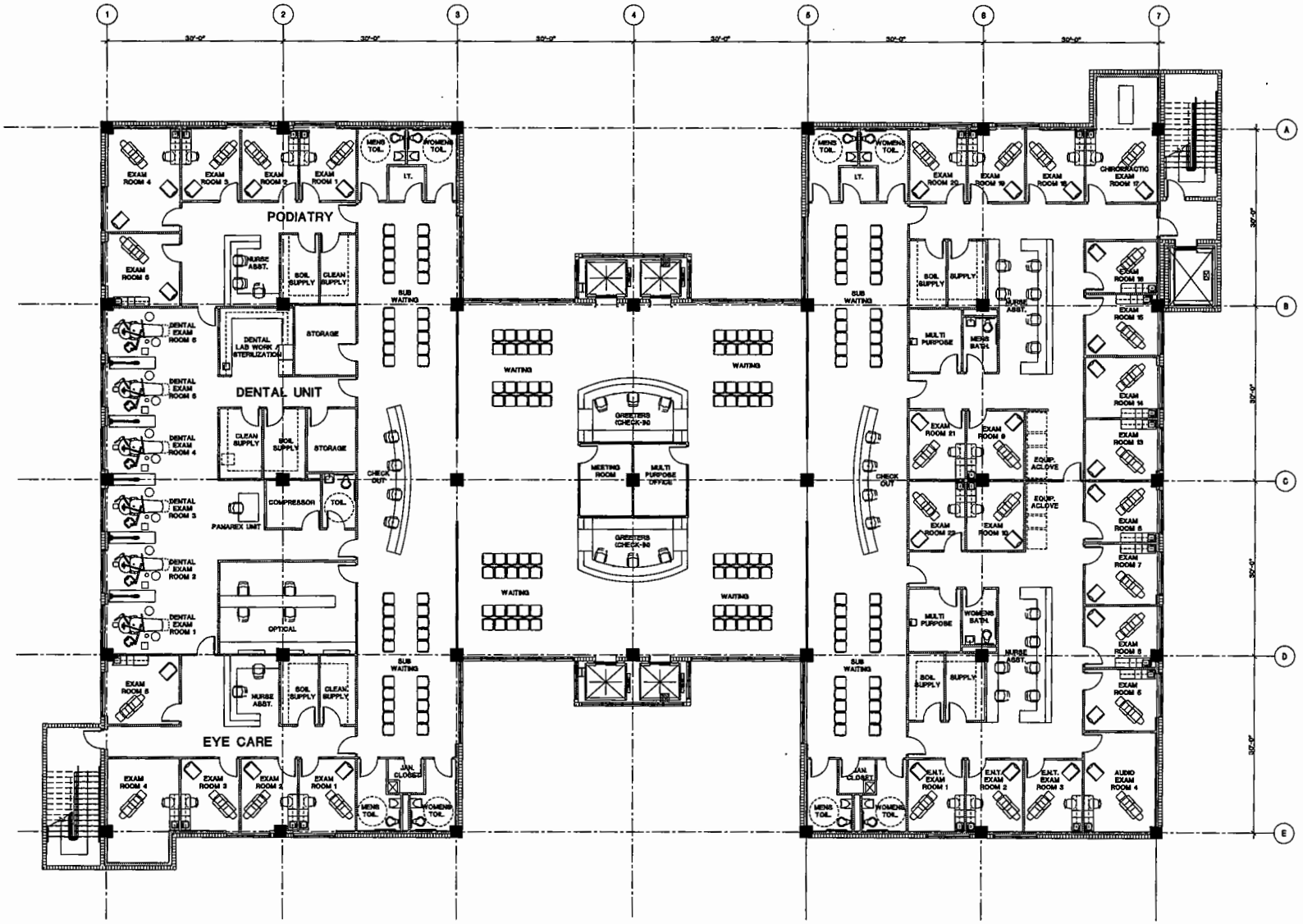
DRAWING TITLE:

FOURTH FLOOR PLAN

DRAWING NO: A2.04

RECEIVED
MIAMI-DADE COUNTY
PROCESSED [illegible]
DATE: [illegible]
BY: [illegible]

29



THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"
1
A2.03

MGE ARCHITECTS
150 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0418 F.305.441.8404
www.mgearchitects.com
AA-F000121

CONSULTANTS:

- LANDSCAPE ARCHITECTURE
  CURTIS AND ROBERS
  DESIGN STUDIO INC.
  5800 MAIN STREET, SUITE 201
  COCONUT GROVE, FL 33133
  PHONE 305. 442-0174
  FAX: 305. 442-0180
  FLORIDA REGISTRATION NUMBER

PROJECT NAME:

LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33126

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER:	2008.068
DATE:	09/15/08
CAD FILE NO:	868A2.03
AGENCY NO:	

REVISIONS/SUBMISSIONS:

SEAL:

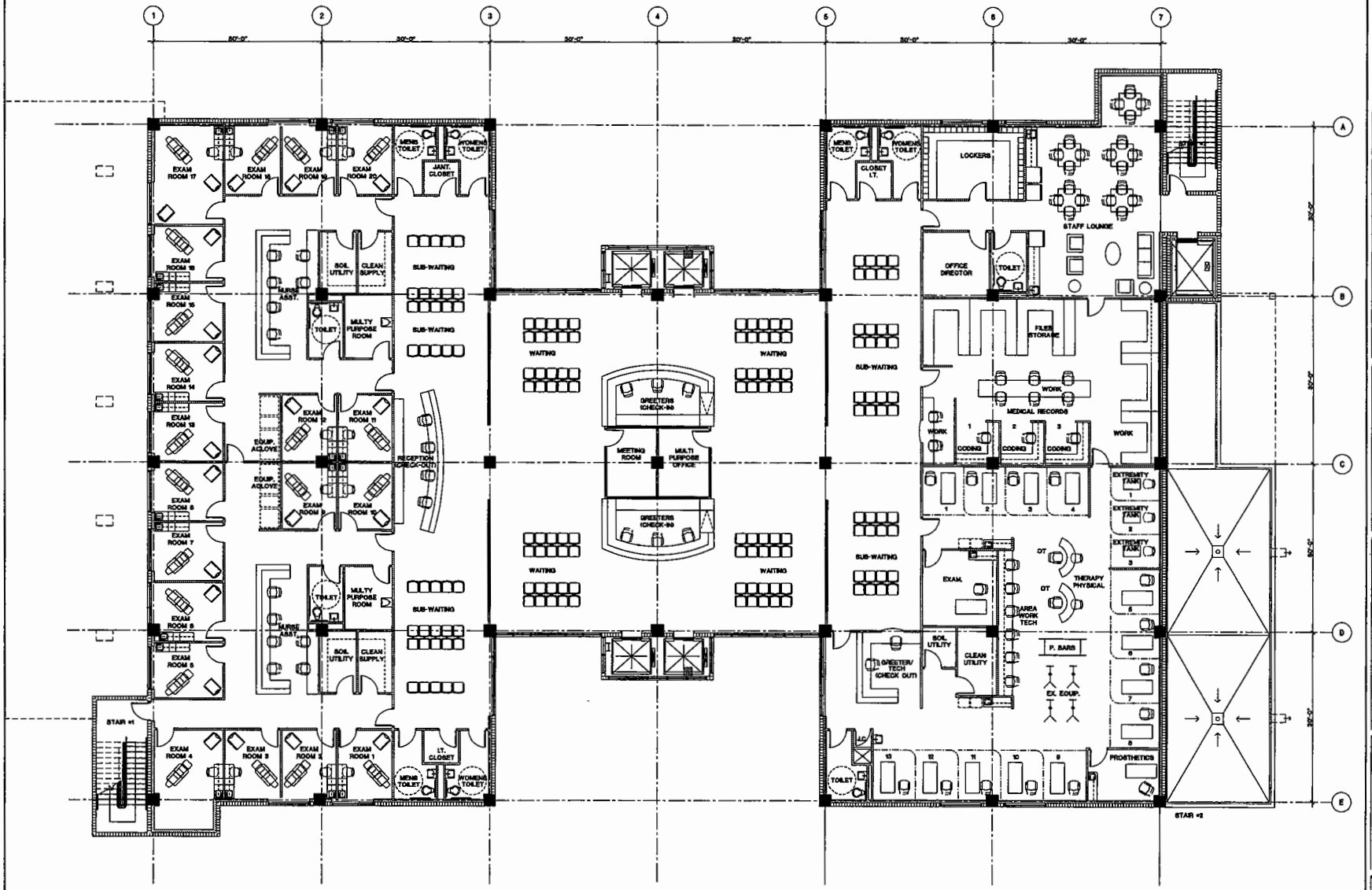
PEDRO CODIGURA, AIA AR-0003778
JOSE L. ESTEVEZ, AIA AR-0003460
ROLANDO CORERA, AIA AR-0003746
ROBERTO A. SMITH, AIA AR-0003496

DRAWING TITLE:

THIRD FLOOR PLAN

DRAWING NO: A2.03

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 2007-179
DATE: SEP 14 2007
BY: BK



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

MGE ARCHITECTS
MGE Architects Group, Suite 700
Coral Gables, Florida 33134
T.305.444.0419 F.305.441.0404
www.mgearchitects.com
AA-F300121

CONSULTANTS:
• LANDSCAPE ARCHITECTURE
CURTIS AND ROSEEN
DESIGN STUDIO INC.
3300 HENRY STREET, SUITE 301
HOLLYWOOD, FL 33021
PHONE: 954-966-1779
FAX: 954-966-1779
FLORIDA REGISTRATION #0000xx

PROJECT NAME:
LEON MEDICAL CENTERS
OWNER:
LEON FLAGLER HOLDINGS, LLC
15501 S.W. 40TH. STREET
MIAMI, FLORIDA 33126
LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER: 0008.068
DATE: 09/05/08
CAD FILE NO: 8MA2.02
AGENCY NO :

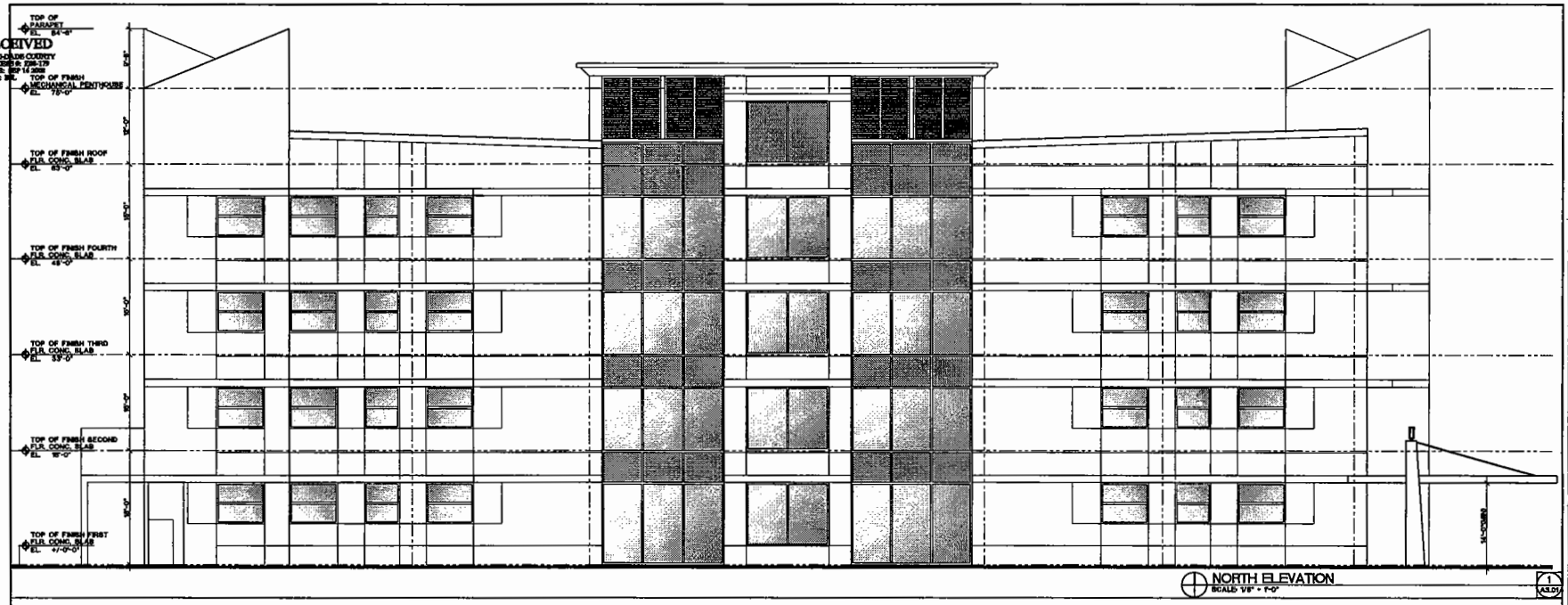
REVISIONS/SUBMISSIONS:

SEAL :

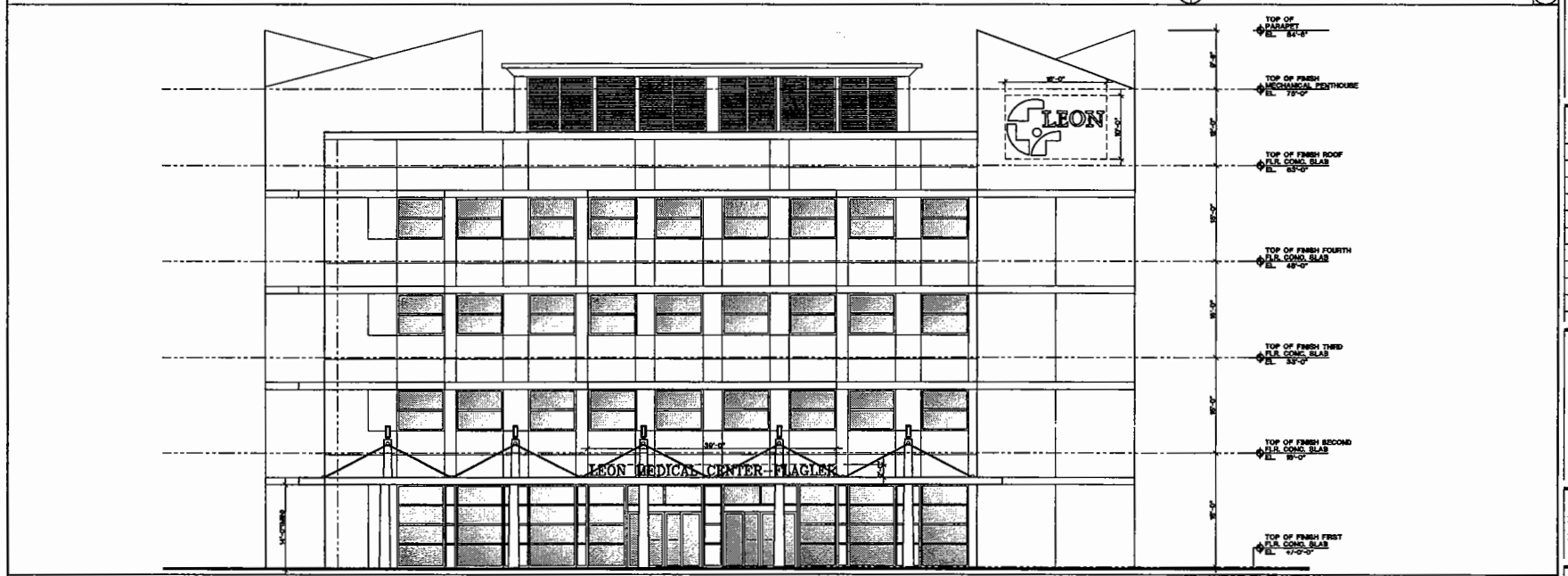
DRAWING TITLE:
SECOND FLOOR PLAN

DRAWING NO: A2.02

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: F08-179
DATE: SEP 14 2008
BY: BSL



NORTH ELEVATION
SCALE: 1/8" = 1'-0"
1 A3.01



WEST ELEVATION
SCALE: 1/8" = 1'-0"
2 A3.01

VAE 31

MGE ARCHITECTS
150 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0418 F.305.441.8404
www.mgearchitects.com
AA-F000121

CONSULTANTS:

- LANDSCAPE ARCHITECTURE
  CURTIS AND ROGERS
  DENISE STUDIO INC.
  2800 MARY STREET, SUITE 800
  COCONUT GROVE, FL 33133
  PHONE: 305. 445-9774
  FAX: 305. 445-9467
  FLORIDA REGISTRATION NUMBER:

PROJECT NAME:

LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33126

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

JOB NUMBER:	2008.065
DATE:	09/15/08
CAD FILE NO:	806A301
AGENCY NO:	

REVISIONS/SUBMISSIONS:

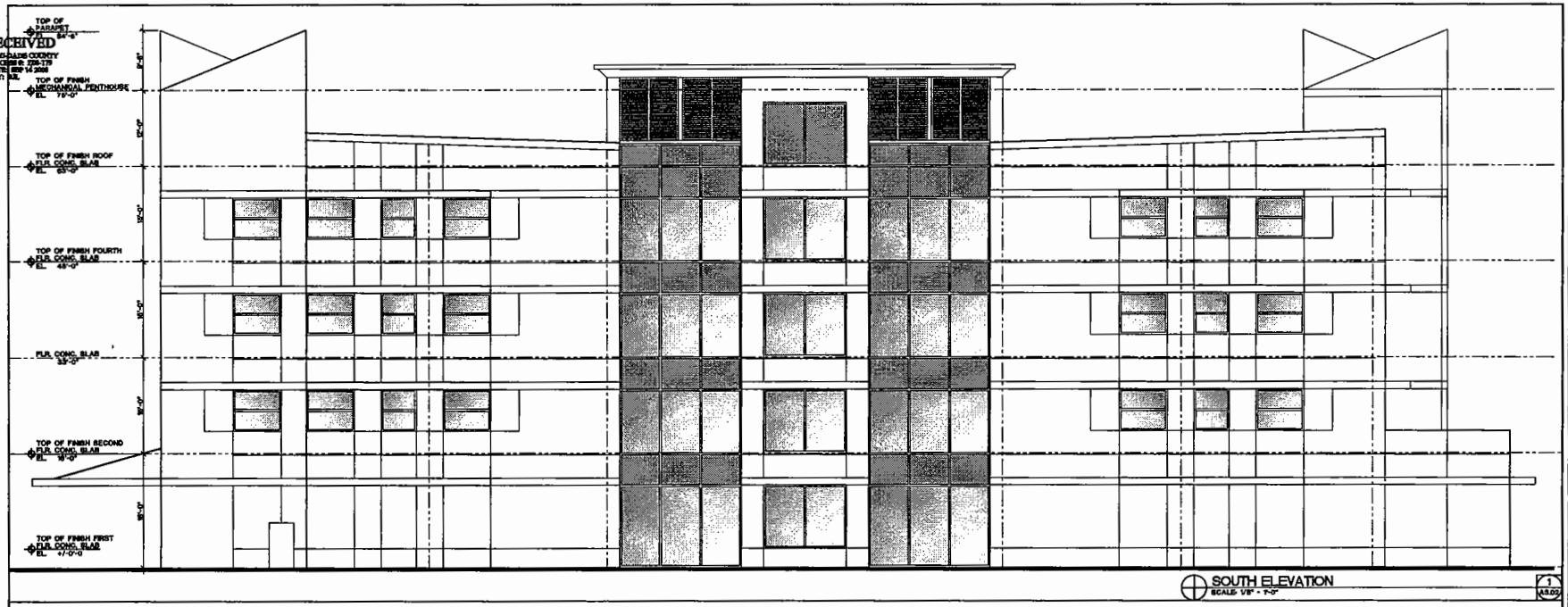
SEAL:

□ PEDRO GOICOURIA, AIA AR-0008779
□ JOSE L. ESTEVEZ, AIA AR-0008480
□ ROLANDO CORREA, AIA AR-0008748
□ ROBERTO A. SMITH, AIA AR-0010498

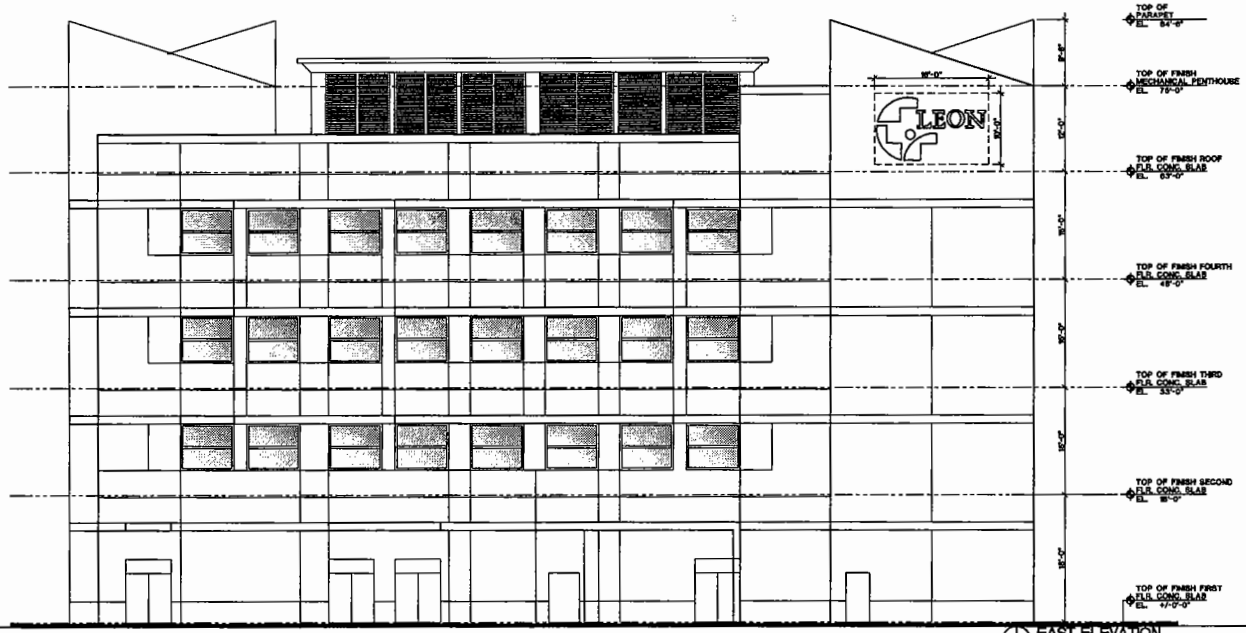
DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWING NO: A3.01

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 725-779
DATE: 12-14-2006
BY: AR



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"
1 A3.02



EAST ELEVATION
SCALE: 1/8" = 1'-0"
2 A3.02

32

MGE ARCHITECTS
100 Alhambra Circle, Suite 700
Coral Gables, Florida 33134
T.305.444.0413 F.305.441.0404
www.mgearchitects.com
AA-F000121

CONSULTANTS:
- LANDSCAPE ARCHITECTURE

CURTIS AND ROBERTS
DESIGN STUDIO INC.
5999 EIGHT STREET, SUITE 204
COCONUT GROVE, FL 33155
PHONE: 305. 448-5774
FAX: 305. 448-5488
FLORIDA REGISTRATION NUMBER:

PROJECT NAME:
LEON MEDICAL CENTERS

OWNER:
LEON FLAGLER HOLDINGS, LLC
11501 S.W. 40TH. STREET
MIAMI, FLORIDA 33126

LEON MEDICAL CENTER - FLAGLER
150 N.W. 79TH AVE.
MIAMI, FLORIDA 33126

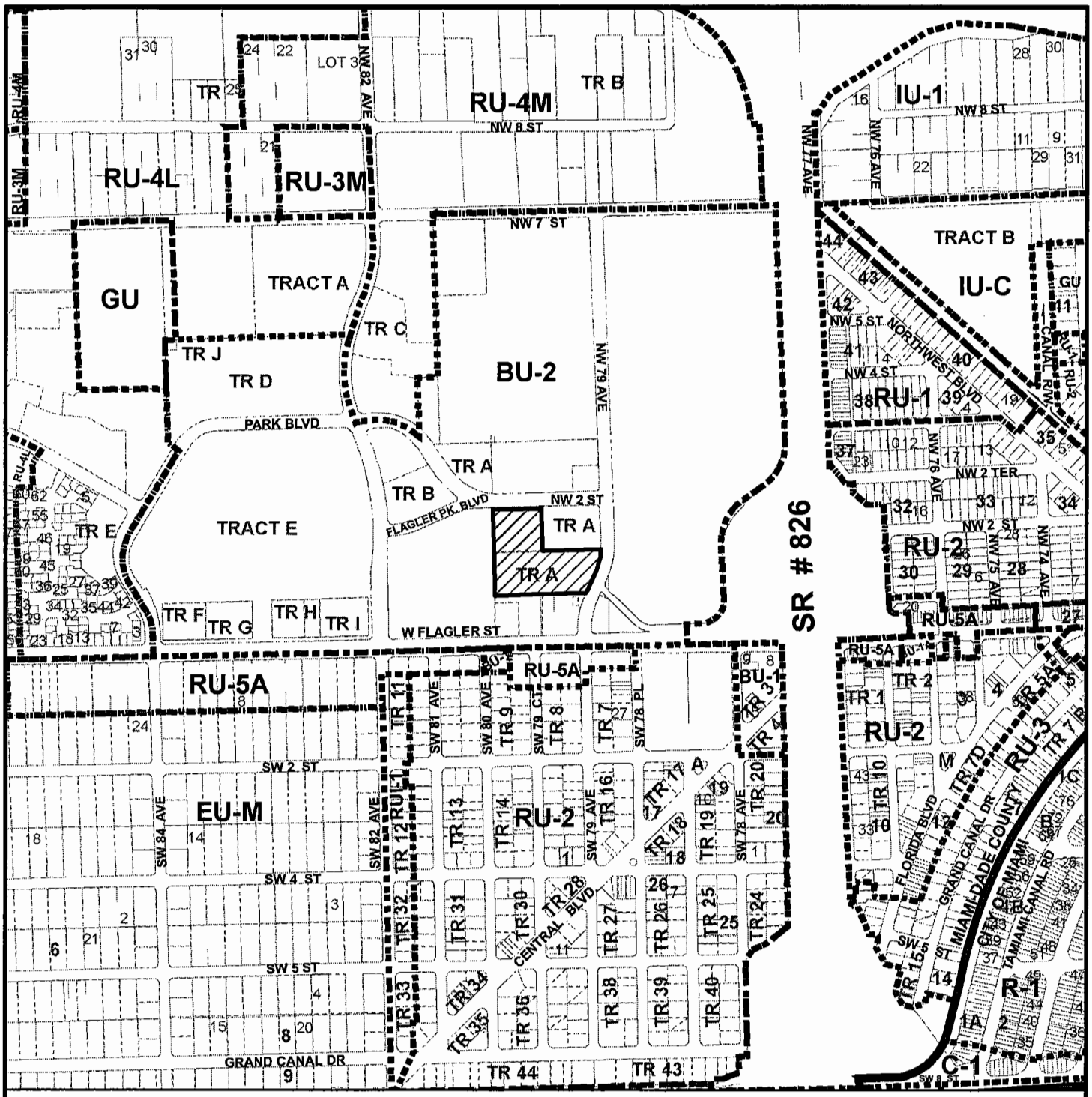
JOB NUMBER:	2006.065
DATE	06/26/06
CAD FILE NO:	668302
AGENCY NO :	

REVISIONS/SUBMISSIONS:

SEAL:

DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWING NO: A3.02



MIAMI-DADE COUNTY

HEARING MAP

Section: 03 Township: 54 Range: 40
Applicant: LEON FLAGLER HOLDINGS, LLC
Zoning Board:C10
Commission District: 06
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number

08-179

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/02/08

REVISION	DATE	BY
	33	

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-179

Section: 03 Township: 54 Range: 40
Applicant: LEON FLAGLER HOLDINGS, LLC
Zoning Board:C10
Commission District: 06
Drafter ID: KEELING
Scale: NTS
---------- Zoning

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/02/08

REVISION	DATE	BY

CZAB-10 ——— February 10, 2009
Item # B ——— 08-179
Leon Flagler Holdings, LLC.

This instrument was prepared by:
Name: Jeffrey E. Lehrman, Esq.
Address: 269 Giralda Ave., #200
Coral Gables, Florida 33134

Received by
Zoning Agenda Coordinator
FEB 03 2009

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 08-179 will be abided by the Owner freely, voluntary and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by MGE Architects entitled "Leon Medical Centers," Sheet "L2.1" dated stamped received 10/14/08, Sheet "A1.01," dated stamped received 10/31/08 and the remaining sheets dated stamped received 9/16/08 for a total of 11 sheets.

(2) That the use be restricted to medical office, including but not limited to: doctors offices, diagnostic services, pharmacy, durable medical equipment, ambulatory out patient services and the like.

Section-Township-Range: 3-54-40
Folio No. 30-4003-017-0010;
30-4003-000-0022

(Public Hearing)

(Space reserved for Clerk)

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns 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 real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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 Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions 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.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

(Space reserved for Clerk)

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

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

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remaining 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.

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full

(Space reserved for Clerk)

power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGENT BY A FLORIDA LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 2nd day of February, 2009.

IN WITNESS WHEREOF, LEONFLAGLER HOLDINGS, LLC, a Florida Limited Liability Corporation has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Laurks Leon
Print Name

Silvia Leon
Signature

Silvia Leon
Print Name

LEON FLAGLER HOLDINGS, LLC
11501 SW 40th Street, 2nd Floor
Miami, Florida 33165

Albert Maury
By: Albert Maury
Title: Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Albert Maury, the Manager of Leon Flagler Holdings, LLC., a Florida Limited Liability Company, on behalf of the Company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 2nd day of February, 2009, in the County and State aforesaid.

Madeline T. Llanez
Notary Public --State of Florida
Madeline T. Llanez
Print Name

My Commission Expires:

Section-Township-Range: 3-54-40
Folio No. 30-4003-017-0010;
30-4003-000-0022

(Public Hearing)

MADELINE T. LLANEZ
MY COMMISSION # DD 627576
EXPIRES: February 24, 2011
Bonded Thru Budget Notary Service

FUND OWNER'S POLICY
Exhibit A

Policy No.: OPM-2920294

Agent's File Reference: 08-3600
Fund File Number 01-2008-010433

Parcel 1:

All of Tract "A" of MIDWAY REALTY, according to the Plat thereof, recorded in Plat Book 114, Page 44 of the Public Records of Miami-Dade County, Florida.

Parcel 2:

A portion of the West ½ of the Northeast ¼ of Section 3, Township 54 South, Range 40 East, being more particularly described as follows:

Begin at the Southwest corner of Tract A, as shown on the Plat of MIDWAY MALL ROLLER RINK, as recorded in Plat Book 107, Page 64 of the Public Records of Miami-Dade County, Florida; thence South 88 degrees 48 minutes 10 seconds West along the Westerly prolongation of the South line of said Tract A for 288.52 feet to a point on the West line of the East ½ of the West ½ of the Northeast ¼ of said Section 3; thence North 01 degrees 21 minutes 34 seconds West along said West line of the East ½ of the West ½ of the Northeast ¼ of Section 3 for 262.00 feet; thence North 88 degrees 48 minutes 10 seconds East along the Westerly prolongation of the North line of said plat of MIDWAY MALL ROLLER RINK, for 286.87 feet; thence South 01 degrees 40 minutes 19 seconds East, along the West line of the aforementioned Tract A (and its Northerly prolongation) for 262.01 feet to the Point of Beginning; said lands lying and being in Miami-Dade County, Florida.

C. LUCIA MARTIN, ET AL
(Applicant)

09-1-CZ10-1 (07-187)
Area 10/District 10
Hearing Date: 2/10/09

Property Owner (if different from applicant) **Lucia Martin, Gualberto A. Navarro, Maria & Mayor Nayarro.**

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#1

APPLICANT'S NAME: **LUCIA MARTIN, ET AL**

REPRESENTATIVE: Lucia Martin, ET AL

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-1-CZ10-1 (07-187)	January 13, 2009	CZAB10		09

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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: Deferred due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ	X		
MR.		Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES			X
MR.	S	Jose GARRIDO (C.A.)	X		
MR.	M	Ruben POL III	X		
CHAIRMAN		Carlos A. MANRIQUE	X		
		VOTE:	5	0	

EXHIBITS: ■ YES ☐ NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

2

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 10

APPLICANTS: Lucia Martin, et al. **PH:** Z07-187 (09-01-CZ10-1)

SECTION: 8-54-40 **DATE:** February 10, 2009

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

==========

A. INTRODUCTION

- **REQUEST:**

  Applicants are requesting to permit a laundry room, family room and covered terrace addition to a single-family residence setback a minimum of 2.9' (7.5' required) from the interior side (west) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Lucia Martin & Gualberto Navarro," as prepared by J. H. Manucy, Inc., 2 sheets dated stamped received 8/28/08 and the remaining sheet dated stamped received 11/4/08 for a total of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicants are seeking to legalize an existing laundry room, family room, and covered terrace addition to a single-family residence that encroaches into the interior side setback area.

- **LOCATION:** 9981 S.W. 15 Terrace, Miami-Dade County, Florida.

- **SIZE:** 75' x 100'

- **IMPACT:**

  The approval of the request would allow the applicants the maintenance and continued use of the existing laundry room, family room and covered terrace addition which affords the applicants additional indoor living area and an outdoor amenity. However, the approval of the request could have a negative visual impact on the surrounding area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a

maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 9981 S.W. 15 Terrace in an area zoned RU-1, Single-Family Residential District, developed with single-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. The character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

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

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

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The

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

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting due to lack of time. The subject property is located at 9981 S.W. 15 Terrace in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The applicants are requesting to permit an existing laundry room, family room and covered terrace addition to a single-family residence setback 2.9' from the interior side (west) property line. The RU-1 zoning regulations require that single-family residences and their additions setback 7.5' from the interior side property line. The applicants have submitted a site plan depicting the aforementioned requests.

The Department of Environmental Resources Management (**DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:29**. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicants the maintenance and continued use of the laundry room, family room, and covered terrace addition with a non-conforming interior side setback. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the existing laundry room, family room and covered terrace addition provides an additional amenity for the residents of the single-family residence by providing additional indoor living space and an outdoor space that is sheltered from the elements. Furthermore, staff acknowledges that there are several approvals, albeit not as intense as the request sought in this application, for relief of interior side setback requirements in the immediate area. Specifically, staff notes that property located at 9901 SW 16 Street, approximately 500' to the southeast of the subject site, was granted a modified approval of a request to permit an addition to a single-family residence setback 3.75' (7.5' required) from the interior side property line in lieu of the requested setback of 1.8' from the interior side property line, pursuant to Resolution #4-ZAB-87-93. In addition, staff notes that property located at 1515 SW 99 Court, approximately 200' to the east of the subject site, was

granted among other requests, a request to permit an addition to a single-family residence setback 3.75' (7.5' required) from the interior side property line, pursuant to Resolution #CZAB10-30-03. Similarly, property located at 1201 SW 99 Court, approximately 815' to the northeast of the subject site, was granted approval of a request to permit an addition to a single-family residence setback 3.75' from the interior side property line, pursuant to Administrative Variance #V1993000561. Moreover, staff's research also revealed that property located at 1335 SW 99 Court, approximately 335' to the northeast of the subject site, was granted among other requests, a request to permit an addition to a single-family residence setback 3.83' (7.5' required) from the interior side property line, pursuant to Administrative Variance #V1991000222. Notwithstanding the forementioned approvals, staff notes that the request sought in this application is more intense than the approvals granted in the area and results in an encroachment of 4.6' into the interior side setback area, which staff opines is excessive and out of character with the approvals granted in the surrounding area. Additionally, it should be noted that the existing single-family residence is setback varying from 32.9' to 35' from the interior side (east) property line where 7.5' is required. Staff opines that given the excess setback of the existing residence from the interior side (east) property line, there is sufficient area on the eastern side of the property to build an addition without encroaching into the interior sides (west and east) setback areas. As such, staff notes that the approval of the request would not only be **incompatible** with and would adversely affect the aesthetic character of the area but would also set a negative precedent for similarly intense requests for relief of interior side setback requirements. Therefore, staff recommends denial without prejudice of the request under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations and prior approvals. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 12/26/07
DATE TYPED: 11/25/08
DATE REVISED: 12/03/08; 01/21/09; 01/30/09
DATE FINALIZED: 01/30/09
MCL:MTF:NN:TA:NC

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

NOV

11

Memorandum

MIAMI-DADE COUNTY

Date: June 8, 2007

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

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

Subject: C-10 #Z2007000187
Lucia Martin and Gualberto A. Navarro
9981 S.W. 15th Terrace
Non-Use Variance of Setback Requirements to Permit an Existing Addition to a Single-Family Residence
(RU-1) (0.17 Acres)
08-54-40

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

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

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

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

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

Memorandum

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

REVISION 1

Memorandum

Date: 24-NOV-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000187

Fire Prevention Unit:

Rev#1: Not applicable to Fire Engineering & Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2007000187
located at 9981 S.W. 15 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1393 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:29 minutes

Existing services:

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

Station No. 47 - 9361 Coral Way
Rescue, ALS Engine, Battalion

Planned Service Expansions:

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

N/A

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 02/14/08

TEAM METRO

ENFORCEMENT HISTORY

LUCIA MARTIN ET AL	9981 S.W. 15 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

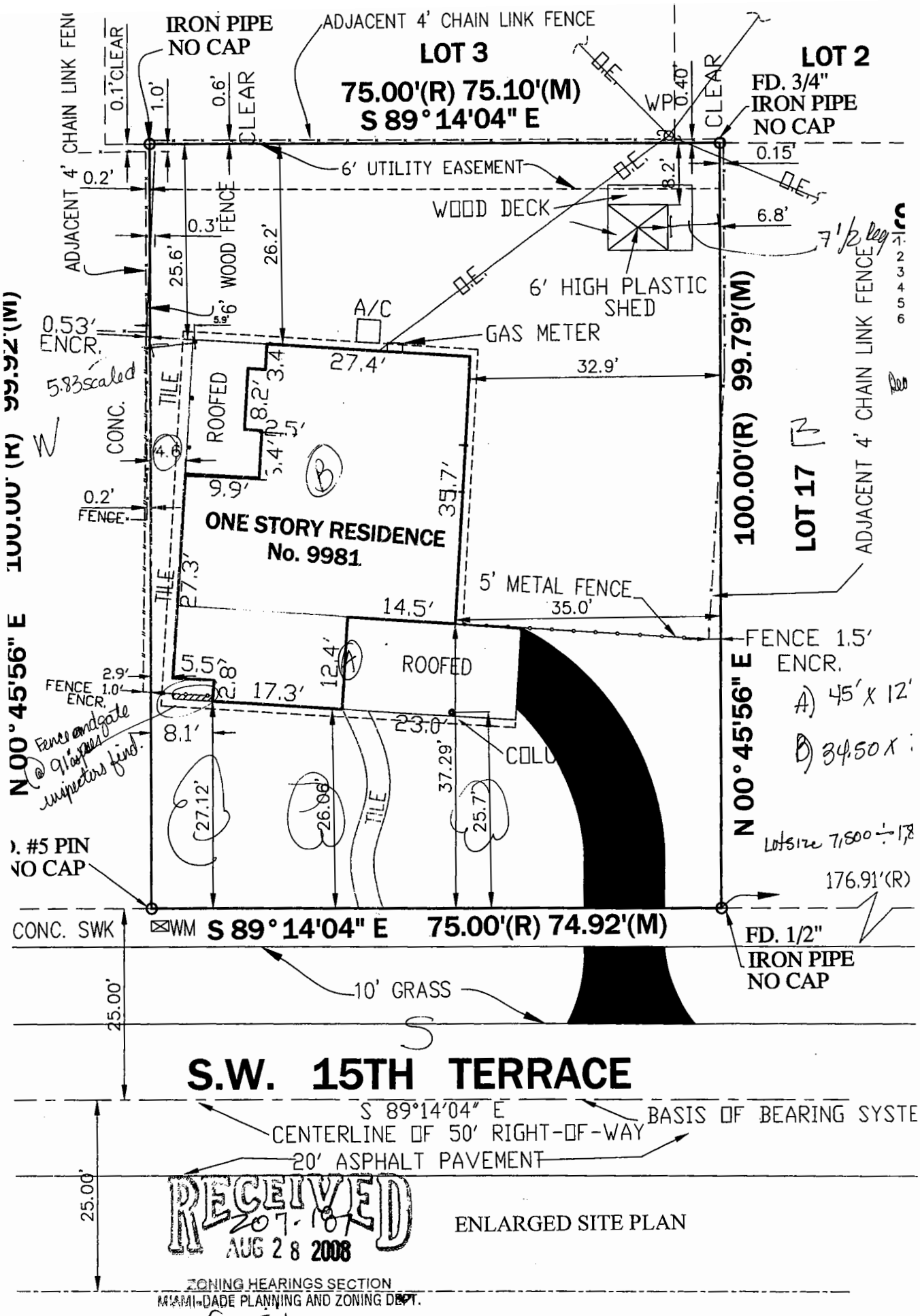
Z2007000187

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

15

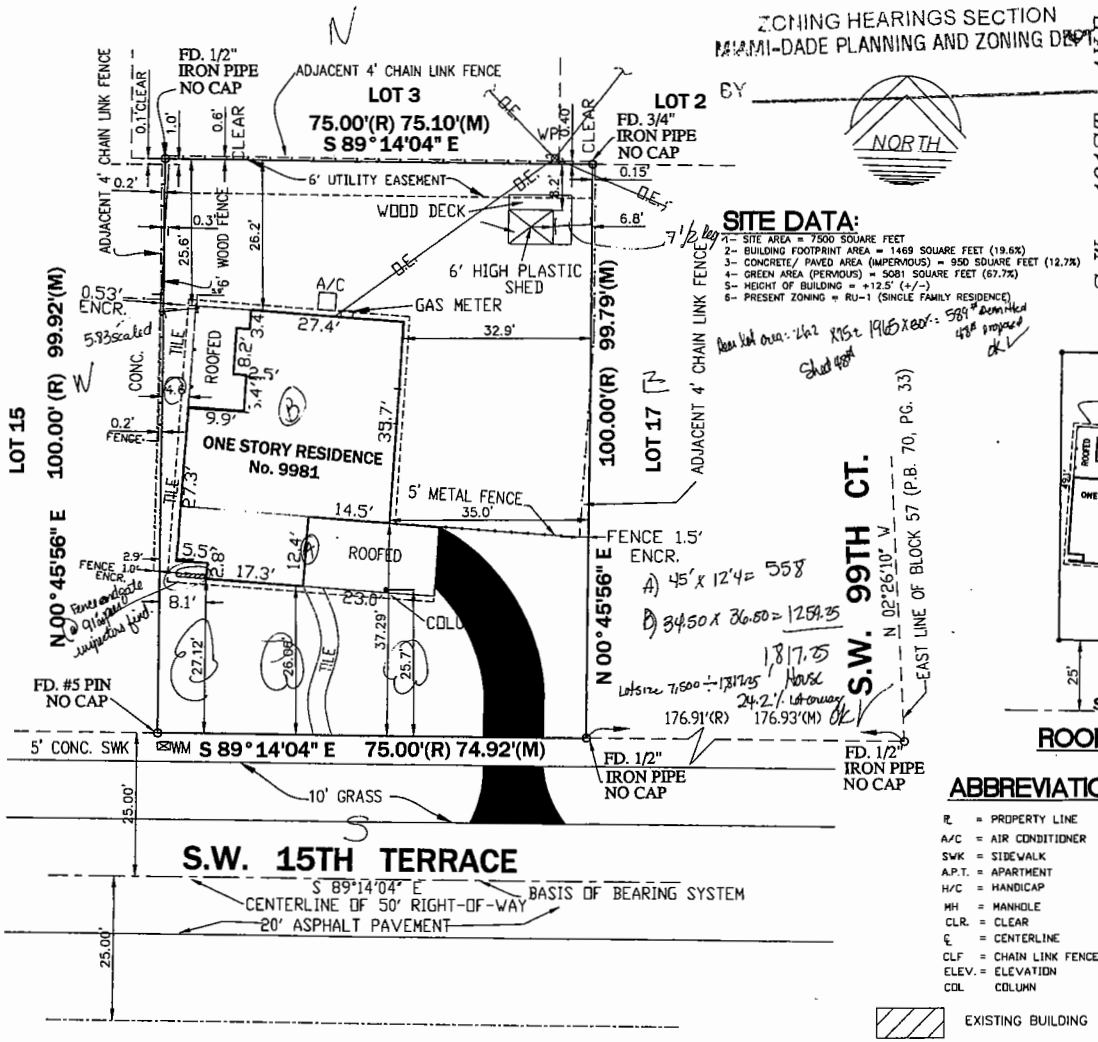


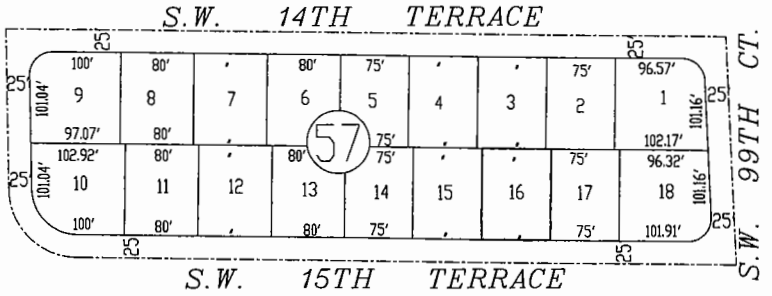
RECEIVED
2007-107
AUG 28 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY for J.H.

16

Boundary Survey / Site Plan

RECEIVED
2071871
AUG 28 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



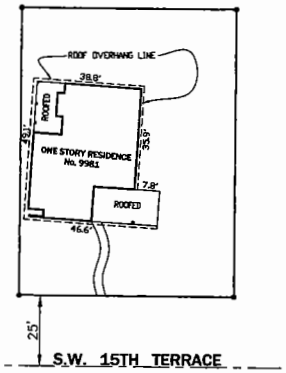


LOCATION MAP (NOT TO SCALE)

SITE DATA:

1- SITE AREA = 7500 SQUARE FEET
2- BUILDING FOOTPRINT AREA = 1469 SQUARE FEET (19.6%)
3- CONCRETE/ PAVED AREA (IMPERVIOUS) = 950 SQUARE FEET (12.7%)
4- GREEN AREA (PERVIOUS) = 5081 SQUARE FEET (67.7%)
5- HEIGHT OF BUILDING = +12.5' (+/-)
6- PRESENT ZONING = RU-1 (SINGLE FAMILY RESIDENCE)

New lot area: 262 x 75 = 1965 x 20% = 393 permitted 428 proposed OK



ROOF LAYOUT PLAN

SCALED 1" = 20'

LEGAL DESCRIPTION:

LOT 16, BLOCK 57 OF "CORAL PARK ESTATES SECTION SIX", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 33 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

PROPERTY ADDRESS: 9981 SW 15 TERRACE, MIAMI, FL.
AREA: 7,500 SQ.FT. ± OR 0.17± ACRES

SURVEYOR'S NOTES

1- Lands shown hereon were not abstracted for easements and/or rights-of-way of record, except as shown hereon, if any.

2- No attempt was made by this firm to locate underground utilities, footings of buildings, walls or fences, except as shown hereon, if any.

3- The North arrow and Bearings shown hereon are based on an assumed bearing of S.89°14'04"E. along the centerline of SW 15th Terrace, and all other bearings are relative thereto.

4- The subject property lies in Zone "X" as shown on Federal Emergency Management Agency (FEMA) Map/Panel No.: 0170/J Effective Date: 3/02/94 Community No.120256

5- Benchmark Used:

ABBREVIATIONS AND LEGEND:

R.	= PROPERTY LINE	C.B.S.	= CONCRETE BLOCK STRUCTURE
A/C	= AIR CONDITIONER	BW	= BRASS WASHER
SWK	= SIDEWALK	P.K.	= PARKER KALON
A.P.T.	= APARTMENT	CONC.	= CONCRETE
H/C	= HANDICAP	BLDG.	= BUILDING
MH	= MANHOLE	F.F. EL.	= FINISH FLOOR ELEVATION
CLR.	= CLEAR	S.V.	= SEWER VALVE
℄	= CENTERLINE	PL.	= PLANTER
CLF	= CHAIN LINK FENCE	STY.	= STORY
ELEV.	= ELEVATION	SSMH	= SANITARY SEWER MANHOLE
COL	= COLUMN	WM	= WATER METER

EXISTING BUILDING — CHAIN LINK FENCE
CONCRETE — WALL
WM — WATER METER
ASPHALT — WOOD FENCE

SURVEYOR'S CERTIFICATE:

I, HEREBY CERTIFY, THAT IN THE PROFESSIONAL OPINION OF THE UNDERSIGNED, PROFESSIONAL SURVEYOR & MAPPER, IN THE STATE OF FLORIDA, THE ATTACHED SKETCH MEETS THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. FURTHER, THIS CERTIFICATE IS BASED ON FIELD MEASUREMENTS PERFORMED APRIL 17, 2007., OTHER INFORMATION AVAILABLE TO THE PROFESSIONAL SURVEYOR AND MAPPER AT THE TIME THE SERVICES WERE RENDERED. COPIES OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. SAID EMBOSSED COPIES ARE FOR THE SPECIFIC USE OF THOSE ENTITIES THAT THE SKETCH HAS BEEN CERTIFIED TO.

J.H. MANUCY, INC. LB 6632

DATED: 11/07/2007

JACOB GOMS
REGISTERED SURVEYOR AND MAPPER No. 6231
STATE OF FLORIDA

NOTES:
1) THIS CERTIFICATION IS ONLY FOR THE LAND AS SHOWN HEREON.
2) THIS IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES.
3) THIS CERTIFICATE IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

RECEIVED
2071871
AUG 28 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Boundary Survey / Site Plan

DATE	REVISIONS	BY
11/7/07	ADD ADDITIONAL BUILDING TIES	JG
7/15/08	SHOW ROOF LINE AT PORCH & PATIO	JG

LB #6632
JH MANUCY, Inc.
LAND SURVEYORS & CIVIL ENGINEERING SERVICES
4654 PALM AVENUE, SUITE 203
HIALEAH, FLORIDA 33012
TEL.(305)821-1260 FAX(305)825-1705

43rd ANNIVERSARY

PROJECT NAME:
LUCIA MARTIN and GUALBERTO NAVARRO
9981 S.W. 15th. Terrace, Miami, Florida

SURVEY DATE:	4/17/07
DRAWN:	J.G.
CHECKED:	J.G.
SCALE:	1"=10'
FIELD BOOK:	AS90-33
ORDER NO:	107501

SHEET 1 OF 1 SHEET

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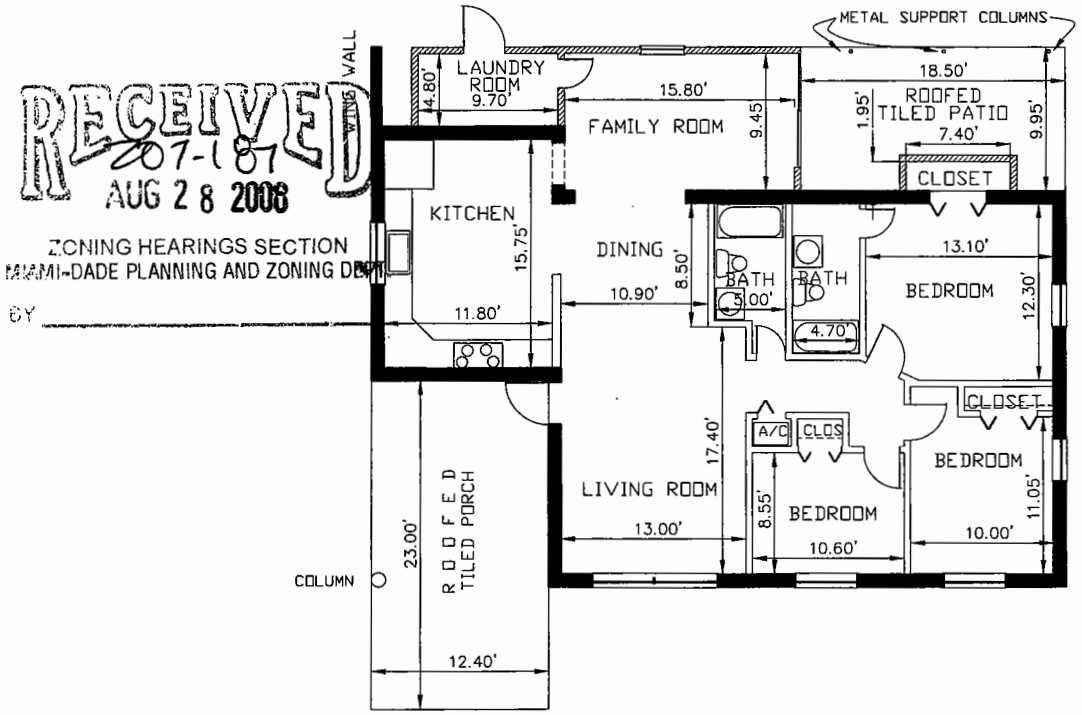
EXISTING FLOOR PLAN



RECEIVED
2007-187
AUG 28 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NORTH

LEGAL DESCRIPTION:

LOT 16, BLOCK 57 OF "CORAL PARK ESTATES SECTION SIX", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 33 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

PROPERTY ADDRESS: 9981 SW 15 TERRACE, MIAMI, FL.
7,500 SQ.FT. ± OR 0.17± ACRES

BUILDING DATA:

1- TOTAL FLOOR AREA = 1469 SQUARE FEET
2- TOTAL PORCH/ PATIO AREA = 285 SQUARE FEET
3- INTERIOR DIMENSIONS SHOWN HEREON ARE COMPUTED TO THE INTERIOR FINISHED SURFACE OF INTERIOR WALLS.
4- INTERIOR WALLS ARE APPROXIMATELY 0.45' THICK
5- EXTERIOR WALLS ARE APPROXIMATELY 0.85' THICK
6- HEIGHT OF BUILDING = +12.5' (+/-)

DENOTES FRAME ON STUCCO EXTERIOR WALL

DENOTES CONCRETE, BLOCK & STUCCO EXTERIOR WALL

RECEIVED
2007-187
AUG 28
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

DATE	REVISIONS	BY
7/15/08	SHOW ROOF LINE AT PORCH & PATIO	JG

JH MANUCY, Inc.
LB #6632
LAND SURVEYORS & CIVIL ENGINEERING SERVICES
4694 PALM AVENUE • SUITE 203
HIALEAH, FLORIDA 33012
TEL: (305) 821-1281 • FAX: (305) 825-1785

43rd ANNIVERSARY

PROJECT NAME:
LUCIA MARTIN and GUALBERTO NAVARRO
9981 S.W. 15th. Terrace, Miami, Florida

SURVEY DATE:	4/17/07
DRAWN:	J.G.
CHECKED:	J.G.
SCALE:	1"=4'
FIELD BOOK:	A590-33
ORDER NO.:	107501

SHEET 1 OF 1 SHEET

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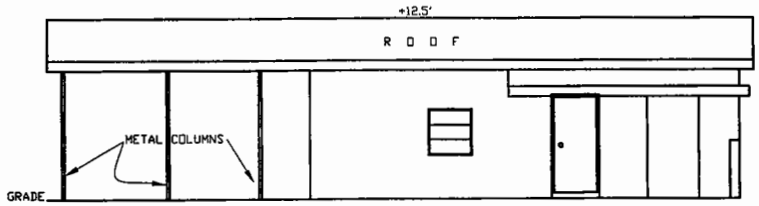
2007-187
NOV 04 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

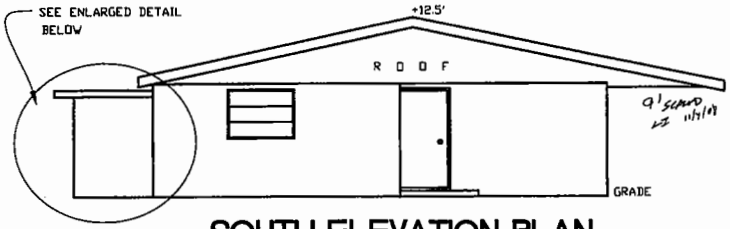
ELEVATION PLAN

GRAPHIC SCALE

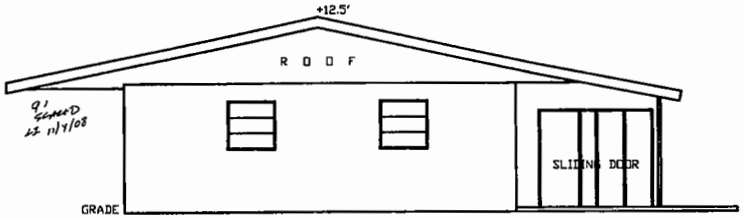
(IN FEET)
1 inch = 4 ft.



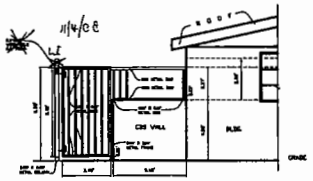
WEST ELEVATION PLAN



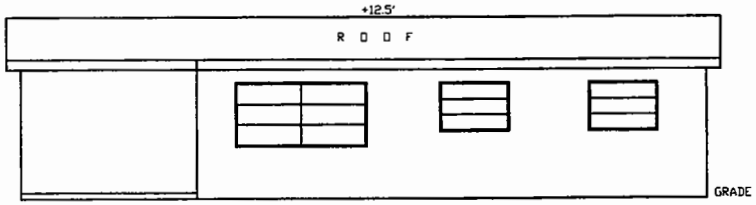
SOUTH ELEVATION PLAN



NORTH ELEVATION PLAN



SOUTH SIDE FRONT VIEW
DOOR DETAIL



EAST ELEVATION PLAN

RECEIVED
2007-187
NOV 04 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

DATE	REVISIONS	BY
8/6/08	UPDATE GATE PROFILE - 108278	JG

JH MANUCY, Inc.
LB #6632
LAND SURVEYORS & CIVIL ENGINEERING SERVICES
4694 PALM AVENUE • SUITE 203
HIALEAH, FLORIDA 33012
TEL:(305)821-1281 • FAX:(305)825-1781

PROJECT NAME:

LUCIA MARTIN and GUALBERTO NAVARRO

9981 S.W. 15th Terrace, Miami, Florida

SURVEY DATE:	4/17/07
DRAWN:	J.G.
CHECKED:	J.G.
SCALE:	1"=4'
FIELD BOOK:	A590-33
ORDER NO.:	10750

SHEET 1 OF 1 SHEET

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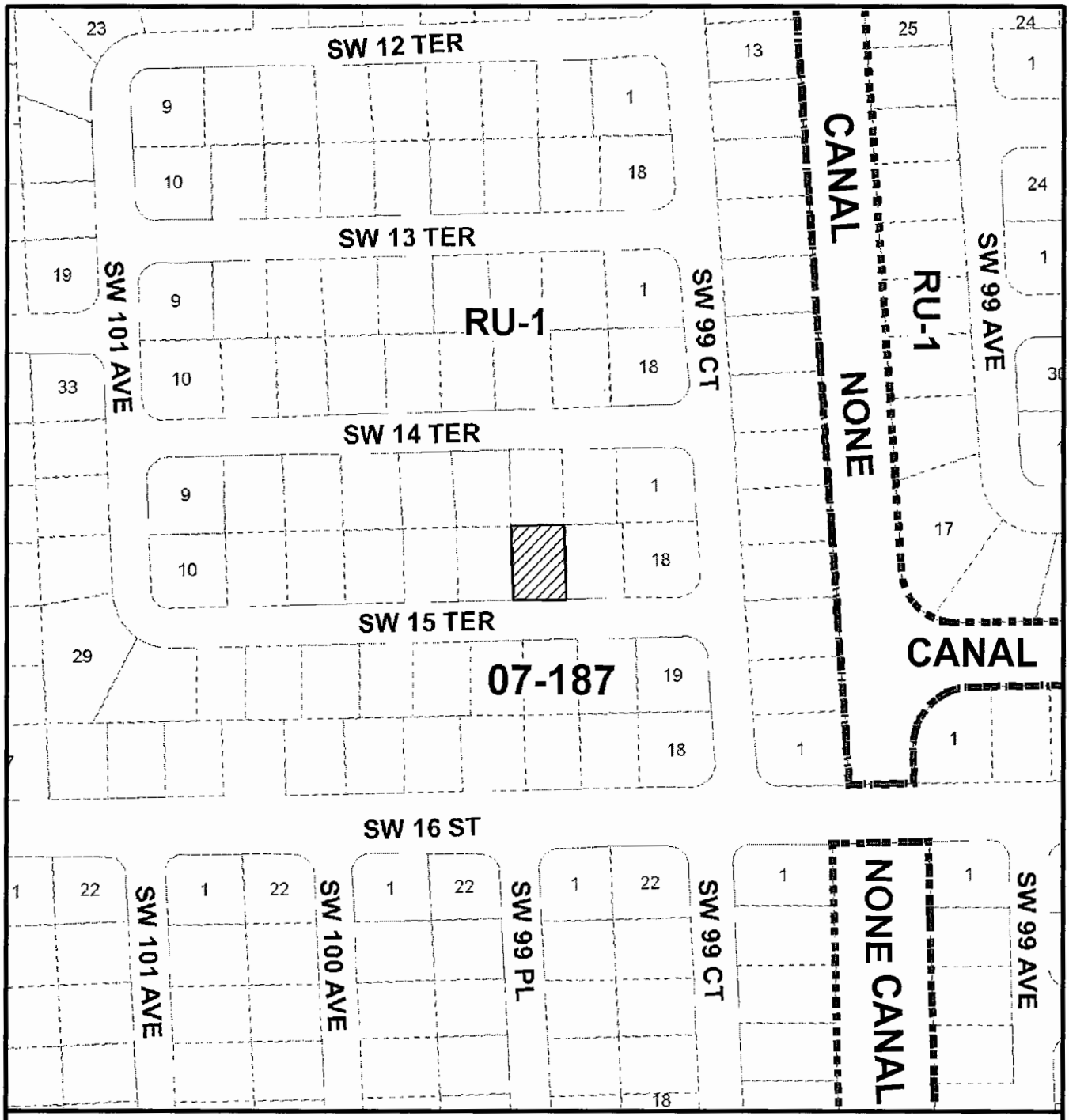


MIAMI-DADE COUNTY

HEARING MAP

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 08 Township: 54 Range: 40
Process Number: 07-187
Applicant: LUCIA MARTIN-GUALBERTO A. NAVARRO
Zoning Board: C10
District Number: 10
Cadastral: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-187 05/25/07.AFT

20

MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 08 Township: 54 Range: 40
Process Number: 07-187
Applicant: LUCIA MARTIN-GUALBERTO A. NAVARRO
Zoning Board: C10
District Number: 10
Cadastral: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-187 05/25/07 AFT

D. RAUL MARTIN
(Applicant)

09-1-CZ10-2 (08-23)
Area 10/District 10
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2008	Raul Martin	Administrative adjustment.	---	Approved

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#2

APPLICANT'S NAME: **RAUL MARTIN**

REPRESENTATIVE: Raul Martin

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-1-CZ10-2 (08-23)	January 13, 2009	CZAB10		09

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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: Deferred due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	**S**	George A. ALVAREZ	**X**		
MR.	**M**	Jorge BARBONTIN	**X**		
VICE-CHAIRMAN		Julio R. CACERES			**X**
MR.		Jose GARRIDO (C.A.)	**X**		
MR.		Ruben POL III	**X**		
CHAIRMAN		Carlos A. MANRIQUE	**X**		
		VOTE:	**5**	**0**	

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

2

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Raul Martin **PH:** Z08-23 (09-1-CZ10-2)

SECTION: 13-54-39 **DATE:** February 10, 2009

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

==========

A. INTRODUCTION:

- **REQUEST:**

  Applicant is requesting to permit a porte-cochere addition to a single-family residence setback 10' (25' required) from the front (east) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Renovation Owner Raul Martin," as prepared by Felix E. De La Noval, Sheet "A-0" dated stamped received 10/22/08, and the remaining 3 sheets dated stamped received 2/5/08 for a total of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicant is requesting to permit a proposed porte-cochere addition to a single-family residence setback closer to the front property line than permitted by the Zoning Code.

- **LOCATION:** 3820 S.W. 124 Avenue, Miami-Dade County, Florida.

- **SIZE:** 75' x 120'

- **IMPACT:**

  The approval of the request would allow the applicant to construct a porte-cochere addition to the existing single-family residence. However, the reduced setback could visually impact the surrounding properties.

B. ZONING HEARINGS HISTORY:

In September 2008, pursuant to Administrative Variance No. V2008000005, the subject property was approved for a proposed 2-story elevator addition setback 22' (25' required) from the rear (west) property line.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	GU; Canal	Water

The subject property is located at 3820 SW 124 Avenue, in an area characterized by single-family residences developed under the RU-1 zoning district regulations.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

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

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

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

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

heightened risk of fire; or

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

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

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

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting due to lack of time. This subject property is an interior lot located at 3820 SW 124 Avenue and is improved with a single-family residence in an established area zoned RU-1, Single-family Residential District. The applicant is requesting to permit a proposed porte-cochere addition setback 10' (25' required) from the front (east) property line. Single-family residences characterize the surrounding area and the subject site abuts a canal to the west. Plans submitted for this application by the applicant depict the aforementioned request.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Their memorandum further indicates that the subject property contains a 20' wide canal maintenance easement (C.M.E.) along the western portion of the property and DERM has no objection to the site plan, which shows the water edge of the pool outside of the C.M.E. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum. The **Public Works Department** also has **no objections** to this application. The Miami-Dade Fire Rescue Department **(MDFR)** has no objections to this application and their memorandum indicates that the estimated average travel response time is **6:12** minutes.

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

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff opines that the approval of the request, to permit a proposed porte-cochere addition to a single-family residence setback 10' (25' required) from the front (east) property line, would negatively affect the stability and appearance of the community. Staff acknowledges that the proposed porte-cochere addition will provide the applicant with an area in which to park his vehicles that provides shelter from the elements. However, staff notes that the proposed addition results in an encroachment of 15' into the front setback area. It should be noted that staff's research revealed that property located at 3711 SW 122 Avenue, approximately 1,360' to the northeast of the subject site, was granted approval of a request to permit an addition to a single-family residence setback 10.91' from the front property line, pursuant to Resolution #CZAB10-22-05. Notwithstanding the foregoing, staff notes that no similar approvals as intense as the one sought in this application have been granted in the surrounding area, specifically that area located to the west of SW 122 Avenue. As such, staff opines that the request is overly intensive and that approval of said request would set a negative precedent for similar requests in the area. Accordingly, staff recommends that the application be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under said standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

Based on all of the foregoing, staff opines that this application does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, is incompatible with the surrounding land uses, would be detrimental to the community, would be intrusive to the adjacent properties and would negatively affect the appearance of the community. Accordingly, staff recommends denial without prejudice of the request

under Section 33-311(A)(4)(b) (Non-Use Variance), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 03/12/08
DATE TYPED: 11/18/08
DATE REVISED: 11/25/08; 01/21/09; 01/30/09
DATE FINALIZED: 01/30/09
MCL:MTF:NN:CXH:NC

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

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

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

Subject: C-10 #Z2008000023-Revised
Raul Martin
3920 S.W. 124th Avenue
Request to Permit an Addition to a Single-Family Residence that Would Exceed Setback Requirements
(RU-1) (0.23 Acres)
13-54-39

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

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between S.W. 72nd Street and Coral Way, along theoretical S.W. 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development and regulate land uses within the wellfield protection area.

Since the subject request is for a residential zoning district a covenant prohibiting hazardous materials is not required; however, all development shall comply with the requirements of Section 24-43 of the Code.

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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would

generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of 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
The subject property contains a 20-foot canal maintenance easement (C.M.E.) along the western portion of the property. C.M.E.'s are required to remain free of any kind of obstructions to allow for easy access to the canal for maintenance purposes. DERM has no objection to the site plan dated August 4th, 2008, stamped approved by the DERM Water Control Section on August 6th, 2008, which shows the water edge of the pool outside of the CME.

Wetlands
The subject property does not contain jurisdictional 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
According to the site plan submitted with this zoning application, the proposal of the addition of the carport will not impact tree resources. The applicant is 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
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 04-MAR-08

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

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

Subject: Z2008000023

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000023
located at 3920 S.W. 129 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1518 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.27 alarms-annually.
The estimated average travel time is: 6:12 minutes

Existing services:

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

Station 37 - West Bird - 4200 SW 142 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

Station 78 - Bird Road Loop - SW 40 Street & 117 Avenue.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 5, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 02/20/08

TEAM METRO

ENFORCEMENT HISTORY

RAUL MARTIN	3920 S.W. 129 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
Z2008000023	
HEARING NUMBER	

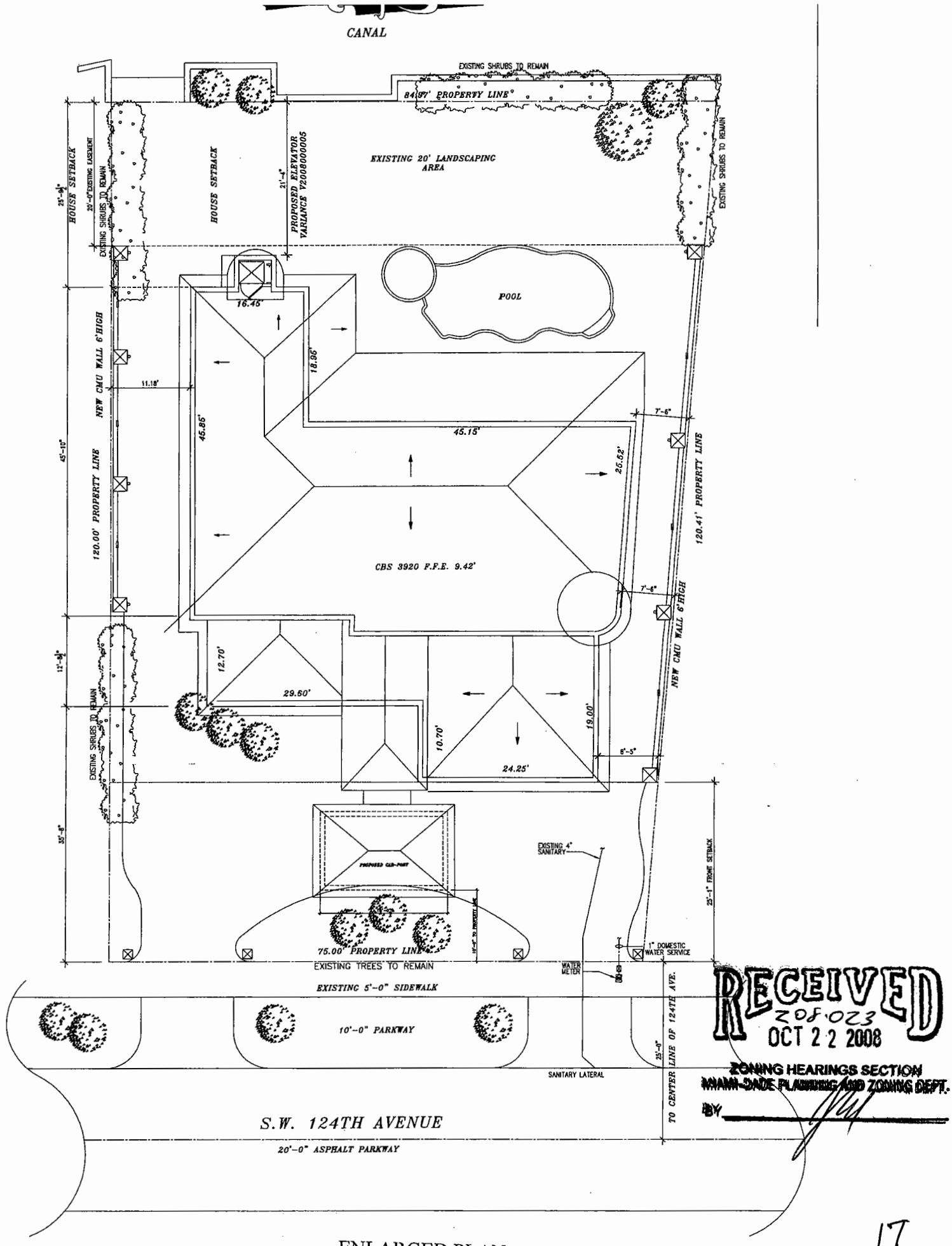
CURRENT ENFORCEMENT HISTORY:

02/19/08 Enforcement history on property for NUV/SETBACK. NCO Patricia Arcila conducted an inspection on February 19, 2008 and found the property not to be in violation. No current or past Team Metro violations. Close case.

RAUL MARTIN

Patricia Arcila

16



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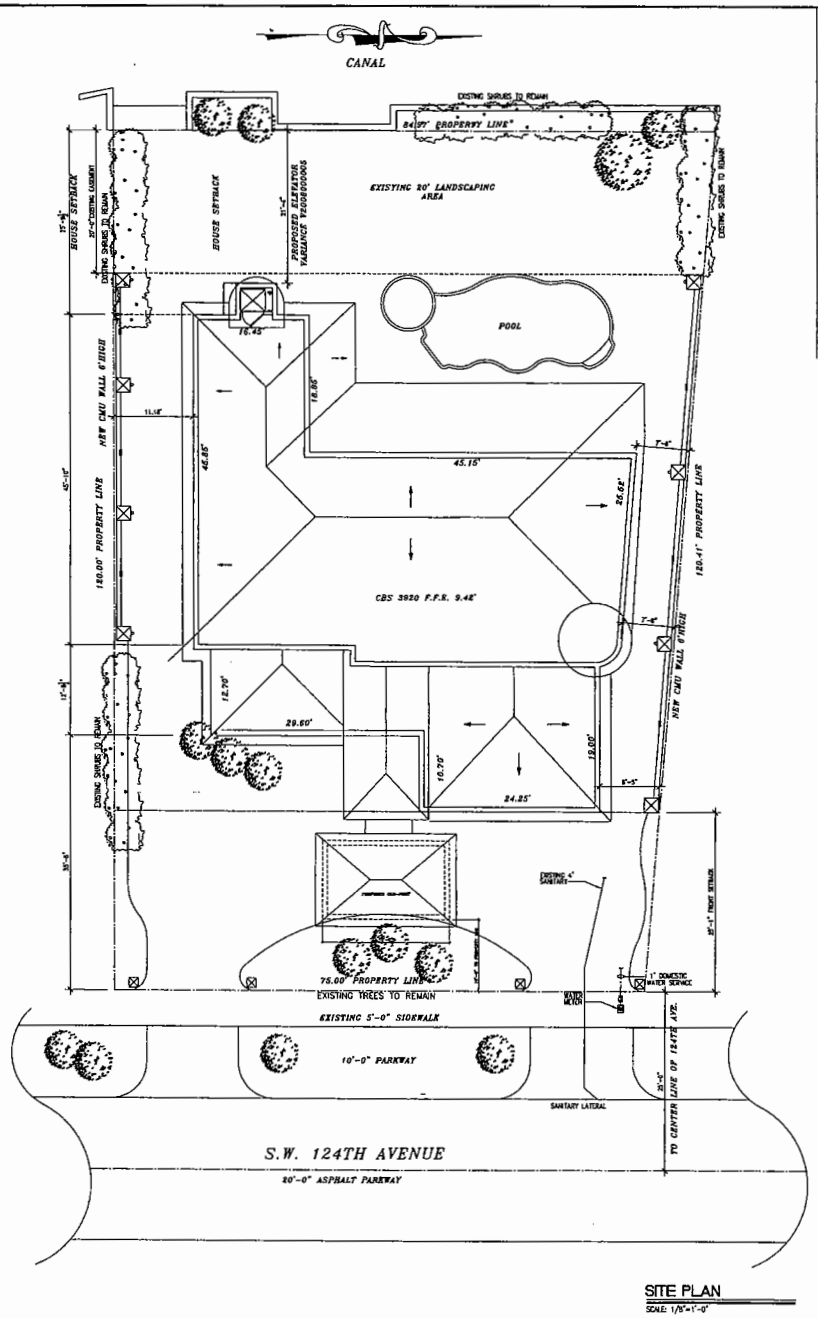
2080023
OCT 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ENLARGED PLAN

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

17



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

FLOOD LEGEND
Additions, Remodeling, Repairs & Combination

FOLIO: 3049130082270 ADDRESS: 3920 SW 124 AVE MIAMI FL.

LOT/UNIT: 27 BLOCK/BLDG: 37

SUBDIVISION: _____ PLAT BOOK: 77 PAGE: 22

COST OF CONSTRUCTION-SCOPE OF WORK: ADDITION AND REMODELING

INTERIOR RENOVATION-COST OF WORK (MUST INCLUDE ITEMIZED LIST). $ N/A

ADDITION- COST OF WORK- _____ SQ.FT. OF CONST. X (47 SQ.FT. LIVING SPACE): $ _____

45 SQ.FT. OF CONST. X (35 SQ.FT. STORAGE, GARAGE, TERRACE) $ _____

TOTAL COST OF WORK $ _____

	Lowest Floor Elev (Including basement/habitable areas)	Garage/ Storage Floor Elevation	Adjacent Grade Elevation (next to the exit of the structure)
EXISTING	9.45'	9.18'	9.17
PROPOSED	9.45'	—	—

THE OWNER OF THIS PROPERTY UNDERSTANDS THAT THE WORK AMOUNT INDICATED ABOVE IS GOING TO BE KEPT ON THE OFFICIAL PERMIT RECORD DURING A SIX (6) MONTH PERIOD FROM THE DATE OF WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. IF ANY ADDITIONAL REPAIR, RECONSTRUCTION, ALTERATION, ADDITION, REMODELING OR COMBINATION THEREOF IS DONE BEFORE THE CERTIFICATE OF COMPLETION IS ISSUED, OR WITHIN THE TRACKING PERIOD, IT WILL BE CONSIDERED A CONTINUANCE OF THE ABOVE WORK. IF THE PROPERTY IS DECLARED SUBSTANTIALLY IMPROVED OR DAMAGED AND THE FLOOR ELEVATION IS NOT IN COMPLIANCE, THE STRUCTURE WILL BE ELEVATED IN ACCORDANCE WITH CHAPTER 11C OF THE MIAMI-DADE COUNTY CODE.

ZONING DATA

PRIMARY ZONING RESIDENCIAL RU-1

NET LOT AREA – REQUIRED: 7500 SQ. FT.
FLOOR AREA – .35x9,598 SQ. FT.= REQUIRED 3,359 SF.
GREEN AREA – .50x9,598 SQ. FT.= 4,700 SF
MAX HT. -25'

SETBACKS:

FRONT REQUIRED:	25'-0" FT.	PROVIDED:	25'-0" FT.
REAR REQUIRED:	25'-0" FT.	PROVIDED:	25'-0" FT.
SIDE STREET REQUIRED:	7'-6" FT.	PROVIDED:	7'-6" FT.
INTERIOR REQUIRED:	7'-6" FT.	PROVIDED:	11.8' FT.

10' carport
interior
Paving 7.6

LEGAL DESCRIPTION

LOT 27 BLOCK 37 SOUTHERN STATES SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, PAGE 22, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

EXISTING: 9,598 SQ. FT.
GROUND FLOOR FLOOR AREA 3,116 SQ.FT.
PROPOSED CAR-PORT 198 SQ.FT.
TOTAL PROPOSED 3,314 SQ. FT.
ALLOWED 3,359 SQ. FT.

3,314/.9598=
34.5%
Lot Coverage OK

311.72
61.6 x 26.9 = 1657.04
375.92
460.75
226.8
303223
14. (Elevator)
304623

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BY _____

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

SITE PLAN
GENERAL NOTES

PROJECT: PROPOSED RENOVATION
ADDRESS: 3920 SW 124 AVE
OWNER: MR. RAUL MARTIN

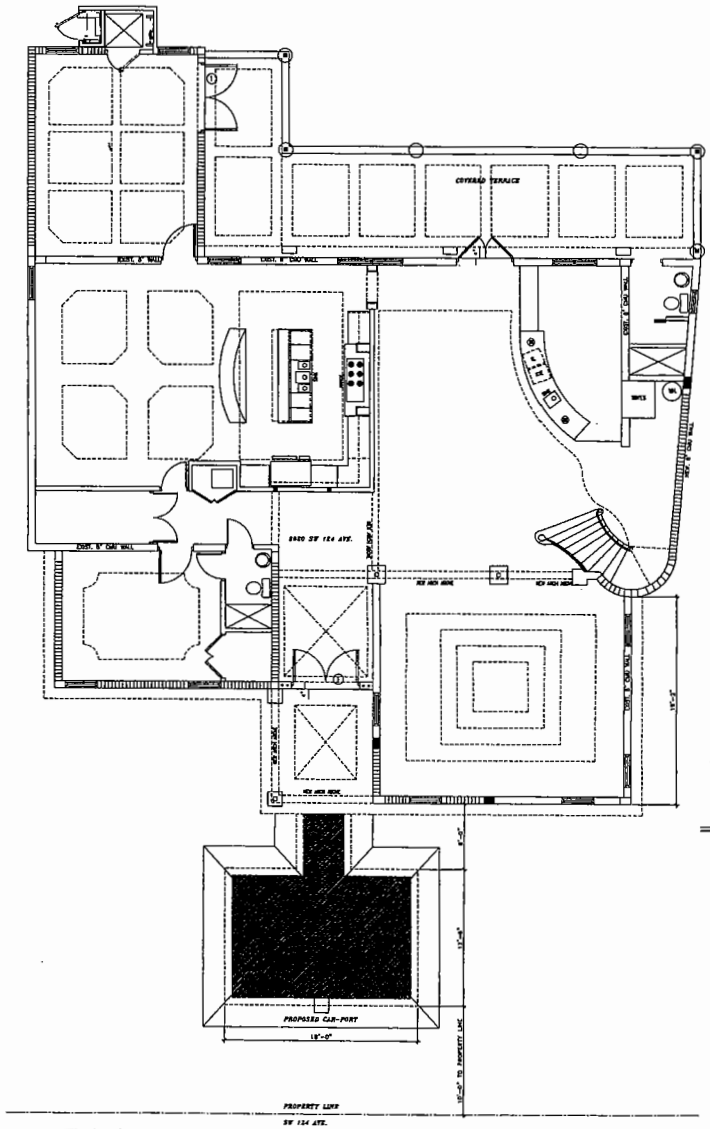
FELIX E. DE LA NOVAL, P.E.
LICENSE # 63947
7710 SW 102 PLACE
33173

Date: 8/4/08
Revisions:

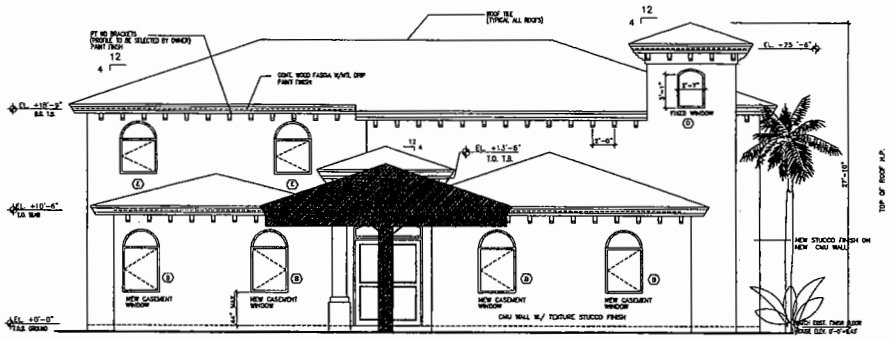
A-0

Sheet 1of

8/1



FLOOR PLAN
SCALE: 1/4"=1'-0"



FRONT ELEVATION
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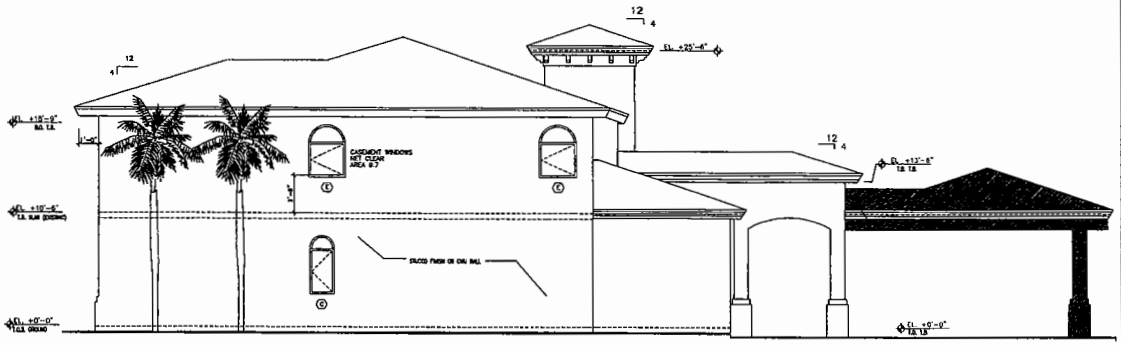

LEFT ELEVATION
SCALE: 3/16"=1'-0"

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2008-023
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MIAMI-DADE PLANNING AND ZONING DEPT.
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2008-023
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ELEVATIONS AND SECTIONS

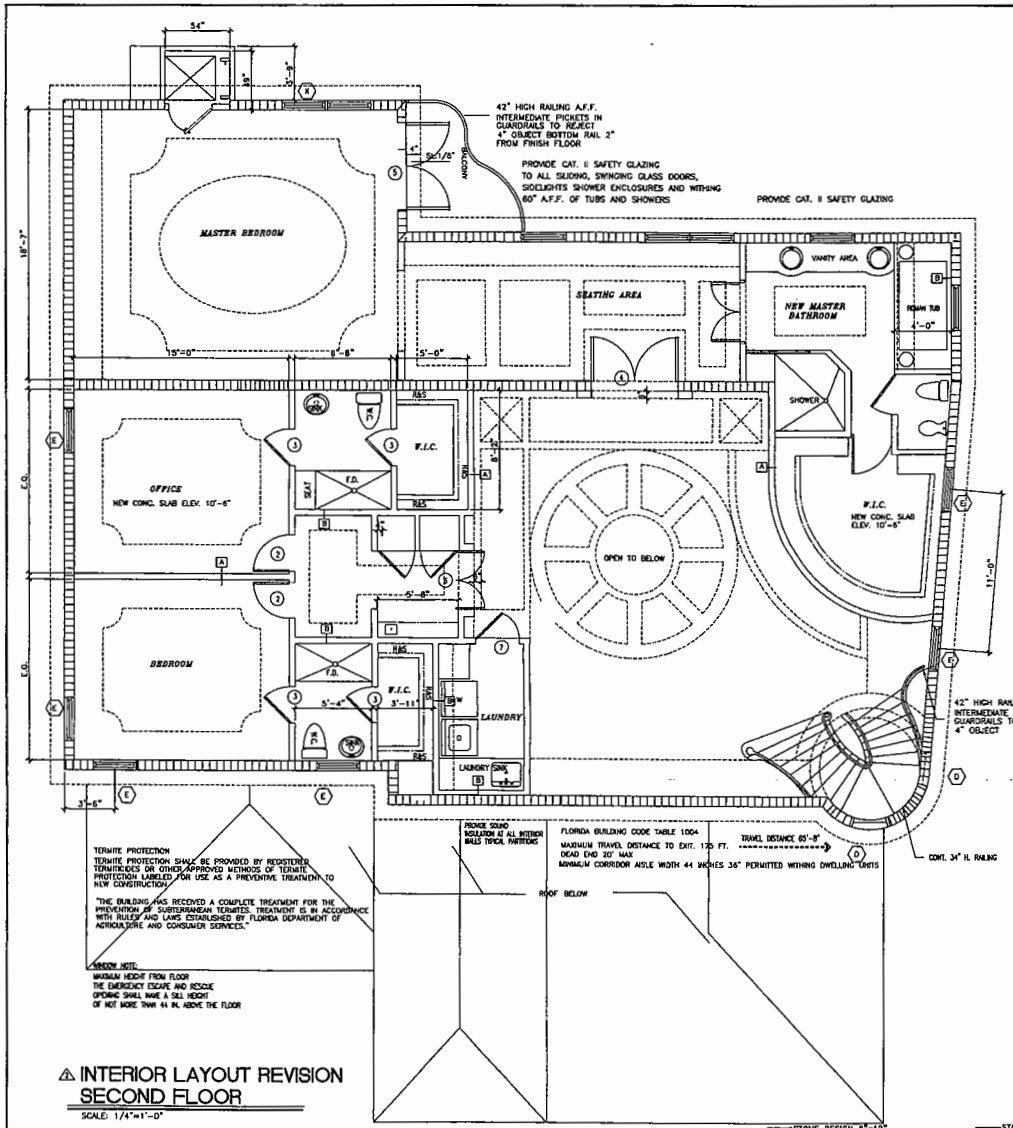
PROJECT: PROPOSED RENOVATION
ADDRESS: 3920 SW 124 AVE
OWNER: MR. RAUL MARTIN

FELIX DE LA HOYAL, P.E.
LICENSE # 52647
7710 SW 102 PLACE
33173

Date: 2/11/07
Revisions:

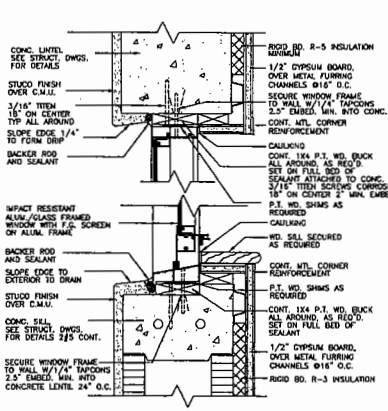
A-2

Sheet 3of 4

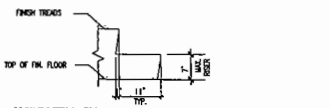


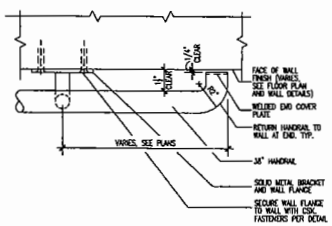
⚠ INTERIOR LAYOUT REVISION SECOND FLOOR

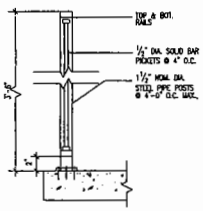
SCALE: 1/4"=1'-0"



WINDOW DTL. HEAD/SILL

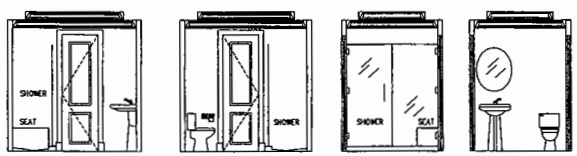




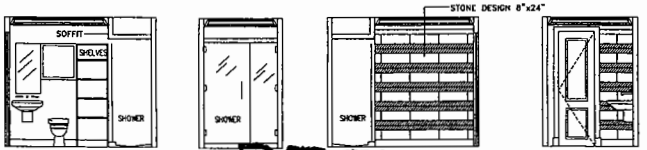


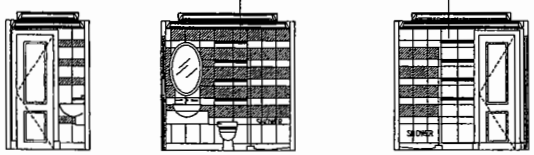
GUARDRAIL SECTION

SCALE: NTS.

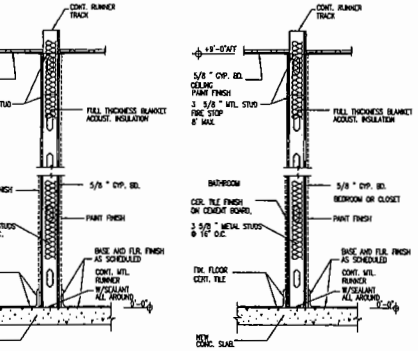


BASIC BATHROOM ELEV (GR.LS).





OFFICE BATH



A TYPICAL PARTITION

B BATHROOM/SHOWER DTLS

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208-023
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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ELEVATIONS AND SECTIONS

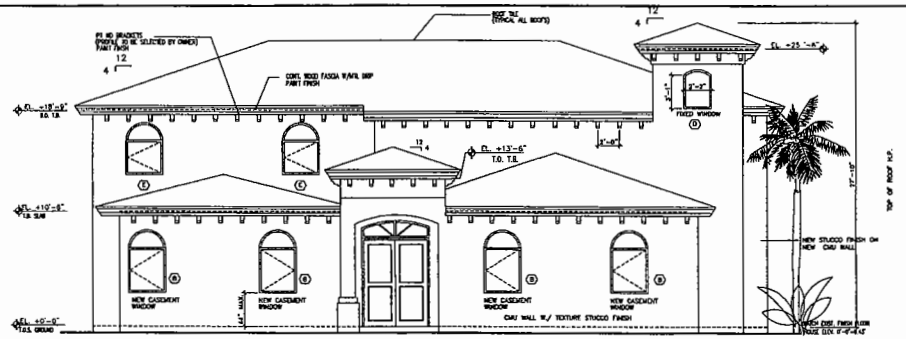
PROJECT: PROPOSED RENOVATION
ADDRESS: 3920 SW 124 AVE
OWNER: MR. RAUL MARTIN

FELIX DE LA NOVAL, P.E.
LICENSE # 63047
7710 SW 102 PLACE
33173

Date: 2/11/07
Revisions:
⚠ BLD. DEPT. COMM. 3/07

A-3

Sheet 3of 4



FRONT ELEVATION

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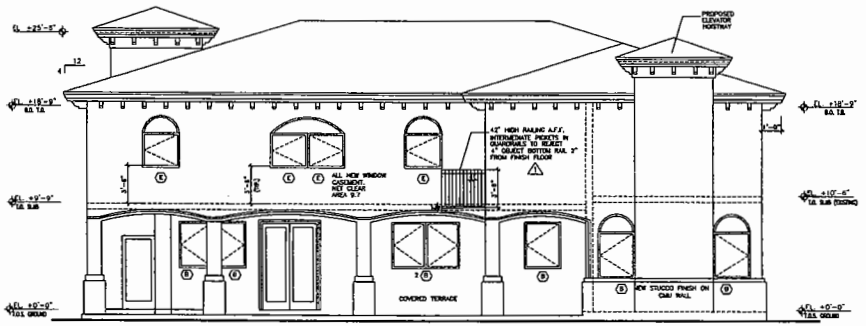

REAR ELEVATION

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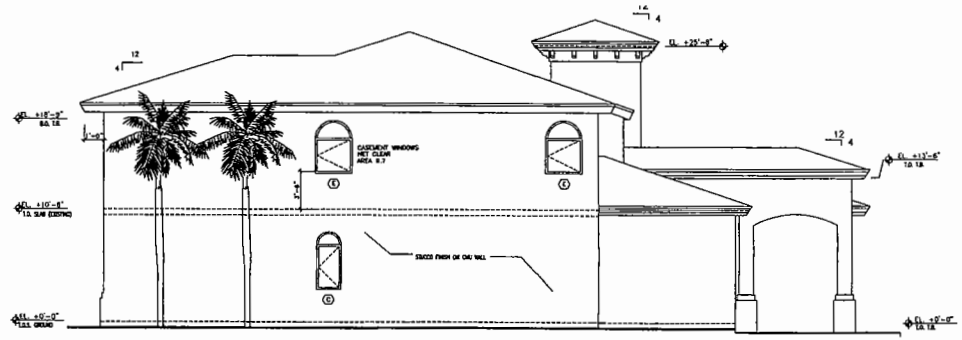
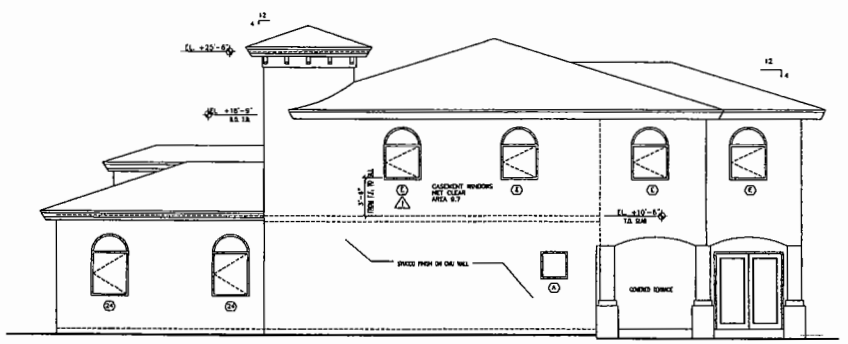


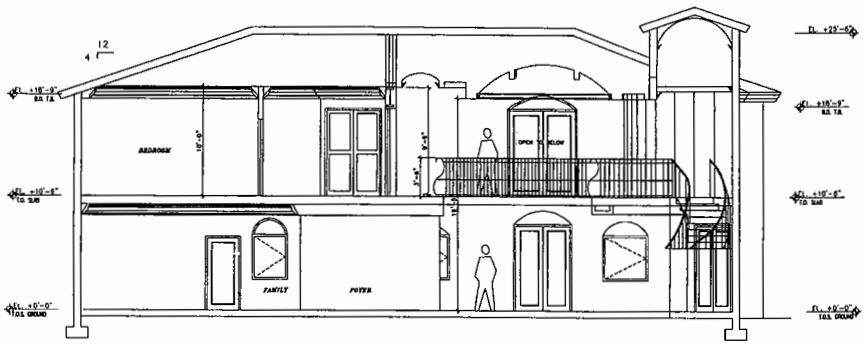
LEFT ELEVATION

SCALE: 3/16"=1'-0"



RIGHT ELEVATION

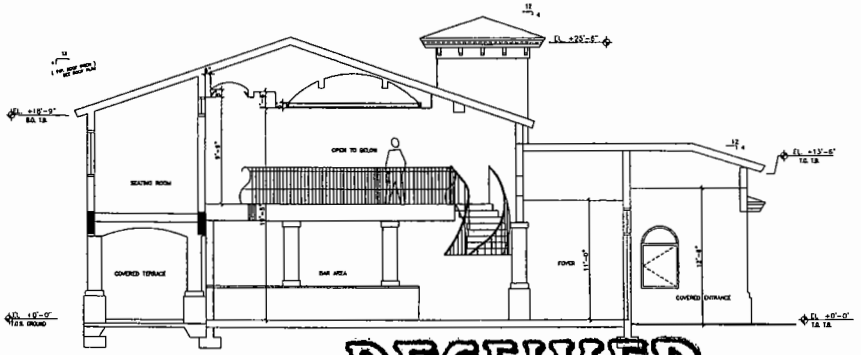
SCALE: 3/16"=1'-0"



SECTION-A

SCALE: 3/16"=1'-0"

WIND PRESSURES FOR DESIGN OF WINDOWS			
TRIBUTARY AREA (SQUARE FEET)	POSITIVE PRESSURE (ALL ZONES)	NEGATIVE PRESSURE (ZONE 4)	NEGATIVE PRESSURE (ZONE 5)
16-20	50.2	-53.3	-66.4
36-40	47.9	-51.1	-61.3
46-50	47.2	-50.4	-59.7
61-65	46.3	-49.5	-57.8



SECTION-B

SCALE: 3/16"=1'-0"

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Z08-023
FEB 05 2008
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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ELEVATIONS AND SECTIONS

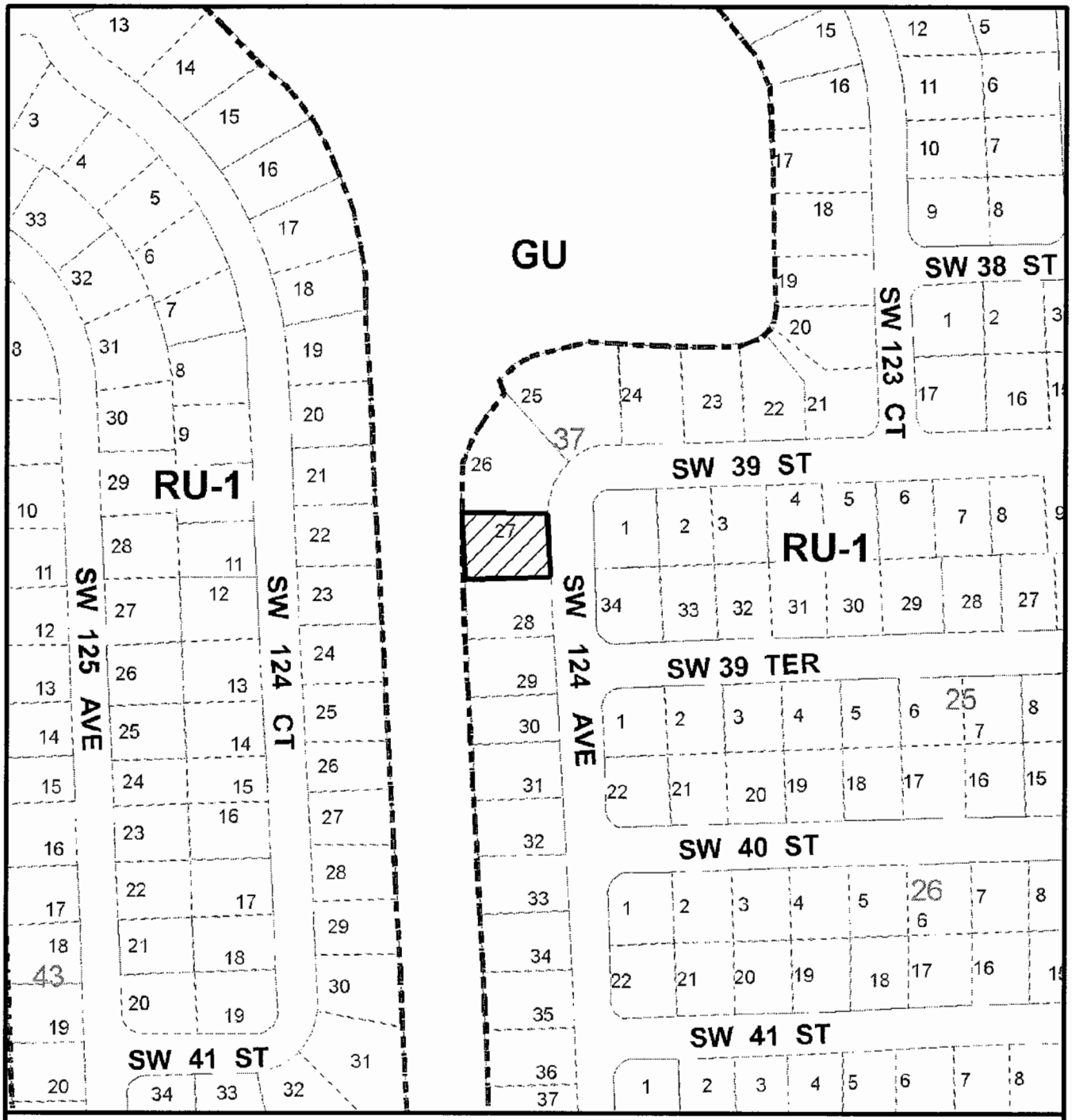
PROJECT: PROPOSED RENOVATION
ADDRESS: 3920 SW 124 AVE
OWNER: MR. RAUL MARTIN

FELIX DE LA NOVAL, P.E.
LICENSE # 63947
7710 SW 102 PLACE
33173

Date: 2/11/07
Revisions:
1 BLD. DEPT. COMM. 3/07

A-4

Sheet 3of 4



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-023

N

SUBJECT PROPERTY

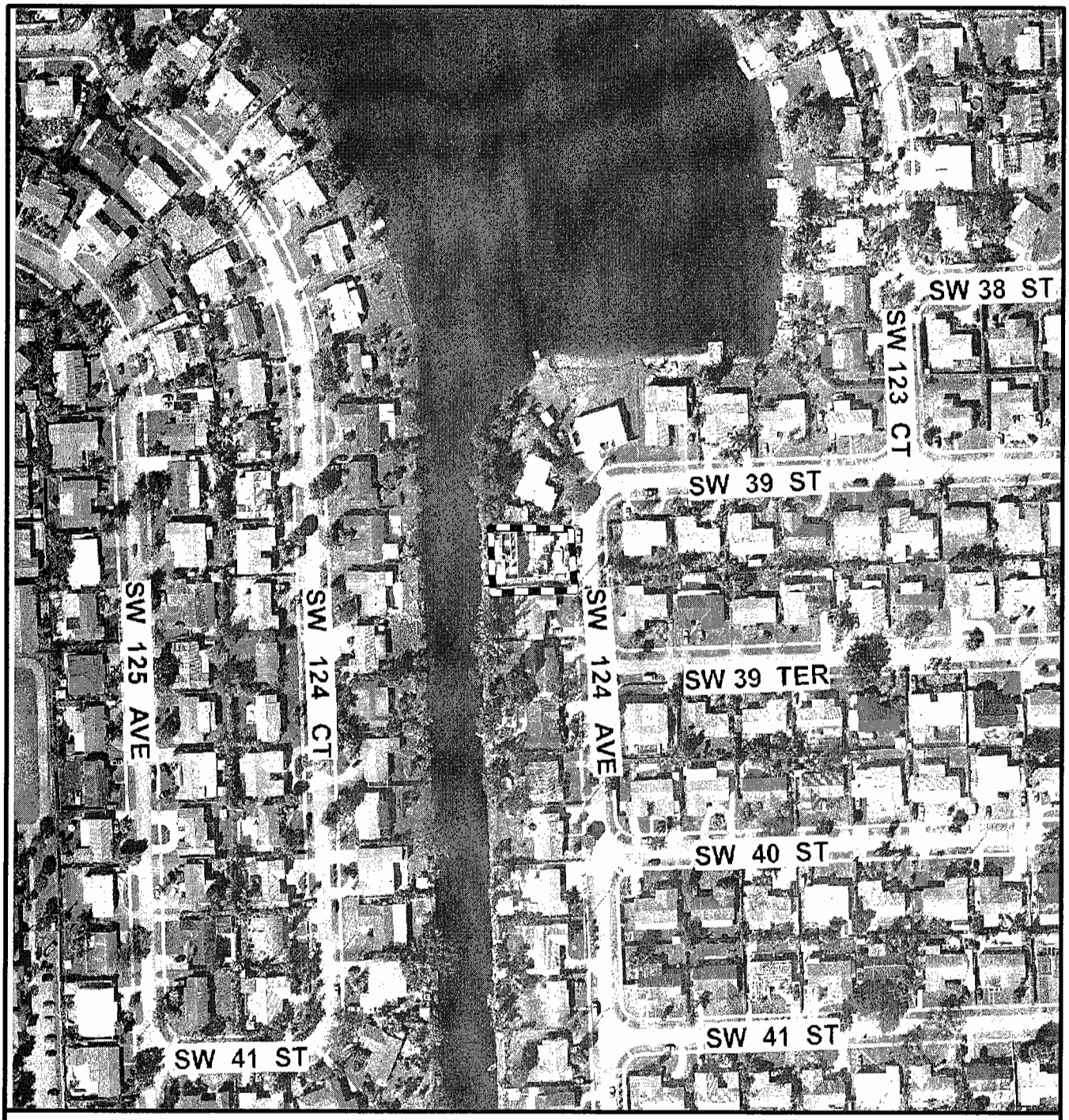
Section: 13 Township: 54 Range: 39
Applicant: RAUL MARTIN
Zoning Board: C10
District Number: 10
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

22

CREATED ON: 02/19/08

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
08-023

N

SUBJECT PROPERTY

Section: 13 Township: 54 Range: 39
Applicant: RAUL MARTIN
Zoning Board: C10
District Number: 10
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 02/19/08

REVISION	DATE	BY

E. DELSY COUSO & REINIER ARMAS
(Applicant)

09-1-CZ10-3 (08-32)
Area 10/District 10
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#3

APPLICANT'S NAME: **DELSY COUSO & REINIER ARMAS**

REPRESENTATIVE: Delsy Couso

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-1-CZ10-4 (08-137)	January 13, 2009	CZAB10		09

REC: Denial without prejudice under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(4)(c) (ANUV).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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: Deferred due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ			
MR.		Jorge BARBONTIN			
VICE-CHAIRMAN		Julio R. CACERES			
MR.		Jose GARRIDO (C.A.)			
MR.		Ruben POL III			
CHAIRMAN		Carlos A. MANRIQUE			
		VOTE:			

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 10

APPLICANTS: Delsy Couso & Reinier Armas **PH:** Z08-032 (09-01-CZ10-3)

SECTION: 13-54-39 **DATE:** February 10, 2009

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

==========

A. INTRODUCTION

- **REQUEST:**

  Applicants are requesting to permit a detached covered terrace for a single-family residence setback 58.8' (75' required) from the front (west) property line, setback 3.2' (7.5' required) from the interior side (north) property line and setback 2.27' (5' required) from the rear (east) property line and spaced 6.3' (10' required from the residence).

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. Armas and Delsy Couso," as prepared by William Plasencia P.A., dated stamped received 2/19/08 and consisting of 1 sheet. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicants are seeking to legalize an existing detached covered terrace that encroaches into the setback areas and is spaced closer than required to the existing residence.

- **LOCATION:** 3191 S.W. 117 Court, Miami-Dade County, Florida.

- **SIZE:** 75' x 100'

- **IMPACT:**

  The approval of the request would allow the applicants the maintenance and continued use of the existing detached covered terrace which affords the applicants shelter from the elements as well as an outdoor amenity. However, the encroachments into the setback areas in conjunction with the reduced spacing between the covered terrace and the principal residence could have a negative visual impact on the adjacent properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
EAST:	GU; Florida Turnpike Extension	Low Density Residential, 2.5 to 6 dua Transportation
WEST:	RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 3191 SW 117 Court in an area zoned RU-1, Single-Family Residential District, developed with single-family residences and bounded on the east by the Florida Turnpike Extension (SR 821).

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. The character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees

are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

3. will result in a materially greater adverse impact on public services and

facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

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

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

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board

(following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting due to lack of time. The subject property is located at 3191 SW 117 Court in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences to the north, south and west and bounded by the Florida Turnpike extension to the east. The applicants are requesting to permit an existing detached covered terrace for a single-family residence setback 58.8 from the front (west) property line, setback 3.2' from the interior side (north) property line and setback 2.27' from the rear (east) property line and spaced 6.3' from the residence. The RU-1 zoning regulations require that the detached covered terrace be setback 75' from the front property line, setback 7.5' from the interior side property line and setback 5' from the rear property line. Further, the RU-1 district zoning regulations require a minimum spacing of 10' between buildings. The applicants have submitted a site plan depicting the aforementioned request. It should be noted that the submitted plan illustrates a 10' wide utility easement along the rear (east) property line and that the existing detached covered terrace addition encroaches onto said easement.

The Department of Environmental Resources Management (**DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **7:20**. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicants the maintenance and continued use of the detached covered terrace with non-conforming setbacks and spacing. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the

subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the existing detached covered terrace provides an additional amenity for the residents of the single-family residence by providing additional outdoor recreational space. Furthermore, staff acknowledges that there are several approvals for reduced setbacks pertaining to accessory structures in the immediate area. Specifically, staff notes that property located at 3116 SW 118 Court, approximately 798' to the west of the subject site, was granted among other requests, a request to permit an aluminum carport setback varying from 15' to 15.4' (75' required) from the front property line, setback 5' (7.5' required) from the interior side property line and spaced 0' (10' required) from the principal residence, pursuant to Resolution #4-ZAB-194-93. In addition, staff notes that property located 11780 SW 29 Street, approximately 1,033' to the northwest of the subject site, was granted among other requests, a request to permit a storage room setback 4.54' (7.5' required) from the interior side property line, pursuant to Administrative Variance #V1980000143. Moreover, staff's research also revealed that property located at 11800 SW 26 Terrace, approximately 1,474' to the north of the subject site, was granted among other requests, a request to permit a detached utility/storage/barbecue structure setback 2.85' (7.5' required) from the interior side property line, setback 3.3' (5' required) from the rear property line, and spaced 4' (10' required) from the principal residence, pursuant to Resolution #CZAB10-79-00.

Notwithstanding the forementioned approvals, staff notes that the approval of the request results in encroachments of 16.5', 4.3' and 2.73' into the front, interior side, and rear setback areas. Staff opines that said encroachments when coupled with the requested 3.7' reduction in the spacing requirements between the existing detached covered terrace and the principal residence are representative of an overutilization of the site. It should be noted that staff's review of the plans and pictures submitted by the applicant reveal that the 411.67 sq. ft. detached covered terrace is sited on the northeast corner of the site, extends in a westerly direction towards the front of the property, and is visible from the front of the site. Staff acknowledges that the applicant has submitted signatures from the property owners of properties located to the north, west and south of the subject site indicating waivers of objection. However, it should be noted that the previously mentioned approvals pertain to accessory structures that are passive in terms of use and smaller in size than the 411.67 sq. ft. detached covered terrace that is the subject of this application. Moreover, staff notes that the existing detached covered terrace addition is equipped a sink, bar and refrigerator, as illustrated on the submitted plan, is not a passive accessory building, but rather an active accessory structure that can be used for large gatherings of people which could have a negative aural impact on the surrounding residential area. Further, staff opines that the 411.67 sq. ft. detached covered terrace with non-conforming front, interior side, rear setbacks and spacing is excessive. As such, staff notes that the approval of the request would be **incompatible** with and would adversely affect the aesthetic character of the area. Therefore, staff recommends denial without prejudice of the request under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at

a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations and prior approvals. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

I. RECOMMENDATION:

Denial without prejudice under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV)

J. CONDITIONS: None.

DATE INSPECTED: 12/03/08
DATE TYPED: 11/17/08
DATE REVISED: 11/20/08; 11/25/08; 01/21/09; 01/30/09
DATE FINALIZED: 01/30/09
MCL:MTF:NN:CI:NC

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: March 12, 2008

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

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

Subject: C-10 #Z2008000032
Delsy Couso and Rainer J. Armas
3191 S.W. 117th Court
Request to Permit an Existing Addition that Exceeds Setback Requirements
(RU-1) (0.17 Acres)
13-54-39

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

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 16-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000032

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000032
located at 3191 S.W. 117 COURT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1478 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:20 minutes

Existing services:

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

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

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

Station 78 - Bird Road loop - SW 40 Street & 117 Avenue.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

NAME:
RAINER J ARMAS & DELSY A COUSO

ADDRESS
3191 SW 117 COURT MIAMI DADE COUNTY, FLORIDA (30-4913-0160050)

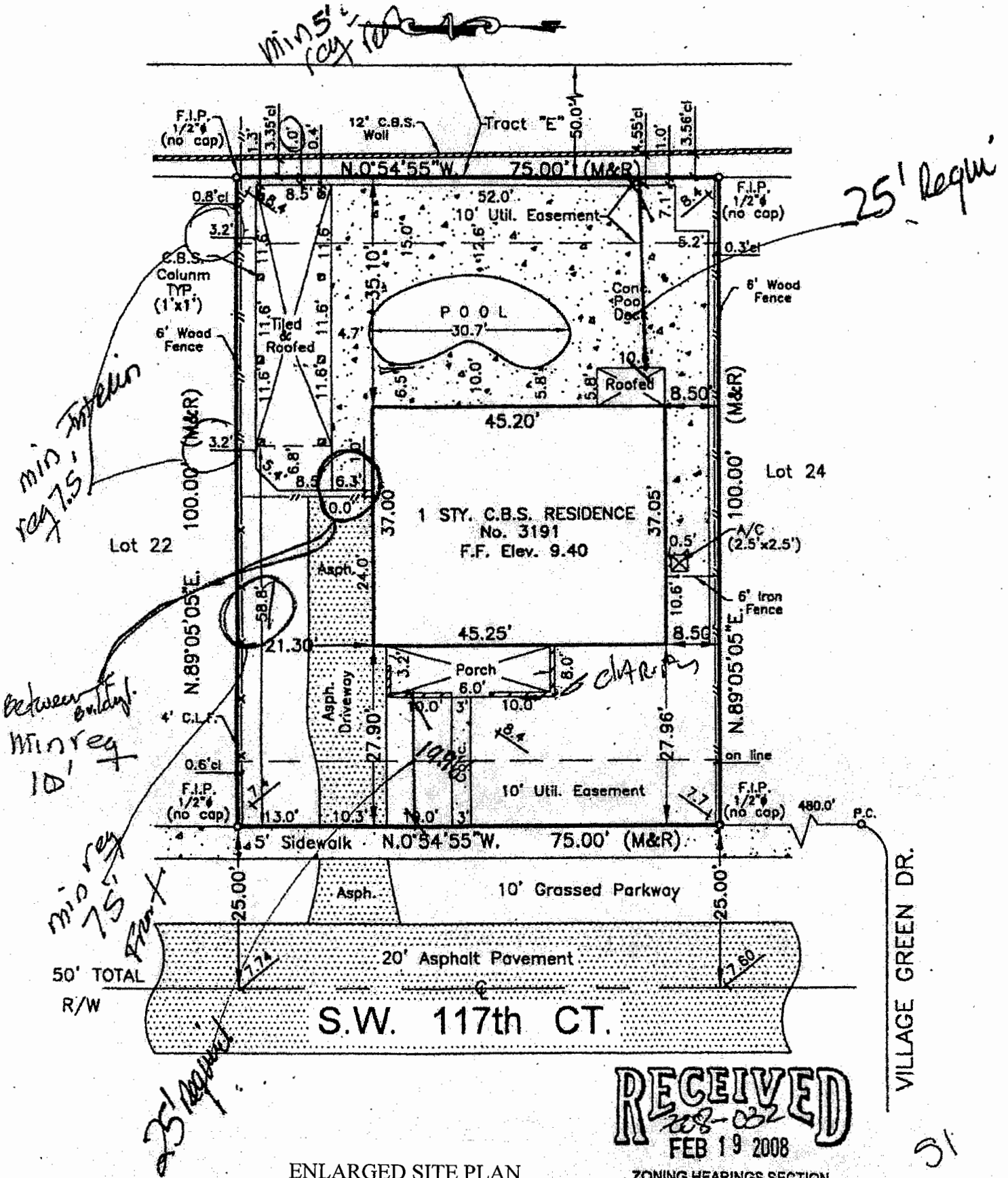
DATE
DECEMBER 11, 2008

CMS# 200712005629

ZONING Number Z2008000032

CURRENT ENFORCEMENT HISTORY:

04/16/07 CMS# 200712005629, opened by NCO A. De La Torre: Illegally keeping a shopping cart in front of the property. Case was forwarded to the Solid Waste Dept.



RECEIVED
2008-032
FEB 19 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

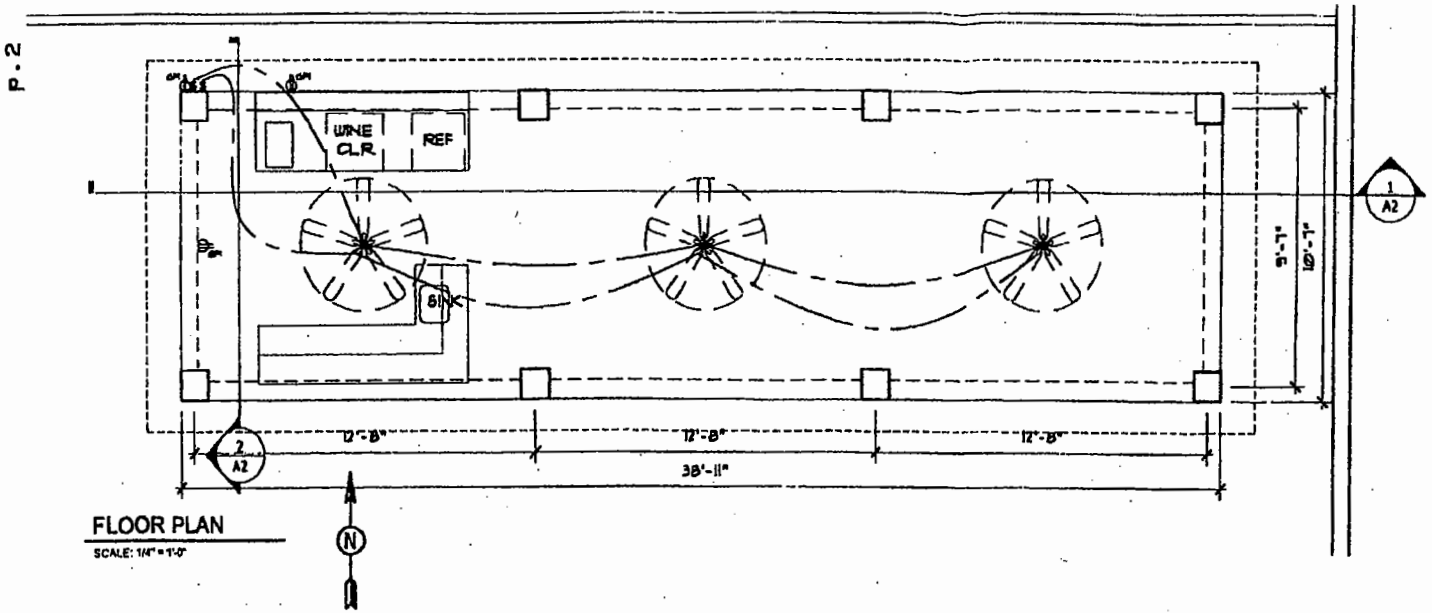
ENLARGED SITE PLAN

OWNERS

Mr. Armas and Delsy Cobo
3191 SW 117 CT
Miami, FL 33175

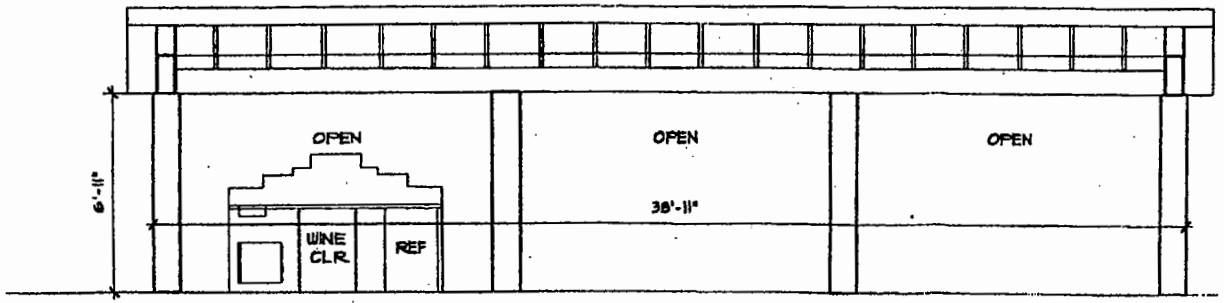
SITE PLAN

PREPARED BY:
William Plasencia P.A
444 Orange Dr.



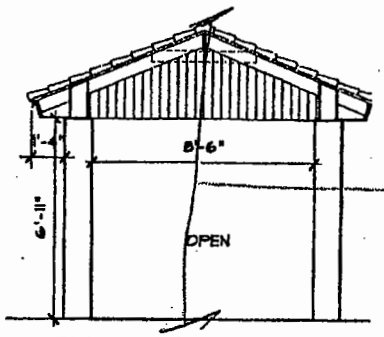
FLOOR PLAN

SCALE: 1/4" = 1'-0"



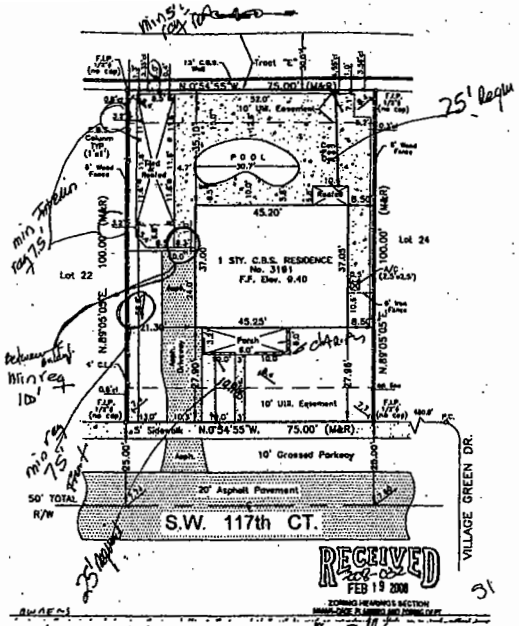
SECTION / ELEVATION

SCALE: 1/4" = 1'-0"



SECTION / ELEVATION

SCALE: 1/4" = 1'-0"



RECEIVED
208-032
FEB 19 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Mr. Armas and Delsy Couso
3191 SW 117 ct
Miami, fl 33175

Prepared by:
William Plascencia P.A
4400 Orange Dr.

SITE PLAN

ROOFING PERMIT (FINALED)

2006011790

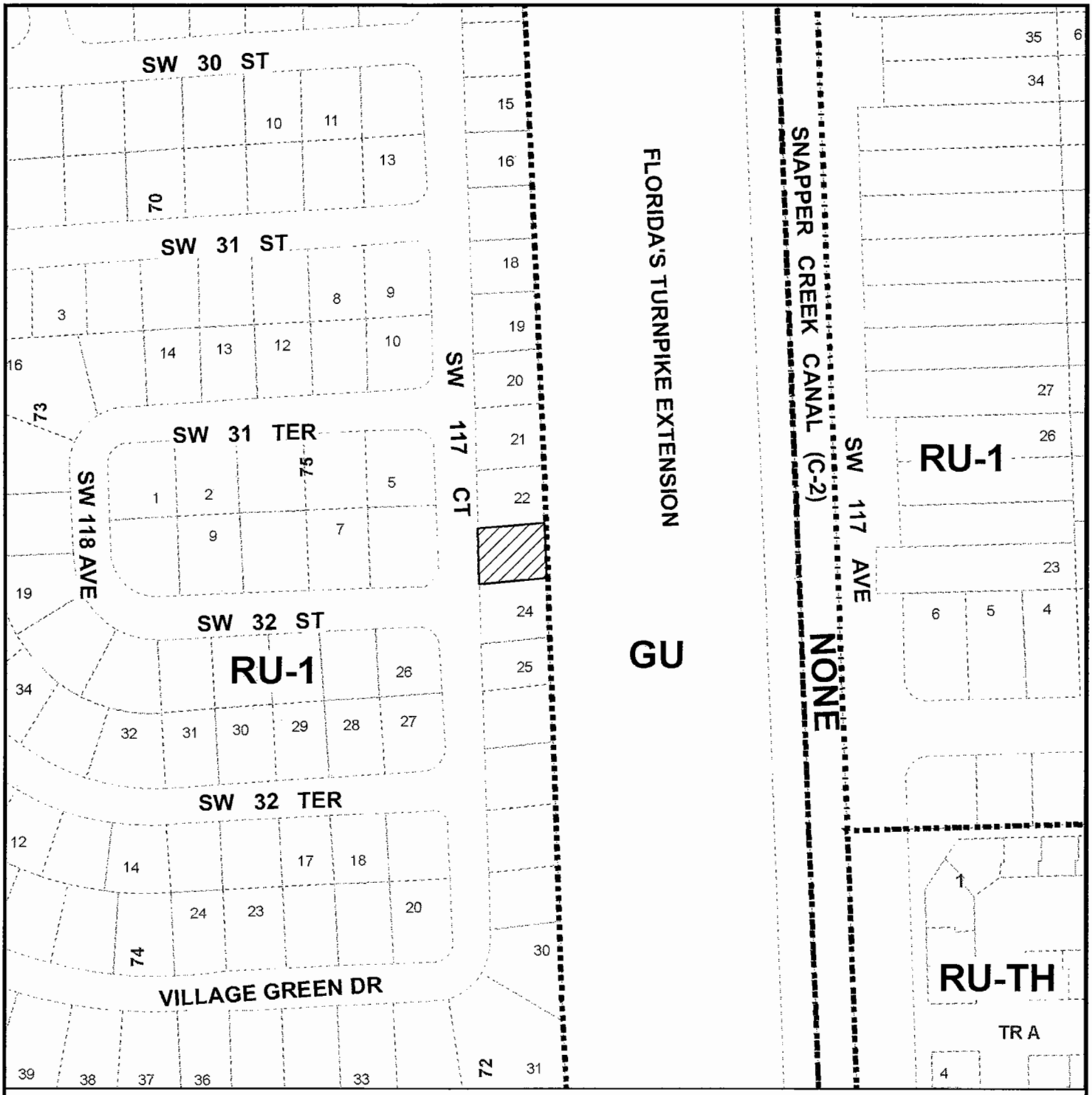
RECEIVED
208-031
FEB 19 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Drawn by:
WILLIAM PLASCENSIA P.A.
4400 ORANGE DR.
ORLANDO, FL
954-410-6364

10/21/06

LOCATION:
Mr Armas & Delsy Couso
3191 S.W. 117 CT
MIAMI, FL 33175

A2



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-032

SUBJECT PROPERTY

N
W E
S

Section: 13 Township: 54 Range: 39
Applicant: DELSY COUSO & RAINER ARMAS
Zoning Board: C10
District Number: 10
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 03/04/08

REVISION	DATE	BY
	18	

MIAMI-DADE COUNTY

AERIAL

Process Number

08-032

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Section: 13 Township: 54 Range: 39
Applicant: DELSY COUSO & RAINER ARMAS
Zoning Board: C10
District Number: 10
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 03/04/08

REVISION	DATE	BY

F. MISTER AEB DEVELOPERS LLC
(Applicant)

09-1-CZ10-4 (08-137)
Area 10/District 11
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2002	Hermilio Concepcion	Zone change from AU to RU-1M(b).	CZAB-10	Approved

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#4

APPLICANT'S NAME: **MISTER AEB DEVELOPERS L.L.C.**

REPRESENTATIVE: Monica Pembrido

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-1-CZ10-4 (08-137)	January 13, 2009	CZAB10		09

REC: Approval, subject to the Board's acceptance of the proffered covenant.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 10, 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 applicant's request to obtain a revised joinder for the covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ	X		
MR.	S	Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES			X
MR.	M	Jose GARRIDO (C.A.)	X		
MR.		Ruben POL III	X		
CHAIRMAN		Carlos A. MANRIQUE	X		
		VOTE:	5	0	

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**
ANDREW BOESE

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Mister AEB Developers L.L.C. **PH:** Z08-137 (09-1-CZ10-4)

SECTION: 10-54-39 **DATE:** February 10, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** F

==========

A. INTRODUCTION:

- **REQUEST:**

  RU-1M(b) to RU-1M(a)

- **SUMMARY OF REQUEST:**

  The applicant is seeking a zone change from RU-1M(b), Single-Family Modified Residential District, to RU-1M(a), Single-Family Modified Residential District.

- **LOCATION:**

  The northwest corner of S.W. 144 Avenue and theoretical S.W. 17 Street, Miami-Dade County, Florida.

- **SIZE:** 2.68 Gross Acres

- **IMPACT:**

  The approval of the zone change to RU-1M(a) would allow the applicant to provide additional housing units to the community. However, the proposal could generate additional traffic and impact schools in the area.

B. ZONING HEARINGS HISTORY: In April 2002, the subject site was granted a zone change from AU, Agricultural District, to RU-1M(b), Single-Family Modified Residential District (6,000 sq. ft. net), in lieu of the requested RU-1M(a), Single-Family Modified Residential District (5,000 sq. ft. net), pursuant to Resolution #CZAB10-23-02. Staff notes that at that time, the area lying west of SW 144 Avenue was predominantly zoned AU. However, several approvals of zone change requests to RU-1M(a) have since been approved by this Board. As such, staff opines that significant changes in zoning have occurred within the surrounding area where the subject property lies that warrant the reconsideration of said request. Therefore, it is staff's opinion that the Doctrine of Administrative Res Judicata would not apply in this instance.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. This site is located 1.14 miles east of and 0.87 mile south of and inside of the Urban Development Boundary (UDB). The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall

range from a minimum of 2.5 to a maximum of 6.0 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.

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-1M(b); Vacant	Low Density Residential, 2.5 to 6 dua
SURROUNDING PROPERTY:	
NORTH: AU; Vacant	Low Density Residential, 2.5 to 6 dua
SOUTH: AU and RU-1M(a); Vacant	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1M(a); Vacant	Low Density Residential, 2.5 to 6 dua

The subject property is located at the northwest corner of S.W. 144 Avenue and theoretical S.W. 17 Street. Vacant RU-1M(a) and AU zoned parcels surround the subject property, however the area to the east, across SW 144 Avenue, is developed with single-family homes.

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**

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

*Subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection/0 students**

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the January 13, 2009 meeting at the applicant's request to allow the applicant time to submit a completed covenant. The 2.68-acre subject property is located at the northwest corner of S.W. 144 Avenue and theoretical S.W. 17 Street. The applicant is seeking to rezone the subject property from RU-1M(b), Single-Family Modified Residential District (6,000 sq. ft. net), to RU-1M(a), Single-Family Modified Residential District (5,000 sq. ft. net). Vacant RU-1M(a) and AU zoned parcels abut the subject property to the north, west and south, and single-family homes can be found to the east of the subject site, across SW 144 Avenue. The applicant has submitted a boundary survey indicating the development of the property with 13 lots. Further, the applicant has voluntarily proffered a covenant restricting the development of the site to a maximum of 13 single-family residential lots. In 2002, the subject property was denied without prejudice the same request by Community Zoning Appeals Board No. 10 (CZAB-10) to rezone the subject site to RU-1M(a) and was approved a zone change to RU-1M(b) in lieu thereof, pursuant to Resolution #CZAB10-23-02. Staff notes that at that time, the area lying west of SW 144 Avenue was predominantly zoned AU and that several approvals of zone change requests to RU-1M(a) have since been approved by this Board within the surrounding area. As such, staff opines that significant changes in zoning have occurred within the surrounding area where the subject property lies. Based on the foregoing, staff is of the opinion that the Doctrine of Administrative Res Judicata would not apply in this instance and this warrants the reconsideration of same.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application and has indicated additional improvements may be required at time of platting. Their memorandum further indicates that this application will generate **16** additional PM daily peak hour **vehicle trips**, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "D" and "E". Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application and their memorandum indicates that the estimated average travel response time is 6:24. Their memorandum indicates that site requirements will be determined upon the submission of the development plans for the property. Additionally, Miami-Dade County Public Schools **(MDCPS) does not object** to this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 dwelling units per acre, for a minimum of 6 to a maximum of 16 units on the subject property. The requested RU-1M(a) zoning district would allow a total of 18 units at a density of 6.71 units per gross acre, which would be inconsistent with the LUP map's maximum density threshold without a covenant limiting the maximum number of units to no more than 6 per gross acre. It should be noted that the 2002 recommendation report indicated that the proposed RU-1M(a) zoning would have exceeded the maximum density

permitted under the Low Density Residential LUP Map designation of the CDMP without a covenant limiting the development of the site to a maximum density of 6 dua. Said covenant, was not proffered by the then applicant, and as a result staff had recommended approval of RU-1M(b) in lieu of the requested RU-1M(a) in order to ensure consistency with the LUP Map of the CDMP. However, as previously mentioned, the applicant for this application has proffered a covenant restricting the development of the site to a maximum of 13 single-family residential lots which results in a development density of 4.85 units per gross acre, rending the requested RU-1M(a) zoning consistent with the density threshold of the LUP Map of the CDMP. Therefore, the development of the site will be **consistent** with the LUP map of the CDMP. It should be noted that although the property to the north is currently zoned AU, Agricultural District, said site is the subject of Zoning Hearing Application #Z2008000138, in which the property owners of said site are seeking the same request for a zone change from AU to RU-1M(a). A portion of the subject site is bounded to the south by RU-1M(a) zoned property and RU-1M(a) zoned property can also be found immediately to the west of the subject site. As such, the proposed RU-1M(a) zoning on the subject property would be **compatible** with the zoning trend in the area. Staff is of the opinion that the request for a zone change to RU-1M(a), when coupled with the applicant's proffered covenant limiting the development of the site to a maximum of 13 single-family residential lots, resulting in a development density of 4.85 units per gross acre, is **consistent** with the LUP Map of the CDMP and is **compatible** with the area as the development trend to higher density residential development is evident.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development 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. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. Further, the rezoning, if granted subject to the proffered covenant, is consistent with the LUP Map designation of the Comprehensive Development Master Plan for Miami-Dade County. The subject property is located on the west side of a local area roadway, SW 144 Avenue, which will provide access to the site once it has been paved as required by the Public Works Department. Further, as indicated in the Department of Environmental Resources Management's memorandum, public water and sanitary sewers can be made available to the property, which will not reduce the Level of Service (LOS) standards as set forth in the CDMP. Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the development trend as evidenced by similar approvals in the area. Specifically, the property located one parcel to the north of the subject site was granted in 2007 an approval for a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB10-54-07. Additionally, two other properties, one located to the west and the other located to the south of the subject site, were each granted zone changes from AU to RU-1M(a), pursuant to Resolutions #CZAB10-48-02 and #CZAB10-03-05, respectively. As previously mentioned, the applicant has proffered a covenant limiting the development of the site to a maximum of

13 single-family residential lots, which is **consistent** with the LUP map of the CDMP. As such, staff recommends approval of the zone change, subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:** Approval, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS**: None.

DATE INSPECTED: 12/03/08
DATE TYPED: 11/14/08
DATE REVISED: 11/25/08; 01/21/09; 01/30/09
DATE FINALIZED: 01/30/09
MCL:MTF:NN:TA:NC

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

NOW

Memorandum

MIAMI-DADE COUNTY

Date: September 22, 2008

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

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

Subject: C-10 #Z2008000137
Mister AEB Developers, L.L.C.
Northwest Corner of S.W. 17th Street and S.W. 144th Avenue
District Boundary Change from RU-1(M)(b) to RU-1(M)(a)
(RU-1MB) (2.39 Acres)
10-54-39

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

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between SW 72nd Street and Coral Way along theoretical SW 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Since the subject request is for a residential zoning district a covenant prohibiting hazardous materials is not required. However, all development shall comply with the requirements of Section 24-43 of the Code.

Potable Water Supply 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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity

in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

The site is located within the Bird Drive Everglades Wetlands Basin. Cut and fill permit no. 346 is in effect for the subject property. Full compliance with all conditions set forth in said approval is required prior to platting or seeking building perrnits.

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or Miami-Dade Public Works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

Wetlands

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

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. Specifically, Section 24-28.3(4)(b) of the Code requires that all tree islands shall be preserved within the North Trail Basin or within the Bird Drive Everglades Wetland Basin. If a tree island is determined to exist on the property, the site plans must be changed to indicate the preservation of the tree island and a suitable amount of buffer to the development. The Wetlands Resources Program of DERM may be contacted at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit.

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

Tree Preservation
The subject property revealed the presence of tree resources; however, the property contains jurisdictional wetlands. Therefore, these tree resources will be regulated through a Class IV Wetland Permit. Section 24-48 of the Code requires the preservation of all tree islands. Please be advised that any tree resources on-site that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History
DERM has found one closed enforcement record for the following:

In April 2004, a Notice of Violation was issued to the property owner for the clearing of wetlands and storing trucks on site without a DERM Class IV permit. In December 2004, the site was remediated and the case was subsequently closed.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

PH# Z2008000137
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:MISTER AEB DEVELOPERS L.L.C.

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. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 16 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-88	SW 8 St. e/o SW 137 Ave.	D	D
9134	Coral Way w/o SW 137 Ave.	E	E
9826	SW 147 Ave. s/o Bird Dr. Ext.	D	D

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

Raul A Pino, P.L.S.
19-SEP-08

Memorandum

Date: 22-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000137

Fire Prevention Unit:

No plans submitted. Compliance with MDFR site requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2008000137
located at THE NORTHWEST CORNER OF S.W. 144 ave and theoretical S.W. 17 street, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1430 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:24 minutes

Existing services:

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

Station 61 - Trail - 15155 SW 10 Street
ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Service impact analysis will be provided upon submission of the development plans for the proposed project.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

NAME:	ADDRESS
MISTER AEB DEVELOPERS, LLC	NW CNR OF SW 144 AVE & THEORETICAL SW 17 ST, MIAMI DADE COUNTY, FLORIDA
DATE	FOLIO #3049100030330
DECEMBER 11, 2008	

ZONING Number Z2008000137

CURRENT ENFORCEMENT HISTORY:

12/11/08 Enforcement History reveals there were no prior cases/violations on this 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: _____

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: MISTER AEB LLC a Florida Limited Liability Company

NAME AND ADDRESS	Percent-of-Ownership
Carlos Carrizo 7500 N.W. 25TH ST #200F Miami, FL	100%

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JUL 22 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____
(Applicant) Carlos Carrizo, Managing Member

Sworn to and subscribed before me this 18 day of July, 2008. Affiant is personally know to me or has produced _____ as identification.

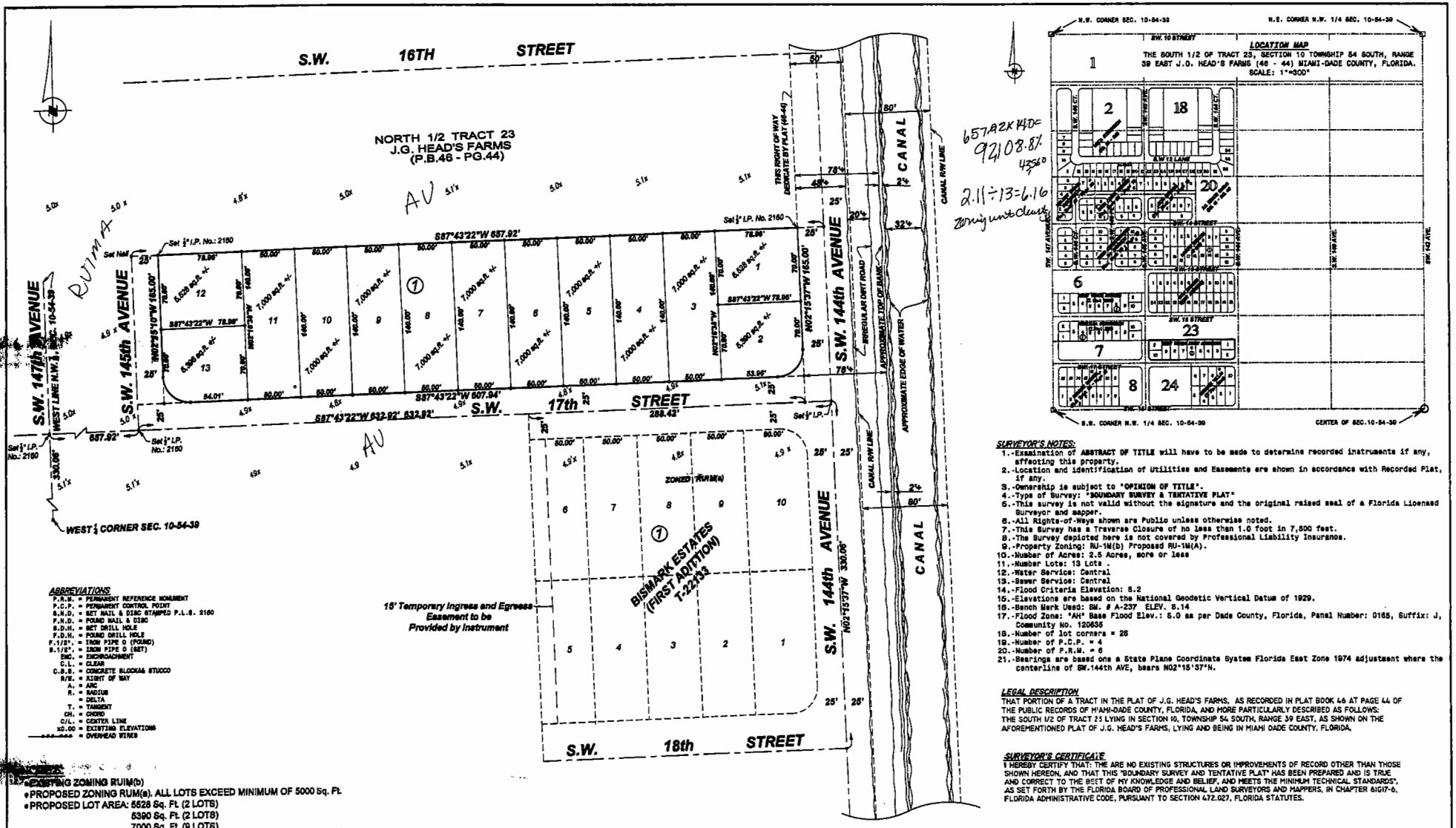
_____
(Notary Public)

My commission expires: _____

JUAN R. MARTINEZ
Notary Public - State of Florida
My Commission Expires Aug 26, 2009
Commission # DD 423117
Bonded By National Notary Assn.
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.

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



657.82 X 410 = 92108.8%
43560
2.11 ÷ 13 = 6.16
zoning unit clearly

ABBREVIATIONS

P.R.M. = PERMANENT REFERENCE MONUMENT
P.C.P. = PERMANENT CONTROL POINT
S.N.D. = SET NAIL & DISC STAMPED P.L.S. 2160
F.N.D. = FOUND NAIL & DISC
S.D.H. = SET DRILL HOLE
F.D.H. = FOUND DRILL HOLE
F.I/P. = IRON PIPE O (FOUND)
S.I/P. = IRON PIPE O (SET)
ENC. = ENCROACHMENT
C.L. = CLEAR
C.B.S. = CONCRETE BLOCKAS STUCCO
R/W. = RIGHT OF WAY
A. = ARC
R. = RADIUS
= DELTA
T. = TANGENT
CH. = CHORD
C/L. = CENTER LINE
xx.00 = EXISTING ELEVATIONS
= OVERHEAD WIRES

NOTES:

- EXISTING ZONING RU1M(b)
- PROPOSED ZONING RUM(a). ALL LOTS EXCEED MINIMUM OF 5000 Sq. Ft.
- PROPOSED LOT AREA: 5528 Sq. Ft. (2 LOTS)
  5390 Sq. Ft. (2 LOTS)
  7000 Sq. Ft. (9 LOTS)

SURVEYOR'S NOTES:

1. -Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments if any, affecting this property.
2. -Location and identification of Utilities and Easements are shown in accordance with Recorded Plat, if any.
3. -Ownership is subject to "OPINION OF TITLE".
4. -Type of Survey: "BOUNDARY SURVEY & TENTATIVE PLAT"
5. -This survey is not valid without the signature and the original raised seal of a Florida Licensed Surveyor and mapper.
6. -All Rights-of-Ways shown are Public unless otherwise noted.
7. -This Survey has a Traverse Closure of no less than 1.0 foot in 7,500 feet.
8. -The Survey depicted here is not covered by Professional Liability Insurance.
9. -Property Zoning: RU-1M(b) Proposed RU-1M(a).
10. -Number of Acres: 2.5 Acres, more or less
11. -Number Lots: 13 Lots .
12. -Water Service: Central
13. -Sewer Service: Central
14. -Flood Criteria Elevation: 8.2
15. -Elevations are based on the National Geodetic Vertical Datum of 1929.
16. -Bench Mark Used: BM. # A-237 ELEV. 8.14
17. -Flood Zone: "AH" Base Flood Elev.: 8.0 as per Dade County, Florida, Panel Number: 0165, Suffix: J, Community No. 120635
18. -Number of lot corners = 28
19. -Number of P.C.P. = 4
20. -Number of P.R.M. = 6
21. -Bearings are based one a State Plane Coordinate System Florida East Zone 1974 adjustment where the centerline of SW.144th AVE, bears N02°15'37"W.

LEGAL DESCRIPTION

THAT PORTION OF A TRACT IN THE PLAT OF J.G. HEAD'S FARMS, AS RECORDED IN PLAT BOOK 46 AT PAGE 44 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 1/2 OF TRACT 23 LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 39 EAST, AS SHOWN ON THE AFOREMENTIONED PLAT OF J.G. HEAD'S FARMS, LYING AND BEING IN MIAMI DADE COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT: THE ARE NO EXISTING STRUCTURES OR IMPROVEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON, AND THAT THIS "BOUNDARY SURVEY AND TENTATIVE PLAT" HAS BEEN PREPARED AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE MINIMUM TECHNICAL STANDARDS", AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BOUNDARY SURVEY & TENTATIVE PLAT
WEST WINDS HOMES SUBDIVISION

FOR: MISTER A.E.B. DEVELOPERS L.L.C., A FLORIDA LIMITEDLIABILITY COMPANY.

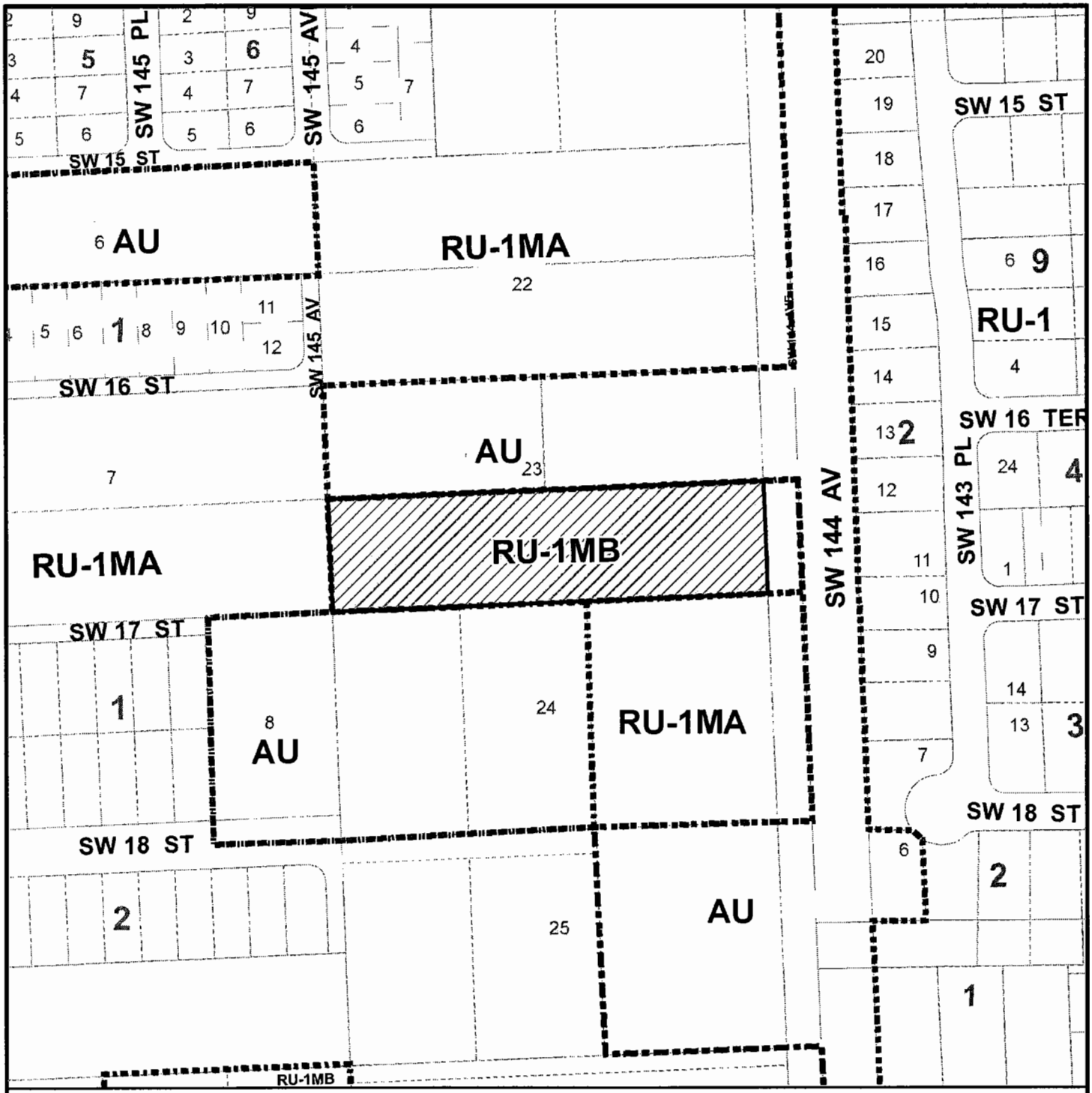
T-21770

JUAN R. MARTINEZ & ASSOCIATES, INC.
ENGINEERS LAND PLANNERS LAND SURVEYORS
8550 WEST FLAGLER ST SUITE 107, MIAMI, FLORIDA 33144 (305) 552-7007

By: Juan R. Martinez
Professional Land Surveyor No. 2160
State of Florida
CERTIFICATE No. L.B.1751

Drawn By: F. C.	Checked By: J.R.M.	Date: 02-12-08
Date: 02-12-08	F.B.	Scale : 1" = 40'
Order No.	File No.	Sheet No. 1 of 1 Sheets

RECEIVED
JUL 17 2008
ZONING APPEALS SECTION
MIAMI-DADE COUNTY, FLORIDA



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-137

Section: 10 Township: 54 Range:39
Applicant: MISTER AEB DEVELOPERS L.L.C.
Zoning Board: C10
Commission District: 11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/29/08

REVISION	DATE	BY
		18

MIAMI-DADE COUNTY

AERIAL YEAR 2008
Section: 10 Township: 54 Range:39
Applicant: MISTER AEB DEVELOPERS L.L.C.
Zoning Board: C10
Commission District: 11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number
08-137

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/29/08

REVISION	DATE	BY

1. ABITBOL WINGS, LLC
(Applicant)

09-2-CZ10-1 (08-129)
Area 10/District 11
Hearing Date: 2/10/09

Property Owner (if different from applicant) **Abitbol Bird Road Plaza, LLC.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1947	Dade County Zoning Dept.	Zone change to EU-1B.	BCC	Approved
1947	Dade County Zoning Dept.	Zone change from EU-1A and EU-1B to EU-1.	BCC	Approved
1984	Cruz Enterprises, Inc.	Zone change from AU and EU-1 to RU-1 on E 85' and to BU-1A on remainder P.U.P. and covenant limiting uses.	BCC	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Abitbol Wings LLC **PH:** Z08-129 (09-2-CZ10-1)

SECTION: 15-54-39 **DATE:** February 10, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 1

==========

A. INTRODUCTION

o REQUESTS:

(1) UNUSUAL USE for outdoor dining.

(2) SPECIAL EXCEPTION to permit a bar in connection with a restaurant.

(3) SPECIAL EXCEPTION of spacing requirements to permit a bar in connection with a restaurant spaced less than the required 2,500' from religious facilities and public schools.

(4) MODIFICATION of Paragraph #1 of a Declaration of Restrictions, recorded in Official Record Book 12374, Pages 1208-1211, reading as follows:

FROM: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted prepared by Bellon, Perez & Perez Architects & Planners entitled 'Las Americas Central Plaza VI,' dated the 5th day of October, 1984'."

TO: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted entitled 'Hurricane Grill,' as prepared by Angel C. Saqui, FAIA, Sheet 'A1.01' dated stamped received 11/4/08, and plans entitled "Hurricane Grill & Wings," as prepared by Crossroads Architecture, Inc. and Sheet 'A1.2' dated stamped received 12/8/08 and a 'Liquor Survey for 14211 SW 42 St,' as prepared by James Beadman & Assoc., Inc., dated stamped received 7/3/08 for a total of 3 sheets."

(5) MODIFICATION of Exhibit "A" of a Declaration of Restrictions recorded in Official Record Book 12374, Pages 1208-1211, reading as follows:

FROM: "A." Auditoriums
Bait & Tackle Shops
Billiard Rooms & Pool Rooms
Convention Halls
Massage Parlors
Lawn Mowers, Retail, Sales & Service
Motorcycle Sales & Repairs
Open Air Theaters
Pawn Shops
Self-Service Storage Facilities
Schools
Pubs & Bars."

TO: "A." Auditoriums
Bait & Tackle Shops
Billiard Rooms & Pool Rooms
Convention Halls
Massage Parlors
Lawn Mowers, Retail, Sales & Service
Motorcycle Sales & Repairs
Open Air Theaters
Pawn Shops
Self-Service Storage Facilities
Schools."

(6) MODIFICATION of Paragraph #1 of a Declaration of Restrictive Covenants in Lieu of a Unity of Title, recorded in Official Records Book 15044, Pages 1388-1393, reading as follows:

FROM: "1. The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza VI,' as prepared by Bellon, Perez & Pers, Architects and Planners, dated the 5th day of October, 1984 and last revised on October 15, 1984."

TO: "1. The property will be developed in substantially in accordance with the spirit and intent of the plans submitted entitled 'Hurricane Grill,' as prepared by Angel C. Saqui, FAIA, Sheet 'A1.01' dated stamped received 11/4/08 and plans entitled "Hurricane Grill & Wings," as prepared by Crossroads Architecture, Inc. and Sheet 'A1.2' dated stamped received 12/8/08 and a liquor survey entitled 'Liquor Survey for 14211 SW 42 St,' as prepared by James Beadman & Assoc., Inc., dated stamped received 7/3/08 for a total of 3 sheets."

The purpose of requests #4-#6 is to allow the applicant to submit revised plans showing outdoor dining for a previously approved shopping center and to delete restrictions prohibiting pubs and bars; to permit a bar in conjunction with a restaurant.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #4-#6 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

o **SUMMARY OF REQUESTS:**

This application will permit the establishment of a bar in connection with a restaurant spaced less than required from public schools and religious facilities. Additionally, the approval of this application will permit outdoor dining and will permit the

modification of two declarations of restrictions in order to allow the applicant to submit revised plans showing outdoor dining for a previously approved shopping center and to delete restrictions prohibiting pubs and bars.

- **LOCATION:** 14211 S.W. 42 Street, Miami-Dade County, Florida.
- **SIZE:** 6.91 Acres

B. ZONING HEARINGS HISTORY:

In 1947, a portion of the subject site was included as part of an application on a larger portion of land filed by the Dade County Zoning Department, that established EU-1B, Estate District (One Acre or More) zoning for a depth of 330' from the center line of Bird Road from SW 97 Avenue to SW 147 Avenue, pursuant to Resolution No. 2704. In 1951, a portion of the subject site was included as part of an application on a larger portion of land filed by the Dade County Zoning Department, that among other things, abolished the EU-1B zone classification and rezoned all areas zoned EU-1B at that time to EU-1, Single-Family One Acre Estate District, pursuant to Resolution No. 4257. In 1984, the subject site was granted a zone change from AU, Agricultural District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-238-84. A Declaration of Restrictions was proffered in conjunction with said Resolution, which among other things, restricted development of the site to the submitted plans and provided that notwithstanding the BU-1A zoning approved for the property, the following uses shall not be permitted: auditoriums, bait and tackle shops, billiard rooms and pool rooms, convention halls, massage parlors, lawn mowers (retail, sales, and service), motorcycle sales and repairs, open air theaters, pawn shops, self service storage facilities, schools, and pubs and bars. Additionally, in 1991, a Declaration of Restrictive Covenants in Lieu of Unity of Title was recorded on the subject site which restricted development of the site to the plans previously approved in 1984.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being 1.37 miles east of and within the Urban Development Boundary for **Business and Office** use.

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,

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-1A; shopping center	Business and Office
Surrounding Properties	
NORTH: RU-1; single-family residences	Low Density Residential
SOUTH: RU-1; single-family residences	Low Density Residential
EAST: RU-1; single-family residences	Low Density Residential
WEST: RU-1; single-family residences EU-1; private school	Office / Residential Business and Office

The subject property is located at 14211 S.W. 42 Street in a recently constructed shopping center. Single-family residences, a school and commercial uses characterize the surrounding area.

E. SITE AND BUILDINGS:

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

*Only as applied to requests #2 through #6 and subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. 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

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, 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 of and its development.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is zoned BU-1A and is located at 14211 S.W. 42 Street in a recently constructed shopping center. Single-family residences, a school and commercial uses characterize the surrounding area. The applicant, Abitbol Wings L.L.C., is seeking an unusual use to permit outdoor dining (request #1), a special exception to permit a bar in connection with a restaurant (request #2), and a special exception of spacing requirements as applied to alcoholic beverage uses to permit said bar in connection with a restaurant spaced less than the required 2,500' from religious facilities and public schools (request #3). In addition, the applicant is seeking to modify two declarations of restrictions in order to allow the applicant to submit revised plans showing outdoor dining for a previously approved shopping center and to delete restrictions prohibiting pubs and bars (requests #4 through #6). As previously mentioned, in 1984, the subject site was granted a zone change from AU, Agricultural District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-238-84. A Declaration of Restrictions was proffered in conjunction with said Resolution, which among other things, restricted development of the site to the submitted plans and provided that notwithstanding the BU-1A zoning approved for the property, the following uses shall not be permitted: auditoriums, bait and tackle shops, billiard rooms and pool rooms, convention halls, massage parlors, lawn mowers (retail, sales, and service), motorcycle sales and repairs, open air theaters, pawn shops, self service storage facilities, schools, and pubs and bars. Additionally, in 1991, a Declaration of Restrictive Covenants in Lieu of Unity of Title was recorded on the subject site which restricted development of the site to the plans previously approved in 1984. The applicant has submitted plans indicating the location of the proposed bar, restaurant, and outdoor dining area, within the shopping center. Also, the applicant has submitted a liquor survey indicating the location of the proposed bar and its spacing from public schools and religious facilities.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria for an Initial Development Order and that it does not generate new additional daily peak hour vehicle trips. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **5:10** minutes. However Miami-Dade County Public Schools **(MDCPS) objects** to this application and, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. Their memorandum indicates that the School District would appreciate the incorporation of a condition restricting the hours during which alcohol can be sold, should this application be approved. Staff has incorporated, as a condition of approval, hours and days of operation that are concurrent with those allowed by the Zoning Code.

Approval of this application will allow the applicant to establish a bar in connection with a restaurant and outdoor dining area on the site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates a full range of sales and services

activities, including retail, wholesale, personal and professional services, commercial and professional offices, hotels and motels, hospitals, medical buildings, entertainment and cultural facilities and commercial recreational establishments. The subject site's existing BU-1A zoning and the proposed bar and outdoor dining use are **consistent** with the LUP Map of the CDMP.

When analyzing the request under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the requests for the outdoor dining, the proposed bar in connection with a restaurant, and to permit said bar spaced less than the required 2,500' from religious facilities and public schools 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, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff opines that the proposed bar in connection with a restaurant (request #2) and the requested reduction in spacing between the bar and nearby religious facilities and public schools (request #3) will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, nor provoke excessive overcrowding and concentration of people, 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. It should be noted that the submitted plans illustrate a proposed outdoor dining area located along the east side of Out Parcel 2. However, staff opines that the request for outdoor dining (request #1) will result in excessive noise and concentration of people and would have a negative aural impact on the existing single-family residences located to the northeast of the site. Moreover, although staff acknowledges that the two single-family residential lots located immediately to the east of the site are currently vacant, staff maintains that the proposed outdoor dining area located along the east side of Out Parcel 2 would generate noise that will have a negative impact on future single-family residences that could be constructed on the two vacant RU-1 zoned lots located immediately to the east of the site. Staff acknowledges that the memoranda provided by the Department of Environmental Resources Management (DERM) and the Public Works Department, indicates that the proposed bar in conjunction with a restaurant and outdoor dining will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP. DERM indicates that the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County that provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property and the Public Works Department indicates that this application does not generate any new additional daily peak hour vehicle trips. As per the liquor survey submitted by the applicant, the proposed bar will be approximately 1,651 feet from Braddock Senior High School located at 3601 SW 147 Avenue and 2,241 feet from Ethel Koger Beckham Elementary School located at 4702 SW 143 Court, which staff opines is adequate spacing between the proposed use and the existing schools. Access to the subject property from Ethel Koger Beckham Elementary, is limited by an 65' wide canal that runs along SW 42 Street (Bird Road), located 1,874' to the north of the school. Braddock Senior High School is located west of a 50' wide canal that

runs along SW 144 Avenue, which makes accessibility to the site of the proposed use limited from this school, as well.

The liquor survey submitted by the applicant indicates the existence of two restaurants located at 13901 SW 42nd Street and 4702 SW 42 Street which serve beer and wine to patrons from a service bar and are exempt from the spacing requirements. Additionally, as per the liquor survey submitted by the applicant, the proposed bar will be approximately 2,253 feet from Kings Chapel (Capilla del Rey) Church located at 14625 SW 42 Street, which staff opines is adequate spacing from the proposed use and the religious facility. The 2,253-foot spacing to Kings Chapel Church is a minor deviation, considering the zoning requirement is 2,500 feet. In staff's opinion, the proposed reduced spacing request is **compatible** with the surrounding commercial uses and will not negatively impact the existing elementary and high school or religious facility. In addition, as previously mentioned, staff opines that the request to permit a bar in connection with a restaurant will be compatible with the area and will not result in excessive noise or traffic, cause undue or excessive burden on public facilities. However, staff maintains that the request to permit outdoor dining will provoke excessive overcrowding or concentration of people which could have a negative aural impact on the abutting residential area located to the east of the subject site. As such, staff recommends approval with conditions of requests #2 and #3 and denial without prejudice of request #1, all under Section 33-311(A)(3).

When requests #4 and #6 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed bar in connection with a restaurant will not, in staff's opinion, generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. However, as previously mentioned, staff opines that the proposed outdoor dining area will generate excessive noise resulting from the concentration of patrons seated outside which could have a negative aural impact on the abutting residential area located to the east of the subject site. The submitted plans illustrate the proposed bar and restaurant occupies only half of the existing building on Out Parcel 2, and is located on the southeast corner of the subject site fronting on SW 42 Street (Bird Road), a section-line roadway. Moreover, staff notes that the proposed bar and restaurant will not increase the height, bulk, or scale of the existing building located on Out Parcel 2 and that said building complies with setback requirements of the BU-1A zoning district. As such staff opines that the proposed bar in connection with a restaurant is compatible with the surrounding area. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that a modified approval with conditions of requests #4 and #6, to show the removal of the outdoor dining area, will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that the modified approval with conditions of the requests would be **compatible** with the surrounding area. As such, staff recommends modified approval with conditions of requests #4 and #6 under Section 33-311(A)(7) (Generalized Modification Standards).

When request #5 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the modification of Exhibit "A" of a Declarations of Restrictions to delete pubs and bars from the list of prohibited uses in order to permit a bar in conjunction with a restaurant, will not, in staff's opinion, generate excessive noise or traffic, provoke excessive

overcrowding of people, tend to provoke a nuisance, be incompatible with the area, and would not be contrary to the public interest. In 1984, the subject site was granted a zone change from AU, Agricultural District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-238-84. A Declaration of Restrictions was proffered in conjunction with said Resolution, which among other things, restricted development of the site to the submitted plans and provided that notwithstanding the BU-1A zoning approved for the property, the following uses shall not be permitted: auditoriums, bait and tackle shops, billiard rooms and pool rooms, convention halls, massage parlors, lawn mowers (retail, sales, and service), motorcycle sales and repairs, open air theaters, pawn shops, self service storage facilities, schools, and **pubs and bars**. Staff notes that the approval of request #5 will allow the applicant to proceed with a site plan that features a bar in connection with a restaurant which staff opines will be used mainly by customers waiting to be seated at a table. Moreover, it should be noted that staff's review of similar approvals in the area of zone change requests to BU-1A in which declarations of restrictions were accepted and recorded revealed that no similar restriction of uses are in effect for any of the properties surrounding the subject site. As such, staff has no objection to the modification of the aforementioned declaration of restrictions subject to conditions. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the approval of request #5 will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that the approval with conditions of request #5 would be **compatible** with the surrounding area. As such, staff recommends approval with conditions of request #5 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze requests #4 through #6 under said standards and, as such, the requests should be denied without prejudice under same.

I. **RECOMMENDATION:** Denial without prejudice of request #1, approval with conditions of requests #2 and #3, modified approval with conditions of requests #4 and #6, to show the removal of the outdoor dining area, and approval with conditions of request #5 under Section 33-311(A)(7), denial without prejudice of requests #4 through #6 under Section 33-311(A)(17).

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Hurricane Grill,' as prepared by Angel C. Saqui, FAIA, Sheet 'A1.01' dated stamped received 11/4/08, and plans entitled "Hurricane Grill & Wings," as prepared by Crossroads Architecture, Inc. and Sheet 'A1.2' dated stamped received 12/8/08 and a 'Liquor Survey for 14211 SW 42 St,' as prepared by James Beadman & Assoc., Inc., dated stamped received 7/3/08 for a total of 3 sheets, except as amended to show the removal of the outdoor dining area.

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

4. That the sale of alcoholic beverages shall be limited to the hours of operation for the restaurant.

5. That the applicant apply for and obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning for the sale of alcoholic beverages, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That a revised Covenant Running with the Land in Lieu of Unity of Title be submitted to the Department within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

7. That a revised Declaration of Restrictions be submitted to the Department within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

DATE INSPECTED: 01/05/09
DATE TYPED: 01/07/09
DATE REVISED: 01/22/09; 01/30/09
DATE FINALIZED: 01/30/09
MCL:MTF:NN:TA:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2008

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

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

Subject: C-10 #Z2008000129
Abitbol Wings, LLC
14211 S.W. 42nd Street
Request to Permit a Bar in the BU-1A Zoning District and
Special Exception to Permit a Bar Spaced Less than Required from a
School or Religious Facility
(BU-1A) (6.9 Acres)
15-54-39

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

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between SW 72nd Street and Coral Way along theoretical SW 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

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

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Wetlands
Although the subject property is located within a designated wetland basin, the subject property does not contain jurisdictional 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
There are no tree resources issues on the subject property.

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

PH# Z2008000129
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ABITBOL WINGS, LLC

This Department has no objections to this application.

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.
18-SEP-08

Miami-Dade County Public Schools
giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

September 26, 2008

Ms. Maria Teresa Fojo
Interim Assistant Director for Zoning
Miami-Dade County
Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RECEIVED
OCT 01 2008
ZONING [illegible] DIVISION - DADE COUNTY
DEPT. OF PLANNING & ZONING
BY

Re: Abitbol Wings, LLC – No. 08-129
14211 SW 42 Street

Dear Ms. Fojo:

Pursuant to the information provided by Miami-Dade County, it is our understanding that the above referenced applicant is requesting a special exception to permit the sale of alcoholic beverages spaced less than the required distance from a public school. Please note that two public schools are located within 2,500 feet of the proposed bar: Ethel Koger Beckam Elementary School (2,164 feet) and G. Holmes Braddock Senior High School (1,097 feet).

The School Board, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. As such, the School District opposes the granting of the applicant's request. However, should the Community Council decide to approve the non use-variance request, the School District would appreciate the imposition of conditions including a restriction on the hours during which alcohol can be served and the serving of alcohol with meals only.

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

Sincerely,

Corina S. Esquijarosa
Coordinator III

CSE:rr
L-138
cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian G. Villaamil

Memorandum

Date: 25-JUL-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000129

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000129
located at 14211 S.W. 42 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1515 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:10 minutes

Existing services:

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

Station 37 - West Bird - 4200 SW 142 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 01/22/09

TEAM METRO

ENFORCEMENT HISTORY

ABITBOL WINGS, LLC	14211 S.W. 42 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2008000129

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY:

JANUARY 8, 2009
CMS #200912000086 was opened for an Enforcement History inspection. No violations were found.

DECEMBER 19, 2008
CMS #200812009861 was opened in reference to a banner erected illegally on property. W/N #W1915 was issued to the property owner & tenant. A re-inspection was conducted on 1/5/2009, and the banner had been removed. Case closed.

DECEMBER 18, 2008
CMS #200812009860 opened in reference to a banner erected illegally on property. W/N #W1913 was issued to the property owner & tenant. A re-inspection was conducted on 1/5/2009, and the banner had been removed. Case closed.

DECEMBER 18, 2008
CMS #200812009859 opened in reference to a metal A-Frame sign erected illegally on property. W/N #W1910 was issued to both property owner & tenant. Conducted re-inspection on 1/5/2009, and the sign had been re-located into the r-o-w. Sign was confiscated & destroyed. Case closed.

JULY 17, 2008
An inspection was conducted JULY 17, 2008 and no violations were observed.

MAY 11, 2007
CMS #200712006091 opened in reference to overgrowth and junk and trash on property. NCO posted

a warning notice on the property and mailed a copy to the corporation. A re-inspection was conducted on June 12, 2007 and the violation was corrected. Case closed.

DECEMBER 5, 2006
CMS #200612011932 opened in reference to a large sign erected on property without a permit. A warning notice was issued to the property owner. The property owner requested and was granted an extension to correct violation. A re-inspection was conducted on February 5, 2007 and the violation had been corrected. Case closed.

DECEMBER 4, 2006
CMS #200612011933 opened in reference to a chain linked fence erected around property without a Zip permit. A re-inspection was conducted on March 20, 2007 and the violation had not been corrected. NCO mailed a citation to the property owner. NCO conducted a compliance inspection on October 23, 2007 and the fence had been removed. The citation had also been paid. Case was closed.

ABITBOL WINGS, LLC

Richard C. Hire-Miller

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: ABITOL WING'S, A FLORIDA LIMITED LIABILTYCOMPANY LIMITED LIABILITY COMPANY

NAME AND ADDRESS	Percentage of Stock
ABITBOL BOWEN ~~ABITOL~~, 6955 SW 128STREET MIAMI, FL 33156	100%

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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PLANNING DEPT.

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: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____
(Applicant)

Sworn to and subscribed before me this 7th day of April, 2008. Affiant is personally known to me or has produced _____ as identification.

MAnderson
(Notary Public)

My commission expires: 2/21/11

MONICA M. ANDERSON
Comm# DD0714380
Expires 2/21/2011
Florida Notary Assn., Inc

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JUL - 9 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

*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.

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: Abitbol Bird Road Plaza, LLC

Property Address

NAME AND ADDRESS	Percentage of Stock
14211 S.W. 42ST, Miami, FL 33175	100%
ANDRE ABITBOL	49%
CAROLYN ABITBOL	49%
CHANTEL ABITBOL	2%

DAMIEN ABITBOL, 2% NICOLE ABITBOL 2%, BOWEN ABITBOL 2%, JESSE ABITBOL 2%

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 _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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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: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: Andre Abitbol
(Applicant)

Sworn to and subscribed before me this 27th day of May, 2008. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

SANDRA DE OLIVEIRA
MY COMMISSION # DD 419794
EXPIRES: April 18, 2009
Bonded Thru Notary Public Underwriters

My commission expires: _____

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JUL - 9 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

*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.

SKETCH OF SURVEY

SCALE 1" = 300'

SURVEYOR'S NOTES
Unincorporated Miami-Dade County
Miami-Dade County, Florida
Section 15, Township 54 South, Range 39 East

LEGAL DESCRIPTION
TRACT "A" OF THE PLAT OF "VISTA ALEGRE" AS RECORDED IN PLAT BOOK 130 PAGE 12, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
MIAMI-DADE COUNTY FOLIO NO. FOLIO 30-4915-008-0610
ADDRESS = 14200 SW 42nd STREET

1. The address of the proposed new Liquor establishment is at 14211 SW 42nd STREET.
2. This is not a boundary survey.
3. The purpose of this survey is to locate all liquor uses within 1500 feet (2000 feet measured) and all churches and schools within 2500 feet (3000 feet measured).
4. The method of measurement to churches and schools is from the front door of the new establishment to the nearest property corner of the church or school, and from the front door of the new establishment to the front door of the other liquor use.
5. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
6. The method of location and identification of the establishments was by our personnel in the field and only those establishments marked on this drawing were identified in the field.
7. The measurements for this survey were made on 28 Feb 2008.

One church was located within the prescribed distance by the prescribed method of measurement.
1. Kings Chapel (Capilla del Rey) is at 14625 SW 42nd Street at a distance of 2253 feet Westerly (Kings Chapel is a store front church in a mall).
* Jubilee Community Church is at 3350 SW 144th Avenue Northwesterly at a distance greater than 2748 feet.

Two schools were located within the prescribed distance.
2. Braddock Senior High School is at 3601 SW 147th Avenue Northwesterly at a distance of 1651 feet.
3. Ethel Koger Beckham Elementary School is at 4702 SW 143rd Court Southerly at a distance greater than 2241 feet.

No liquor establishments were located within the prescribed distance.
* Mis Palmas Restaurant serves beer and wine and is at 13901 SW 42nd Street at a distance of 1388 feet Easterly.
* Wine It Down serves wine and is at 14417 SW 42nd Street at a distance of 1388 feet Westerly.

LIQUOR SURVEY
FOR
14211 SW 42nd Street

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY: THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 F.S. AND CHAPTER 61 G 17-6 F.A.C.

JAMES E. BEADMAN P.L.S. NO. 2997

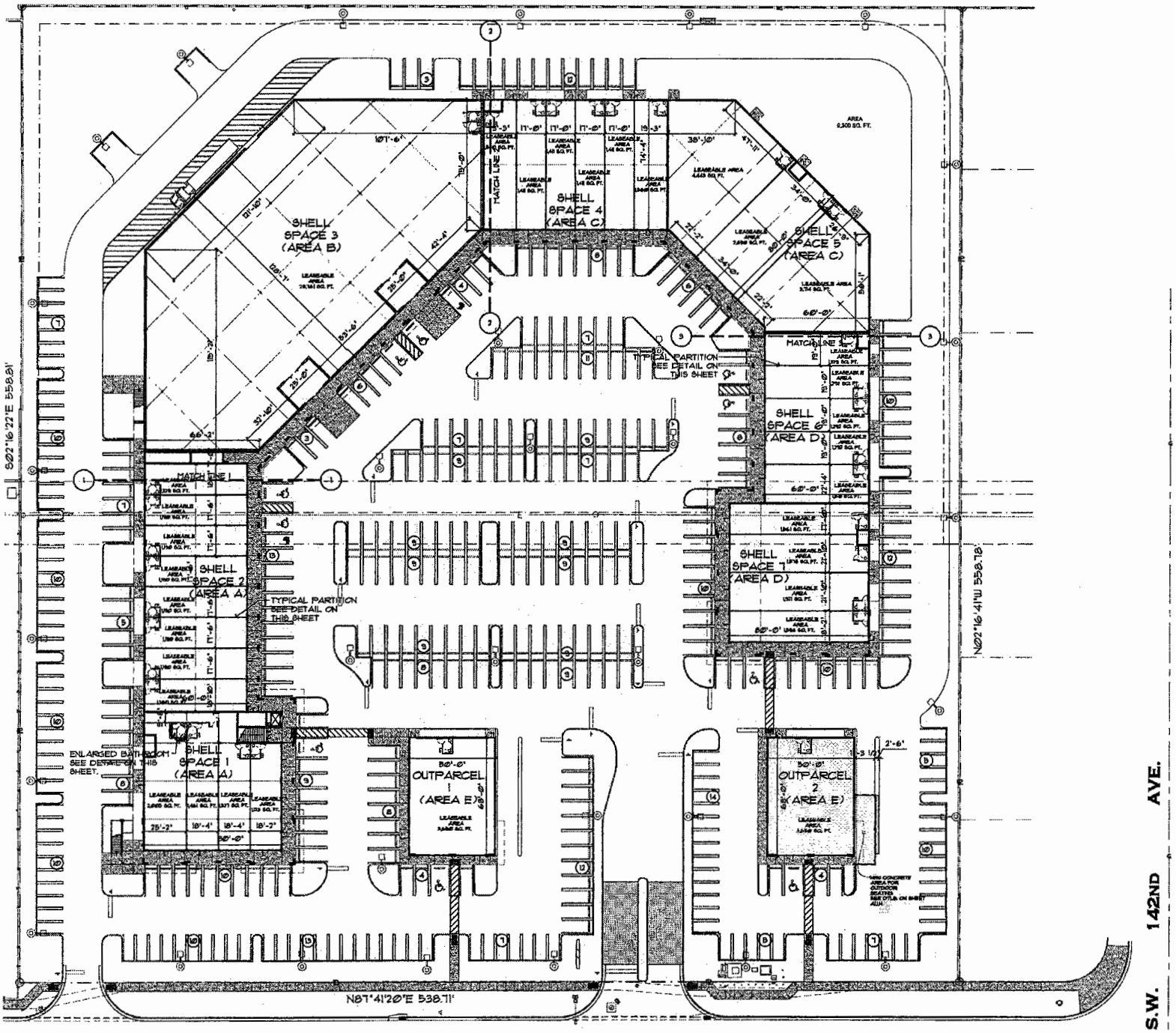
RECEIVED JUL - 9 2008

JAMES BEADMAN AND ASSOC., INC.
11501 SW 67th Terrace
MIAMI, FL 33173
Phone 305/252-0741 Fax 305/596-6994

LIQUOR SURVEY
FOR
14211 SW 42nd Street

SCALE 1" = 300'	DATE: 28 Feb 2008	PAGE: 01 OF 01
DWN BY: JEB	APPD BY: J.E.B.	JOB No.: 5492

23



SPACES 8 & 9 ARE LOCATED ON SECOND STORY. SEE FLOOR PLAN SHEET A12.A

ENLARGED SITE PLAN

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NOV 04 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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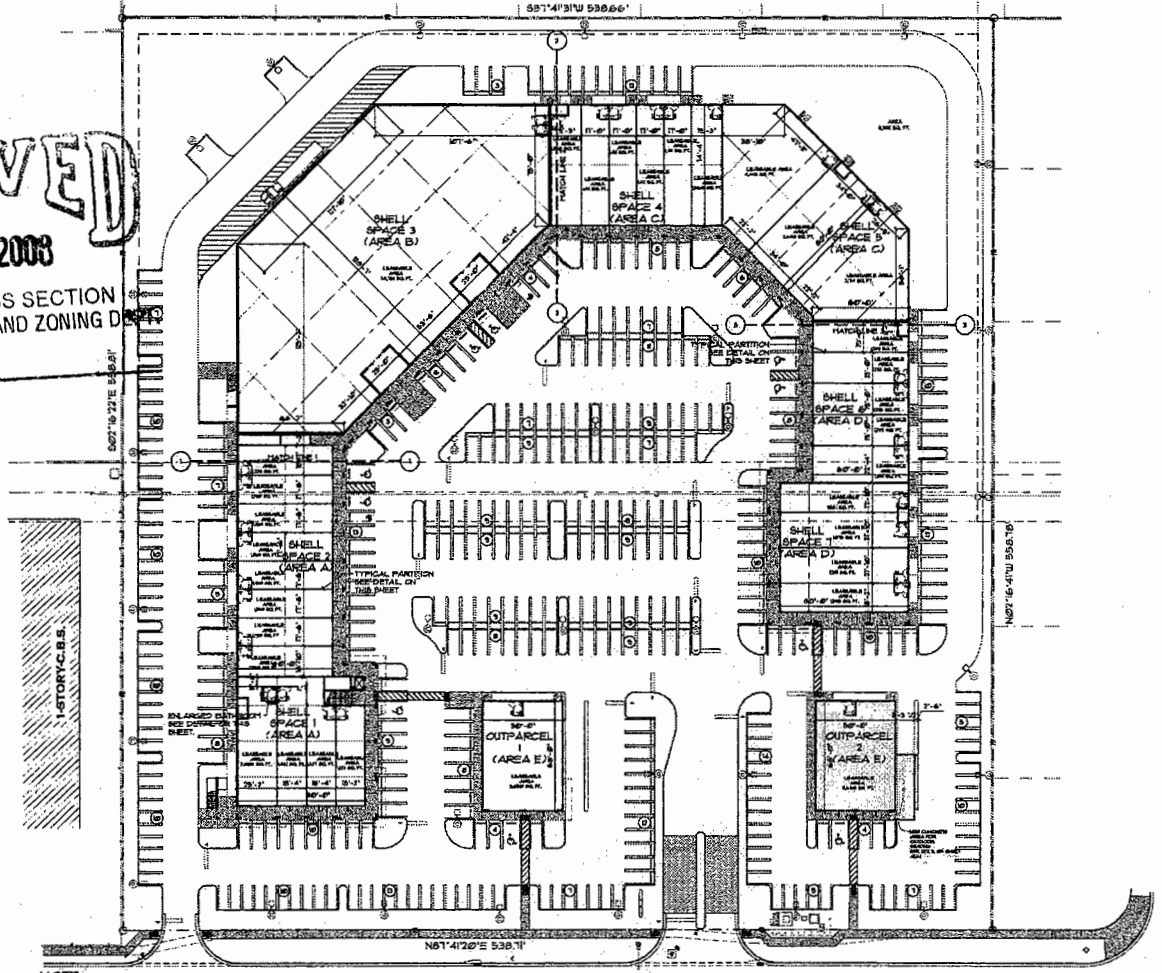
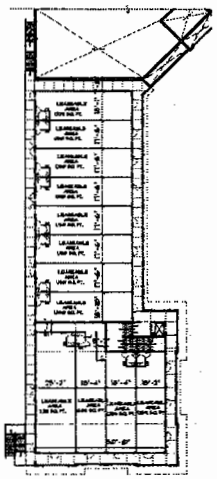
NOV 04 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



NOTE:
SHELL SPACES 8 & 9 ARE LOCATED ON SECOND STORY. SEE FLOOR PLAN SHEET A12A



SECOND FLOOR PLAN

ZONING DATA

DESCRIPTION	REQUIRED	PROVIDED
ZONING CLASSIFICATION	BU-1	
BUILDING - CONSTRUCTION TYPE	TYPE V - PROTECTED-SPRINKLERED (AREA A) (AREA B) TYPE V - UNPROTECTED-SPRINKLERED (AREA C) (AREA D) TYPE V - UNPROTECTED-UNSPRINKLERED (AREA E)	
NET LOT AREA	365,694 SQ. FT. (8.5 AC.)	

BUILDING AREA BREAKDOWN:

	GROSS FLOOR AREA	UNUSABLE AREA UNDER ROOF	TOTAL BUILDING AREA
AREA A (GROUND LEVEL)	19,487 SQ. FT.	3,921 SQ. FT.	36,484 SQ. FT.
AREA A (SECOND LEVEL)	14,921 SQ. FT.	4,256 SQ. FT.	19,672 SQ. FT.
AREA B	21,438 SQ. FT.	1,858 SQ. FT.	23,296 SQ. FT.
AREA C	16,787 SQ. FT.	5,584 SQ. FT.	22,386 SQ. FT.
AREA D	7,282 SQ. FT.	3,291 SQ. FT.	10,573 SQ. FT.
AREA E (OUTPARCEL 1)	3,480 SQ. FT.	568 SQ. FT.	3,268 SQ. FT.
AREA E (OUTPARCEL 2)	3,480 SQ. FT.	500 SQ. FT.	3,268 SQ. FT.

NOTE:
SEE FLOOR PLAN SHEETS A11A - A11B - A11C - A11D - A11E - A12A FOR GROSS FLOOR AREA BREAKDOWN.

MINIMUM LOT AREA	8,000 SQ. FT.	365,694 SQ. FT.
MINIMUM LOT WIDTH - FRONTAGE	100'-0"	538'-0"
MAXIMUM BUILDING HEIGHT	45'-0" (4 STORIES)	41'-3" (3 STORIES)
MAXIMUM FLOOR AREA RATIO - F.A.R. (0.48 1-STORY + 65 ADD. STORY) (58,726 SQ. FT. PER APPROVED RESO. Z-238-84)	53,531 SQ. FT. (16%)	55,196 SQ. FT. (15.09%)
MAXIMUM LOT COVERAGE (40% OF TOTAL LOT AREA) (58,726 SQ. FT. PER APPROVED RESO. Z-238-84)	131,485 SQ. FT. (40%)	53,273 SQ. FT. (14.57%)
LANDSCAPED OPEN SPACE 9 - 25 AC. (1/9) = (1.9%) PER ADD. STORY PLUS 10 SQ. FT. PER EA. PARKING SPACE (93,375 SQ. FT. PER APPROVED RESO. Z-238-84)	140,921 SQ. FT. (38.52%)	224,421 SQ. FT. (77.16%)
MINIMUM BUILDING SETBACKS:		
FRONT SETBACK - SOUTH	70'-0"	665'-0"
REAR SETBACK - NORTH	25'-0"	25'-0"
SIDE SETBACK - EAST	5'-0"	24'-7"
SIDE SETBACK - WEST	5'-0" OR 0'-0"	76'-3"
MINIMUM BUILDING SEPARATION:		
BUILDING TO BUILDING	20'-0"	94'-10"

PARKING CALCULATIONS:

MAIN BUILDING - GROUND LEVEL
61,616 SQ. FT.
(SHELL SPACES 1 / 2 / 3 / 4 / 5 / 7)
RETAIL (1 PER EVERY 300 SQ.FT.) 206 SPACES (SEE TOTAL BELOW)
(PER APPROVED RESOLUTION Z-238-84) 207

MAIN BUILDING - GROUND LEVEL
10,893 SQ. FT.
(SHELL SPACE 9)
DAYCARE (1 PER EVERY STAFF) 20 SPACES (SEE TOTAL BELOW)
5 PARKING SPACES FOR STACKING 5 SPACES (SEE TOTAL BELOW)

MAIN BUILDING - SECOND LEVEL
8,939 SQ. FT.
(SHELL SPACE 9)
OFFICE (1 PER EVERY 300 SQ. FT.) 25 SPACES (SEE TOTAL BELOW)

MAIN BUILDING - SECOND LEVEL
4,486 SQ. FT.
(SHELL SPACE 8)
ASSEMBLY (1 / 50 SQ. FT. OF PATRON) 82 SPACES (SEE TOTAL BELOW)

MAIN BUILDING - SECOND LEVEL
124 SQ. FT.
(SHELL SPACE 8)
ASSEMBLY KITCHEN AREA) 0 SPACES (SEE TOTAL BELOW)

OUTPARCEL 1
3,480 SQ. FT.
RETAIL (1 PER EVERY 250 SQ. FT.) 14 SPACES (SEE TOTAL BELOW)
(PER APPROVED RESOLUTION Z-238-84)

OUTPARCEL 2
3,480 SQ. FT.
RETAIL (1 PER EVERY 250 SQ. FT.) 14 SPACES (SEE TOTAL BELOW)
(PER APPROVED RESOLUTION Z-238-84) 21 SPACES

PARKING REQUIREMENTS

TOTAL SPACES REQUIRED	365 SPACES	40 SPACES
PARKING BREAKDOWN		
H.P. SPACES (PART OF TOTAL COUNT)	10 SPACES	10 SPACES
STROLLER SPACES (PART OF TOTAL COUNT)	7 SPACES	7 SPACES
COMPACT SPACES (PART OF TOTAL COUNT)	-	28 SPACES
REGULAR SPACES (PART OF TOTAL COUNT)	-	280 SPACES

LEGAL DESCRIPTION

Tract "A", VISTA ALBERT, according to the plat thereof, as recorded in Plat Book 150, at Page 12, of the Public Records, of Miami-Dade County, Florida.

Containing, 365,694 Square Feet, or 8.5 Acres, more or less.

DETECTABLE WARNING NOTE:
G.C. SHALL PROVIDE DETECTABLE WARNING TEXTURES ON ALL WALKING SURFACES AS INDICATED IN SITE PLAN. DETECTABLE WARNING SURFACES SHALL BE A MINIMUM OF 36 INCHES (915 MM) THE LENGTH OF PREVIOUS WALKING SURFACE AND SHALL COMPLY WITH ALL THE REQUIREMENTS FOR DETECTABLE WARNING SURFACES AS INDICATED IN 36CFR 1191, 5-4.29.2 AND ANSI A117.1-1998.

FLOOD LEGEND
Commercial, Industrial

FOLIO: 30-4130-026-0010 — ADDRESS AND S.W. 42 STREET DADE DRIVE (THE S.W. CORNER OF S.W. 142 AVENUE)
LOT: TRACT A — BLOCK: — SUBDIVISION: VISTA ALBERT
PLAT BOOK: 150 — PAGE: 12 — LIES IN SOUTH TRACK "A" VISTA ALBERT
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 150, AT PAGE 12, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA
CONTAINING: 365,694 SQUARE FEET OR 8.5 ACRES, MORE OR LESS
CROWN OF ROAD ELEV.: 13.27 FT.(NGVD, CITATION OF ROAD ELEVATION WAS TAKEN FROM A CERTIFIED SURVEY PREPARED BY: HARO, KENNEDY, LIMA & GROISMAN, P.L. — P.S.M. NO. 5247
DRAINAGE PLANS SHALL BE ATTACHED (UNLESS OTHERWISE PLAN SHALL BE STAMPED "NOT FOR PERMIT" UNTIL COUNTY APPROVAL)
DERM/WC - SURFACE WATER MANAGEMENT STORMWATER PERMIT — APPLIED
DERM - ENVIRONMENTAL RESOURCES PERMIT — APPLIED
TOTAL PERVIOUS AREA: _____ UNDERGROUND PARKING: YES (✓) SPACES (40) (IF THE FLOOR/CEILING PLANE OR ENTRANCE SHALL BE ATTACHED) BASEMENT: YES (✓) (WATER TABLE)
HAVE THIS SITE OR OTHER PORTIONS OF THE PROPERTY BEEN GRANTED A WAIVER OR VARIANCE? (WITH CASE NO.) YES — LETTER: _____ (✓)

	Lowest Floor Elev./Including Basement/Portion grade)	Adjacent Grade Elevation (Point to be part of the enclosure)	Crown Road Elevation
PROPOSED	16.50 FT. NGVD	10.00 FT. NGVD	8.73 FT. NGVD
	6" - 0"	NGVD	

SITE PLAN NOTES:

1. G.C. SHALL COORDINATE ALL SITE WORK WITH CIVIL, PLUMBING, MECHANICAL, STRUCTURAL, ELECTRICAL AND ARCHITECTURAL DRAWINGS. G.C. SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCE WORK.
2. G.C. SHALL COORDINATE WITH ALL UTILITY COMPANIES AS REQUIRED AND SHALL PROVIDE ALL REQUIRED UTILITY WORK TO BE PERFORMED AS INDICATED BY CIVIL, PLUMBING, MECHANICAL, STRUCTURAL, ELECTRICAL AND ARCHITECTURAL DRAWINGS AND/OR REQUIRED BY UTILITY COMPANIES. G.C. SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCE WORK.
3. G.C. SHALL COORDINATE WITH LOCAL POSTAL SERVICE PROVIDER FOR LOCATION, INSTALLATION AND PURCHASE OF REQUIRED MAILBOXES. G.C. SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCE WORK.
4. G.C. SHALL PROVIDE OUTDOOR PHONE BOX AS REQUIRED BY UTILITY COMPANY.

1 SITE PLAN
1" = 30'-0"
SCALE: 1" = 30'

CALL 48 HOURS BEFORE YOU DIG IN FLORIDA
IT'S THE LAW!
1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

HURRICANE GRILL
BIRD ROAD PLAZA
14211 SW. 42 STREET
MIAMI, FLORIDA

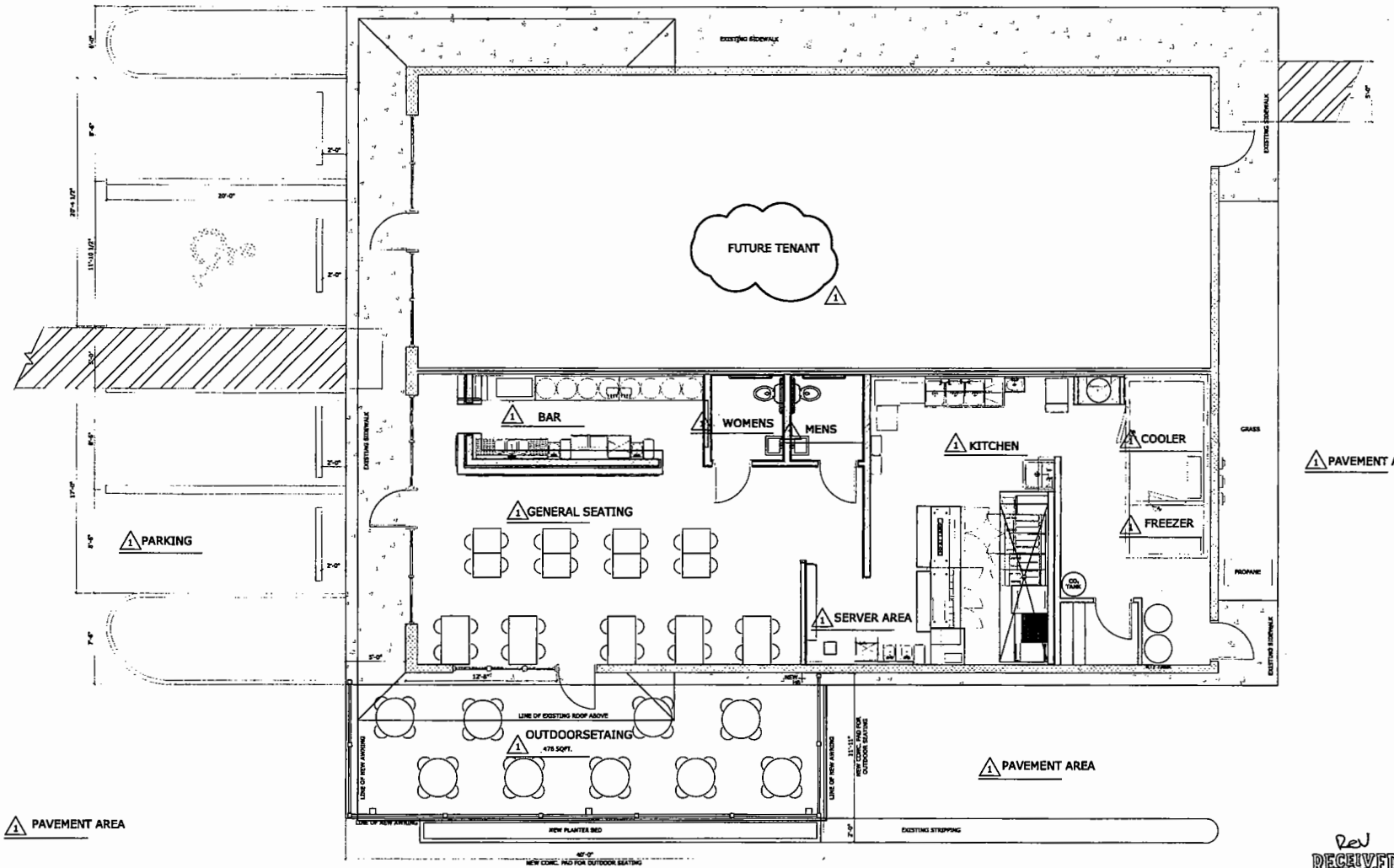
ANGEL C. SAQUI, FAIA
ARCHITECTS PLANNERS INTERIORS, Ltd.
CORAL GABLES, FLORIDA 33134 (305) 448-8882
WWW.SAQUIARCHITECTS.COM

SHEET TITLE: SITE PLAN
SHEET: A1.0

DSN.	HARO KENNEDY, LIMA & GROISMAN, P.L.
CHECK.	ANGEL C. SAQUI, F.A.I.A.
DATE	10/30/2003
COPY.	©2003 AS

NOT RELEASED FOR CONSTRUCTION

CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCIES



Outdoor Seating

SCALE: 1/4" = 1'-0"

Rev

RECEIVED
DEC - 8 2008

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Crossroads Architecture Inc.
Commercial/Residential
Niki L. Norton, P.A.
1235 SE Indian Street
Suite 103
Stuart, Florida 34997
AA26000832
AR91827
(772) 287-7330 (O)
(772) 287-8992 (F)

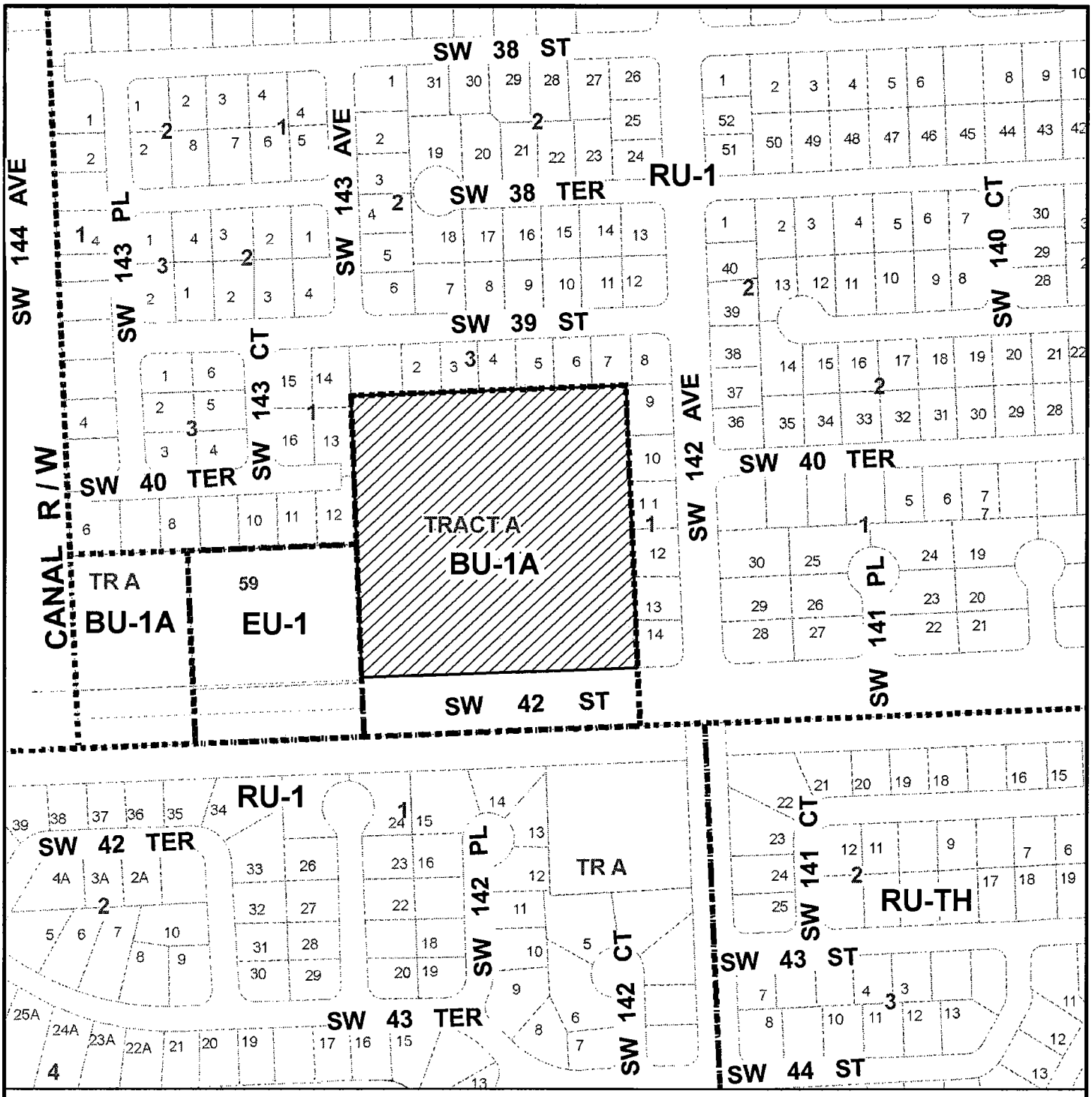
HURRICANE GLASS & WINDS Live With Flavor™

Bird Road

Bowen Abitbol
14211 SW 42nd Street
Miami, FL 33175
305-281-7120

Rev. #	Date
1	04-Dec-08
HB No.	HB01-
Proj No.	08-0278
Status	Zoning Variance
Issue Date	21-Oct-08
Sheet	A1.2

Parking Plan



MIAMI-DADE COUNTY

HEARING MAP

Section: 15 Township: 54 Range: 39

Applicant: ABITOL WINGS, LLC

Zoning Board: C10

Commission District: 11

Drafter ID: JEFFER

Scale: NTS

---------- Zoning

Process Number

08-129

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/18/08

REVISION	DATE	BY
		27

MIAMI-DADE COUNTY

AERIAL YEAR 2008
Section: 15 Township: 54 Range: 39
Applicant: ABITOL WINGS, LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-129

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/18/08

REVISION	DATE	BY

2. ALEXIS PENA & MABEL YANES
(Applicant)

09-2-CZ10-2 (08-146)
Area 10/District 10
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Alexis Pena and Mabel Yanes **PH:** Z08-146 (09-2-CZ10-2)

SECTION: 13-54-39 **DATE:** February 10, 2009

COMMISSION DISTRICT: 10 **ITEM NO.:** 2

==========

A. INTRODUCTION:

o REQUEST:

Applicants are requesting to permit a proposed covered terrace addition to a single-family residence setback 11.22' (25' required) from the rear (northeasterly) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Terrace for: Alexis Pena and Mabel Yanes," as prepared by Juan A. Rodriguez-Jomolca, dated stamped received 8/4/08 and consisting of 2 sheets. Plans may be modified at public hearing.

o SUMMARY OF REQUEST:

The request will allow the construction of a proposed covered terrace addition to a single-family residence that does not meet the rear setback requirement of the Zoning Code.

o LOCATION:

2901 Village Green Drive, Miami-Dade County, Florida.

o SIZE: 75' X 100'

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING:	LAND USE PLAN DESIGNATION:
Subject Property:		
	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
SOUTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
EAST:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
WEST:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua

The subject property is located at 2901 Village Green Drive and is developed with a single-family residence. The surrounding area is developed predominantly with single family residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plans submitted)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**Acceptable***
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*On a modified basis

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
b. is screened from adjoining property by an opaque fence or wall at least six (6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued

prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

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

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

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

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

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

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

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

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations, the Board (following a public hearing) 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. For the purpose of this subsection the term "non-use variances" involves matters such setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements, and other variances, which have no relation to change of use of the property in question.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, an so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 2901 Village Green Drive and is located in an area characterized by single-family homes. The applicants are requesting to permit the construction of a proposed covered terrace addition to a single-family residence setback 11.22' from the rear (northeasterly) property line where a 25' setback is required. The proposed covered terrace addition will provide additional outdoor living space and shelter from the environment to the applicants and their guests while enjoying the rear yard and swimming pool area.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application, and indicates that since this application is an addition to an existing residence, this application does not generate any new additional daily peak hour trips, therefore, no vehicle trips have been assigned. The **Miami-Dade Fire Rescue Department** memorandum indicates that the estimated average travel response time to this site is approximately **7:18** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for Low Density Residential use, permitting from 2.5 to 6.0 dwelling units per gross acre. The proposed addition on the property will not add any additional dwelling units to the site. Therefore, the existing RU-1 zoned single family residence is **consistent** with the LUP map of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval **on a modified basis** with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that the approval of this request on a **modified basis**, to permit a proposed covered terrace addition to a single-family residence to setback 14' in lieu of the requested 11.22' (25' required) from the rear (northeasterly) property line would not negatively affect the appearance of the surrounding community. Said proposed covered terrace addition will provide outdoor living area and shelter from the environment for the applicants and their guests. Staff notes that the proposed covered terrace addition will be buffered from the neighbors' property by an existing 6' high metal fence which runs along the rear (northeasterly) property line. However, staff feels that in order to diminish the visual and aural impact of the proposed covered terrace addition from the neighboring property to the rear, the rear setback should be increased to 14' in lieu of the requested 11.22'. As such, staff recommends the approval of this request, on a **modified basis,** that the proposed covered terrace addition be built with a 14' rear setback in lieu of the requested 11.22' rear setback. Additionally staff will condition the approval of this request that the proposed covered terrace not be enclosed in any manner except for approved insect screen materials. Staff notes that the proposal is **compatible** with the area as several similar approvals have been granted in the vicinity. In 1991, a parcel of land located approximately 800' east of the subject property was granted approval pursuant to #V1991000007 for an addition to an existing single family residence to setback 12.5' (25' required) from the rear property line and to setback 3.75' (7.5' required) from the interior side property line. In addition, in 1993, pursuant to Resolution #4-ZAB-182-93 a non-use variance of setback requirements to allow the construction of an addition to setback 11.45' from the rear property line where 25' is required on a parcel of land located approximately 850' to the southeast of the subject property.

Accordingly, staff recommends that this request be approved on a **modified basis** to allow the proposed covered terrace addition to setback 14' in lieu of the requested 11.22' from the rear (northeasterly) property line.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable (ASDO) standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14)(ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that this property can be developed under the RU-1 zoning regulations; therefore, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

Based on all of the foregoing, staff recommends modified approval with conditions to permit the proposed covered terrace addition to setback 14' in lieu of the requested 11.22' from the rear (northeasterly) property line under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Modified approval with conditions to permit the proposed covered terrace addition to setback 14' in lieu of the requested 11.22' under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but no be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with tat submitted for the hearing entitled "Proposed New Terrace for: Alexis Pena and Mabel Yanes," as prepared by Juan A. Rodriguez-Jomolca, dated stamped received 8/4/08 and consisting of 2 sheets. Except that the proposed covered addition be setback 14' in lieu of the requested 11.22' from the rear (northeasterly) property line, and except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not required further public hearing action.

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

4. That the proposed covered terrace addition not be enclosed in any manner except for approved insect screen materials.

DATE INSPECTED: 10/30/08
DATE TYPED: 12/30/08; 01/09/09
DATE REVISED: 01/09/09
DATE FINALIZED: 01/12/09
MCL:MTF:NN:NC:AA

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

Memorandum

MIAMI-DADE COUNTY

Date: August 12, 2008

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

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

Subject: C-10 #Z2008000146
Alexis Pena and Mabel Yanes
2901 Village Green Drive
Request to Permit an Addition that Exceeds Setback Requirements
(RU-1) (0.18 Acres)
13-54-39

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 20-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000146

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000146
located at 2901 VILLAGE GREEN DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1478 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:18 minutes

Existing services:

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

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

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

Station 78 - Bird Road Loop - SW 40 Street & 117 Avenue.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

NAME:	ADDRESS
Alexis Pena & Mabel Yanes	**2901 Village Green Dr**
DATE	**CMS#**
September 11, 2008	**200812007796**

ZONING Number Z2008000146

No open cases. No current violations.

PREVIOUS ENFORCEMENT HISTORY:

Folio #3049130140670

CMS #
200012003595
09/26/00

Case opened for Junk/Trash/Overgrowth on Unimproved/Improved Property. NCO Robert Marin conducted an inspection on October 10, 2000 and found it not in violation. Case closed.

CMS#
2000312002028
03/18/03

Case opened Boat Storage. NCO Francie Boellard conducted an inspection on March 18, 2003 and found the property owner to be in violation for Boat Storage, warning letter 93376 was posted on property. On April 21, 2003 a reinspection was conducted and found violation to be corrected by property owner. Case closed.

CMS#
200612009546
10/25/06

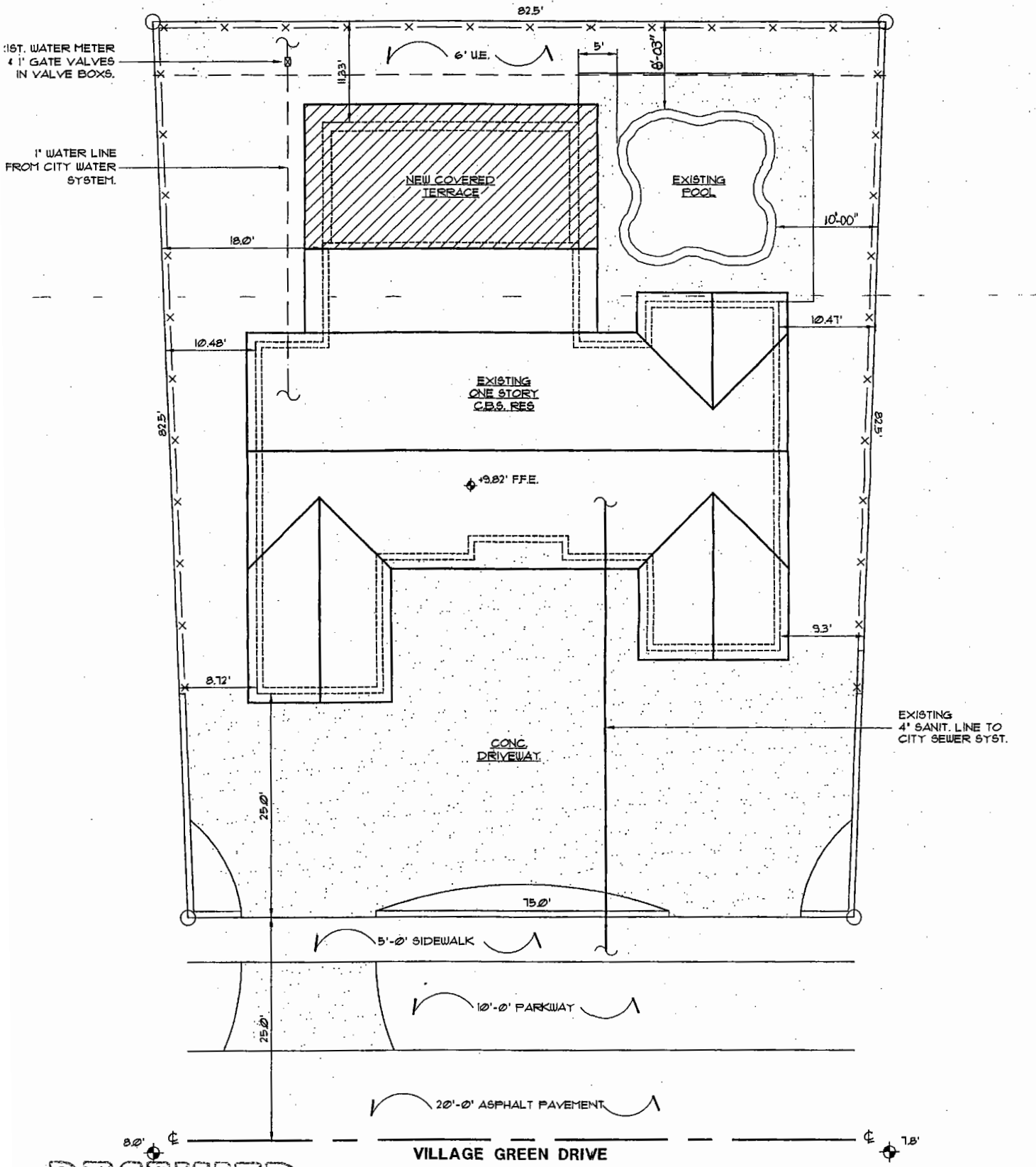
Case opened for Building without a proper permit. NCO Armando de la Torre conducted an inspection on October 23, 2006 and found the property not to be in violation. Property owner has a building permit #2007003278. Case closed.

CMS#
200812002595
03/07/08

Case opened for Commercial vehicle on improved property. NCO Patricia Arcila conducted an inspection on March 5, 2008 and found the property owner to be in violation of a Category 2 commercial vehicle. Warning letter #R115254 was posted on property. On March 9, 2008 a reinspection was conducted and found violation to be corrected by property owner. Case closed.

CMS#
200812007796
09/11/08

Case opened for Enforcement History for NUV setback. NCO Patricia Arcila conducted an inspection on September 11, 2008 and found the property not to be in violation for setback. Case closed.



ENLARGED SITE PLAN

RECEIVED
AUG 04 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

DATUM: ±0'-0"=9.82' N.G.V.D.

SITE PLAN

SCALE: 1"=10.0"

N

16

17

ZONING LEGEND

ZONING RU-1
HEIGHT ROOF ..... 15'

	(S.F.) REQUIRED/ ALLOWED	PROVIDED (S.F.)
SETBACKS		
FRONT	25 Ft.	25 Ft.
SIDE	10 Ft.	10 Ft.
SIDE ST.	15 Ft.	--
REAR	25 Ft.	11.35 Ft.
NET LOT AREA	--	7,878
LOT COVERAGE	--	2,987
EXISTING	--	2,152
ADDITION	--	435

SCOPE OF WORK

1. TO BUILD NEW COVERED TERRACE AS SHOWN ON PLAN.
2. NO A/C, PLUMBING OR ELECTRICAL WORK AT THIS PROJECT.

FLOOD LEGEND

ADDITIONS, REMODELING, REPAIRS & COMBINATION

FOLIO: - ADDRESS: 2901 VILLAGE GREEN DR. MIAMI, FL. 33175
LOT/UNIT: 10 BLOCK/BLDG: 68
SUBDIVISION: 11th ADDITION TO S ESTATES PLAT BOOK: 84 PAGE: 26
COST OF CONST.: 13,050 SCOPE OF WORK: C. TERRACE
INTERIOR RENOVATION: N/A $ --
ADDITION: $
C. TERRACE 435 SqFt x $ 30.00 $ 13,050
TOTAL COST OF WORK: $ 13,050

	LOWEST FLOOR ELEVATION	GARAGE/STORAGE FLOOR ELEVATION	ADJACENT GRADE ELEVATION	HIGHEST CROWN OF ROAD ELEVATION
EXISTING	9.82' NGVD	9.55' NGVD	8.6'/8.5' NGVD	7.8'/8.0' NGVD
PROPOSED	9.82' NGVD	9.55' NGVD	8.6'/8.5' NGVD	7.8'/8.0' NGVD

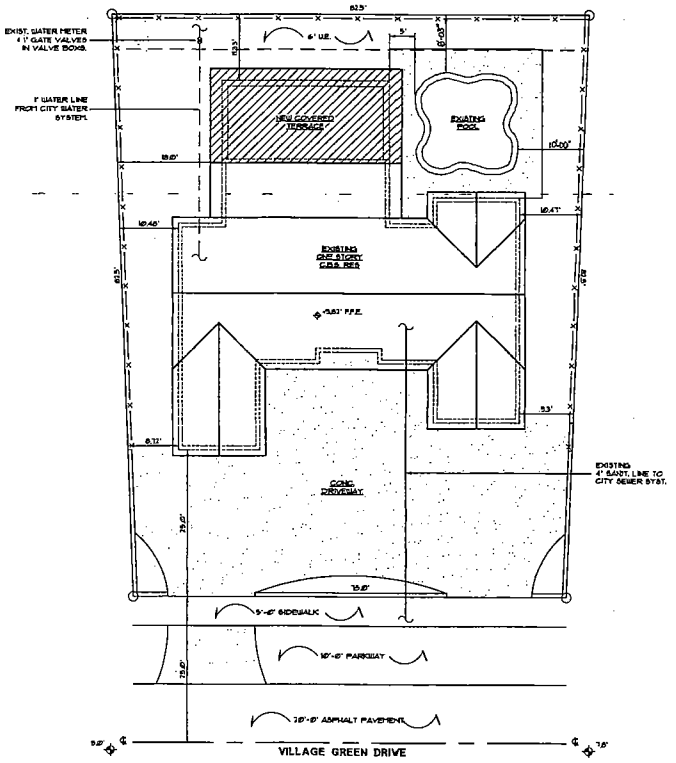
THE OWNER OF THIS PROPERTY UNDERSTANDS THAT THE WORK AMOUNT INDICATED ABOVE IS GOING TO BE KEPT ON THE OFFICIAL PERMIT RECORD DURING A SIX (6) MONTH PERIOD FROM THE DATE OF WHICH THE CERTIFICATE OF COMPLETION IS ISSUED, IF ANY ADDITIONAL, REPAIR, RECONSTRUCTION, ALTERATION, ADDITION, REMODELING OR COMBINATION THERE OF IS DONE BEFORE THE CERTIFICATE OF COMPLETION IS ISSUED, OR WITH IN THE TRACKING PERIOD, IT WILL BE CONSIDERED A CONTINUANCE OF THE ABOVE WORK, IF THE PROPERTY IS DECLARED SUBSTANTIALLY IMPROVE OR DAMAGED AND THE FLOOR ELEVATION IS NOT IN COMPLIANCE THE STRUCTURE WILL BE ELEVATED IN ACCORDANCE WITH CHAPTER 11C OF THE MIAMI-DADE COUNTY CODE.

DATUM: 10'-0" = 9.82' N.G.V.D.

POOL PERMIT - 2008017614
FENCE PERMIT - 2003036504

LEGAL DESCRIPTION

LOT 10 BLOCK 68
SUBDIVISION TWELFTH ADDITION TO SOUTHERN ESTATES
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84 AT PAGE 26
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA



DATUM: 10'-0" = 9.82' N.G.V.D.

SITE PLAN

SCALE: 1"=10'-0"

RECEIVED AUG - 4 2008

JUAN A. RODRIGUEZ-JOMOLCA
ARCHITECTS, P.A. - A.R. No 6691
250 CATALONIA AVE. SUITE 503
CORAL GABLES, FL. 33134
PH. (786) 486-8089 FAX (305)251-7298

PROJECT NUMBER
08-011

100% C.D.

No.	DATE	REVISIONS	BY

O.G.
DRAWN APPROVED
5-29-08 INDICATED
DATE SCALE

Propose New Terrace for:
ALEXIS PENA & MABEL YANES
2901 Village Green Drive
Miami, Fl. 33175
tel.

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SEAL/SIGNATURE

7-16-08

SHEET TITLE
1

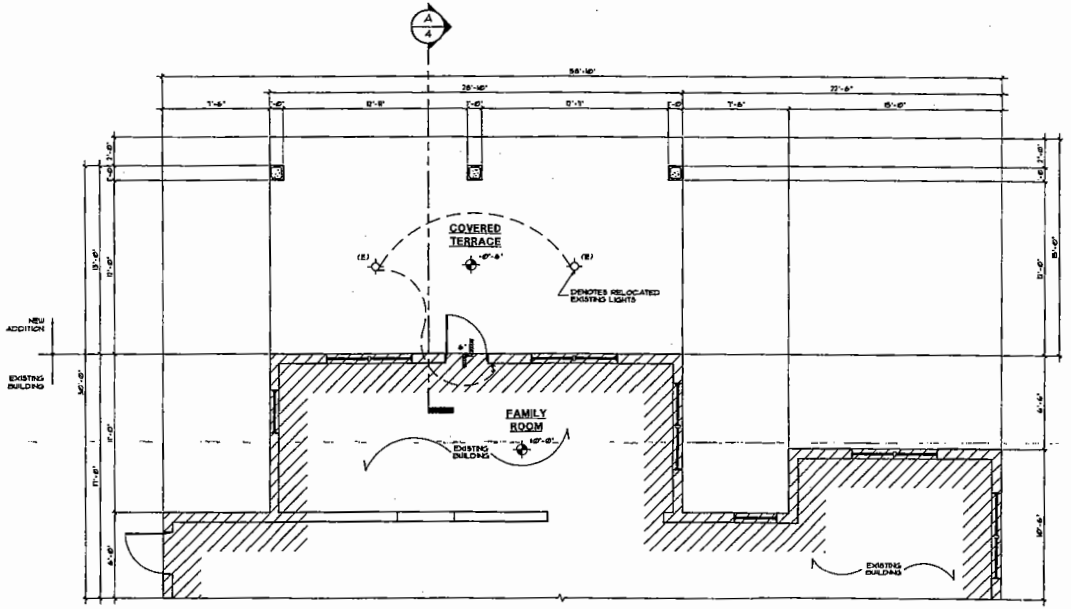
SHEET NO.:
1 of 4

18

LEGEND

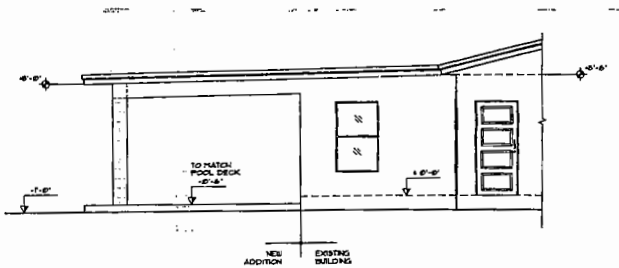
- DENOTES EXISTING 6" CMU
- DENOTES NEW 6" CMU
- DENOTES EXISTING 4" PARTITION
- DENOTES NEW 4" PARTITION
- DENOTES EXISTING TO BE REMOVED

NOTE:
(E) DENOTES EXISTING ELECTRICAL FIXTURE.

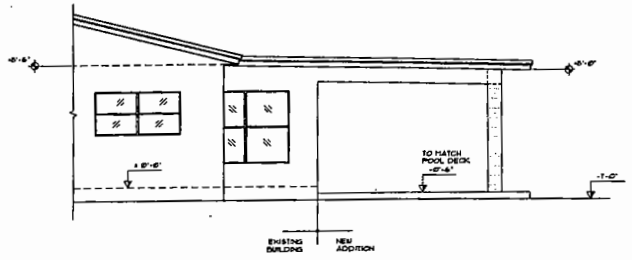


DATUM 10'-0"=5.82' N.G.V.D.

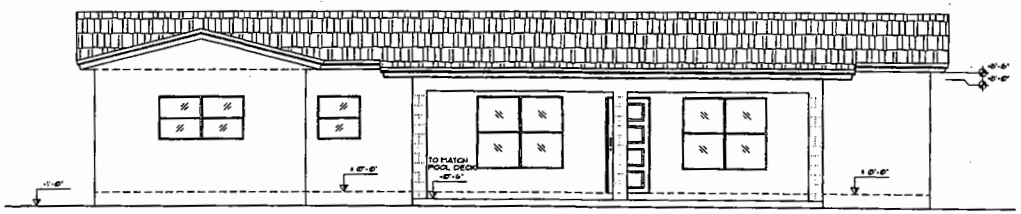
EXISTING & PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"
PARTIAL



LEFT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"

RECEIVED
AUG - 4 2008
ZONING HEARINGS SECTION
MAIN CASE PLANNING AND ZONING DEPT

JARJ

JUAN A. RODRIGUEZ-JOMOLCA
ARCHITECTS, P.A. - A.R. No 9681
200 CATALONIA AVE. SUITE 503
CORAL GABLES, FL. 33134
PH. (786) 488-8080 FAX (305)281-7288

PROJECT NUMBER
08-011

100% C.D.

No.	DATE	REVISIONS	BY

O.G.
DRAWN APPROVED
5-29-08 INDICATED
DATE SCALE

Propose New Terrace for:
ALEXIS PENA & MABEL YANES
2901 Village Green Drive
Miami, Fl. 33175
tel.

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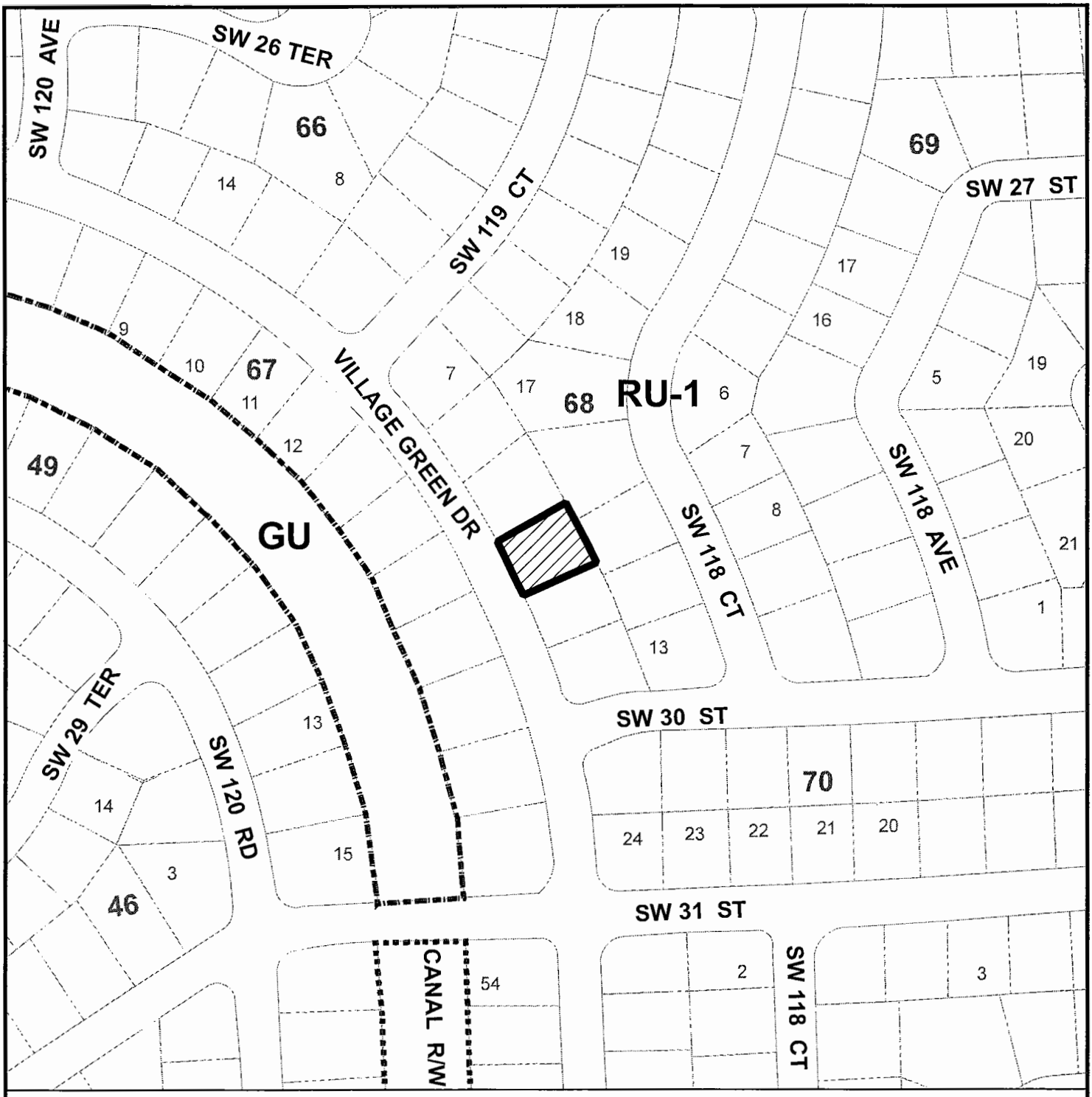
SEAL/SIGNATURE

7-14-08

SHEET TITLE
2

SHEET ID.:
2 of 4



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-146

Section: 13 Township: 54 Range: 39
Applicant: ALEXIS PENA & MABEL YANES
Zoning Board: C10
Commission District: 10
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/08/08

REVISION	DATE	BY
		19

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 13 Township: 54 Range: 39
Applicant: ALEXIS PENA & MABEL YANES
Zoning Board: C10
Commission District: 10
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number
08-146

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/08/08

REVISION	DATE	BY

3. ORFA RESTREPO
(Applicant)

09-2-CZ10-3 (08-187)
Area 10/District 10
Hearing Date: 2/10/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: Orfa Restrepo **PH:** Z08-187 (09-2-CZ10-3)

SECTION: 13-54-39 **DATE:** February 10, 2009

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

==========

A. INTRODUCTION:

o REQUEST:

Applicant is requesting to permit a proposed bedroom and family room addition to a single-family residence setback 13.65' (25' required) from the rear (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization of Florida Room for Ms. Orfa Restrepo," consisting of 3 sheets, dated stamped received 10/08/08. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The request will allow the maintenance and continued use of an existing bedroom and family room addition to a single-family residence that do not meet the rear setback requirement.

o LOCATION:

3011 SW 122 Avenue, Miami-Dade County, Florida.

o SIZE: 80' X 100'

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING:	LAND USE PLAN DESIGNATION:
Subject Property:		
	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
SOUTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
EAST:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua
WEST:	RU-1; single-family residences	Low Density Residential, 2.5 to 6.0 dua

The subject property is located at 3011 SW 122 Avenue and is developed with a single-family residence. The surrounding area is predominantly single family residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plans submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
b. is screened from adjoining property by an opaque fence or wall at least six (6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued

prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

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

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

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

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

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

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

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

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

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

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations, the Board (following a public hearing) 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. For the purpose of this subsection the term "non-use variances" involves matters such setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements, and other variances, which have no relation to change of use of the property in question.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, an so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 3011 SW 122 Avenue and is located in an area characterized by single-family homes. The applicant is requesting to permit the maintenance and continued use of an existing bedroom and family room addition to a single-family residence to setback 13.65' from the rear (east) property line where a 25' setback is required. The proposed bedroom and family room addition provides additional indoor living space to the applicant.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application, and indicates that since this application is an addition to an existing residence, this application does not generate any new additional daily peak hour trips, therefore, no vehicle trips have been assigned and the **Miami-Dade Fire Rescue Department** memorandum mentions that the estimated response travel time to this site is approximately **7:18** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for Low Density Residential use, permitting from 2.5 to 6.0 dwelling units per gross acre. The proposed additions on the property will not add any additional dwelling units to the site. Therefore, the existing RU-1 zoned single family residence is **consistent** with the Master Plan.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that the approval of this request to permit the maintenance and continued use of an existing bedroom and family room addition encroaching 11.35' into the rear 25' setback area does not negatively affect the appearance of the surrounding community. Said bedroom and family room addition provide additional indoor living area to the applicant. As depicted on the plans submitted by the applicant for this application, the bedroom and family room addition match the same architectural style as the existing single-family residence and that the bedroom and family room addition are buffered from the neighbors' property by an existing 6' high wood fence which runs along the rear (east) property line. However, staff notes that due to the interior design of the single-family residence it could be easily converted into a multi-family residential building. As such, in order to prevent any future owners from converting the existing single-family residence into a multiple-family structure staff recommends that the approval of this request be subject to the submittal of a Declaration of Restrictions which would restrict the use of the structure to a single-family residential use only. Additionally, the plans submitted by the applicant depict an exterior door which provides access to the new den located on the north side of the structure which in staff's opinion could also facilitate the conversion of the single-family residence into a multi-family residential structure. As such, staff will recommend as a condition for the approval of this request that the exterior door located on the north wall of the existing residence be removed. The plans submitted by the applicant also depict an existing interior wall separating the living room and dining room area from a proposed new den which only provides access from the dining room area to the proposed new den by an interior door. Staff will recommends as a condition the approval of this request that the existing interior wall which separates the living room and dining room area be removed in order to discourage future owners to convert the existing single family residence into a multifamily

structure. Additionally, staff recommends as a condition of the approval that the pantry and sink shown on the new den area be removed prior to final inspection of the bedroom and family room addition being requested under this application. As such, staff recommends the approval of this request with the conditions stipulated before. Staff notes that the proposal is **compatible** with the area as several similar approvals have been granted in the vicinity. In 1993, pursuant to Resolution #4-ZAB-182-93 a non-use variance of setback requirements to allow the construction of an addition to setback 11.45' from the rear property line where 25' is required on a parcel of land located approximately 450' east of the subject property. Accordingly, staff recommends that this request be approved with conditions.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable (ASDO) standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14)(ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that this property can be developed under the RU-1 zoning regulations; therefore, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

Based on all of the foregoing, staff recommends approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

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

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Legalization of Florida Room for Ms. Orfa Restrepo," consisting of 3 sheets, dated stamped received 10/08/08, except as amended to show the removal of the exterior door which provides access to the new den located on the north wall of the existing single family residence and the removal of the interior partition and interior door between the existing dining room and the new den. Except as may be specified by any zoning resolution applicable to the subject property, any future additions

on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the applicant apply for and secure a building permit for all non-permitted construction from the Building Department within 120 days of the expiration of the appeal period for this hearing application, unless a time extension is granted by the Director for good cause shown.

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

6. That the applicants submit to the Department of Planning and Zoning at time of permit a covenant (Declaration of Use) restricting the use on the property to a single family residence only.

DATE INSPECTED: 12/30/08
DATE TYPED: 12/30/08
DATE REVISED: 01/28/09
DATE FINALIZED: 01/28/09

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

NDN

MCL:MTF:NN:NC:AA

Memorandum

MIAMI-DADE COUNTY

Date: September 29, 2008

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

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

Subject: C-10 #Z2008000187
Orfa Restrepo
3011 S.W. 122nd Avenue
Request to Permit an Addition that Exceeds Setback Requirements
(RU-1) (0.18 Acres)
13-54-39

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 30-SEP-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000187

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000187
located at 3011 S.W. 122 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1478 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:18 minutes

Existing services:

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

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

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

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

NAME:	ADDRESS
Orfa Restrepo	**3011 SW 122 Avenue** **Miami, Florida 33175**
DATE	**CMS#**
October 17, 008	**200812008569**

ZONING Number Z2008000187

CURRENT ENFORCEMENT HISTORY:

200812008569

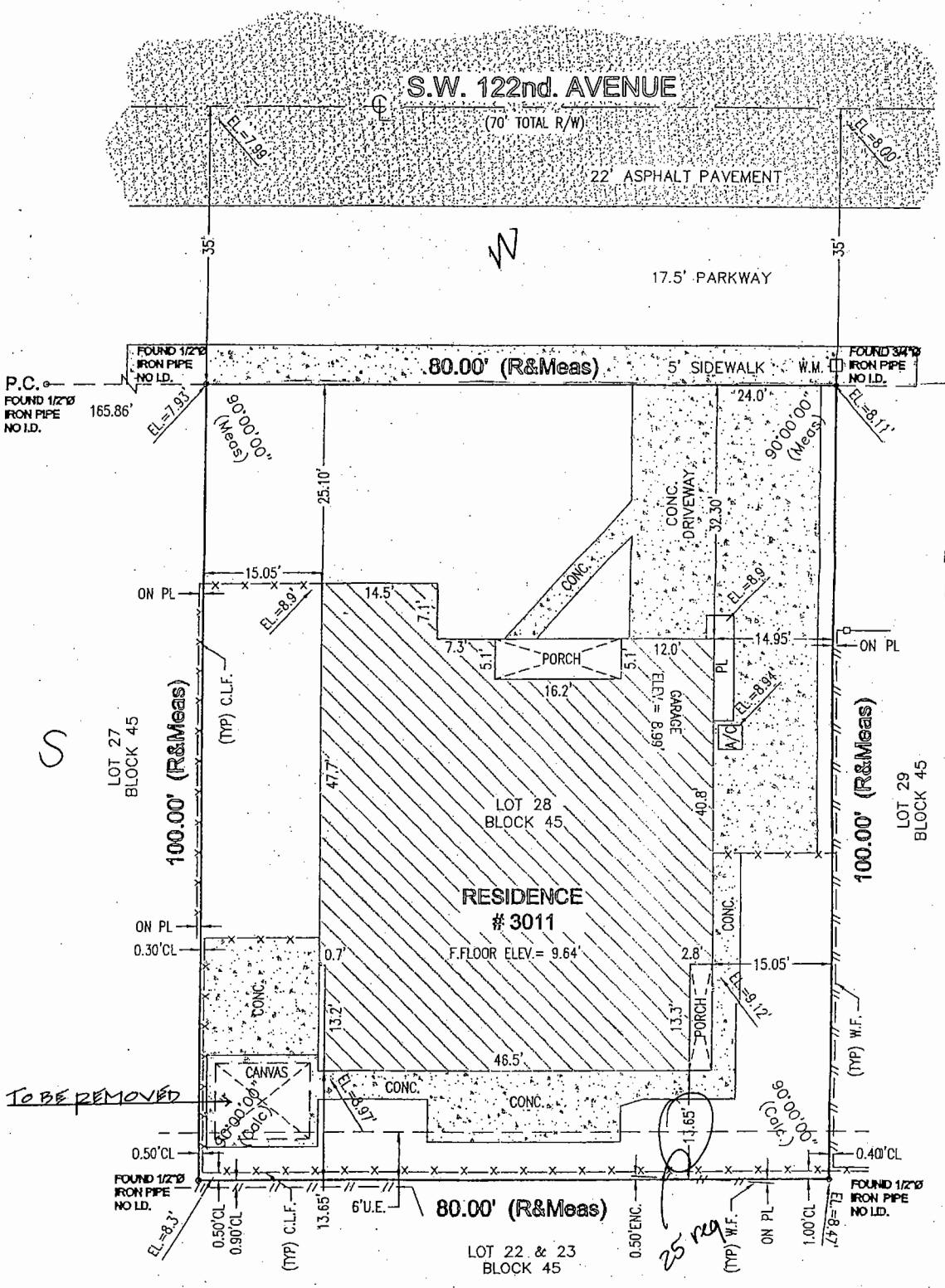
10/16/08 Case open for Zoning Hearing purposed for the rear setbacks. NCO Patricia Arcila, conducted an inspection at above property and found the property not to be in violation. Close case.

200812006469

07/22/08 Case opened for articles in the right of way for a hedge obstructing the sidewalk. NCO Patricia Arcila, conducted an inspection on above property and found it in violation. Warning letter was issued on July 29, 2008. Reinspection was conducted on July 31, 2008 and violation has been corrected by property owner. Case closed.

200812003153

03/25/08 Case opened for unauthorized use in a residential property; Multi family use in a residential area. NCO Patricia Arcila, conducted an inspection on April 24, 2008 and found the property to be in violation for MFU no interconnection within the residence. Civil Violation Notice posted on property on April 15, 2008. Compliance was met on April 16, 2008 and a payment plan was granted. CVN paid in totality on August 22, 2008. Case closed.



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SITE PLAN

ENLARGED SITE PLAN

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DATE: OCT 08 2008
BY: RDB

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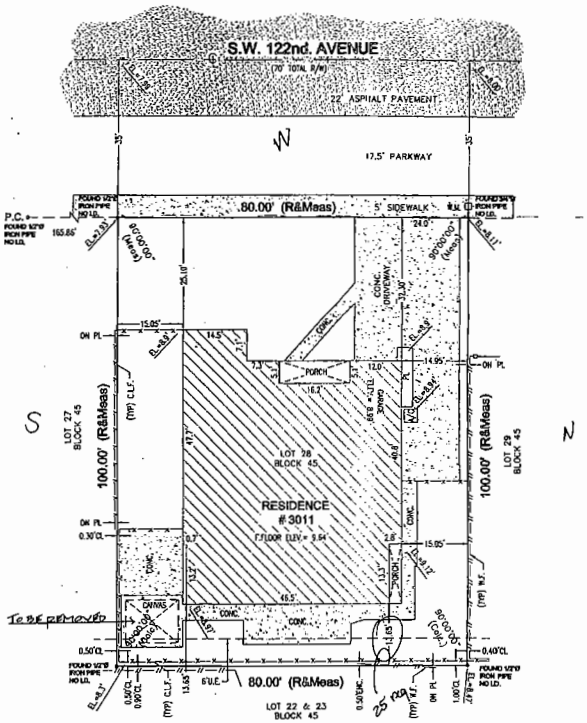

SITE PLAN

GENERAL NOTES:

1- ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED (P.T.)

2- ALL CONCRETE SHALL ATTAIN THE FOLLOWING MINIMUM 28-DAY COMPRESSIVE STRENGTH:

FOUNDATION & SLABS ON GRADE = 3000 PSI.
BEAMS & COLUMNS = 3000 PSI.

3- ALL LUMBER SHALL BE OF A STRESS GRADE NOT LESS THAN 1500 PSI NOMINAL EXTREME FIBER STRENGTH IN BENDING.

4- CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES FOUND BEFORE PROCEEDING WITH THE WORK.

BEAM NOTES

1) ADD 2'S AT MID-DEPTH.

2) (#3) TIES AT 18" O.C. AT ALL CORNERS AND ENDS AND (#3) TIE AT 8"O.C. ALONG THE TIE BEAM SPAN.

3) CONTINUITY IN TIE BEAM SHALL BE PROVIDED BY LAPPING SPLICES NOT LESS THAN 18 INCHES. CONTINUITY SHALL BE PROVIDED AT CORNERS BY BENDING TIED BARS FROM EA. DIRECTION AROUND THE CORNERS 90 INCHES OR BY ADDING TIED 15 DIENT BARS WHICH EXTEND 30 INCHES EA. WAY FROM THE CORNER.CONTINUITY AT COLUMNS SHALL BE PROVIDED BY CONTINUING HORIZONTAL REINFORCING THROUGH COLUMNS OR BY BENDING HORIZONTAL REINFORCING IN THE COLUMNS A DISTANCE OF 18" INCHES.

SOIL STATEMENT

THE ENGINEER HAS VISITED / OBSERVED THE SITE AND FOUND THE FOUNDATION CONDITION ARE SIMILAR AND CLOSE PROXY TO THOSE UPON WHICH THE DESIGN IS BASED.FURTHERMORE,UPON BREAKING OF GROUND, A LETTER SHALL BE SUBMITTED TO THE BUILDING OFFICIAL VERIFYING AND ATTESTING THAT THE SITE CONDITIONS ARE SIMILAR TO THOSE UPON THE DESIGN WAS BASED ON.ASSUMED BEAR. CAPCITY 2000 PSF.ALL BUILDINGS SHALL HAVE PRE CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES.

TERMITES PROTECTION

ALL BUILDINGS SHALL HAVE PRE CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES.
A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY A LICENSED PEST CONTROL COMPANY.

TERMITES PROTECTION

ALL BUILDINGS SHALL HAVE PRE CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES.
A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY A LICENSED PEST CONTROL COMPANY.

IMPACT RESISTANCE DEVICES SHALL BE INSTALLED AT ALL OPENINGS TO PROVIDE PROTECTION AGAINST STORMS.

SECTION 3515 DADE COUNTY PRODUCT CONTROL APROVAL

IMPORTANT NOTE TO CUSTOMERS

When you pay for your plans, you are accepting its contents.

The amount stipulated in the proposal covers the architectural drawing to be submitted to the Building Department. Any laboratory test—as built certificate, energy calculations, structural calculations— required by said Department is not included in the price quotation.

Customers must be aware that after architectural drawing are made, plans will be submitted for revision to the Building Department, more or less, seven different departments will be evaluating the project. Comments can be made by any of those processors, bringing the plans back to the office to answer those comments.

The office will take care of the situation every time the officers require any correction or change. No limited time may be considered for project approval, due to the facts mentioned above.

If you were notified my Metro Team or any official authority, you must keep contact with said official, in order to let him know your concern about the ease and the progress obtained.

INTRUSION AND BURGLARY SECURITY

1. ALL LOCKS ON EXTERIOR DOORS SHALL BE CAPABLE OF RESISTING A FORCE OF 300 LB. APPLIED IN ANY MOVABLE DIRECTION IN ACCORDANCE WITH RESISTANCE STANDARDS SET FORTH IN CHAPTER 36 OF THE S.F.B.C.

2. ALL SINGLE EXTERIOR SWING DOORS SHALL HAVE A LOCK TO BE KEY OPERATED FROM EXTERIOR WITH A MINIMUM OF 8,000 POSSIBLE KEY CHANGES OR LOCKING KEY COMBINATIONS. IF KEY IN-THE-KNOB LOCK IS USED THERE SHALL BE AN ADDITIONAL SINGLE SINGLE DEAD BOLT W/ HARDENED BOLT INSERTS.

3. THE ACTIVE LEAF OF PAIRS OF EXTERIOR SWING DOORS SHALL HAVE SIXTE LOCKS AS REQUIRED FOR SINGLE EXTERIOR SWING DOORS. THE INACTIVE LEAF OF THESE PAIRS OF DOORS SHALL HAVE FULL TRIPLE-POINT LOCKS WITH 5/8" THROW HARDENED BOLTS WITH INSERTS.

4. SLIDING GLASS DOORS SHALL BE PROVIDED WITH SLIDING DOOR DEAD BOLTS OR A BOLT OR PIN NOT REMOVABLE OR OPERABLE FROM EXTERIOR, AT THE JAMB, HEAD, SILL, OR AT MEETING RAILINGS. THESE DOORS SHALL BE REINFORCED IN THE STRIKE AND LOCK AREA TO MAIN BOLT STRENGTH AND EFFECTIVENESS, IF NECESSARY, AND SUCH DOORS SHALL HAVE NO SCREWS REMOVABLE FROM OUTSIDE WHICH WOULD FACILITATE READY ENTRY FROM OUTSIDE.

5. OVERHEAD DOORS SHALL BE PROVIDED WITH MULTIPLE POINT LOCKS OR BE LOCKED AT MORE THAN ONE POINT WITH HARDENED BOLTS OR BOLTS WITH INSERTS ENGAGING AT LEAST TWO OPPOSITE POINTS, A MINIMUM OF 3/4". OTHER LOCKING DEVICES SHALL NOT BE REQUIRED WHERE SUCH DOORS ARE CONTROLLED AND LOCKED BY ELECTRIC POWER.

6. HINGES ON EXTERIOR OUT SWINGS DOORS SHALL HAVE NON REMOVABLE PINS.

7. JAMBS OF ALL EXTERIOR OFSET TYPE M SWED DOORS BE RABBETED, OR OF SIMILAR FABRICATION TO PREVENT DEFEATING THE PURPOSE OF THE STRIKE AND THE INTEGRITY OF LOCKS AND LATCHES.

8. SINGLE SWINGING EXTERIOR DOORS IF MOLD SHALL BE SOLID CORE OF NOT LESS THAN 1 3/8" THICK.

9. GLASS AND EXTERIOR DOORS SHALL COMPLY WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE, STANDARD Z97.1

10. WHICH PANELS IN EXTERIOR DOORS OTHER THAN GLAZING WITHIN 40" OF THE INSIDE LOCKING ACTIVATING DEVICE OF LOOSE AND SLIDING DOORS SHALL COMPLY WITH THE ANSI-STD. Z97.1.

11. SLIDING GLASS DOORS AND WINDOWS SHALL BE INSTALLED AND CONSTRUCTED SO THAT NO PANEL CAN BE LIFTED FROM THE TRACKS WHEN IN THE LOCKED POSITION AND SO AS AS TO COMPLY WITH THE ARCHITECTURAL ALUMINUM PIPE ASSOC. STDS FOR FORCED ENTRY RESISTANCE, AAPE 1603.

12. VENTS IN OVERHEAD GARAGE-TYPE DOORS SHALL NOT BE INSTALLED CLOSER THAN 48" TO THE INSIDE LOCK ACTIVATING DEVICE.

13. SINGLE SWING EXTERIOR AND SWING DOORS CONNECTING LIVING AREAS WITH GARAGE AREAS SHALL BE FINISH 1 3/8" THICK SOLID CORE, AND SHALL BE SECURED WITH A LATCH AND A SINGLE DEAD BOLT WITH A MINIMUM THROW OR A COMBINATION OF DEAD BOLT SETS WITH LATCH THROW OR A MINIMUM OF 1/2" AND BOLTS HAVING A MINIMUM OF 1" THROW.

14. FRONT MAIN ENTRANCE DOORS SHALL BE PROVIDED WITH A DOOR SCOPE OR VISION PANELS.

15. DOORS AND WINDOWS BY YALE ORIGIN PRODUCTS (OR EQUAL) SLIDING DOOR NO. 3615 AWNING WINDOW NO. 5104 HORIZONTAL ROLLING NO. 5153.

16. CLOSETS AND BATHROOMS

NFPA - 101
24-2.3.3 - EVERY CLOSET DOOR LATCH SHALL BE SUCH THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE OF THE CLOSET
7-1.4 - EVERY BATHROOM DOOR LOCK SHALL BE DESIGNED TO PERMIT THE OPENING OF THE LOCKED FROM THE OUTSIDE IN AN EMERGENCY

ZONING LEGEND

ZONING: SINGLE FAMILY

HEIGHT (TO RIDGE OF ROOF):	14'11"
NET LAND AREA:	8000 SQ.F.
LOT COVERAGE (EVERYTHING UNDER ROOF):	~~4033 50.4%~~
EXISTING RESIDENCE = 2,955 SQ.FT.	2751 3496 (OF GV.
VENTILATION: (541 SQ.FT.)	
LANDSCAPE AREA = 12,920 = .16%	

SETBACKS:

	REQUIRED	PROPOSED
FRONT	25	25.10
SIDE	7.5'	15.10
SIDE	7.5'	15.10
REAR	25'	

AREA ADJACENT TO LAKE OR CANAL SO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO LAKE OR CANAL.
LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

ANY APPLICABLE RESOLUTIONS: N/A

NOTICE:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, SECTION 553.79 (10), FLORIDA STATUTES, EFFECTIVE 7/10/97

APPLICANT WILL COMPLY WITH THE ORDINANCE 89-90 (SECTION 13-1.1 OF THE MIAMI-DADE COUNTY CODE) NOTICE OF ROCK MINING OPERATIONS WHERE BLASTING IS PERMITTED)- PRIOR TO STARTING CONSTRUCTION.

A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES ONTO PUBLIC RIGHT OF WAY. CONTACT PUBLIC WORKS DEPT.

THE HEIGHT OF FENCES, WALL AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY HEADING TO A RIGHT OF WAY.

THE HEIGHT OF FENCES IS MORE MEASURED FROM GRADE = ELEVATION OF PUBLIC SIDEWALK OF CROWN OF ROAD.

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BY AH

FERNANDO GOMEZ PINA, P.E.
CONSULTING ENGINEER
P.E. NO. 14,707 (FLORIDA)
3561 CAPE FLORIDA DRIVE
CORAL GABLES, FL. 33134
TEL. (305) 461-3393
FAX (305) 461-3393

LEGALIZATION OF FLORIDA ROOM FOR Ms ORFA RESTREPO
3011 S.W. 122 AVENUE
MIAMI, FLORIDA 33175

SITE PLAN & GENERAL NOTES

REVISIONS

DESCRIPTION
Project No.
Date: 05.01.08
Drawn By:
Approved By: F.G.P.
SEAL

SHEET NO. A-1

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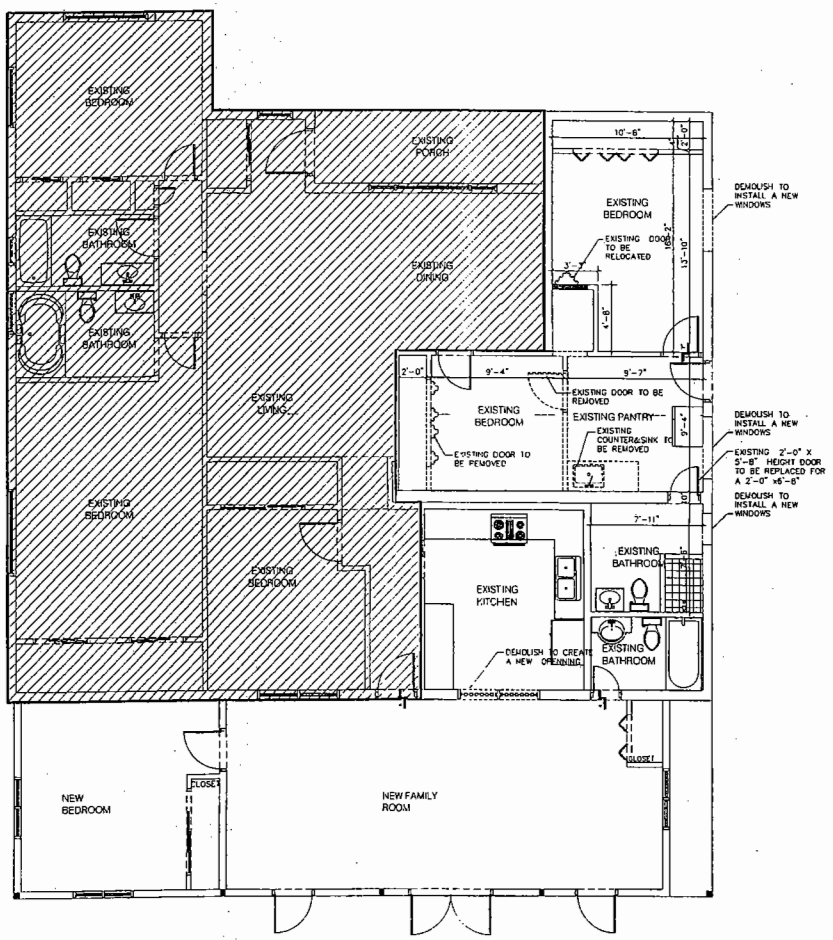
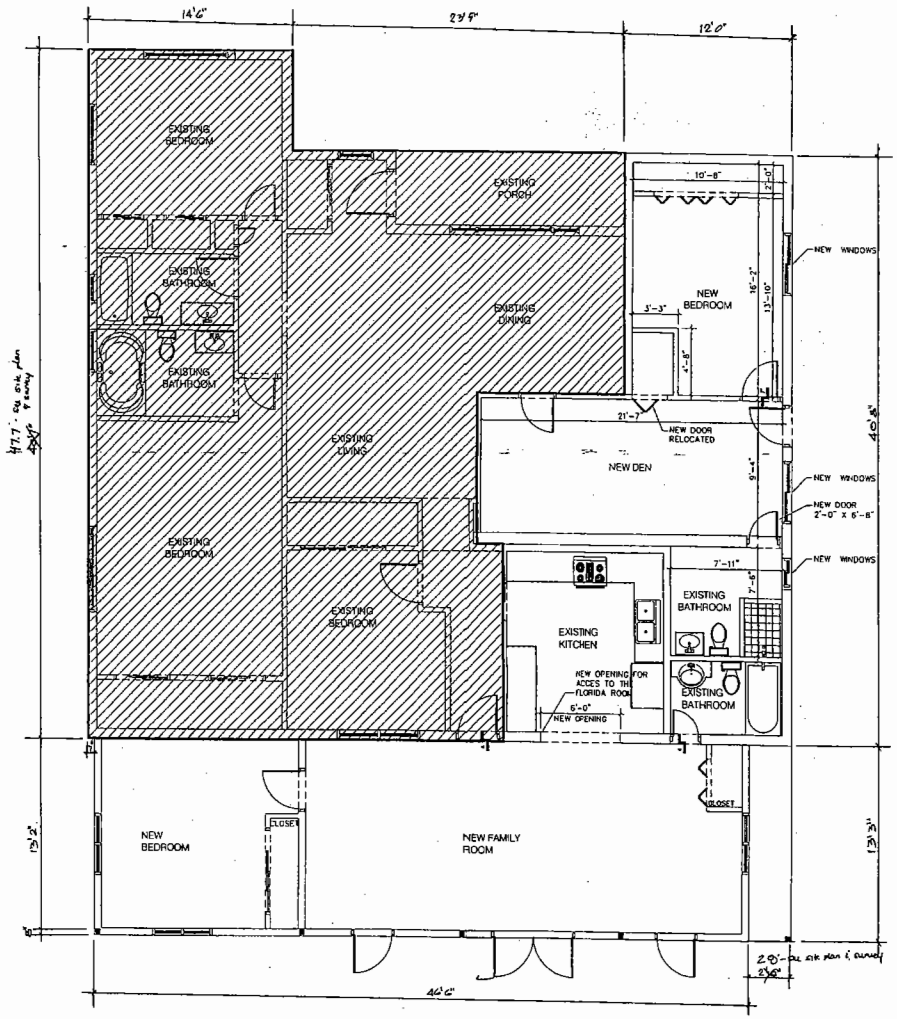
MIAMI-DADE COUNTY
PROCESS #: 208-187
DATE: OCT 08 2008
BY: SDB



1 EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"



60.75X49.09 = 2982.21
- 250.77
2731.44 #

2 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

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OCT 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

17

FERNANDO GOMEZ-PINA, P.E.
CONSULTING ENGINEER
FL. P.E. No 14710 (CIVIL)
250 CATALONIA AVENUE #404
CORAL GABLES, FL. 33134
TEL. (305) 461-2128
FAX (305) 461-2228
FERNANDO@GOMEZPINA.NET

Project Title: LEGALIZATION OF GARAGE INTO BEDROOM FOR Ms ORFA RESTREPO

Address: 3011 S.W. 122 AVENUE
MIAMI, FLORIDA 33175

The Sheet: FLOOR PLAN, FOUNDATION AND FRAMING PLAN

REVISIONS

DESCRIPTION
Project No:
Date:
Drawn By:
Approved By:

SEAL

SHEET NO.
A-2

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MIAMI-DADE COUNTY
PROCESS #: 226-127
DATE: OCT 08 2008
BY: SDS

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OCT 08 2008
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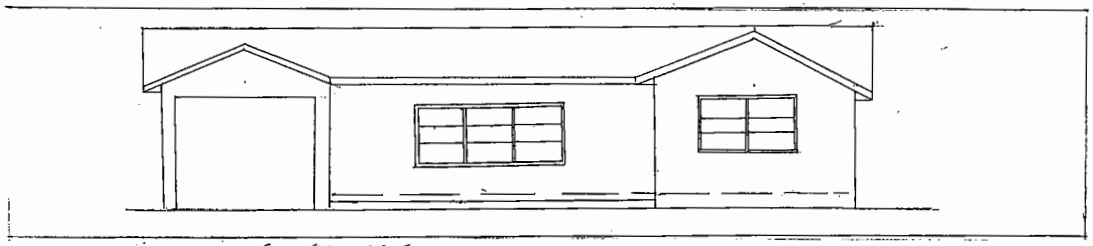
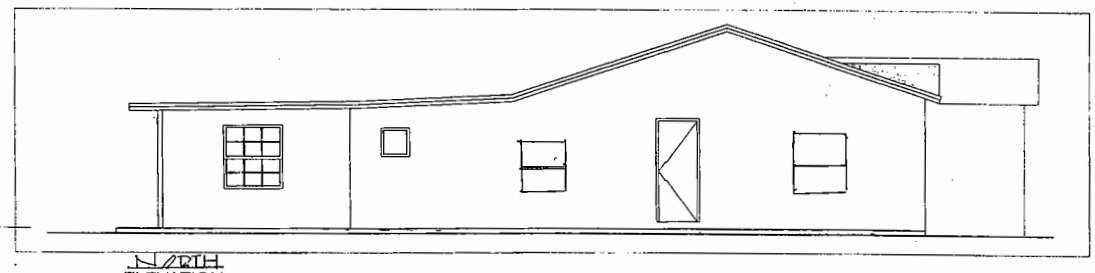
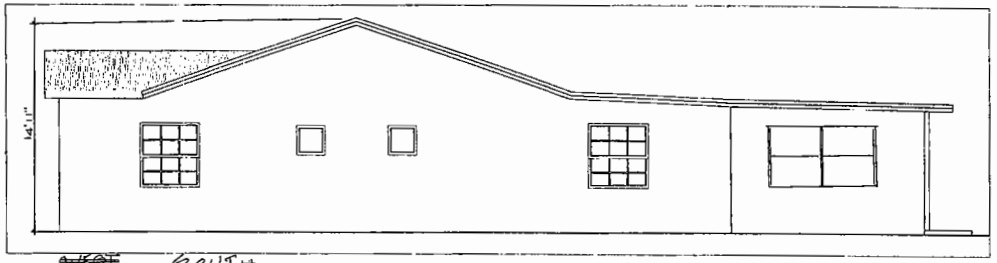
BY AH



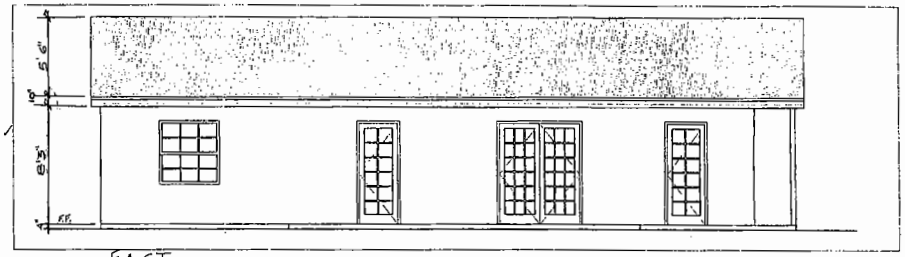
④ ~~SOUTH~~ WEST ELEVATION



① NORTH ELEVATION
SCALE: 1/4" = 1'-0"



② ~~WEST~~ SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



③ EAST ELEVATION
SCALE: 1/4" = 1'-0"

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FERNANDO GOMEZ-PINA, P.E.
CONSULTING ENGINEER
FL. P.E. No 14710 (CIVIL)
250 CATALONIA AVENUE # 404
CORAL GABLES, FL. 33134
TEL. (305) 461-2188
FAX (305) 461-2338

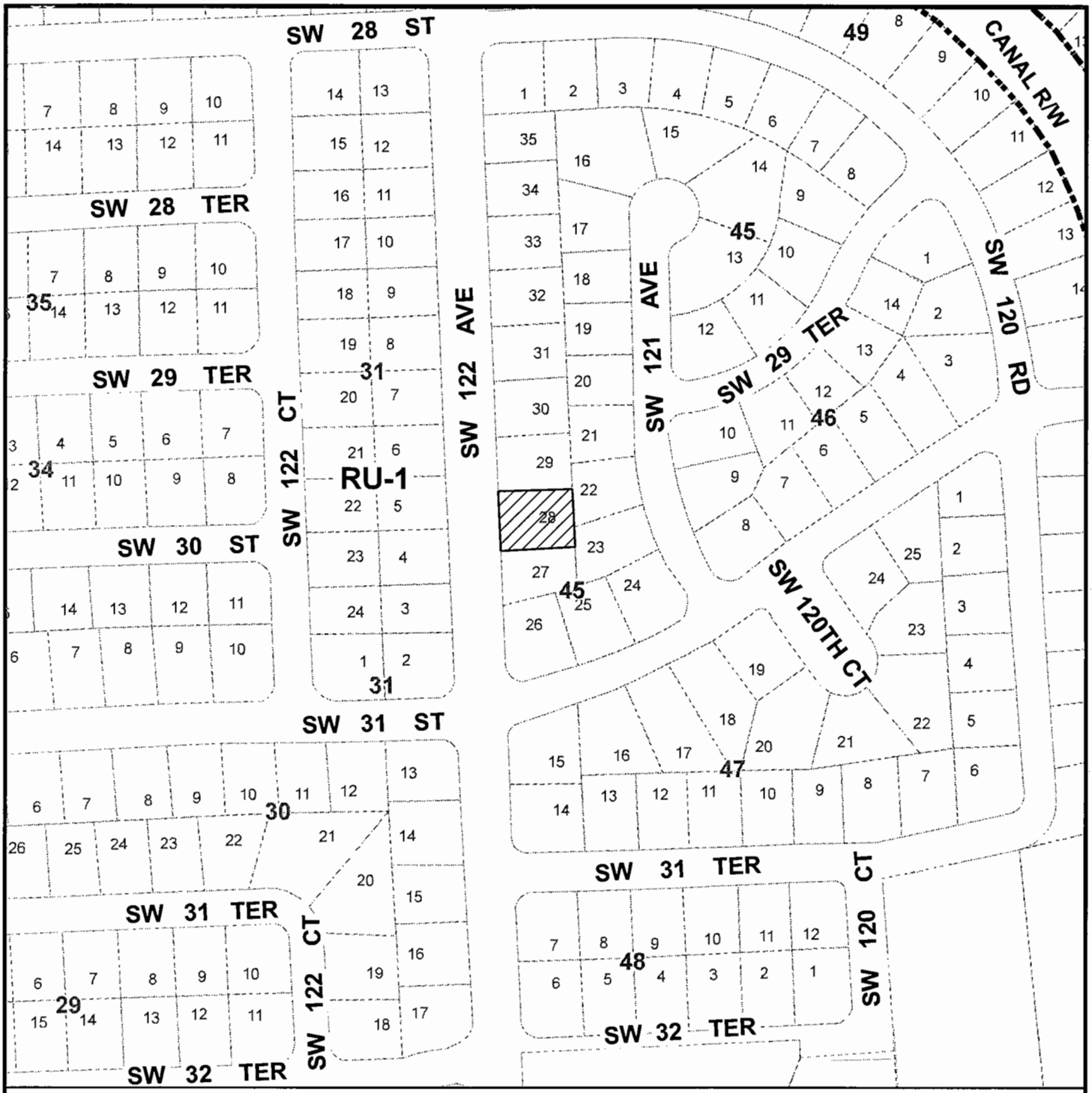
LEGALIZATION OF FLORIDA ROOM
FOR Ms ORFA RESTREPO
3011 S.W. 122 AVENUE
MIAMI, FLORIDA 33175

ELEVATIONS, SECTIONS AND DETAILS

REVISIONS

DESCRIPTION
Project No.
Date:
Drawn By:
Approved By:
SEAL

SHEET NO.
A-3



MIAMI-DADE COUNTY
HEARING MAP

Section: 13 Township: 54 Range: 39
Applicant: ORFA RESTREPO
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-187

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/26/08

REVISION	DATE	BY
		19

MIAMI-DADE COUNTY

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