KITS

2-20-2009 Version # 2

COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Tuesday, March 17, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	04-3-CZ10-4	NEIL KADRE	03-324	03-54-40	N
B.	08-9-CZ10-1	LISSETTE MARIA BIENES	05-236	17-54-40	
C.	08-10-CZ10-1	GABLES EDGE PARKS CO.	06-133	08-54-41	
D.	09-2-CZ10-1	ABITBOL WINGS, LLC	08-129	15-54-39	N
E.	09-2-CZ10-2	ALEXIS PENA & MABEL YANES	08-146	13-54-39	

CURRENT

1.	09-3-CZ10-1	I & D ASSOCIATES INVESTMENTS CORP.	08-184	15-54-39	N
2.	09-3-CZ10-2	HERIBERTO GOMEZ	08-197	31-53-40	N
3.	09-3-CZ10-3	YOSVANY COLLERA & JUDITH SANSON	08-210	03-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF TUESDAY, MARCH 17, 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. NEIL KADRE (04-3-CZ10-4/03-324) **3-54-40**
Area 10/District 6

EU-M to RU-5

LOCATION: The Northeast corner of S.W. 87 Avenue (Galloway Road) & S.W. 4 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 300' x 139'

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 5/25/04

B. LISSETTE MARIA BIENES (08-9-CZ10-1 (05-236) **17-54-40**
Area 10/District 10

(1) USE VARIANCE to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone.

(2) Applicant is requesting to permit a lot area of 8,400 sq. ft. (10,000 sq. ft. required).

(3) Applicant is requesting to permit a setback of 24' (25' required) from the front (west) property line, setback 12'11" (15' required) from the interior side (south) property line and setback 14'8" (15' required) from the side street (north) property line.

(4) Applicant is requesting to permit parking to back-out into adjacent right-of-way (not permitted).

(5) Applicant is requesting to waive the zoning regulation requiring section line road rights-of-way to be 80' wide; to permit 35' of dedication (40' required) for the east half of S.W. 107 Avenue.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Buildings and Structures) approval of requests #2 - #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 "Lissette Bienes Professional Office Interior Alteration," as prepared by A. M. Julien, Architect, dated stamped received 12/7/07 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 3401 S.W. 107 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' x 105'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 and approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #2 and #3 under Section 33-311(A)(20) (ASDO) and denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(c) (ANUV).

Protests: 1 Waivers: 158

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

C. GABLES EDGE PARKS CO. (08-10-CZ10-1/06-133) **8-54-41**
Area 10/District 6

(1) BU-2 and RU-3B to BU-2

(2) SPECIAL EXCEPTION to permit a multi-family apartment development in the BU-2 zoning district.

(3) Applicant is requesting to permit a multi-family building with a setback of 32' (50' required) from the front (north) property line, setback a minimum of 15' (63.18' required) from the interior side (east and west) property lines and setback 20' (60.6' required) from the rear (south) property line.

(4) Applicant is requesting to permit a lot coverage of 57.62% (40% maximum permitted).

(5) Applicant is requesting to permit a floor area ratio (FAR) of 2.2 (1.29 maximum permitted).

(6) Applicant is requesting to permit a landscape open space of 9.1% (33.5% minimum required).

(7) Applicant is requesting to waive the required 5' high masonry wall where a business lot abuts a residential zoning district interior to the site.

(8) Applicant is requesting to permit a 3' wide landscape buffer (5' wide minimum required) along the interior side (east and west) property lines.

(9) Applicant is requesting to waive the zoning regulation requiring section line rights-of-way to be 80' in width; to permit 35' of dedication (40' required) on the south half of S.W. 8th Street.

REQUESTS #1-#9 ON PARCELS "A"

(10) RU-2 to RU-4L

REQUEST #10 ON PARCELS "B" AND "C"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3-#7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and requests #3-#9 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 "Gables Edge", as prepared by Civica, dated stamped received 07/07/08 with Sheet A0.01 last revised 7/17/08 and consisting of 19 sheets. Plans may be modified at public hearing.

LOCATION: South of S.W. 8 Street and approximately 150' east of S.W. 43 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.14 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 2 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1-13-09

D. 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."

In addition: only one pub/bar shall be permitted

(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 one 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, and 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).

Protests: 2

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 2-10-09

E. 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 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).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 2-10-09

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1. I & D ASSOCIATES INVESTMENTS CORP. (09-3-CZ10-1/08-184) **15-54-39**
Area 10/Dist. 11

(1) UNUSUAL USE to permit a day care center, preschool and after school care facility and kindergarten.

(2) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

Upon a demonstration that the applicable standards have been satisfied, 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 "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: The Southwest corner of SW 26 Street (Coral Way) and SW 144 Avenue (aka 2600, 2618, 2636 and 2654 SW 144 Avenue), Miami-Dade County, Florida.

SIZE OF PROPERTY: 225' x 152.23'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 under Section 33-311(a)(3); 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: _____

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2. HERIBERTO GOMEZ (09-3-CZ10-2/08-197) **31-53-40**
Area 10/Distric. 12

RU-1 to IU-1

LOCATION: Lying south of N.W. 23 Street and approximately 101' west of N.W. 108 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 140.46'

Department of Planning and Zoning Recommendation: Approval.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. YOSVANY COLLERA & JUDITH SANSON (09-CZ10-3/08-210) **3-54-39**
Area 10/Dist. 11

Applicants are requesting to permit a chickee hut setback 5'6" (20' required) from the side street (east) property line and setback 72'7" (75' required) from the front (north) property line and spaced 6'10" (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 "Proposed Chiki Hut for Mrs. Judith Sanson, as prepared by Eusebio M. Mora, consisting of 2 sheets dated stamped received 12/23/08. Plans may be modified at public hearing.

LOCATION: 14460 S.W. 9 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 63' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

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. NEIL KADRE
(Applicant)

04-3-CZ10-4 (03-324)
Area 10/District 6
Hearing Date: 3/17/09

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

APPLICANT'S NAME: NEIL KADRE

REPRESENTATIVE(S): Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-3-CZ10-4 (03-324)	MAY 25, 2004	CZAB10- -04

REQUESTS: 1)SE resubdivide and reface platted lot into three lots 2) NUV OF ZON'G & SUB. REGS to permit 35' width

DEPT. REC: MODIFIED APPROVAL #1 (into 2 lots). DENIAL WOP #2 per 33-311(A)(4)(b) & (c)

☐ WITHDRAW: ☐ Entire Application ☐ ITEM(S) _____

☒ DEFER: ☒ INDEFINITELY ☐ TO: _____ ☐ W/Leave To Amend

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH STD. CONDITIONS

☐

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	S	Jose M. BLANCO (C.A.)	✓		
MR.	M	Manuel CASAS	✓		
VICE-CHAIRMAN		Jesus RODRIGUEZ	✓		
CHAIRMAN		George A. ALVAREZ	✓		

VOTE: 4 **to** 0

EXHIBITS: ☐ **YES** ☒ **NO**

COUNTY ATTORNEY: David Hope

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

APPLICANT'S NAME: NEIL KADRE

REPRESENTATIVE(S): Felix Lasarte

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-3-CZ10-4 (03-324)	MARCH 23, 2004	CZAB10- -04

REQUESTS: 1) SE resub & reface platted lot into three lots. 2) NUV Zoning & Subdivision regs section line to permit 35' in width.

DEPT. REC: MODIFIED APPROVAL OF #1 (CREATE 2 LOTS). DENY WITHOUT PREJUDICE #2

☐ WITHDRAW: ☐ Entire Application ☐ ITEM(S)

☒ DEFER: ☐ INDEFINITELY ☒ TO: May 25, 2004 ☐ 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 STD. CONDITIONS

☐

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	S	Jose M. BLANCO (C.A.)	✓		
MR.		Manuel CASAS	✓		
VICE-CHAIRMAN	M	Jesus RODRIGUEZ	✓		
CHAIRMAN		George A. ALVAREZ	✓		

VOTE: 4 to 0

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: David Hope

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

APPLICANT: Neil Kadre **PH:** Z03-324 (04-3-CZ10-4)

SECTION: 3-54-40 **DATE:** March 17, 2009

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

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A. INTRODUCTION

- **REQUEST:**

  EU-M to RU-5

- **SUMMARY OF REQUEST:**

  The applicant seeks to change the zoning on the property from EU-M, Single-Family Modified Estate Residential District, to RU-5, Semi-Professional Office & Apartments District, in order to provide residential/semi-professional office space for the community.

- **LOCATION:**

  The Northeast corner of S.W. 87 Avenue (Galloway Road) & S.W. 4 Street, Miami-Dade County, Florida.

- **SIZE:** 300' X 139'

B. ZONING HEARINGS HISTORY:

In 1955, the Board of County Commissioners (BCC) approved through Resolution # 9141, on December 15, 1955, a zone change from RU-1, Single-Family Residential District, to LRU, Limited Residential District. Said rezoning was reclassified as EU-M (Estate Modified District) in accordance with Ordinance No. 57-19, §14(B), 10-22-57.

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 **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on

the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

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:	
EU-M; vacant property	Office/Residential
Surrounding Properties:	
NORTH: EU-M; vacant property	Office/Residential
SOUTH: EU-M; single family residence	Office/Residential
EAST: EU-M; single family residence	Estate Density Residential, 1 to 2.5 dua
WEST: RU-TH; townhouses	Medium Density Residential, 13 to 25 dua

The subject parcel is located on the east side of SW 87 Avenue, south of Flagler Street. The area where the subject property lies is characterized with a mixture of residential uses consisting of townhouses, zero-lot lines, and single family homes on large lots.

E. SITE AND BUILDINGS:

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

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions stated in their memoranda

H. ANALYSIS:

This application was deferred indefinitely from the May 25, 2004 meeting at the applicant's request to submit new plans and to work with staff. The applicant submitted a revised Letter of Intent on November 25, 2008 amending the application to request only a zone change on the subject site.

The subject property is located at the northeast corner of SW 4 Street and SW 87 Avenue (Galloway Road). The applicant is seeking a zone change from EU-M, Single-Family Modified Estate District, to RU-5, Residential/Semi-Professional Office & Apartments District. The applicant has not submitted plans in conjunction with this application. However, the applicant has proffered a covenant that prohibits medical, dental, tattoo parlors, massage/bath parlors, adult video store, adult book store, adult entertainment and pool halls on the site, prohibits vehicular access to the site via SW 4 Street and provides landscape buffering elements along the south, east and north property lines that include large canopy trees, a 3-foot high berm, hedges and a 6' high wall or decorative fence. Staff concurs with the restriction on the uses and opines that medical and dental uses are high traffic intensive uses and the remaining restricted uses are not compatible with the surrounding area.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as indicated in their memorandum for this application. The **Public Works Department (PWD)** has **no objections** to this application. Their memorandum indicates that this application will generate **25** additional PM daily peak hour **vehicle trips**; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "B" and "D". The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and estimates their average travel response time to be 6:31.

Approval of this application will allow the applicant to provide residential/semi-professional office space for the community. This site is designated for **Office/Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, zoned, or Plan-designated adjoining or adjacent residential uses. The CDMP also indicates that office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to, traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. The requested RU-5 zoning district allows uses such as duplexes, multi-family housing projects, accountants, banks without drive-in teller facilities, day nursery, dentists, medical doctors, real estate, and travel agencies, to name a few. Staff notes that the uses permitted in the RU-5 zoning district are **consistent** with the uses allowed in the

Office/Residential land use category. Staff acknowledges that the applicant has not submitted plans in conjunction with this application, but notes that the applicant has proffered a covenant that limits the uses on the site and provides landscape buffering elements along the south, east and north property lines. As such, staff opines that the approval of the requested zone change, subject to the Board's acceptance of the proffered covenant, is both **consistent** with the designation of the LUP Map of the CDMP and **compatible** with the surrounding area. In addition, the CDMP states that all such lawful uses and zoning are deemed to be consistent with the CDMP. As such, the existing EU-M zoning which was established before the CDMP was adopted is also **consistent** with same.

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 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. The applicant is seeking approval for a district boundary change from EU-M to RU-5 that allows uses such as duplexes, multi-family housing projects, accountants, banks without drive-in teller facilities, day nursery, dentists, medical doctors, real estate, and travel agencies, which are **consistent** with the uses allowed in the Office/Residential land use category. Staff notes that the proposed rezoning will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the approval of this application will not have an unfavorable impact on the economy of Miami-Dade County. Further, the Public Works Department has no objection to this application, and indicates that the additional 25 PM daily peak hour vehicle trips generated by this application will not exceed the acceptable level of service of the surrounding roadways. Furthermore, staff opines that the proposed rezoning on the subject property to RU-5 is well suited along SW 87 Avenue, since said roadway is a well-traveled section-line roadway. As such, staff opines that said circumstance render the subject site as being less conducive for residential uses due to noise generated by motorists traveling along SW 87 Avenue. Moreover, it should also be noted that RU-5 zoning regulations require a lot frontage of 100', which the subject lot exceeds by 39' and a lot area of 10,000 sq. ft., which the subject lot exceeds by approximately 31,839 sq. ft. Therefore, staff opines that the subject site is more than adequate in lot frontage and area to accommodate an office/residential use. In addition, as previously mentioned, the applicant has voluntarily proffered a covenant to restrict the permitted uses on the site and to provide landscape buffering elements along the south, east and north property lines in order to ensure a design that is sensitive to the adjoining residential properties located to the south, east and north of the site. Therefore, staff opines that the proposed RU-5 zoning would be **compatible** with the surrounding area.

Based on all of the aforementioned, staff recommends approval of the requested zone change from EU-M to RU-5 subject to the Board's acceptance of the proffered covenant.

Based on all of the aforementioned, staff concludes that the requested zone change from EU-M to RU-5 is **consistent** with the Office/Residential LUP Map designation and **compatible** with the surrounding area. As such, staff recommends approval subject to the Board's acceptance of the proffered covenant, of the zone change from EU-M to RU-5.

I. RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 03/03/04
DATE TYPED: 01/22/09
DATE REVISED: 02/10/09; 02/12/09; 02/18/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:NN:JV:NC

for Maria T. Tejo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: January 26, 2009

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

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

Subject: C-10 #Z2003000324-Revised
Neil Kadre
Northeast Corner of S.W. 87th Avenue and S.W. 4th Street
District Boundary Change from EU-M to RU-5
(EU-M) (0.95 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 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.

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 Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

The development criteria and the level of on-site flood protection may vary from those mentioned above if ground water stages are increased as a result of the implementation of the Comprehensive Everglades Restoration Plan.

Wetlands
Although the subject property is not located within a designated wetland basin, a site inspection performed by DERM staff on July 8, 2003 revealed that the subject property contains jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property. The Wetlands Resources Section of DERM (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

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

Tree Preservation
The subject property revealed the presence of tree resources. However, portions of the subject property contain jurisdictional wetlands; therefore, these tree resources will be regulated through a Class IV Wetland Permit. The applicant is 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.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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# Z2003000324
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:NEIL KADRE

This Department has no objections to this application.

Since this development abuts a State maintained road (SW 87 Ave.), the applicant must contact the district office at 305-470-5367; certain restrictions may apply.

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 25 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-42	SW 87 Ave. s/o SW 24 St.	D	D
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.
03-FEB-09

Memorandum

Date: 26-JAN-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2003000324

Fire Prevention Unit:

- No objection to Letter of Intent.
- No plans available. 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 Z2003000324
located at THE NORTHEAST CORNER OF S.W. 87 AVENUE & S.W. 4 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1352 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:31 minutes

Existing services:

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

Station 48 - Fontainebleau - 8825 NW 18 Terrace
Rescue, Technical Rescue Team, Heavy Rescue USAR

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.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:
NEIL KADRE

ADDRESS:
THE NORTHEAST CORNER OF S.W. 87 AVENUE & S.W. 4 STREET, MIAMI-DADE COUNTY, FLORIDA.
3040030060670

DATE: 01/28/09

ZONING HEARING#:
Z2003000324

CURRENT ENFORCEMENT HISTORY:

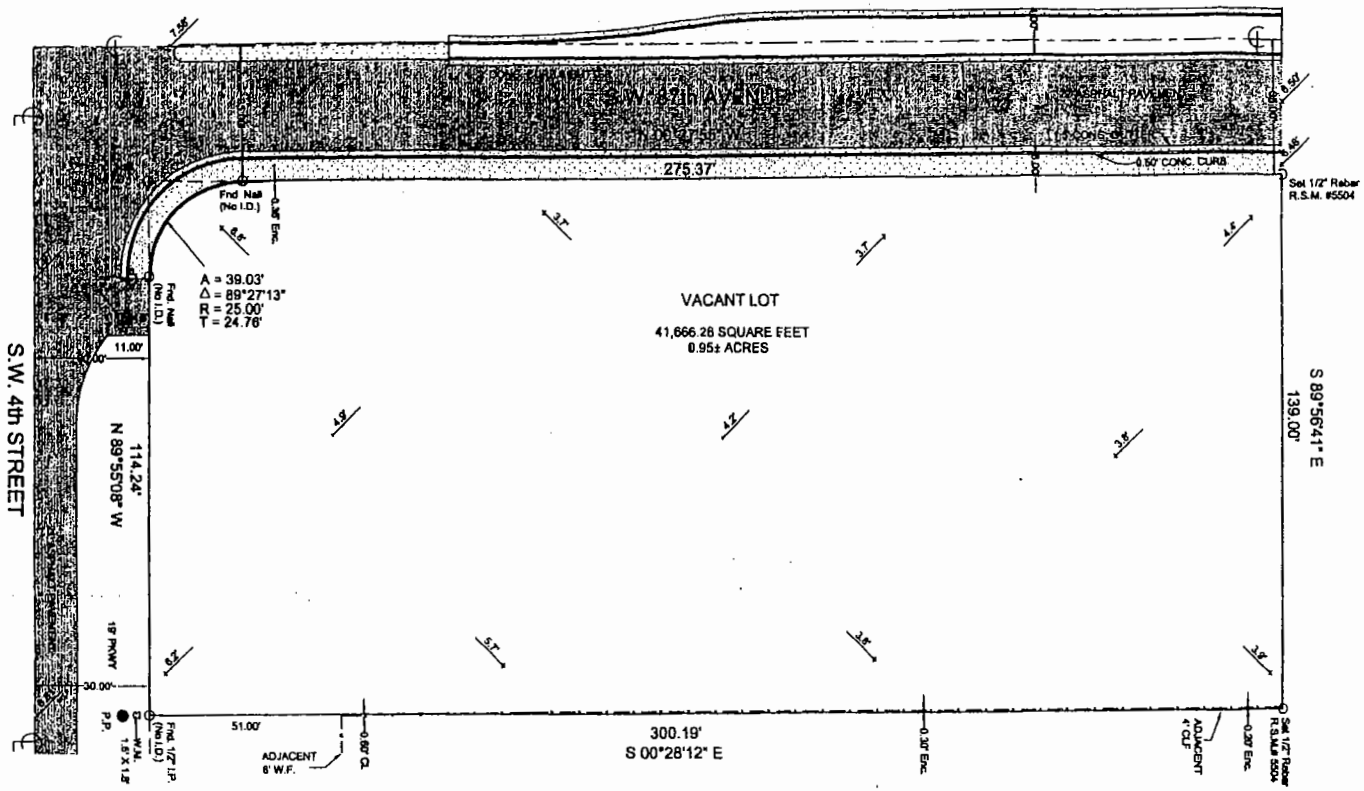
No open cases. No current violations.

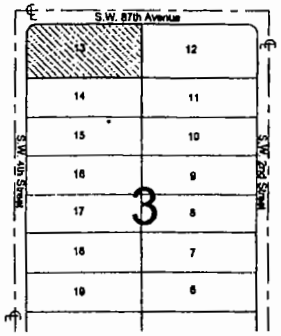
PRIOR CASES:

CMS#200003007129. CVN issued in September 2000 for overgrowth. CVN paid. Case closed as complied.

CMS#200103003655. CVN issued in May 2001 for overgrowth. CVN paid. Case closed as complied.

CMS #200103007538. CVN issued in September 2001 for overgrowth. CVN voided. Case closed as complied.





Location Sketch
NTS

LEGAL DESCRIPTION:
Lot 13, Block 3, FLAGLER WATERWAY ESTATES, according to the Plat thereof, as recorded in Plat Book 44, Page 44, of the Public Records of MIAMI-DADE County, Florida.

CERTIFIED TO: Neil Kadre, Ernesto Martinez, Jr., P.A.; Attorneys' Title Insurance Fund, Inc.

PREPARED FOR: Neil Kadre, 86XX S.W. 4 Street, Miami, FL 33144

Surveyor's Note:
X____ Denotes Spot Elevation
Elevations shown refer to National Geodetic Vertical Datum 1929.

Note:
- All clearances and/or encroachments shown hereon are of apparent nature. Fence ownership by visual means. Legal ownership of fences not determined.
- Underground structures, if any, not located.
- Bearings, if shown, are based on assumed meridian or Plat of Record.
- Lands shown hereon were not abstracted for easements and/or right-of-ways of record.

LEGEND

Δ	= Central Angle	℄	= Center Line	F.H.	= Fire Hydrant	M	= Measured	D/B	= Deed	PL	= Planter	R.L.S	= Registered Land Surveyor	T	= Tangent
A	= Arc	CLF	= Chain Link Fence	FIP	= Found 1/2" Iron Pipe	MainT	= Maintenance	O.U.L.	= Overhead Utility Lines	PLS	= Professional Land Surveyor	RNG	= Range	Trans	= Transformer
A/C	= Air Conditioner	Cl.	= Clear	FIR	= Found 1/2" Iron Rebar	ME	= Maintenance Easement	P	= Plat	POB	= Point of Beginning	R/R	= Railroad	TWP	= Township
ASPH	= Asphalt	Conc	= Concrete	FPL	= Florida Power & Light	MH	= Manhole	Pb	= Plat Book	P.O.C	= Point of Commencement			Typ	= Typical
BBQ	= Barbecue	D	= Deed	ID	= Identification	M	= Monument Line	PC	= Point of Curvature	P.P.	= Power Pole	RSM	= Registered Surveyor & Mapper	UE	= Utility Easement
DB	= Catch Basin	Elevator	= Elevator	LP	= Iron Pipe	Mon	= Monument	PCP	= Permanent Control Point	PRC	= Point of Reverse Curvature	R/W	= Right-of-Way	UTB	= Utility
CBS	= Concrete Block Structure	GH	= Grill Hole	LS	= Licensed Business	N/A	= Not Applicable	PG	= Page	PRM	= Point of Reference Monument	Sidw	= Sidewalk	W/F	= Wood Fence
CH	= Chord	D/E	= Drainage & Maintenance Easement	LME	= Lake Maintenance Easement	N/D	= Not & Dim	P.I.	= Point of Intersection	PT	= Point of Tangency	Ent	= Section	W.M.	= Water Meter
Chdn	= Chainlinkfence	Easem't	= Easement	LP	= Light Pole	N°	= Number					SD	= Storm Drain		
		Enc.	= Encroachment												

SURVEYOR'S SEAL
Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.

REVISED: 03-18-03

BOUNDARY SURVEY
I HEREBY CERTIFY: That the attached survey was made under my responsible charge and substantially meets the minimum technical standards as set forth by the FLORIDA BOARD OF LAND SURVEYORS in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. There are no encroachments, overlaps, easements appearing on the plat or visible easements other than as shown hereon.

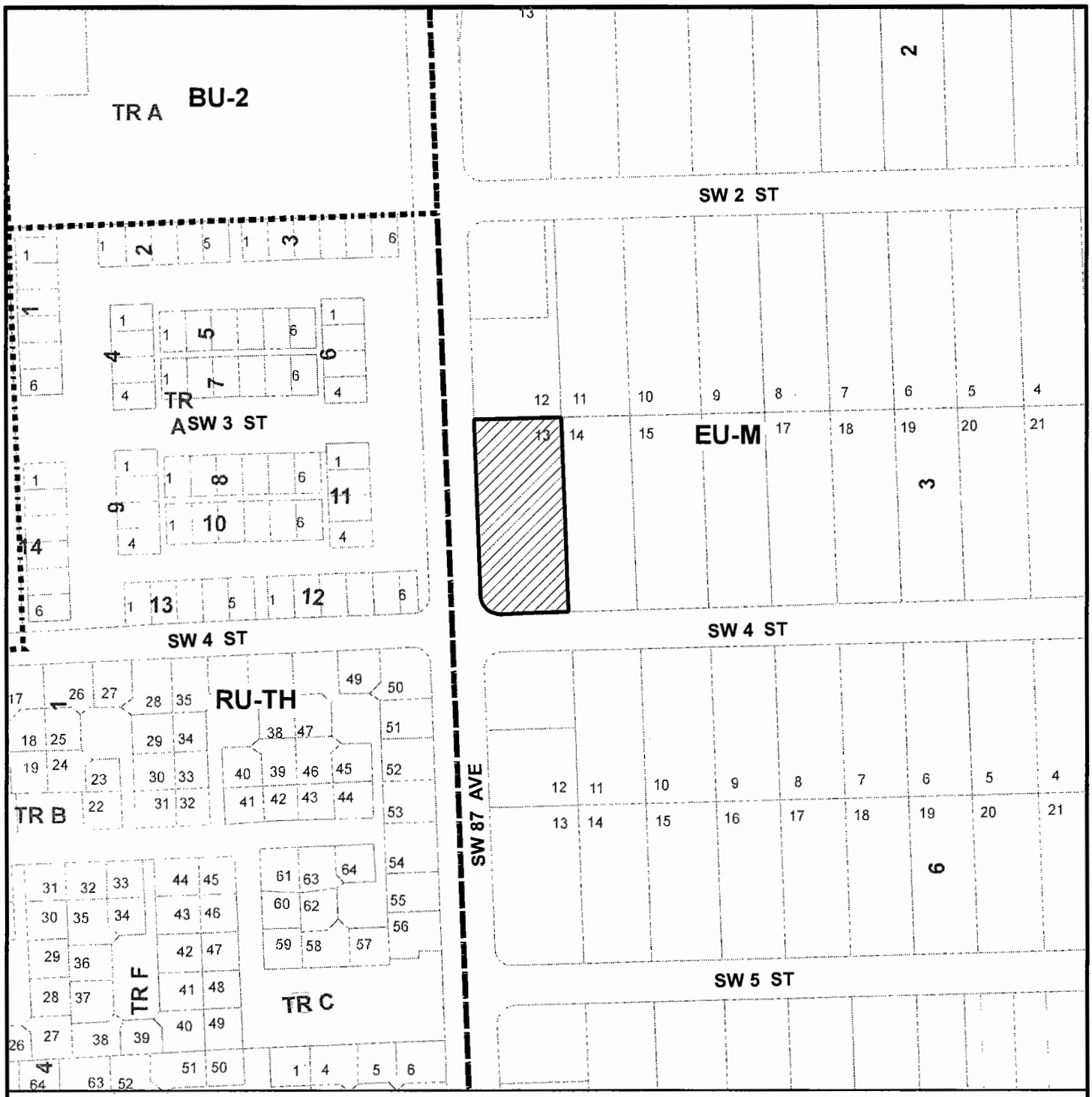
NELSON MOJARENA

MOJARENA & ASSOCIATES, INC.
Land Surveyors & Mappers
Certificate of Authorization No. 5668
12925 S.W. 132nd Avenue
Miami, Florida 33186 (305) 276-2494

FLOOD ZONE: X	BASE: N/A		
DATE:	SCALE:	DWN. BY	JOB NO.

03-321

16



MIAMI-DADE COUNTY
HEARING MAP

Process Number
03-324

Section: 03 Township: 54 Range: 40
Applicant: NEIL KADRE
Zoning Board: C10
Commission District: 06
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/02/09

REVISION	DATE	BY
		17

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

03-324

Section: 03 Township: 54 Range: 40
Applicant: NEIL KADRE
Zoning Board: C10
Commission District: 06
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/02/09

REVISION	DATE	BY

B. LISSETTE MARIA BIENES
(Applicant)

08-9-CZ10-1 (05-236)
Area 10/District 10
Hearing Date: 3/17/09

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

B

APPLICANT'S NAME: **LISSETTE MARIA BIENES**

REPRESENTATIVE: Jose Tunion

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-9-CZ10-1 (05-236)	January 13, 2009	CZAB10		09

REC: Approval with conditions of request #1; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #2 and #3 under Section 33-311(A)(20) (ASDO option for semi-professional office buildings and structures); and denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(c) (ANUV).

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 17, 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 Board's request for the applicant to work with staff in regards to the site plans.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ	X		
MR.	M	Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES			X
MR.	S	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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

B

APPLICANT'S NAME: **LISSETTE MARIA BIENES**

REPRESENTATIVE: Lissette Maria Bienes

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-9-CZ10-1 (05-236)	October 30, 2008	CZAB10		08

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

☐ 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 allow additional time to submit covenant and revised plan.

At applicant's expense.

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

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

#1

APPLICANT'S NAME: **LISSETTE MARIA BIENES**

REPRESENTATIVE: Lissette Maria Bienes

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-9-CZ10-1 (05-236)	September 11, 2008	CZAB10		08

REC: Approval with conditions of request #1; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #2 and # under Section 33-311(A)(20) (ASDO option for semi-professional office buildings and structures); and denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(c) (ANUV).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Oct 30, 2008 ☐ 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 provide covenant limiting uses on property, to restrict development to submittal plans and consider adding more parking.

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.		Ruben POL III	X		
CHAIRMAN	M	Carlos A. MANRIQUE	X		
		VOTE:	6	0	

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

4

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

APPLICANT: Lissette Maria Bienes **PH:** Z05-236 (08-9-CZ10-1)

SECTION: 17-54-40 **DATE:** March 17, 2009

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

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) USE VARIANCE to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone.

  (2) Applicant is requesting to permit a lot area of 8,400 sq. ft. (10,000 sq. ft. required).

  (3) Applicant is requesting to permit a setback of 24' (25' required) from the front (west) property line, setback 12'11" (15' required) from the interior side (south) property line and setback 14'8" (15' required) from the side street (north) property line.

  (4) Applicant is requesting to permit parking to back-out into adjacent right-of-way (not permitted).

  (5) Applicant is requesting to waive the zoning regulation requiring section line road rights-of-way to be 80' wide; to permit 35' of dedication (40' required) for the east half of S.W. 107 Avenue.

  Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Buildings and Structures) and approval of requests #2 - #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 "Lissette Bienes Professional Office Interior Alteration," as prepared by A. M. Julien, Architect, dated stamped received 12/7/07 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicant seeks a use variance to permit RU-5A, Semi-Professional Office District uses, in the RU-1, Single-Family Residential District, zone. The applicant also seeks to permit less lot area than required in the RU-5A zone; to permit parking to back-out into adjacent right-of-way; and to waive the zoning regulations requiring section line rights-of-way to be 80' in width. Additionally, the applicant seeks to permit the proposed office structure setback closer to the front, interior side and side street property lines than permitted.

- **LOCATION:** 3401 S.W. 107 Avenue, Miami-Dade County, Florida.

- **SIZE:** 80' x 105'

- **IMPACT:** Approval of this application will allow the applicant to provide semi-professional office space for the community. However, the proposed office use will bring additional non-local traffic and noise to the surrounding area and will be intrusive to the residential area located to the east of the site. Further, the approval of the additional variance requests for reduced lot area and setbacks could be visually intrusive to the adjacent properties. Moreover, approval of the requests to permit less right-of-way dedication and to permit parking to back-out onto the right-of-way could disrupt traffic flow along SW 107 Avenue.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use.

1. 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 CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation 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.

2. **Office uses** smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.

   In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be

approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

3. **Policy LU-4C.** 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.

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; 1-story office building	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; 1-story office building	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
WEST: RU-2; 1-story office building	Low Density Residential, 2.5 to 6 dua

The subject property is a corner lot located at 3401 SW 107 Avenue, in an area characterized by single-family residences that have been converted into semi-professional offices as well as a residential area located to the east of the site.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plans 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:

Section 33-311(A)(4)(a) Use Variance. The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.

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.

Section 33-311(A)(20) Alternative Site Development Option for Semi-professional Office Buildings and Structures.

(c) Setbacks for a principal building, or accessory building or structure in the RU-5A, 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 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 by more than twenty percent (20%) of the landscaped open space percentage required by the applicable district regulations; and

(4) any area of shadow cast by the proposed alternative development upon an adjoining property 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 if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; 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(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and

(8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, 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 alternative 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, parcel or tract; and

(10) any windows or doors in any building(s) to be located within an interior side or rear 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 building(s) of a discordant use located on an adjoining parcel of land; and

(11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and

(12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use 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 of a discordant use 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 eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or

(B) is screened from adjoining property by an opaque fence or wall at least five (5) feet in height, if located adjoining or adjacent to a discordant use, that meets the standards set forth in paragraph (g) herein; and

(14) any structure in the RU-5A district 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 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and

(15) when a principal building, or accessory building in the RU-5A district, 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

(16) safe sight distance triangles shall be maintained as required by this code; and

(17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code; and

(18) the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (July 11, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and

(19) the proposed development will meet the following:

(A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setbacks shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

(B) side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying district regulations;

(C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five percent (25%) of the setbacks required by the underlying district regulations; and

(D) rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, rear setbacks shall not be reduced below twenty-five percent (25%) of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

(E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(f) An alternative **lot area and frontage** shall be approved upon a demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

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

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; or eighty-five percent (85%) of the underlying district regulations for an older subdivision of land caused by a conveyance or device of record prior to August 2, 1938, or a platted unrevoked subdivision recorded prior to August 2, 1938; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; or eighty-five percent (85%) of the underlying district regulations for older subdivisions of land caused by a conveyance or device of record prior to August 2, 1938, or a platted unrevoked subdivision recorded prior to August 2, 1938, except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (July 11, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

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

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment, or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

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

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

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

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

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

(k) 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

(l) 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 economic viability of any enterprises proposed within the approved development and the quality of life of residents and business tenants of 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, landscaped open space over and above that normally required by the code, additional trees or landscaping, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), 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, cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed commercial development, the following shall be considered:

(A) the types of needs of the residents or business tenants of the immediate vicinity and the needs of the occupants of the parcel proposed for development 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 the residents, business tenants or occupants of parcel(s) in 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 landscape open space.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**Objects**
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:

This application was deferred from the January 13, 2009 meeting to allow the applicant time to submit revised plans that address the Board's concerns. It should be noted that as of the time of this writing, staff has not received any additional plan revisions other than those last submitted on November 25, 2008. This application also was deferred from the October 30, 2008 and September 11, 2008 meetings at the applicant's request to allow the applicant time to submit a covenant restricting the development of the site to the submitted plans, limiting the uses on the property and to allow the applicant time to consider incorporating additional parking on the site. It should be noted that the applicant has proffered a covenant that restricts development of the site to the submitted plans and prohibits medical and dental office uses on the site. The applicant also submitted revised plans on November 25, 2008 that illustrate 1 additional parking space located to the rear of the existing residence, for a total of 6 parking spaces on the subject site. The subject property is a corner lot located at 3401 SW 107 Avenue in an area characterized by single-family residences that front on SW 107 Avenue, which have for the most part, been approved for and converted into offices. The subject property is neighbored to the east (rear) by a single-family residence. The 0.19-acre subject site is currently improved with a one-story single-family residence with a carport addition attached to the front of the residence, which the applicant has indicated on the submitted plan, is to be removed. A metal shed is located on the southeast corner of the site, which the applicant has noted on the plan is also to be removed. The applicant is seeking a use variance to permit semi-professional office uses in the RU-1, Single-Family Residential District, as would be permitted in the RU-5A, Semi-Professional Office District, (request #1). RU-5A uses include, but are not limited to, office buildings for accountants, architects, attorneys, dentists, medical doctors, notary publics, real estate and travel agencies, as well as banks without drive-through teller facilities. Additionally, the applicant seeks to permit a lot area of 8,400 sq. ft. (10,000 sq. ft. required in the RU-5A zone) and to permit a building setback 24' (25' required) from the front (west) property line, setback 12'11" (15' required) from the interior side (south) property line, and setback 14'8" (15' required) from the side street (north) property line (request #3). The applicant also seeks to permit parking to back-out into adjacent right-of-way (not permitted) (request #4) and to waive the zoning regulation requiring section line rights-of-way to be 80' in width; to permit 35' of dedication (40' required) for the east half of SW 107

Avenue (request #5). The applicant has submitted plans depicting the above-mentioned requests.

The revised plans submitted by the applicant on November 25, 2008 depict the conversion of the existing 1-story single-family residence to accommodate a proposed 1,785 sq. ft. office use. There are 5 parking spaces provided to the rear of the building on the eastern portion of the site and 1 parking space is provided in front of the building that backs out onto SW 107 Avenue and is labeled as "owner parking" for a total of 6 parking spaces. Staff notes that the applicant has provided 1 surplus parking space for a total of 6 parking spaces where 5 parking spaces are required by the Zoning Code for the proposed office use. Proposed access to the site is provided via an ingress/egress drive located on SW 34 Street, which leads directly into the rear parking area and a 10'11" wide driveway is provided along SW 107 Avenue leading to a single parking space in front of the structure which the applicant has indicated is to be for the owner's use. Staff notes that there is an existing 6' high wood fence along the rear (west) property line and that a 6' wood fence is proposed along the interior side (south) property line. Landscape plans illustrate that Live Oak trees and Cabbage Palms are being provided along the rear (east) and interior side (south) property lines as well as along the front and side street property lines. Additional landscaping in the form of a Babadus Sherry Hedge is provided along the front, portions of the side street and interior side property lines.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as indicated in their memorandum for this application. The Public Works Department **(PWD) objects** to this application. Specifically, their memorandum indicates that approval of the request to permit parking to back-out into the right-of-way will disrupt the flow of traffic along a major arterial roadway, SW 107 Avenue. However, the PWD has no objections to the request to permit 35' of dedication for the east half of SW 107 Avenue where 40' is required. Additionally, their memorandum indicates that the proposed office use generates the same number of vehicle trips as the existing single-family use on the property and will not generate any new vehicle trips; therefore this application meets the initial traffic concurrency criteria. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and indicates that their estimated response time is **6:18** minutes.

Approval of the application will allow the applicant to provide semi-professional office services for the community. This area is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The CDMP provides that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map; b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does the subject frontage face such an Estate Density area. The subject property meets the aforementioned criteria of the Master Plan including that the subject property is located on a section-line-roadway (SW 107 Avenue) also designated as a "major roadway" on the Land Use Plan map, the site is less than one acre in size, is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential use, and the subject frontage does not face an Estate Density area. Furthermore, the Master Plan also indicates that where other office, business or industrial uses exist on the same block face, approval of office

uses on sites smaller than 1 acre may be granted. Research reveals that similar approvals have been granted on properties within the same block face as the subject property. Specifically, in 1994, the property that abuts the subject property to the south, located at 3411 SW 107 Avenue, was granted a use variance to permit semi-professional office uses in the RU-1 district as would be permitted in the RU-5A district as well as non-use variances to permit a lot area of 7,875 sq. ft. (10,000 sq. ft. required), to permit 35' of right-of-way dedication (40' required) for SW 107 Avenue, to permit the office building setback closer to the front and interior side property lines and to permit parking to back out onto SW 107 Avenue, among others, pursuant to Resolution #5-ZAB-143-94. Further, in 1993, a property located at 3421 SW 107 Avenue, approximately 83' to the south of the subject property, was granted a use variance to permit an engineering drafting office in the RU-1 zone as would be permitted in the RU-5A zone as well as non-use variances to permit a lot area of 7,875 sq. ft. (10,000 sq. ft. required), to permit 35' of right-of-way dedication (40' required) for SW 107 Avenue, to permit the office building setback closer to both interior side property lines, among others, pursuant to Resolution #4-ZAB-117-93. Additionally, in 1997, property located at 3431 SW 107 Avenue, approximately 170' to the south of the subject site, was granted a use variance to permit RU-5A uses in the RU-1 zone as well as non-use variances to permit less lot area than required, reduced setbacks, and to permit 35' of right-of-way dedication (40' required) for SW 107 Avenue, pursuant to Resolution #5-ZAB-96-97. Moreover, in 1992 and 2005, properties located at 3501 and 3531 SW 107 Avenue, approximately 260' and 475' to the south of the subject site, were also approved use variance requests to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone, among other requests, pursuant to Resolution #4-ZAB349-92 and Resolution #CZAB10-61-05, respectively. Therefore, as indicated above, the proposed office use would be **consistent** with the interpretative text of the CDMP and **compatible** with the existing office uses approved within the block face where the subject property lies.

The applicant is proposing a use variance to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone (request #1). As previously mentioned, the subject site is consistent with the Master Plan and compatible with the previously discussed approvals in the area. A **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations. As previously discussed, a majority of the lots that front on SW 107 Avenue, located in the block where the subject property lies, have been, over time, approved for use variances to permit office uses in the RU-1 zoning district. Specifically, staff notes that 5 out of the 8 lots located within the block where the subject property lies have been granted use variances to permit office uses and have since been converted to accommodate a variety of office uses. Moreover, staff notes that the site located at 3331 SW 107 Avenue, to the north of the subject site across SW 34 Street, was granted, among other requests, a use variance to permit an insurance agency in an RU-1 zone as would be permitted in the RU-5A zone, pursuant to Resolution #5-ZAB-10-93. Additionally, it should be noted that property located at 10710 SW 34 Street immediately to the west of the subject site across SW 107 Avenue, was granted, among other requests, a use variance to permit a medical office in the RU-1 zone as would be permitted in the RU-5A zone, pursuant to Resolution #5-ZAB-243-95. As such, it should be noted that the subject site is surrounded on three sides by properties that have been granted use variances to permit office uses and have since been converted to accommodate said office uses. Based on the aforementioned, staff opines that the subject site is no longer conducive for use as a single-family residence due to increased traffic along SW 107 Avenue generated by the multitude of use variances for office

uses and zone changes to RU-5A that have been granted over time on properties fronting on SW 107 Avenue between SW 32 Street and SW 40 Street. Additionally, it should be noted that parking lots and signage normally associated with office uses detract from the residential character of the area, and activities associated with the nearby office uses generate noise that would further preclude the sense of tranquility that is generally characteristic of single-family residential sites. Therefore, staff is of the opinion that the approval of the requested use variance to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone on the subject property will not be contrary to the public interest and will be in harmony with the general purpose and intent of the regulations which is to promote development that is compatible with the surrounding area. Staff's research reveals that due to the conversion of the area to predominantly office usage, special conditions have transpired in the surrounding area whereby a literal enforcement of the provisions of the RU-1 zoning regulations would result in **unnecessary hardship**. In staff's opinion, the spirit of the regulations shall be observed and substantial justice done by the approval of the semi-professional office use on this site. Therefore, staff recommends approval with conditions of the requested use variance under Section 33-311(A)(4)(a).

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Requests #2 and #3, to permit a lot area of 8,400 sq. ft. where 10,000 sq. ft. is required and to permit a setback of 24' (25' required) from the front (west) property line, setback 12'11" (15' required) from the interior side (south) property line and setback 14'8" (15' required) from the side street (north) property line are supported by staff. Staff notes that these requests are **compatible** with the area as similar approvals have been granted in conjunction with the previously mentioned office uses along SW 107 Avenue between SW 32 Street and SW 40 Street. Specifically, staff notes that property to the south of the subject site was granted, among other requests, a request to permit a lot area of 7,875 sq. ft. (10,000 sq. ft. required) and approval of a request to permit a proposed dental office setback 10.5' (15' required) from both interior side property lines and setback 22' (25' required) from the front property line was also granted, pursuant to Resolution #5-ZAB-143-94. Moreover, it should be noted that the property to the north of the subject site was granted, among other requests, a request to permit a lot area of 7,875 sq. ft. (10,000 sq. ft. required) and a request to permit an office building setback 11.75' (15' required) from the side street property line, setback 12.1' (15' required) from the interior side property line and setback 24.35' (25' required) from the front property line, pursuant to Resolution #5-ZAB-10-93. Additionally, staff notes that the submitted plans depict abundant landscaping along the perimeter of the site and a proposed 6' high wood fence along the rear (east) property line and interior side (south) property line, which will mitigate any negative visual impacts associated with the requested setback encroachments. Therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(20), 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 of requests #2 and #3 under the ASDO standards. As such, staff is unable to properly analyze the requests under these standards and recommends denial without prejudice of requests #2 and #3 under Section 33-311(A)(20) (ASDO).

When requests #4 and #5 are analyzed under Section 33-311(A)(4)(b) (NUV), staff is of the opinion that these requests maintain the basic intent and purpose of the zoning, subdivision and

other land use regulations. Approval of request #4 would permit the parking space located in front of the existing residence to back out onto SW 107 Avenue. Staff notes that parking spaces for single-family residential sites are allowed to back out into rights-of-way; however, under the RU-5A regulations, parking spaces that back out onto the right-of-way are not permitted. Although staff acknowledges that the PWD objects to the request to permit the parking space located in front of the existing residence to back out onto SW 107 Avenue, staff notes that the applicant is only proposing one parking space to back out into the right-of-way and staff also notes that the approval of said request is **compatible** with the area as similar approvals have been granted in the area in conjunction with other approved office uses. Specifically, staff notes that property located to the south of the subject site was granted, among other requests, a request to permit a parking space located in front of the building to back out onto SW 107 Avenue, pursuant to Resolution #5-ZAB-143-94. Approval of request #5, to waive the zoning regulations requiring section line rights-of-way to be 80' in width to permit 35' of dedication for the east half of SW 107 Avenue where 40' is required, would allow the applicant to utilize the 8,400 sq. ft. lot without lessing out an additional 5' for right-of-way dedication. Research reveals that the majority of the east side of SW 107 Avenue, although a section-line roadway within section mile 17-54-40, is dedicated with 35' of width for the right-of-way. As such, staff notes that the approval of this request would not be an obvious departure from the aesthetic character and physicality of the roadway as evidenced by the uniformity of width of the right-of-way along this portion of the roadway. Furthermore, the PWD has no objections to the request and mentions in their memorandum that similar variances have been granted along this segment of SW 107 Avenue. As such, staff opines requests #4 and #5 are **compatible** with the surrounding area. Therefore, staff recommends approval with conditions of requests #4 and #5 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #5 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Since the applicant has not proven that compliance with same would result in an unnecessary hardship, staff is therefore of the opinion that requests #2 through #5 cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that the proposed office use is **consistent** with the interpretative text of the CDMP and **compatible** with the existing office uses approved within the block face where the subject property lies and with other office uses approved in the area. As such, staff recommends approval with conditions of the requested use variance (request #1) and approval with conditions of the RU-5A companion requests for a reduced lot area (request #2), reduced setbacks (request #3), and requests #4 and #5 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #2 and #3 under Section 33-311(A)(20) (ASDO) and denial without prejudice of requests #2 through #5 under Section 33-311 (A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Approval with conditions of request #1 and approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #2 and #3 under Section 33-311(A)(20) (ASDO) and denial without prejudice of requests #2 through #5 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; said plan to 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 "Lissette Bienes Professional Office Interior Alteration," as prepared by A. M. Julien, Architect, sheet A-1 dated stamped received 11/25/08 and the remaining sheets dated stamped received 12/7/07, for a total of 3 sheets.

3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

DATE INSPECTED: 04/07/08
DATE TYPED: 04/11/08
DATE REVISED: 04/21/08; 07/08/08; 07/16/08; 07/25/08; 08/25/08; 08/27/08; 09/03/08; 09/25/08; 11/25/08; 12/03/08; 12/23/08; 02/12/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:LVT:NN:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: December 16, 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 #Z2005000236-2nd Revision
Lissette Maria Bienes
3401 S.W. 107 Avenue
Use Variance to Permit an Office Building in a Residential Zone
Request to Permit an Office Building with Less Lot Area and Setback than Required
(RU-1) (0.19 Acres)
17-54-40

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.

Wellfield Protection

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

Potable Water Service and Wastewater Disposal

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

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

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, the existing single family residence is served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade

County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Notwithstanding the foregoing, the applicant is advised that certain land uses such as medical offices utilizing x-ray equipment and others that generate liquid waste other than domestic sewage, cannot be permitted by DERM since it would violate the aforesaid Code Section and would also violate the covenant. Approval of land uses that are not compatible with the usage of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste would require a variance from the Environmental Quality Control Board (EQCB) from the aforesaid Code Section.

Stormwater Management

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

Tree Preservation

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

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

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

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.

REVISION 3

PH# Z2005000236
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:LISSETTE MARIA BIENES

This Department objects to this application.

This Department objects to the request to permit backing out into the right-of-way of SW 107 Avenue. Backing out into the right-of-way will result in the disruption of the flow of traffic of an arterial roadway.

Driveways to SW 107 Ave. must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

This Department has no objection to the request to permit 35 feet of dedication on the east side of SW 107 Ave. Similar variances have been granted on several properties in the area.

The proposed use of this application for a Semi-Professional Office generates the same number of vehicle trips as the existing use of a Single Family Residence; therefore this application will not generate any new vehicle trips and meets the Initial Traffic Concurrency Criteria.

Raul A Pino, P.L.S.
22-APR-08

Memorandum

Date: 27-DEC-07

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

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

Subject: Z2005000236

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated April 19, 2007.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped December 7, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2005000236
located at 3401 S.W. 107 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1523 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
2,143	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 0.46 alarms-annually.
The estimated average travel time is: 6:18 minutes

Existing services:

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

Station 47 - Westchester - 9361 Coral Way
Rescue, ALS Engine, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped December 7, 2007. Substantial changes to the plans will require additional service impact analysis.

DATE: 08/28/08
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

LISSETTE MARIA BIENES

APPLICANT

3401 S.W. 107 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2005000236

HEARING NUMBER

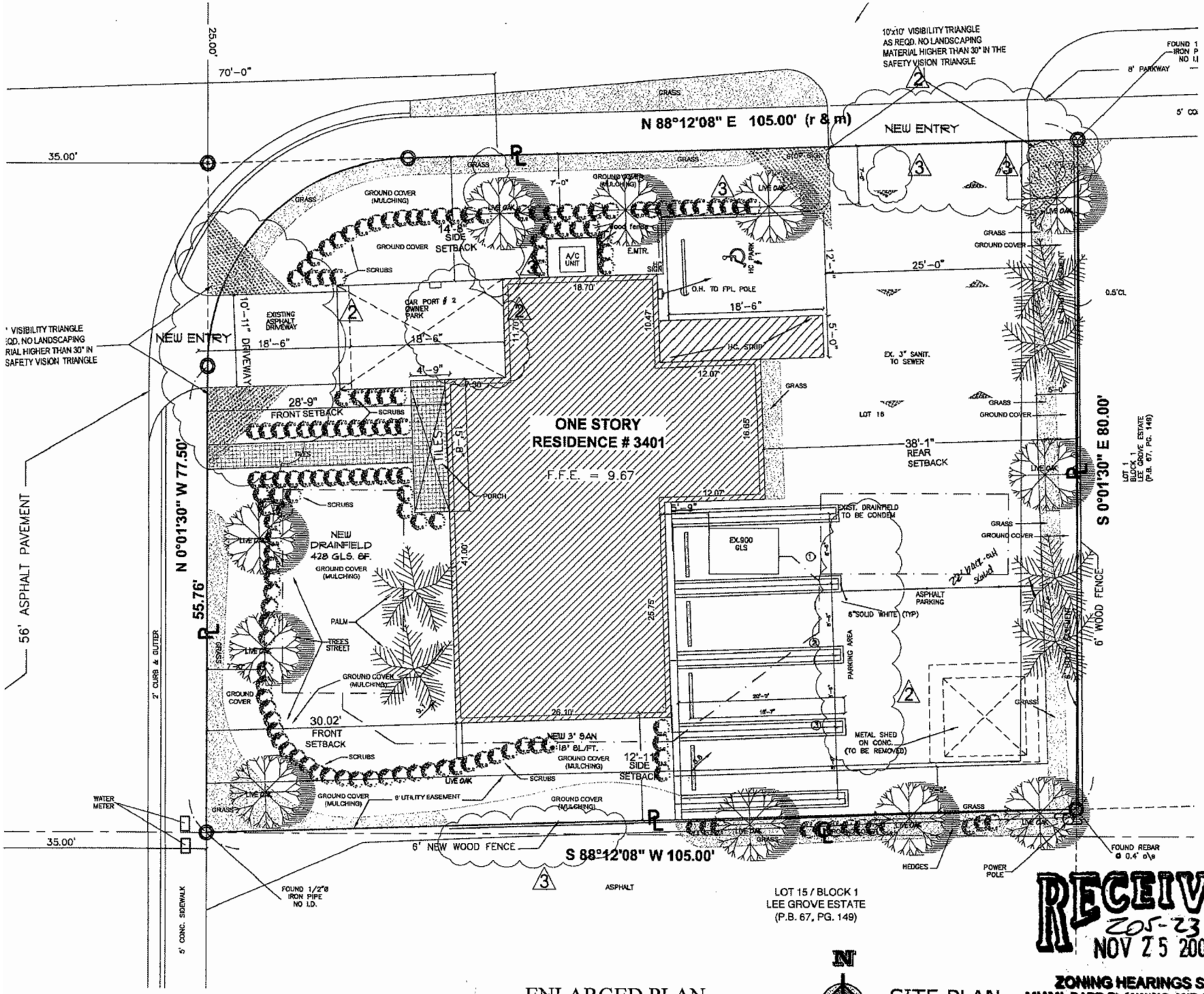
CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

Prior case:

CMS# 200803006402 -NOV issued in June 2008 for Commercial Vehicle Category II. Case closed as complied.

26



ENLARGED PLAN

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

RECEIVED
205-23
NOV 25 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

27

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 205-236
DATE: NOV 25 2008
BY: [illegible]

LEGAL DESCRIPTION

LOT 16 BLK 1 OF "LEE GROVES ESTATES"
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
BOOK 67 AT PAGE 145 OF THE PUBLIC RECORDS OF
MIAMI DADE COUNTY, FLORIDA.

SCOPE OF WORK

(EXIST. RESIDENCE RU-1 WITH RU-5A USES)
- COMMERCIAL INT/EXT ALTERATION
- MINOR PLUMBING/ELECTRICAL/ WORK UNDER THIS PERMIT
NO MECHANICAL WORK UNDER THIS PERMIT

TOTAL OCCUPANCY

TOTAL EMPLOYEE	2
TOTAL PUBLIC	3
TOTAL	5

ZONING LEGEND

ZONING		RU-1 W/ RU-5A USES
HEIGHT (TO RIDGE OF ROOF)		13'-8"
NET LAND AREA		8,400.00
LOT COVERAGE (EVERYTHING UNDER ROOF)		1,720.16 SQ. FT. (18%)
SETBACKS	REQ.	PROVIDED
FRONT	25'	28.1
SIDE	15'	12.3
SIDE STREET	15'	14.85
REAR	25'	38.2

LANDSCAPE LEGEND

Zoning District: RU-1 W/ RU-5A USES — Net Lot Area: 8,400.00 Sq.Ft. (+/- 0.19 Acres)

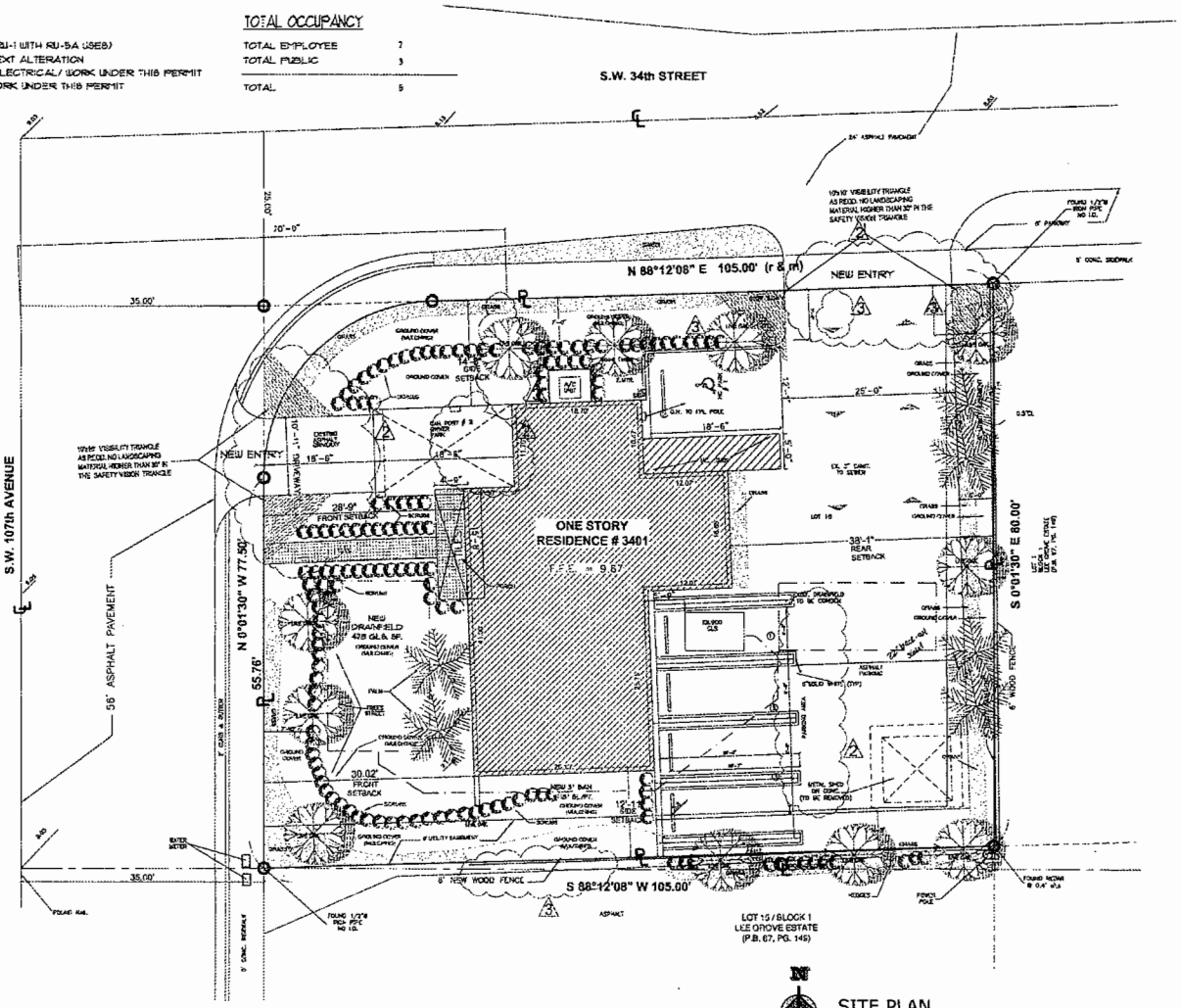
OPEN SPACE	REQUIRED	PROVIDED
A. SQUARE FEET OF THE OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN. NET LOT AREA: 8,400 SF. X .35 % = 2,940 SF.	2,940.00	4,500.00
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A AS INDICATED ON SITE PLAN. 9 NO PARKING SPACES 9 X 10 S.F. FOR PARKING SPACE = 90	2,940.00	NC
C. TOTAL SF. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33 = A + B +	2,940.00	4,500.00
LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 33% TOTAL SQ. FT. OF THE LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33	1,500.00	1,500.00
B. MAXIMUM LAWN AREA (50%) PERMITTED = 30% X 10,000.00 SF. = 3,000.00 SF.	3,000.00	3,000.00
TREES	REQUIRED	PROVIDED
A. NO. TREES REQUIRED FOR LOT. RU-1 25 PER ACRE	6	6
B. 1. Palms Allowed = No. trees provided X 50% = 2. Palms permitted to count as street trees on 1/2 basis = 50%	3	2
C. % Natives Required = No. trees provided x 30 % =	2	3
D. Street trees (average spacing of 30' o.c.) 60 linear feet along street / 30 = (60/30) = 2 =	6	6
E. Street trees located directly beneath power lines (average spacing of 20' o.c.) linear feet along street / 20 =	N/A	N/A
A + D + E = Total Trees	12	12
SHRUBS	REQUIRED	PROVIDED
A. No. trees required x 10 = No. of shrubs allowed	120	120
B. No. shrubs allowed x 50% = No. of native shrubs required	36	36

SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES YES/NO	CALIPER INCHES	HEIGHT			CANOPY DIAMETER	QUANTITY
SYMBOL	NO.	SIZE	BOTANICAL	COMMON			INCHES	FEET & INCHES			
	3	12'	CLUSIA VISCIANA	LIME CAC	YES			12'		4.0'	3
	6	12'	CARYOTA PALM	SINGLE PALMETTO	YES			12'-14'		8'-10'	7
	120	3	BAXIGUS SEMPER VIRENS		YES	1.0'	Planted 4 30" o.c.	1.0'		1.0'	30

TREE PLANTING (2-5" CALIBER)

PALM STAKING

SHRUB PLANTING



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

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205-236
NOV 25 2008

RECEIVED
205-230-01
JAN 15 2008

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

A. M. JULIEN 14476 R.A.
A R C H I T E C T
7550 S.W. 57th Ave. Suite 208
Phone (305) 662-1732 Miami, FL 33143

LISSETTE BIENES PROFESSIONAL OFFICE
INTERIOR ALTERATION LOCATED AT
3401 SW 107th AVENUE
MIAMI-FLORIDA 33165

JOB NUMBER
06036

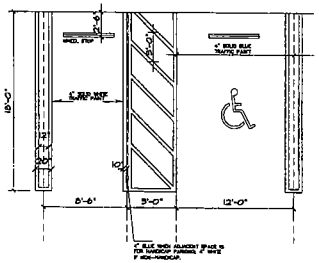
REVISIONS

FILE:

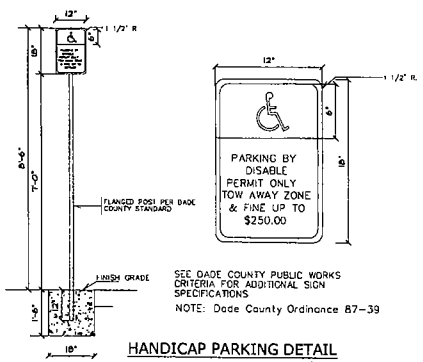
PLOT: 100%
DRAWN: RAM/LTD
CHECKED: AMJULIEN
DATE: 08/06/07

SHEET TITLE
SITE PLAN
SHEET NUMBER
A-1
1 OF 4

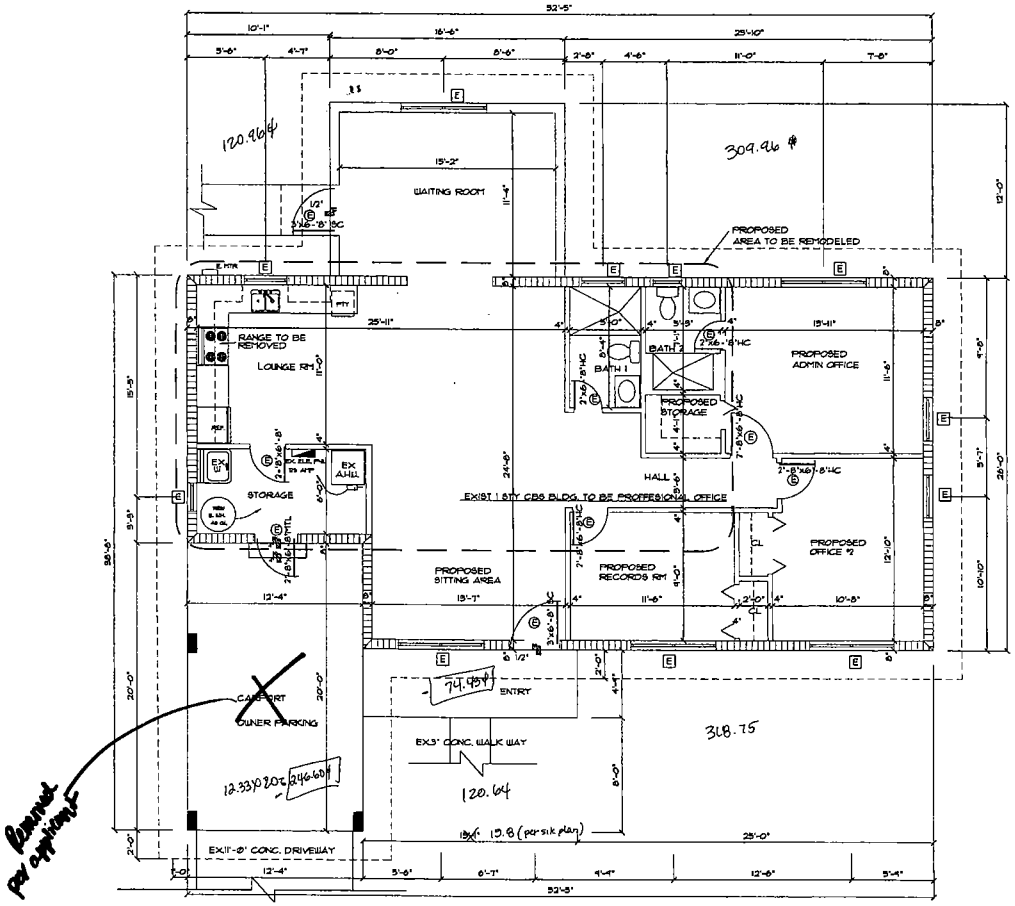
28



TYPICAL TRAFFIC SPACES MARKING
N.T.S.



HANDICAP PARKING DETAIL
N.T.S.



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

N

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205-236
DEC 07 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

52.42 = 26256.12
1116.91
1534.21

1785.81
321.03
1464.78 - office # for parking

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203-23
DEC 07 2007

A.M. JULIEN 14476 R.A.
ARCHITECT
7550 S.W. 57th Ave., Suite 208
Phone (305) 662-1792 Miami, FL 33143

LISSETTE BIENES PROFESSIONAL OFFICE
INTERIOR ALTERATION LOCATED AT
3401 SW 107th AVENUE
MIAMI-FLORIDA 33165

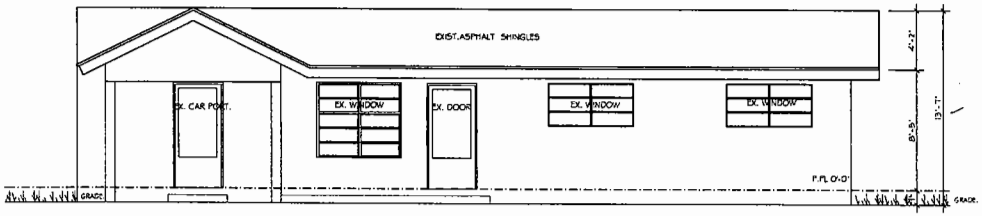
JOB NUMBER
06036

REVISIONS

1	PLAN - CON	07-11-06
2	PLAN - CON	10-19-06
3	PLAN - CON	1-30-06
4	PLAN - CON	07-03-07

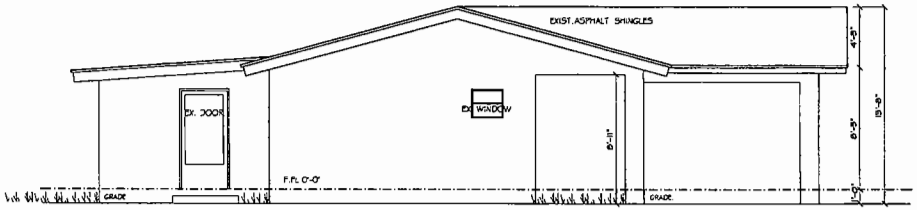
FILE:
PLOT: 10074
DRAWN: RAMIRO
CHECKED: AMJULIEN
DATE: 06/20/07

SHEET INDEX
FLOOR PLAN EXISTING
SHEET NUMBER
A-2
1 OF 4



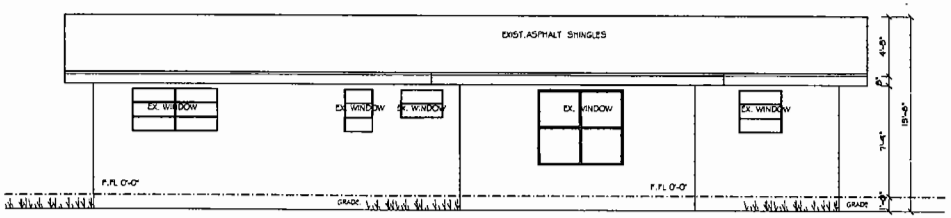
WEST ELEVATION

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



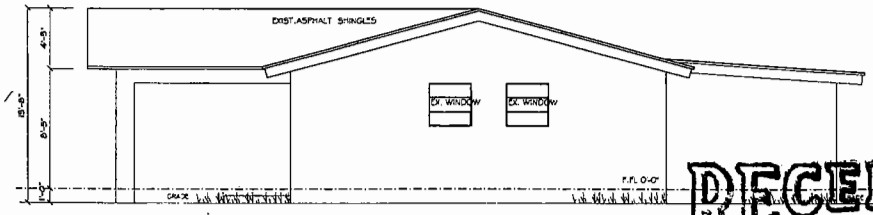
NORTH ELEVATION

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



EAST ELEVATION

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



SOUTH ELEVATION

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

RECEIVED
205-236
DEC 07 2007

RECEIVED
205.236
DEC 07 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

29

A. M. JULIEN 14476 R.A.
ARCHITECT
7550 S.W. 57th Ave. Suite 208
Phone (305) 662-1792 Miami, Fl. 33143

LISSETTE BIENES PROFESSIONAL OFFICE
INTERIOR ALTERATION LOCATED AT
3401 SW 107th AVENUE
MIAMI-FLORIDA 33165

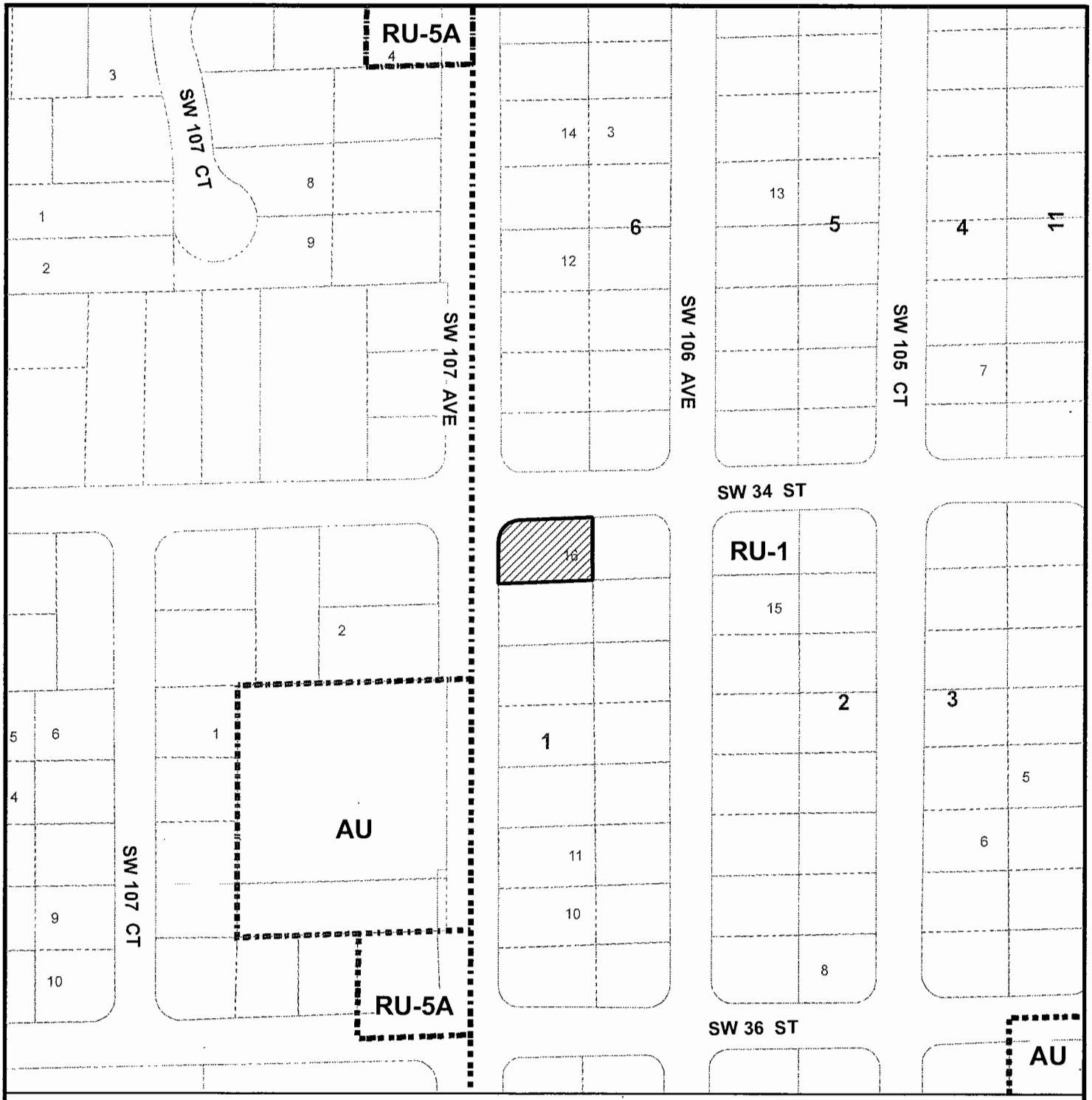
JOB NUMBER
05036

REVISIONS

PLAN - ZON	10-18-06

FILE:
PLOT: 100%
DRAWN: RAM / LIO
CHECKED: AMJ/LIO
DATE: 09/2007

SHEET INDEX
ELEVATIONS
SHEET NUMBER
A-4
4 OF 4



MIAMI-DADE COUNTY
HEARING MAP

Section: 17 Township: 54 Range: 40
Applicant: LISSETTE MARIA BIENES
Zoning Board:C10
Commission District: 10
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number
05-236

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/27/08

REVISION	DATE	BY

MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 17 Township: 54 Range: 40
Applicant: LISSETTE MARIA BIENES
Zoning Board:C10
Commission District: 10
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number
05-236

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/27/08

SION	DATE	BY

C. GABLES EDGE PARKS CO.
(Applicant)

08-10-CZ10-1 (06-133)
Area 10/District 6
Hearing Date: 3/17/09

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
1962	V & L Realty Corp.	- Unusual Use expand trailer park. - Non-Use variances.	ZAB	Approved
1962	Mario Devins	Appeal of ZAB decision on a previous resolution.	BCC	Appeal approved, application denied.

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

C

APPLICANT'S NAME: **GABLES EDGE PARKS CO.**

REPRESENTATIVE: Tony Rezio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ10-1 (06-133)	January 13, 2009	CZAB10		09

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 17, 2006 ☐ 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 work with the neighbors.

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

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

#1

APPLICANT'S NAME: **GABLES EDGE PARKS CO.**

REPRESENTATIVE: Estrellita Sibila

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ10-1 (06-133)	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 meet w/neighbors and submit revised plans.

At applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	**S**	George A. ALVAREZ	**X**		
MR.		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: **DAVID HOPE**

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

APPLICANT: Gables Edge Parks Co. **PH:** Z06-133 (08-10-CZ10-1)

SECTION: 8-54-41 **DATE:** March 17, 2009

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

==========

A. INTRODUCTION

o REQUESTS:

(1) BU-2 and RU-3B to BU-2

(2) SPECIAL EXCEPTION to permit a multi-family apartment development in the BU-2 zoning district.

(3) Applicant is requesting to permit a multi-family apartment building setback 32' (50' required) from the front (north) property line, setback a minimum of 15' (63.18' required) from the interior side (east and west) property lines and setback 20' (60.6' required) from the rear (south) property line.

(4) Applicant is requesting to permit a lot coverage of 57.62% (40% maximum permitted).

(5) Applicant is requesting to permit a floor area ratio (FAR) of 2.2 (1.29 maximum permitted).

(6) Applicant is requesting to permit a landscape open space of 9.1% (33.5% minimum required).

(7) Applicant is requesting to waive the required 5' high masonry wall where a business lot abuts a residential zoning district interior to the site.

(8) Applicant is requesting to permit a 3' wide landscape buffer (5' wide minimum required) along the interior side (east and west) property lines.

(9) Applicant is requesting to waive the zoning regulation requiring section line rights-of-way to be 80' in width; to permit 35' of dedication (40' required) on the south half of S.W. 8th Street.

REQUESTS #1-#9 ON PARCEL "A"

(10) RU-2 to RU-4L

REQUEST #10 ON PARCELS "B" AND "C"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 - #7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and requests #3 - #9 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 "Gables Edge", as prepared by Civica, dated stamped received 07/07/08 with

Sheet A0.01 last revised 9/11/08 and consisting of 19 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicant seeks to rezone the northern portion of the subject site (Parcel A) from RU-3B, Bungalow Court District, and BU-2, Special Business District, to BU-2 and also seeks a special exception to permit a multi-family apartment building in the BU-2 zoning district. Additionally, the applicant seeks to permit a proposed residential development setback closer to the property lines than allowed, to permit a greater lot coverage and floor area ratio (FAR) than allowed and less landscape open space than required on Parcel A. Moreover, the applicant seeks to waive the required wall where a business lot abuts a residential zone and to permit less landscape buffering along the interior side property lines on Parcel A. The applicant also seeks to permit less right-of-way dedication than required along the southern half of SW 8th Street. Further, the applicant seeks to rezone the southern portion of the subject property (Parcels B and C) from RU-2, Two-Family Residential District, to RU-4L, Limited Apartment House District.

- **LOCATION:** South of S.W. 8 Street and approximately 150' east of S.W. 43 Avenue, Miami-Dade County, Florida.

- **SIZE:** 2.14 Acres

- **IMPACT:** Approval of this application will bring a total of 91 additional residential units into the area in the form of a 10-story multi-family building with 69 units (Parcel A), two 4-story multi-family buildings with 16 units (Parcel B), and a 3-story multi-family building with 6 units (Parcel C) which will bring more traffic and noise into the area as well as additional students to the schools in the area. The requests to allow greater lot coverage and FAR, to permit reduced setbacks, and to permit less landscape open space on Parcel A could visually impact the surrounding properties.

B. ZONING HEARINGS HISTORY: In January 1962, the subject property was granted an unusual use to permit the expansion of an existing trailer park as well as approval of requests to waive the required 25' landscape buffer on all interior side property lines and to permit the placing of trailers less than the required 25' from all property lines by the Zoning Appeals Board (ZAB), pursuant to Resolution #2-ZAB-3-62. Subsequently in March 1962, the decision of the ZAB was appealed to the Board of County Commissioners (BCC) which overruled the decision of the ZAB and denied the above-mentioned requests, pursuant to Resolution #Z-93-62.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the **southern 1.41 acres (gross)** of the subject property as being within the Urban Development Boundary for **Medium Density Residential**. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

2. The Adopted 2015 and 2025 Land Use Plan designates the **northern 1.04 acres (gross)** of 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, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

3. **Residential uses**, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

4. The **Medium-High Density Residential** category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.

5. **Density Averaging.**

   The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.

   Where groups of parcels under a single ownership or multiple ownerships that are

legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.

6. 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 CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation 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:	
BU-2; vacant RU-3B; vacant	Business and Office
RU-2; vacant	Medium Density Residential, 13 to 25 dua

Surrounding Properties

NORTH:	C-2; City of Miami; Car Dealership	Business and Office
SOUTH:	RU-1; Single family residences and duplex	Low Density Residential, 2.5 to 6 dua
EAST:	BU-1A; Retail	Business and Office
	RU-2; Vacant parcel, single-family residence and duplex	Low Density Residential, 2.5 to 6 dua
WEST:	BU-2 and RU-3B; FPL electrical substation	Business and Office
	RU-2; Vacant parcel, single-family residence and duplex	Low Density Residential, 2.5 to 6 dua

The subject property lies south of SW 8 Street and approximately 150' east of SW 43 Avenue and is currently vacant. Single-family residences, duplexes and vacant parcels of land predominantly characterize the area where the subject property lies. A mixture of commercial uses including a car dealership and a retail store are also located to the north and east.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

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

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

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

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

a. **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:

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

ii. 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

iii. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and

iv. any area of shadow cast by the proposed alternative development upon an adjoining property 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

v. 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, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and

vi. 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

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

viii. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

ix. the proposed alternative 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, parcel or tract; and

x. any windows or doors in any building(s) to be located within an interior side or rear 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 building(s) of a discordant use located on an adjoining parcel of land; and

xi. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and

xii. the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use 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 of a discordant use located on an adjoining parcel of land; or

a. 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 eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or

(B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and

(14) 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 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and

(15) when a principal or accessory 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

(16) safe sight distance triangles shall be maintained as required by this code; and

(17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and

(18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and

(19) the proposed development will meet the following:

(A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

(B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;

(C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and

(D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

(E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(d) An alternative lot coverage or floor area ratio for a building shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal or accessory building(s) with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(e) An alternative amount of landscaped open space shall be approved upon demonstration of the following:

(1) landscaped open space shall not be decreased by more than ten percent (10%) of the landscaped open space required by the applicable district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the landscaped open space provided shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen non-compatible uses and block noise generated by major roadways and intense use areas; and

(4) the landscaped open space provided shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities; and

(5) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, and

(6) the installation of the required percentage of landscaped parcel containing a previously approved and existing building, would necessitate a decrease in

the number of parking spaces provided, or necessitate a decrease in the square footage of an existing building on the site; and

(7) that 20% more lot or street trees are provided on the site or within the adjacent rights-of-way, respectively; said trees to be of a type and size as required by Chapter 18A; and

(8) that an additional number of shrubs shall be provided commensurate with the trees in (7) above, said shrubs to be of a number, type and size as required by Chapter 18A.

(i) An **alternative opening in a wall** otherwise required by this code to be a solid, unbroken barrier when a parcel adjoins or lies adjacent to a residential district, shall be approved after public hearing upon demonstration of the following:

(1) the width of the wall opening is the minimum width necessary for pedestrians to access the parcel from adjoining or adjacent residential development(s); and

(2) the wall opening is immediately adjoining or adjacent to a residential lot, parcel or tract which is restricted in use as common open space.

(k) **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.

(l) **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 economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in 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, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), 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, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:

(A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development 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 the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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

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

G. NEIGHBORHOOD SERVICES:

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

Schools	**No objection**
Aviation	**No objection***

*Subject to 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 additional time to work with the neighbors. This application was also deferred from the October 30, 2008 meeting at the applicant's request to allow the applicant time to meet with the neighbors and to submit revised plans. It should be noted that as of the time of this writing, staff has not received said plan revisions. The 2.14-acre subject property is a rectangular shaped parcel of land that lies south of SW 8 Street and approximately 150' east of SW 43 Avenue. Staff notes that the subject site is oriented along a northerly-southerly axis and bisects existing BU-2, Special Business, RU-3b, Bungalow Court, and RU-2, Two Family Residential zoning districts. Single-family residences, duplexes and vacant parcels of land predominantly characterize the area where the southern portion (Parcels B and C) of the subject property lies. The northern portion (Parcel A) of the subject site is located within the SW 8 Street commercial corridor and is neighbored to the north by a car dealership that lies within the City of Miami, to the east by a retail store, and to the west by an FPL substation. The applicant is requesting a district boundary change from RU-3b, Bungalow Court District, and BU-2, Special Business District, to BU-2 (request #1) and a special exception to permit a multi-family apartment building in the BU-2 zoning district (request #2) on the northern portion of the site referred to as Parcel A. Additionally the applicant seeks to permit a proposed multi-family apartment building with a minimum setback of 32' (50' required) from the front (north) property line, setback a minimum of 15' (63.18' required) from the interior side (east and west) property lines and setback a minimum of 20' (60.6' required) from the rear (south) property line (request #3), to permit a lot coverage of 57.62% (40% maximum permitted) (request #4), to permit a floor area ratio (FAR) of 2.20 (1.29 maximum permitted) (request #5), and to permit a landscape open space of 9.1% (33.5% required) (request #6) on the northern portion of the site referred to as Parcel A. Further, the applicant is requesting to waive the required 5' high wall on an interior portion of Parcel A where a business lot abuts a residential zoning district (request #7), to permit a 3' wide landscape buffer (5' wide minimum required) along the interior side (east and west) property lines (request #8), and to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to permit 35' of dedication (40' required) for the south half of SW 8 Street (request #9) on Parcel A. An additional request, to rezone the southern portion of the subject property referred to as Parcels B and C from RU-2, Two-Family Residential District, to RU-4L, Limited Apartment House District (request #10) is also being sought. Plans submitted by the applicant depict the aforementioned requests.

The plans submitted by the applicant depict a multi-family residential development consisting of a 10-story multi-family apartment building with 69 residential units sited on the northern portion of the site fronting on SW 8 Street (Parcel A), two 4-story multi-family apartment buildings with 16 units sited on the center of the site (Parcel B), and a 3-story townhouse-style, multi-family apartment building with 6 units sited on the southern portion of the site (Parcel C) for a total of 91 residential units. The submitted plans illustrate the proposed 10-story multi-family building on Parcel A to attain a height of 107'8" when

measured to the roofline of the 10th floor and a maximum height of 137' at its highest point. Parking for the proposed 10-story multi-family building is provided on floors two through four. Recreational amenities including a pool, gym, and courtyard are located on the fifth floor. Access to Parcel A is provided via an ingress/egress driveway along SW 8 Street as well as via a driveway located along the rear (southern) portion of Parcel A which also provides access to Parcel B. Additionally, the submitted plan indicates that access to Parcels B and C is provided via SW 9 Terrace. Landscaping such as Gumbo Limbo, Pigeon Plum, Silver Buttonwood, and Live Oak trees as well as Firebush and Spider Lily shrubs, among other species, are provided throughout the site. However, it should be noted that staff is not supportive of this application and opines that the severity of the numerous requested variances of setback, lot coverage, FAR, landscape open space, and landscape buffer could be minimized in order to provide a sensitive and well designed development that would be more compatible with the adjacent commercial and residential developments.

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 DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application and indicates in their memorandum that entrance features requiring gates are not allowed and must be reviewed via the Entrance Feature process by the Plat Committee. Their memorandum also indicates that the proposed driveway along SW 8 Street must meet current F.D.O.T. access management requirements and that the subject site requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Furthermore, their memorandum indicates that this project lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. The Miami-Dade Fire and Rescue Department **(MDFRD)** has **no objections** to this application and their memorandum states that the estimated average response travel time is **7:22** minutes. Miami-Dade County Public Schools **(MDCPS)** has **no objections** to this application and indicates that the proposed zoning will bring **9 additional students** into the area's public schools. Their memorandum further indicates that the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees; however said donation is subject to approval by the School Board at an upcoming meeting. The **Miami-Dade Aviation Department (MDAD) does not object** to this application and their memorandum indicates that the 137 ft. AMSL (Above Mean Sea Level) structure at this location conforms to the Miami-Dade County Height Zoning Ordinance.

The southern portion of the subject property (Parcels B and C) underwent a Comprehensive Development Master Plan (CDMP) Amendment during the April, 2005-2006 Amendment Cycle, for a change of LUP Map designation from Low Density Residential use to Medium Density Residential use. Accordingly, the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the southern 1.41 gross acres of the subject property for **Medium Density Residential** use. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments. The northern portion of the subject property, approximately 1.04 gross acres, is designated for **Business and Office** use. This designation accommodates a full range of sales and service activities that include, among other

things, retail, personal and professional services, commercial and professional offices. Additionally, the CDMP indicates that 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. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact and provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. When the above conditions are met, residential development may be authorized to occur in the business and office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

Staff notes that the closest property designated with a residential category abutting the business and office-designated portion of the subject property on the same side of the abutting principal roadway is the southern remainder of the subject property (1.41 gross acres). As previously mentioned, this portion of the subject property is designated as Medium Density Residential use, which allows a density from a minimum of 13 to a maximum of 25 dwelling units per gross acre. In accordance with the Master Plan's interpretative text, the Business and Office portion of the subject property can be developed at one density category higher than the Medium Density Residential designation, which is the Medium-High Density Residential designation. The Medium-High Density Residential designation permits a density from a minimum of 25 units to a maximum of 60 dwelling units per gross acre allowing a maximum of **62** units on the 1.04-acre portion of the property designated for Business and Office use. The remainder of the subject property (1.41 gross acres) is designated **Medium Density Residential**, which, as mentioned above, allows a density from a minimum of 13 to a maximum of 25 dwelling units per gross acre. In accordance with the Master Plan, this 1.41-acre portion of the subject property can be developed with a maximum of **35** units. As previously mentioned, the plans submitted by the applicant depict a multi-family residential development consisting of a 10-story building with 69 residential units sited on the northern portion of the site fronting SW 8 Street (Parcel A), two 4-story multi-family buildings with 16 units sited in the center of the site (Parcel B), and a 3-story multi-family building with 6 units sited on the southern portion of the site (Parcel C), which would result in a total of **91** residential units on the subject property. The Master Plan provides that parcels or a group of parcels that are under a single ownership or multiple ownerships that are legally unified may be developed at densities higher than that shown on the LUP map; provided, however, that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map and as long as the proposed development is compatible with the surrounding uses and area. As previously mentioned, the Medium Density designated 1.41-acre portion of the subject property would permit a maximum of 35 units based on the 25 unit per acre maximum allowable

under the LUP map designation of the CDMP. Additionally, the 1.04 Business and Office portion allows a maximum of 62 units based on the maximum 60 unit per acre allowed under the Medium High category. When the **density averaging** principle is applied to both parcels, the total number of units that would be permitted on the subject site is 97. Although the proposed zone change requests from BU-2 and RU-3B to BU-2 on Parcel A and from RU-2 to RU-4L on Parcels B and C and development of 91 units on the subject property is numerically **consistent** with the LUP map designations, staff notes that the interpretative text of the CDMP indicates that the density averaging allowance provisions are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area. Staff acknowledges that the applicant has designed the proposed residential development with building heights that step down as one moves further into the residential area with the tallest 10-story residential building sited along the SW 8 Street commercial corridor and the remaining 4 and 3-story residential buildings sited towards the southern portion of the site. However, as previously mentioned, staff is not supportive of this application and opines that the requested variances of setback, lot coverage, FAR, landscape open space, and landscape buffer are numerous and excessive and result in a development that is **incompatible** with the surrounding area which is primarily characterized by one-story retail buildings, single-family residences, and duplexes. In addition, the interpretative text of the CDMP provides that residential uses are permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential development, is not out of character with that of adjacent or adjoining development and zoning and staff further notes that the Department's 2005 CDMP amendment recommendation report indicates that at the time of zoning, measures such as buffering, building setbacks and height restrictions should be considered to protect the single-family homes and duplexes located to the east, west, and south of the subject site. Staff, therefore, opines that the proposed multi-family residential development as illustrated in the submitted plans, as well as the proposed rezonings to BU-2 on Parcel A and RU-4L on Parcels B and C as proposed are **incompatible** with the area and, therefore, are **inconsistent** with the CDMP's interpretative text.

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. The applicant is seeking approval for a district boundary change from BU-2 and RU-3B to BU-2 for the 1.04-acre northern portion of the property referred to as Parcel A on the submitted plans. As previously mentioned, the proposed BU-2 zone allows uses that are consistent with the uses allowed in the **Business and Office** designation of the LUP map of the CDMP which allows residential

uses, in this case, at a density of up to 62 dwelling units per acre provided that the proposed development is not out of character with the scale and intensity of the adjacent and adjoining development and zoning. The applicant also seeks approval for a district boundary change from RU-2 to RU-4L on the southern portion of the property referred to as Parcels B and C on the submitted plans. As previously mentioned, the proposed RU-4L zone and development of 22 units on Parcels B and C, is numerically consistent with the Medium Density LUP map designation. Moreover, as previously mentioned, staff acknowledges that the applicant has designed the proposed residential development with building heights that step down as one moves further into the residential area with the tallest 10-story residential building sited along the SW 8 Street commercial corridor and the remaining 4 and 3-story residential buildings sited towards the southern portion of the site. However, the proposed multi-family residential development is **inconsistent** with the CDMP's interpretative text, which indicates that the scale and intensity, including height and floor area ratio (FAR) of the residential or mixed-use development should not be out of character with that of adjacent or adjoining development and zoning. It should be noted that the subject site is easily accessible from SW 8 Street, a section line road on which it fronts as well as from SW 9 Terrace, a local roadway. Further, based on the memoranda from the Public Works Department, DERM and MDCPS the proposed multi-family residential development will not have a negative impact on the resources of Miami-Dade County. However, as previously mentioned, the plans submitted by the applicant depict the subject site to be developed with a proposed ten-story multi-family residential building on Parcel A, a proposed four-story multi-family building on Parcel B, and a proposed three-story multi-family building on Parcel C that attain maximum heights of 137', 50', and 39' respectively, when measured to the roof line. Staff notes that two stories and a 35' maximum height are allowed in the RU-1 and RU-2 zones that abut portions of the subject property to the east, west and south and in the RU-3b zone that abuts a portion of the subject site to the west and that four stories with a maximum height of 45' is allowed in the BU-1A zoning district that abuts a portion of the subject property to the east. However, it should be noted that said RU-1, RU-2, and RU-3b zoned properties that abut the subject site to the east, south, and west are predominantly improved with one-story single-family and duplex residences. Moreover, staff notes that the BU-1A zoned property that adjoins the subject site to the east is developed with a one-story retail building. Staff notes that a portion of the subject site also adjoins BU-2 zoned property to the west and, although said zoning district permits unlimited height, staff's research reveals that the existing BU-2 zoned property that adjoins the subject site to the west is improved with a one-story FPL electrical substation. As previously mentioned, the subject site abuts a one-story car dealership located within the City of Miami, across SW 8 Street to the north even though it is zoned C-2, Liberal Commercial district, which allow a maximum height of 120' or ten stories, whichever is less. As such, staff, is of the opinion that the proposed ten-story multi-family residential building on Parcel A, the proposed four-story multi-family building on Parcel B, and a proposed three-story multi-family building on Parcel C are **incompatible** with the heights and development intensities permitted in the area and **inconsistent** with the interpretative text of the CDMP. Further, it should be noted that the proposed development is incompatible with the existing development in the surrounding area, which consists primarily of one-story structures. Therefore, staff recommends denial without prejudice of the requested zone change from BU-2 and RU-3B to BU-2 on Parcel A (request #1) and denial without prejudice of the requested zone change from RU-2 to RU-4L on Parcels B and C (request #10).

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the request for the special exception for the proposed residential development within the BU-2 zone be compatible with the area and its future development. Staff opines that the proposed use will result in excessive noise and traffic, cause undue or excessive burden on public facilities, will 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. As previously mentioned, staff is of the opinion that the proposal is **incompatible** with the adjoining residential and commercial developments that surround the subject property and the proposal is, therefore, **inconsistent** with the CDMP's interpretative text which indicates that the scale and intensity, including height and floor area ratio (FAR) of the residential or development should not be out of character with that of adjacent or adjoining development and zoning. Therefore, staff opines that the approval of the request will negatively impact the surrounding area. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(3).

When requests #3 through #6 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the stability and appearance of the community. Approval of request #3, to permit a ten-story multi-family apartment building with a setback of 32' (50' required) from the front (north) property line, setback a minimum of 15' (63.18' required) from the interior side (east and west) property lines and setback 20' (60.6' required) from the rear (south) property line would result in encroachments of 18', 48.18', and 40.6' into the front, interior side, and rear setback areas which staff opines are excessive and out of character with the scale and development intensity of the neighborhood as previously mentioned and as evidenced by the absence of similar approvals in the area. Similarly, request #4, to permit a lot coverage of 57.62% (40% maximum permitted), request #5, to permit an FAR of 2.2 (1.29 maximum permitted) and request #6, to permit a landscape open space of 9.1% (33.5% minimum required), are all indicative of an over intensification of the subject site and the lack of sensitivity to the surrounding developments and would, in staff's opinion, have a negative visual impact on the area. It should be noted that staff's research did not reveal the approval of any requests as intense as those sought by the applicant in this application. Therefore, staff opines that the approval of requests #3 through #6 would be out of character with the area and incompatible therewith, and recommends denial without prejudice of same under the NUV standards.

When requests #7 through #9 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the stability and appearance of the community. Staff acknowledges that property located to the east of the subject site was granted, among other requests, a request to waive the required 5' high wall where a business lot abuts a residential zoning district, pursuant to Resolution #Z-86-83. However, staff notes that request #7, to waive the required 5' high wall where a business lot abuts a residential

zoning district interior to the site, is germane to and an integral part of the proposed site plan which staff opines is out of character with the size and scale of development in the area and which staff does not support. Approval of request #8, to permit a 3' wide landscape buffer (5' wide minimum required) along the interior side (east and west) property lines, would allow the applicant to provide a landscape buffer along the interior side property lines that is 2' narrower than that required by the Zoning Code. Staff acknowledges that the submitted plan illustrates landscaping in the form of a Pigeon Plum trees (9' to 10' tall at time of planting) and a Cocoplum hedge along the interior side (west) property line as well as Live Oak trees (12'-14' tall at time of planting) and a Cocoplum hedge along the interior side (east) property line. However, staff opines that request #8 is excessive and indicative of an over utilization of the subject site. Approval of request #9, to waive the zoning regulations requiring section line rights-of-way to be 80' in width to permit 35' of dedication for the south half of SW 8 Street where 40' is required, would allow the applicant to utilize the 2.14 acre site for the multi-family residential development without lessing out an additional 5' for right-of-way dedication. Research reveals that the majority of the south side of SW 8 Street, although a section-line roadway within section mile 8-54-41, is dedicated with 35' of width for the right-of-way. Staff acknowledges that the approval of this request would not be an obvious departure from the aesthetic character and physicality of the roadway as evidenced by the uniformity of width of the right-of-way along this portion of the roadway. Furthermore, as mentioned in their memorandum, the PWD has no objections to request #9. However, staff is not supportive of request #9 and notes that said request is germane to and an integral part of requests #1 through #8 on Parcel A, which staff does not support since the proposed 10-story multi-family building with variances of setbacks, lot coverage, FAR and landscape open space is, in staff's opinion, **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of requests #7 through #9 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application that 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 same. As such, requests #3 through #7 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 through #9 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed in accordance with the zoning regulations. The applicant has not proven that compliance with same would result in an unnecessary hardship, and therefore, staff opines that requests #3 through #9 cannot be approved under Section 33-311(A)(4)(c), the ANUV Standards, and should be denied without prejudice under same.

Based on the foregoing, staff recommends denial without prejudice of request #1 for a district boundary change to BU-2 on Parcel A and denial without prejudice of request #10 for a district boundary change to RU-4L on Parcels B and C; denial without prejudice of

the requested special exception to permit a multi-family apartment building in the BU-2 district (request #2); denial without prejudice of requests #3 through #7 under Section 33-311(A)(16) (ASDO); and denial without prejudice of requests #3 through #9 under Section 33-311(A)(4)(b) (NUV) and Section 33-311(A)(4)(c) (ANUV).

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

J. **CONDITIONS:** None.

DATE INSPECTED: 06/20/08
DATE TYPED: 07/18/08
DATE REVISED: 07/23/08; 09/04/08; 09/05/08; 09/12/08; 09/15/08; 10/06/08; 10/21/08; 11/25/08; 12/23/08; 02/12/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:LVT:NN:NC

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

Memorandum

MIAMI-DADE COUNTY

Date: August 27, 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 #Z2006000133-3rd Revision
PMBC Homes at Gables Edge, LLC
South of S.W. 8th Street and East of S.W. 43rd Avenue
District Boundary Change from RU-2 to RU-4L,
Special Exception to Permit Residential in the BU-2 Zoning District,
Request to Permit a Greater Lot Coverage and FAR than Required,
Request to Permit Less Landscape and Setback than Required,
Request to Waive Wall and Section Line Right-of Way Dedication
(BU-2/RU-3B/RU-2) (2.14 Acres)
08-54-41

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management
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 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 uses allowed in the proposed zoning classification, 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 permitting requirements for fuel storage facilities.

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

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

An aerial review performed by DERM staff revealed that tree resources have been removed from the property between 2006 and 2007 without first obtaining the required Miami-Dade County Tree Removal Permit. Consequently, the subject property shall be referred for review for an After-the-Fact Permit and follow up enforcement action, which is required to resolve this issue.

In addition, the proposed site plan indicates that specimen-sized tree(s) (trunk diameter 18 inches or greater) will be impacted. Section 24-49.2 of the Code requires preservation of specimen trees whenever reasonably possible. Prior to the removal or relocation of any tree on-site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code is required. Be advised that pursuant to Section 24-49.2(II)(1) of the Code, evaluation of permit applications for the removal of specimen trees include, but is not limited to, factors such as size and configuration of the property as well as any proposed development; location of tree(s) relative to any proposed development and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

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

Enforcement History

DERM has found the following enforcement case:

Gables Edge Parks Co. TREE 2000-001

On January 3rd 2000, an inspection conducted by DERM revealed that five (5) specimen pine trees, and four (4) other trees were removed, without a Tree Removal Permit. A Notice of violation was issued to this facility on January 10, 2000 and an After-the-Fact tree removal permit was issued to the property owners on March 27, 2000. A Final Notice Prior to Court Action was issued on August 8, 2000 for non-compliance with the after the fact tree removal permit requirements. A Consent Agreement was executed on September 15, 2000, requiring the submittal of the tree-planting plan. The tree-planting plan was submitted and was approved on November 21, 2001. The mitigation was completed 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.

REVISION 2

PH# Z2006000133
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:GABLES EDGE PARKS CO.

This Department has no objections to this application.

This Department has no objections to the request to permit 35 feet of dedication for the south half of SW 8th Street.

Gates are not allowed and must be reviewed under the Entrance Feature process reviewed by the Plat Committee.

Entrance features requiring gates are not reviewed under this application and must be filed separately. Entrance features reviewed by the Plat Committee have a more scrutinized review process which includes other affected Departments such as Fire Rescue and Water & Sewer.

Driveway to SW 8 Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

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

Raul A Pino, P.L.S.
10-JUL-08

MIAMI INTERNATIONAL AIRPORT

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

Commercial Airport:
Miami International Airport

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

May 2, 2008

Ms. Estrellita S. Sibila, Esq.
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd, Suite 700
Coral Gables, Florida 33134

RE: Determination Number DN-08-04-024 Airspace Analysis for Gables Edge, located at SW 8th Street and west of SW 42nd Avenue, Miami, FL
Folio Number: 3041080130010

Dear Ms. Sibila:

The Miami-Dade Aviation Department (MDAD) has reviewed the above referenced project for an airspace analysis. Our review finds that the assumed 137 ft AMSL (Above Mean Sea Level) structure at this location conforms to the Miami-Dade County Height Zoning Ordinance.

This height determination is an estimate issued on a preliminary or advisory basis. **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 reaching or exceeding 91 ft AMSL (Above Mean Sea Level) for this project must be filed by the construction contractor using the same form.** 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 developer may "e-file" online at https://oeaaa.faa.gov .

Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances 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.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Furthermore, 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: S. Harman
A. Herrera
File Zoning

Miami-Dade County Public Schools

giving our students the world

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

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

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

November 21, 2005

Ms. Diane O'Quinn-Williams, Director
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RE: REVISED - PMBC HOMES (CORAL EDGE LLC) – SW 8 STREET & SW 42 AVENUE, MIAMI

Dear Ms. O'Quinn-Williams:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) revised review analysis of potential impact generated by the above referenced application. Please note that only one of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Coral Gables Elementary, G. W. Carver Elementary and Coral Gables Senior High currently operating at 141%, 115% and 132% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of Coral Gables Senior High School to 133%.

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal, and the recently approved Review Criteria the District met with the applicant on September 13, 2005.

The District is grateful that the applicant took the time to meet with the School District to discuss mitigation options outlined in the Review Criteria. At said meeting the applicant voluntarily proffered a monetary donation, over and above Impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer is subject to School Board approval, at an upcoming meeting.

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

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REVISED - PMBC HOMES (CORAL EDGE LLC) – SW 8 STREET & SW 42 AVENUE, MIAMI
Ms. Diane O'Quinn-Williams
November 21, 2005
Page Two

Pursuant to the recently approved 5-year work plan, please note the attached revised analysis depicts the relief schools planned in the area, which includes the recently approved Facilities Five Year Work Program and a list of approved Charter School Facilities, which may provide relief on a countywide basis.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

> New residential unit square footage X .90 (Square Footage Fee) + $600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 1,000 square feet, the 23-unit development is estimated to generate approximately $34,500 ($1,500 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

Thank you in advance for your cooperation in this matter. Please call me should you have any questions at (305) 995-7287.

Sincerely,

Vivian G. Villaamil
Director I

VGV:mo
L767
Attachments

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Mr. Ivan M. Rodriguez, R.A.
Gilberto Pastoriza, Esquire

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****REVISED****
SCHOOL IMPACT REVIEW ANALYSIS
November 10, 2005

APPLICATION:	No. 8 - PMBC Homes at Coral Edge, LLC		
REQUEST:	Land use amendment from Low Density Residential (2.5-6 DU/acre) and Business and Office to Medium Density Residential (13-25 DU/acre)		
ACRES:	2.14 net acres		
LOCATION:	Approximately SW 8th Street and SW 42nd Avenue, Miami		
MSA/ MULTIPLIER:	5.3 / 0.36 (townhouse) and 0.31 (single-family)		
NUMBER OF UNITS:	23 additional units	Proposed land use 30 townhouse units	Exiting land use 7 single-family units
ESTIMATED STUDENT POPULATION:	9 additional students*	11	2
ELEMENTARY:	4		
MIDDLE:	2		
SENIOR HIGH:	3		

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY:	Coral Gables Elementary – 105 Minorca Avenue Sunset Elementary – 5120 SW 72 Street, South Miami G. W. Carver Elementary -238 Grand Avenue	Schools of Choice Share Boundaries
MIDDLE:	Ponce De Leon Middle - 5801 Augusto St.	
SENIOR HIGH:	Coral Gables Senior - 450 Bird Rd.	

All schools are located in Region 4.

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of August 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS**
Coral Gables Elementary, or	762	522	146%	18	141%	755
Sunset Elementary, or	1,083	790	137%	230	106%	1,089
G. W. Carver Elementary	557	442	126%	44	115%	594
Ponce De Leon Middle	1,356/ 1,358*	1,184	115%/ 115%*	161	101%/ 101%*	1,639
Coral Gables Senior high	3,704/ 3,707*	2,799	132%/ 133%*	0	132%/ 133%*	4,055

* increased student population as a result of the proposed development

** Estimated # of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population

Notes:

1) Figures above reflect the impact of the class size amendment.
2) Pursuant to the Interlocal Agreement, Coral Gables Elementary, G. W. Carver Elementary and Coral Gables Senior meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA
(Information included in proposed 5-Year Capital Plan, 2005-2009, dated January 2005)

Projects in Planning, Design or Construction

School	Status	Projected Occupancy Date
N/A		

Proposed Relief Schools

School	Funding Year
State School "L-1" at English Center (Silver Bluff / Carver / Coral Gables Elementary Schools Relief) (826 student stations)	FY 07-08
New Modular (Sunset Elementary School Relief) (400 student stations)	FY 07-08

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Ponce de Leon Middle Renovations FY 06-07
(Ponce de Leon Middle School Relief)

State School "LLL-1"
International Studies Senior FY 07-08
at Metrorail
(Coral Gables Senior High School Relief)
(700 student stations)

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to $6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total $58,941.

CAPITAL COSTS: Based on the State's November 2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	4	x	$	13,911	=	$55,644
MIDDLE	2	x	$	15,950	=	$31,900
SENIOR	3	x	$	21,106	=	$63,318
Total Potential Capital Cost						$150,862

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

NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy ***Main Campus:*** 8325 NE 2 Ave., Miami, FL 33138 ***South Campus:*** 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleoc@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACEI Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 Lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifeskillscenters.com	10-12
6028	Renaisssance Middle Charter School ***Temporary location for 05-06:*** 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8

CHARTER SCHOOLS 2005-2006

LOC #	SCHOOL NAME / ADDRESS / URL	GRADE LEVELS	SCHOOL ADMINISTRATOR / E-MAIL ADDRESS	TELEPHONE / FAX
7022	Academy of Arts and Minds 3138 Commodore Plaza Miami, FL 33133 http://www.aandm.net	9-12	Mr. Thomas L. Shaw tlshaw@dadeschools.net	305-448-1100 305-448-9737 Fax
0510	Archimedean Academy 12425 SW 72 St. Miami, FL 33183 http://homepage.mac.com/archimedean_academy/ARCHIMEDEAN_ACADEMY.html	K-5	Ms. Pat Booth pbooth@dadeschools.net	305 640-6278 305 675-8448 Fax
6070	ASPIRA Eugenio Maria De Hostos Youth Leadership Charter School 1910 NE Miami Ct, Miami, FL 33127 http://fl.aspira.org/Wynwood/Charter/emh_charter.htm	6-8	Mr. Fernando Lopez flopez@dadeschools.net	305-576-1512 305-576-0810 Fax
6060	ASPIRA South Youth Leadership Charter School 14112-14114 SW 288 St. Leisure City, FL 33033 http://fl.aspira.org/South/Charter/south_charter.htm	6-8	Mr. Kevin Moore kmoore@dadeschools.net	305-246-1111 305-246-1433 Fax
6020	ASPIRA Youth Leadership Charter School 13300 Memorial Hwy. N. Miami, FL 33161 http://fl.aspira.org/North/Charter/north_charter.htm	6-8	Ms. Iliana Peña idpena@dadeschools.net	305-893-8050 305-891-6055 Fax
0950	Aventura City of Excellence Charter School 3333 NE 188 St. Aventura, FL 33180 http://www.aventuracharter.org	K-8	Dr. Katherine Murphy kmurphy@dadeschools.net	305-466-1499 305-466-1339 Fax
0113	Balere Language Academy 10800 Caribbean Blvd. Miami, FL 33189 http://www.balere.org/charter/index.htm	K-8	Ms. Rocke Malik rmalik@dadeschools.net	305-232-9797 305-232-4535 Fax
0070	Coral Reef Montessori Academy Charter School 10853 SW 216 St. Miami, FL 33157 http://coralreefmontessori.dadeschools.net	K-8	Ms. Juliet King julietking@dadeschools.net Ms. Lucy Canzoneri-Golden	305-255-0064 305-255-4085 Fax
3030	Doral Academy 2450 NW 97 Ave. Miami, FL 33172 http://doralacademy.dadeschools.net	K-5	Ms. Ileana Gomez ileanagomez@dadeschools.net	305-597-8999 305-591-2869 Fax
6030	Doral Academy Charter Middle School 2601 NW 112 Ave. Miami, FL 33172 http://materacademyhigh.dadeschools.net	6-8	Mr. Jose Baca 920111@dadeschools.net	305-591-0020 305-591-9251 Fax
7020	Doral Academy High School 11100 NW 27 St. Miami, FL 33172 http://materacademyhigh.dadeschools.net	9-12	Mr. Frank Jimenez fjimenez@dadeschools.net	305-597-9850 305-477-6762 Fax

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CHARTER SCHOOLS 2005-2006

3600	Downtown Miami Charter School 305 NW 3 Ave. Miami, FL 33128 http://downtowncharter.org	K-8	Ms. Terry Maus terrymaus@dadeschools.net	305-579-2112 305-579-2115 Fax
6010	Florida International Academy 7630 Biscayne Blvd. Miami, FL 33138 Mission Statement	6-8	Ms. Sonia Mitchell smitchell@dadeschools.net	305-758-6912 305-758-6985 Fax
2060	Theodore R. and Thelma A. Gibson Charter School 3634 Grand Ave. Miami, FL 33133 Mission Statement http://gibsoncharter.dadeschools.net	K-8	Mr. Charles Bethel cgbethel@dadeschools.net	305-848-3126 305-848-3130 Fax
7007	International Studies Charter High School 3280 South Miami Avenue Miami, FL 33127 http://www.ischs.net/index.html	9-12	Ms. Ana Alvarez-Arimon aalvarez-arimon@dadeschools.net	305 646-4293 305 860-2138 Fax
3610	Keys Gate Charter School 2000 SE 28 Ave. Homestead, FL 33035 http://www.keyscharter.org	K-8	Ms. Christine Valadez cvaladez@dadeschools.net	305-230-1616 305-230-1347 Fax
0040	Liberty City Charter School 8700 NW 5 Ave. Miami, FL 33150 North Campus: 13301 NW 24 Avenue Miami, FL 33167 http://www.lccschool.com	K-8	Ms. Katrina Wilson-Davis kwilson-davis@dadeschools.net	305-751-2700 305-751-1316 Fax North Campus: 305-681-4760 786-413-0560 Fax
0100	Mater Academy 7700 NW 98th St. Hialeah Gdns, FL 33016 http://materacademy.dadeschools.net	K-5	Ms. Kim Guilarte kguilarte@dadeschools.net	305-698-9900 305-698-3822 Fax
6012	Mater Academy Charter Middle School 7901 NW 103 St. Hialeah Gardens, FL 33016 http://materacademyhigh.dadeschools.net	6-8	Mr. Rene Rovirosa rovirosa@dadeschools.net	305-828-1886 305-828-6175 Fax
3100	Mater Academy East Charter School 450 SW 4th St. Miami, FL 33130 http://materacademyeast.dadeschools.net	K-8	Ms. Beatriz Riera briera@dadeschools.net	305-324-4667 305-324-6580 Fax
7160	Mater Academy Charter High School 7901 NW 103 St. Hialeah Gdns, FL 33016 http://materacademyhigh.dadeschools.net	9-12	Ms. Judith Marty jmarty@dadeschools.net	305-828-1886 305-828-6175 Fax
4000	Miami Children's Museum Charter School 980 McArthur Causeway Miami, FL 33132 *Temporary location for 04-05:* 450 SW 4 St. Miami, FL 33130	K-5	Ms. Maria Mongeotti Greer mongeotti-greer@dadeschools.net	Temporary Numbers: 305-324-4667 305-324-6580 Fax

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CHARTER SCHOOLS 2005-2006

0102	Miami Community Charter School 101 SW Redland Road Miami, FL 33034 Mission Statement	K-6	Ms. Jila Rezale jrezale@dadeschools.net miamicharter@bellsouth.net	305-245-2552 305-245-2527 Fax
6040	Doctor's Charter School of Miami Shores 10050 NE 2nd Avenue Miami Shores, FL 33168	6-12	Ms. Maggie Manrara	305-754-2381 305-754-9926 Fax
0600	Pinecrest Preparatory Academy 14301 SW 42 St. Miami, FL 33175 *Kendall Greens Campus:* 15130 SW 80th Street Miami, FL 33193 http://Pinecrestpreparatoryacademy.dadeschools.net	K-5	Ms. Susie Dopico sdopico@dadeschools.net	305-207-1027 305-207-1897 Fax
6022	Pinecrest Academy Charter Middle School 14301 SW 42 St. Miami, FL 33175 *Kendall Greens Campus:* 15130 SW 80th Street Miami, FL 33193 http://Pinecrestpreparatoryacademy.dadeschools.net	6-8	Ms. Jeanette Menendez jeanettemndz@dadeschools.net	305-207-1027 305-207-1897 Fax
0400	Renaissance Elementary Charter School 8360 NW 33 St. Miami, FL 33122 http://www.recscharter.org	K-5	Ms. Ana Cordal acordal@dadeschools.net	305-591-2225 305-591-2984 Fax
0300	Rosa Parks Charter School/Florida City *K-5 students will be at this location:* 713 West Palm Dr. Florida City, FL 33034 *6-8 students will be at this location:* 303 West Palm Dr. Florida City, FL 33034	K-8	Ms. Marva de Silva	305-246-3336 305-246-3340 Fax
5710	Sandor Wiener School of Opportunity Main Campus: 20000 NW 47 CL Opa-Locka, FL 33055 Mailing Address: PO Box 173470 Hialeah, FL 33017-3470 Mission Statement	K-5	Ms. Lissa Gonzalez lgonzalez1@dadeschools.net	305-623-9631 305-623-9621 Fax
	Kendall Campus: 11025 SW 84 St. Miami, FL 33173		Lead Teacher: Ms. Roxana Ochoa	305-279-3064 305-279-3294 Fax
7030	School for Integrated Academics & Technologies (SIATech) Main Campus: Homestead Job Corps Center 12350 SW 285 St., Homestead, FL North Campus: Miami Job Corps Center 3050 NW 183 St., Miami, FL Mission Statement	9-12	Ms. Marjorie Lopez lopezma@dadeschools.net	Main: 305-258-9477 305-257-2164 Fax Other Numbers: 786-547-6136 305-586-2344 Fax

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CHARTER SCHOOLS 2005-2006

0520	Somerset Academy 18491 SW 134 Ave. Miami, FL 33177 Mission Statement http://somersetelem.dadeschools.net	K-5	Ms. Suzette Ruiz sruiz0520@dadeschools.net	305-270-8740 305 270-8778 Fax
6004	Somerset Academy Charter Middle SW 117 Ave. & 232 St. Miami, FL 33170 *Temporary locations for 05-06:* 18491 SW 134 Avenue Miami, FL 33177	6-8	TBA	305-270-8740 305-270-8778 Fax
7042	Somerset Academy Charter High School SW 117 Ave. & 232 St. Miami, FL 33170 *Temporary locations for 05-06:* 2601 NW 112 Ave. Miami, FL 33172 and 11100 NW 27 St. Miami, FL 33172	9-12	Ms. Diana Morales dmorales3@dadeschools.net	Temporary Numbers: 305-597-9950 305-477-6792 Fax
0200	Spiral Tech Elementary Charter School 12400 SW 72 St. Miami, FL 33183 Mission Statement	K-5	Ms. Gisela Batan gbatan@dadeschools.net	305-273-0474 305-273-0242 Fax
1020	Youth Co-Op Charter School 12051 W. Okeechobee Rd. Hialeah Gdns, FL 33018 http://ycs.dadeschools.net/	K-8	Ms. Maritza Aragon maragon@dadeschools.net	305-819-8855 305-819-8455 Fax

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Charter School Growth in Miami-Dade County

School Name	2005-06 Enrollment	Projected Enrollment Based on Capacity		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	**16,141**	**27,514**	**30,139**	**32,690**

Revised August 9/05 to reflect August 2005 board action - Page 1 of 2

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Board Approved Contracts for Schools to Open in Future Years			
School Name	Projected Enrollment as per Contract		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	**-0-**	**5,395**	**7,880**
SUB TOTAL (EXISTING + APPROVED) 62 schools	2,519	35,544	40,570

Board Approved Applications for Schools Opening in Subsequent Years		
Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050

GRAND TOTALS	
Number of Schools	Maximum Enrollment Capacity
80	57,620

Revised August 9/05 to reflect August 2005 board action - Page 2 of 2

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REVISION 4

Memorandum

Date: 29-SEP-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2006000133

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated July 18, 2008
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped July 7, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2006000133
located at SOUTH OF S.W. 8 STREET & APPROXIMATELY 150' EAST OF S.W. 43 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1404 is proposed as the following:

91 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: 25.54 alarms-annually.
The estimated average travel time is: 7:22 minutes

Existing services:

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

Station 40 - West Miami - 975 SW 62 Avenue.
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 plans date stamped July 7, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 08/28/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

GABLES EDGE PARKS CO.

APPLICANT

SOUTH OF S.W. 8 STREET & APPROXIMATELY 150' EAST OF S.W. 43 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2006000133

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

All remains the same from last memo except CMS#200603004017 case closed as complied and CVN paid in full.

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: GABLES EDGE PARKS CO.
(public entity organized under State of Florida laws)

NAME AND ADDRESS	Percentage of Stock
Andres Rodriguez	100%

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BY

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 Stock

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Stock

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

NAME OF PURCHASER: _____

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

_____

_____

_____

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BY _____

Date of contract: _____

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

_____

_____

_____

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

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

Signature: _____

Gilberto Pastoriza

Sworn to and subscribed before me this 14 day of April, 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

ESTRELLITA SIBILA
Notary Public - State of Florida
My Commission Expires Mar 22, 2009
Commission # DD 409832
Bonded By National Notary Assn.

My commission expires _____

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

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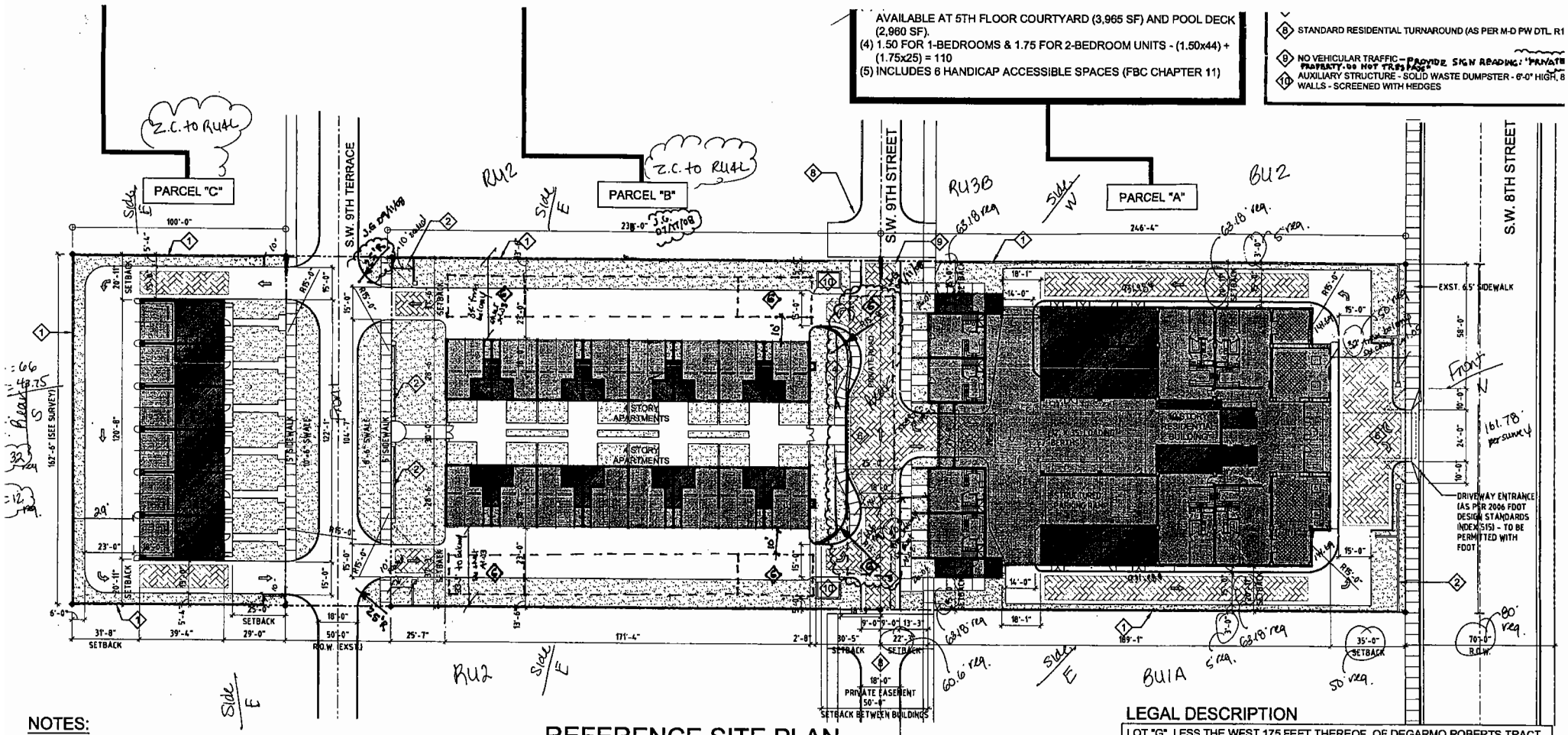
AVAILABLE AT 5TH FLOOR COURTYARD (3,965 SF) AND POOL DECK (2,960 SF).
(4) 1.50 FOR 1-BEDROOMS & 1.75 FOR 2-BEDROOM UNITS - (1.50x44) + (1.75x25) = 110
(5) INCLUDES 6 HANDICAP ACCESSIBLE SPACES (FBC CHAPTER 11)

8 STANDARD RESIDENTIAL TURNAROUND (AS PER M-D PW DTL. R1
9 NO VEHICULAR TRAFFIC - PROVIDE SIGN READING: "PRIVATE PROPERTY-DO NOT TRESPASS"
10 AUXILIARY STRUCTURE - SOLID WASTE DUMPSTER - 6'-0" HIGH, 8 WALLS - SCREENED WITH HEDGES



NOTES:

1. ALL PARKING STALL DIMENSIONS TO COMPLY W/ MIAMI-DADE CODE CH. 33, SECT VII:

REFERENCE SITE PLAN

LEGAL DESCRIPTION

LOT "G", LESS THE WEST 175 FEET THEREOF, OF DEGARMO ROBERTS TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B" AT

ENLARGED SITE PLAN

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PARCEL C

EXISTING ZONING DESIGNATION:			RU-2
PROPOSED ZONING DESIGNATION:			RU-4L
GROSS LOT AREA:			20,222 SF
NET LOT AREA:			16,178 SF (0.37 ACRE)
NUMBER OF RESIDENTIAL MULTIFAMILY UNITS:	ALLOWABLE	23 U/A	8.51 UNITS
	PROPOSED	16.2 U/A	8 UNITS
LOT COVERAGE:	ALLOWABLE	30%	4,854 SF
	PROPOSED	29.3%	4,746 SF
FLOOR AREA RATIO (FAR)	ALLOWABLE	✓ 0.75	12,134 SF
	PROPOSED	✓ 0.71	11,423 SF
BUILDING SETBACKS — FRONT	REQUIRED		25'-0"
	PROPOSED		25'-0"
BUILDING SETBACKS — INT. SIDE	REQUIRED		20'
	PROPOSED		20'-11"
BUILDING SETBACKS — REAR	REQUIRED		25'-0"
	PROPOSED		31'-8"
BUILDING HEIGHT	ALLOWABLE		75'-0"
	PROPOSED		37'-2" 3 STORIES
LANDSCAPED OPEN SPACE	REQUIRED	25%	4,044 SF
	PROPOSED	25.15 %	4,069 SF
SODDED AREA	PROPOSED		2,285 SF
SHRUBS	PROPOSED		160
PARKING	REQUIRED		12 SPACES
	PROPOSED		12 SPACES

(1) REQUIRED: 2 SPACES PER UNIT (3-BR)
units (6) x 3 = 12 req

PARCEL B

EXISTING ZONING DESIGNATION:			RU-2
PROPOSED ZONING DESIGNATION:			RU-4L
GROSS LOT AREA:			41,253 SF
NET LOT AREA:			37,533 SF (0.86 ACRE)
NUMBER OF RESIDENTIAL MULTIFAMILY UNITS:	ALLOWABLE	23 U/A	19.8 UNITS
	PROPOSED	18.6 U/A	16 UNITS
LOT COVERAGE:	ALLOWABLE	30%	11,260 SF
	PROPOSED	26%	9,766 SF
FLOOR AREA RATIO (FAR)	ALLOWABLE	0.80	30,026 SF
	PROPOSED	~~0.786~~ 0.77	~~29,496~~ 29,496 SF
BUILDING SETBACKS — FRONT	REQUIRED		25'-0"
	PROPOSED		25'-7"
BUILDING SETBACKS — SIDE	REQUIRED		20'
	PROPOSED		33'-3"
BUILDING SETBACKS — REAR	REQUIRED		25'-0"
	PROPOSED		30'-5"
BUILDING HEIGHT	ALLOWABLE		75'-0"
	PROPOSED		55'-2" 4 STORIES
LANDSCAPED OPEN SPACE	REQUIRED	25%	10,313 SF
	PROPOSED	32.6%	12,248 SF
SODDED AREA	PROPOSED		2,614 SF
SHRUBS	PROPOSED		350
PARKING (1)	REQUIRED		32 SPACES
	PROPOSED		32 SPACES

(1) REQUIRED: 2 SPACES PER UNIT (3-BR)
units (16) x 3 = 32 parking req

zoning density
16 (units) / .86 = 18.60 units per acre

PARCEL A

EXISTING ZONING DESIGNATION (TO REMAIN) (2):			BU-2
GROSS LOT AREA:			45,511 SF
NET LOT AREA:			39,848 SF (0.91 ACRE)
NUMBER OF RESIDENTIAL MULTIFAMILY UNITS:			69 UNITS
LOT COVERAGE:	ALLOWABLE	40%	18,205 SF
	PROPOSED	~~57.62%~~ 38%	~~22,444 SF~~ 15,144 SF
FLOOR AREA RATIO (FAR) (1)	ALLOWABLE	1.29	51,404 SF
	PROPOSED	~~2.04~~ 1.20	~~81,273 SF~~ 47,866.25
BUILDING SETBACKS (2) — FRONT	REQUIRED		50'-0"
	PROPOSED		35'-0"
BUILDING SETBACKS (2) — SIDE	REQUIRED		63.18'
	PROPOSED		20'-11" & 15'-0"
BUILDING SETBACKS (2) — REAR	REQUIRED		60.6'
	PROPOSED		20'-3"
BUILDING HEIGHT	ALLOWABLE		NOT LIMITED
	PROPOSED		124'-0"
LANDSCAPED OPEN SPACE (3)	REQUIRED	33.5%	13,349 SF
	PROPOSED	13.5%	5,377 SF
SODDED AREA	PROPOSED		100 SF
SHRUBS	PROPOSED		330
RESIDENT RECREATIONAL OPEN SPACE (3)	PROPOSED		6,925 SF
PARKING	REQUIRED (4)		110 SPACES
	PROPOSED (5)		124 SPACES

(1) FAR ACCORDING TO SEC. 33-253.3: 0.40 + (0.11x7) + (0.08x2) = 1.39
(2) SETBACKS TO FOLLOW RESIDENTIAL REQUIREMENTS (SEC 33-51):

	BU-2 (33-51)	RU-4 (33-211)
FRONT	20'	50' (MAX)
REAR	20'	25' + 0.40 (124' - 35') = 60.6'
SIDE	25'	124' x cos63° = 56.3'

SEE A201 & A202 FOR VERTICAL SETBACK REQUIREMENTS
(3) 6,925 SF OF OPEN PUBLIC ACCESS LANDSCAPED SPACE AVAILABLE AT 5TH FLOOR COURTYARD (3,965 SF) AND POOL DECK (2,960 SF).
(4) 1.50 FOR 1-BEDROOMS & 1.75 FOR 2-BEDROOM UNITS - (1.50x44) + (1.75x25) = 110
(5) INCLUDES 8 HANDICAP ACCESSIBLE SPACES (FBC CHAPTER 11)

KEYNOTES

1. 6'-0" HIGH 8" CMU PROPERTY WALL
2. 2'-6" HIGH 8" CMU PROPERTY WALL ALONG STREET
3. PARALLEL VISITOR PARKING SPACES
4. 5' CONC SIDEWALK
5. 12' X 35' LOADING BERTHS
6. AERIAL APPARATUS SETUP SITE (21' X 36')
7. DRIVEWAY W/UNIT PAVERS
8. STANDARD RESIDENTIAL TURNAROUND (AS PER M-D PW DTL. R11.37)
9. NO VEHICULAR TRAFFIC — REMOVE SIGN READING: "PRIVATE" 12/07/08
10. AUXILIARY STRUCTURE - SOLID WASTE DUMPSTER - 6'-0" HIGH, 8" CMU WALLS - SCREENED WITH HEDGES

CIVICA
8323 NW 12TH Street
Suite No.206
Doral, FL. 33126
tel: 305.593.9959
fax: 305.593.9855
www.civicagroup.com

GABLES EDGE

4250 SW 8TH STREET
MIAMI, FL 33134

OWNER:
GABLES EDGE PARKS COMPANY
2655 LE JEUNE RD, PH I-D
CORAL GABLES, FL 33134
(305) 442-7141

CIVICA PROJECT No:
080402

ISSUED FOR:
ZONING SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY | APPROVED BY

DATE: JUNE 30, 2008 | SCALE:

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3rd Rev.

SEAL/SIGNATURE:
ROLANDO LLANES, AIA
AR - 0013180
JUL 07 2008

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SHEET TITLE: 91
REFERENCE SITE PLAN & ZONING DATA

SHEET NUMBER: A0.01

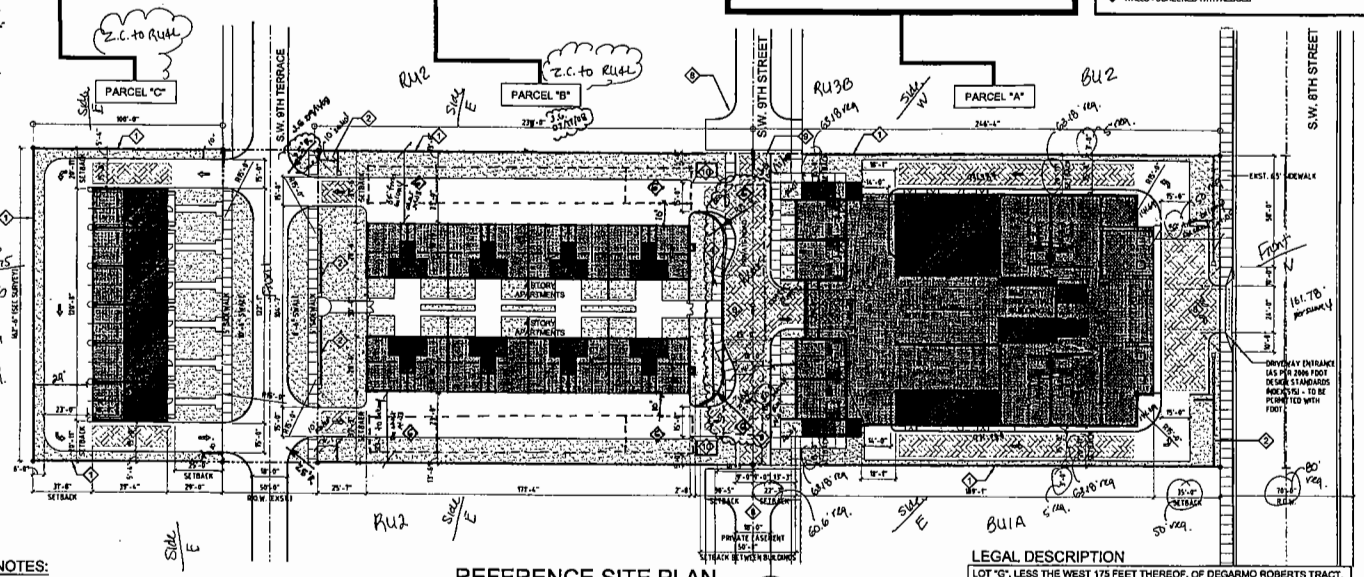
UNIT BREAKDOWN

PARCEL A	
APARTMENTS	
1-BEDROOM APARTMENTS	44 UNITS
2-BEDROOM APARTMENTS	25 UNITS
TOTAL	69 UNITS
PARCEL B	
MULTI-FAMILY 3 BR	16 UNITS
PARCEL C	
MULTI-FAMILY 3 BR	8 UNITS
TOTAL	91 UNITS

x 1.50 = 66
x 1.75 = 43.75
110 req.
124 prov.
16 x 2 = 32 req
6 x 2 = 12 req.

STRUCTURED PARKING

PARCEL A	
STRUCTURED PARKING	
2ND FLOOR	39 SPACES (2 HC)
3RD FLOOR	45 SPACES (2HC)
4TH FLOOR	40 SPACES (2 HC)
TOTAL	124 SPACES (6 HC)



NOTES:

1. ALL PARKING STALL DIMENSIONS TO COMPLY W/ MIAMI-DADE CODE CH. 33, SECT VII:
   - 90° PARKING STALLS - 8.5'x18.0' MIN
   - PARALLEL PARKING - 8.0'x23.0' MIN
2. WALLS & HEDGES LOCATED WITHIN THE FRONT SETBACK CANNOT EXCEED A MAXIMUM HEIGHT OF 48".

parcel C
lot cov. 34.35x120.8 = 4145.4 / 16,178 = 29.96 int cov.

REFERENCE SITE PLAN

SCALE: 1" = 30'-0"

parcel B
lot cov. 28.50x176.33 = 4882.10(2) = 9764.19 cov. / 37,533 = 26%

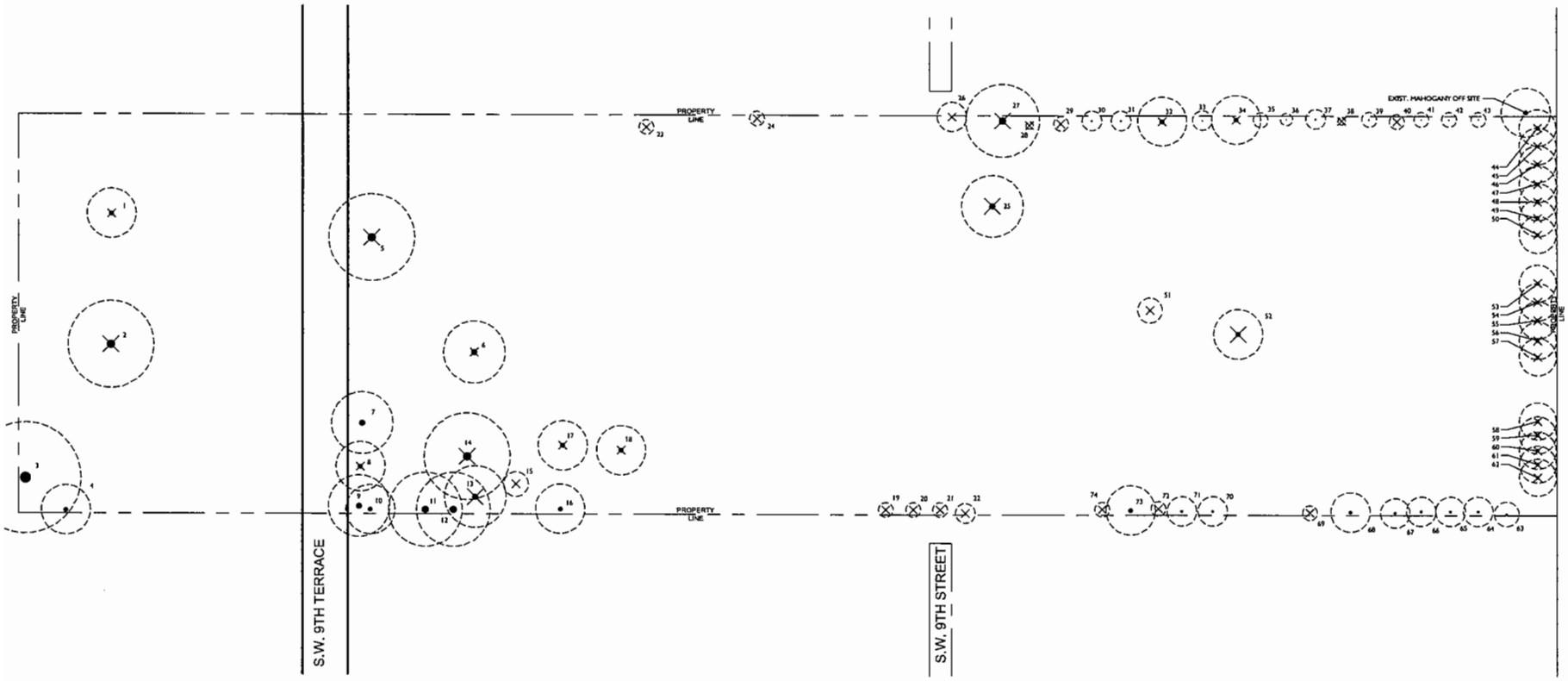
BUILDING FOOTPRINT
GREEN AREA
PAVERS

N

LEGAL DESCRIPTION

LOT "G", LESS THE WEST 175 FEET THEREOF, OF DEGARMO ROBERTS TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B" AT PAGE 159, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO #: 30-4108-013-0010

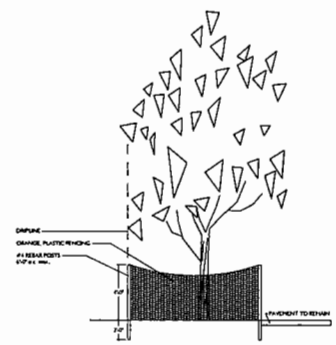
parcel A
lot cov. 142.08x151.78 = 21,572.20 / 2348.11 = 22,464.19 (56.24%)
40% max provided
rear s/o 124 / 35 (25) = 89x40% (35.6)
int-side & s. street 63' = 63.18 min req.



EXISTING TREE DISPOSITION LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE HT.(L)	SIZE SPD.(L)	SIZE CAL.(in.)	NATIVE	DISPOSITION REMAIN	DISPOSITION REMOVE	DISPOSITION TRANSPL.	MITIGATION CANOPY (s.f.)
1	Pelophorum pterocarpum	Yellow Poincana	25	25	18	no		X		491
2	Delonix regia	Royal Poinciana	25	25	24	no		X		962
3	Delonix regia	Royal Poinciana	35	45	30	no	X			
4	Delonix regia	Royal Poinciana	25	20	8	no	X			
5	Terminalia acuminata	Tropical Almond	35	35	20	no		X		exempt
6	Delonix regia	Royal Poinciana	35	35	20	no		X		491
7	Delonix regia	Royal Poinciana	20	35	13	no	X			
8	Delonix regia	Royal Poinciana	20	20	8	no		X		314
9	Terminalia acuminata	Tropical Almond	35	35	16	no	X			
10	Delonix regia	Royal Poinciana	30	30	14	no	X			
11	Delonix regia	Royal Poinciana	30	30	14	no	X			
12	Delonix regia	Royal Poinciana	30	30	16	no	X			
13	Delonix regia	Royal Poinciana	30	35	20	no		X		491
14	Swietenia mahagoni	West Indies Mahogany	30	35	24	yes		X		962
15	Pyrtobagenia elegans	Solitaire Palm	20	8	4	no		X		50
16	Delonix regia	Royal Poinciana	25	30	8/2	no	X			
17	Azadirachta indica	Neem Tree	20	20	14	no		X		314
18	Terminalia acuminata	Tropical Almond	15	30	8	no		X		exempt
19	Bursera simaruba	Gumbo Limbo	12	6	3	yes		X		28
20	Bursera simaruba	Gumbo Limbo	12	6	3	yes		X		28
21	Bursera simaruba	Gumbo Limbo	12	6	2	yes		X		28
22	Senna surattensis	Gray Senna Cassia	16	8	5	no		X		50
23	Ficus nitida	Strangler Fig	07	4	multi	yes		X		28
24	Terminalia acuminata	Tropical Almond	10	6	2	no		X		exempt
25	Pinus elliottii Densa	Dade County Pine	30	25	24	yes		X		491
26	Azadirachta indica	Neem Tree	18	12	multi	no		X		113
27	Casuarina equisetifolia	Australian Pine	40	30	18	no		X		exempt
28	Quercus virginiana	Live Oak	04	3	2	yes		X		7
29	Quercus virginiana	Live Oak	14	6	4	yes		X		28
30	Calophyllum inophyllum	Pigeon Plum	18	8	3	yes	X			
31	Calophyllum inophyllum	Pigeon Plum	18	8	3	yes	X			
32	Casuarina equisetifolia	Australian Pine	30	20	multi	no		X		exempt
33	Calophyllum inophyllum	Pigeon Plum	14	8	3	yes	X			
34	Casuarina equisetifolia	Australian Pine	45	25	multi	no		X		exempt
35	Calophyllum inophyllum	Pigeon Plum	18	6	3	yes	X			
36	Calophyllum inophyllum	Pigeon Plum	14	5	3	yes	X			
37	Calophyllum inophyllum	Pigeon Plum	14	8	3	yes	X			
38	Calophyllum inophyllum	Pigeon Plum	12	3	2	yes		X		7
39	Calophyllum inophyllum	Pigeon Plum	14	6	2	yes	X			
40	Calophyllum inophyllum	Pigeon Plum	14	6	2	yes		X		28
41	Calophyllum inophyllum	Pigeon Plum	16	6	3	yes	X			
42	Calophyllum inophyllum	Pigeon Plum	14	6	2	yes	X			
43	Quercus virginiana	Live Oak	18	6	3	yes	X			
44	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
45	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
46	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
47	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
48	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
49	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
50	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
51	Syzygium cumini	Red Cedar	20	10	12	no		X		79
52	Manilkara zapota	Sapodilla	14	30	14	no		X		314
53	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
54	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
55	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
56	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
57	Ficus benjamina	Weeping Fig	16	16	7	no		X		201
58	Ficus benjamina	Weeping Fig	16	16	5	no		X		301
59	Ficus benjamina	Weeping Fig	16	16	5	no		X		301
60	Ficus benjamina	Weeping Fig	16	16	5	no		X		301
61	Ficus benjamina	Weeping Fig	16	16	5	no		X		301
62	Ficus benjamina	Weeping Fig	16	16	5	no		X		301
63	Swietenia mahagoni	West Indies Mahogany	22	18	6	yes	X			
64	Swietenia mahagoni	West Indies Mahogany	18	10	5	yes	X			
65	Swietenia mahagoni	West Indies Mahogany	22	12	5	yes	X			
66	Swietenia mahagoni	West Indies Mahogany	22	12	5	yes	X			
67	Swietenia mahagoni	West Indies Mahogany	22	12	5	yes	X			
68	Swietenia mahagoni	West Indies Mahogany	16	16	4	yes	X			
69	Albizia lebbeck	Mother's Tongue	14	6	8	no		X		exempt
70	Swietenia mahagoni	West Indies Mahogany	22	12	4	yes	X			
71	Swietenia mahagoni	West Indies Mahogany	22	12	4	yes	X			
72	Quercus virginiana	Live Oak	12	6	12	yes		X		28
73	Quercus virginiana	Live Oak	30	30	15	yes	X			
74	Quercus virginiana	Live Oak	30	8	15	yes		X		28
							TOTAL S.F. CANOPY TO BE REMOVED			8,790
							TOTAL NATIVE S.F. CANOPY TO BE REMOVED			1,693
							TOTAL MIN. NATIVE S.F. CANOPY REPLACEMENT REQUIRED			5,337

TOTAL S.F. CANOPY REPLACEMENT PROVIDED	37,100
TOTAL NATIVE S.F. CANOPY REPLACEMENT PROVIDED	22,900



PLACE ORANGE, PLASTIC FENCING (BY TENSAR OR OTHER APPROVED EQUAL) AROUND INDIVIDUAL TREES AND TREE CLUMPS TO REMAIN ON SITE IN ANY AREAS WITHIN THE LIMITS OF CONSTRUCTION. BARRIER SHALL BE PLACED AT THE EDGE OF THE DRIPLINE OF THE TREE TREE CANOPY OR 10 FAR FROM THE TRUNK AS POSSIBLE WHERE THE CANOPY OVERHANGS PAVEMENT THAT IS TO REMAIN. BARRIER SHALL BE MAINTAINED IN AN UPRIGHT POSITION AT ALL TIMES.

TREE PROTECTION DETAIL

NTS.

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

49

CIVICA
8323 NW 12TH Street
Suite No.206
Doral, FL. 33126
tel: 305.593.9959
fax: 305.593.9655

GABLES EDGE

4250 SW 8TH STREET
MIAMI, FL 33134

OWNER:
PMBC HOMES @ GABLES EDGE, LLC
2222 PONCE DE LEON BLVD.
SUITE N-200
CORAL GABLES, FL 33134

CIVICA PROJECT No:
05-2004

ISSUED FOR:
ZONING SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY | APPROVED BY

DATE: MAY, 2006 | SCALE: 1"=20'-0"

ROSENBERG GARDINER DESIGN

KEY PLAN

SEAL/SIGNATURE

KEN GARDNER, ASLA
FL LAA# 1565

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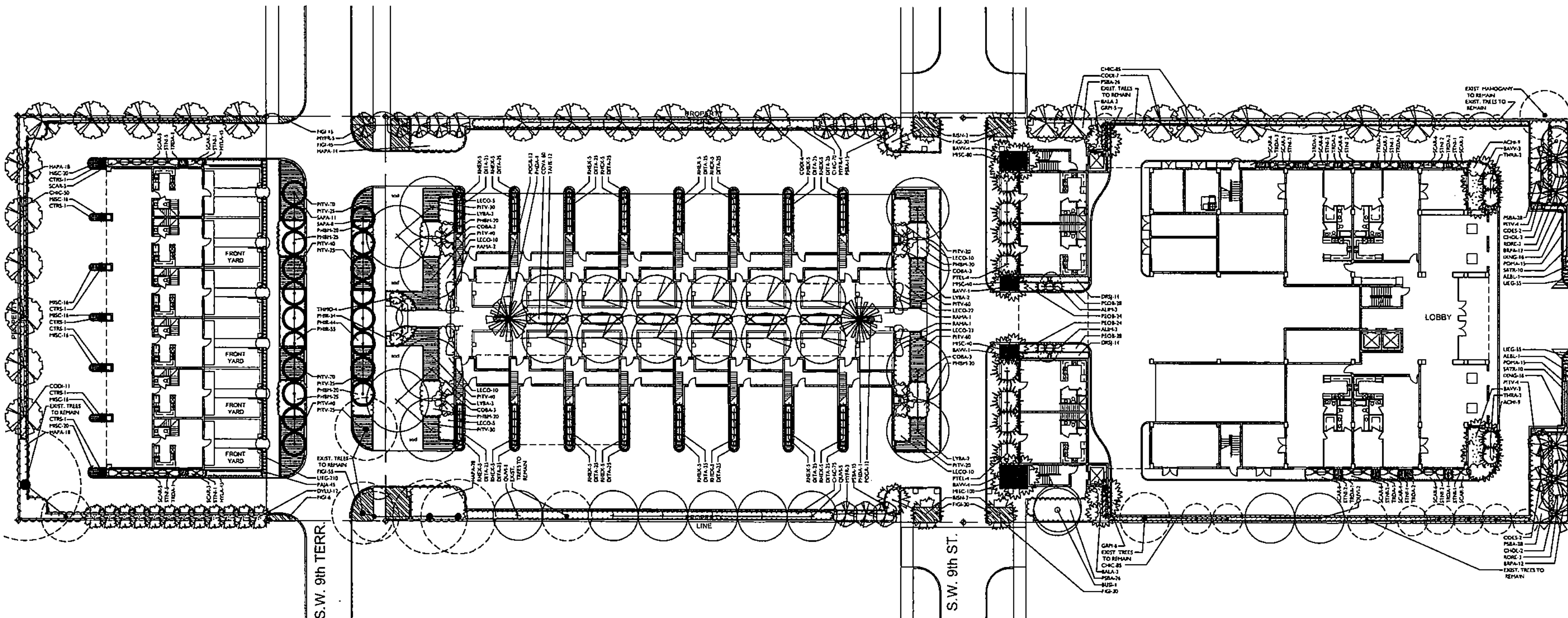
SHEET TITLE

EXISTING TREE DISPOSITION PLAN

SHEET NUMBER: L-1

RECEIVED
MIAMI-DADE COUNTY
JUL 07 2006
ZONING HEARINGS SECTION
PLANNING & ZONING



LANDSCAPE LEGEND PARCEL A (This information to be permanently affixed to the plan.)

Zoning District: RU-3 | Net Lot Area: 0.91 (acres) | 39,848 (square feet)

	OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED
A.	Square feet of open space required by Chapter 33, as indicated on site plan: Net Lot area = 39,848 square feet x 18 % = 7,173 square feet	7,173	[illegible]
B.	Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 130 x 10 square feet per parking space =	1,300	[illegible]
C.	Total square feet of landscaped open space required by Chapter 33 = A+B=	8,473	3,377
	LAWN AREA CALCULATION	**REQUIRED**	**PROVIDED**
A.	Total square feet of landscape open space required by Chapter 33 =	8,473	
B.	Maximum lawn area (St. Augustine sod) permitted = 20 % = 1,695 square feet =	1,695	-
	TREES	**REQUIRED**	**PROVIDED**
A.	The number of trees required per net lot acre less the existing number of trees that meet the minimum requirements (minus)	[illegible]	
	= 22 trees x net lot acreage =	2	
B.	30% palm species allowed (two palms = one tree) Palms provided =	1	
C.	Percentage of native trees required = number of trees provided x 30% =	5	
D.	Street trees (max. average spacing of 35' o.c.): 162 linear feet along street / 35 =	5	
	Palms as street trees (max. average spacing of 35' o.c.): 0 linear feet along street / 25 =		
E.	Street trees located directly beneath power lines (Max. average spacing 25' o.c.): 162 linear feet along street / 25 =	7	
F.	Total number of trees to be provided	14	
	SHRUBS	**REQUIRED**	**PROVIDED**
A.	The total number of trees required x 10 = the number of shrubs required	330	
B.	The total number of trees required x 30% = the number of native shrubs required	99	

IRRIGATION: Required by Chapter 33. Auto Irrigation X or hose bib provided.

LANDSCAPE LEGEND PARCEL B (This information to be permanently affixed to the plan.)

Zoning District: RU-4L | Net Lot Area: 0.86 (acres) | 37,533 (square feet)

	OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED
A.	Square feet of open space required by Chapter 33, as indicated on site plan: Net Lot area = 37,533 square feet x 25 % = 9,383 square feet	9,383	25,167
B.	Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 36 x 10 square feet per parking space =	360	360
C.	Total square feet of landscaped open space required by Chapter 33 = A+B=	9,743	25,527
	LAWN AREA CALCULATION	**REQUIRED**	**PROVIDED**
A.	Total square feet of landscape open space required by Chapter 33 =	9,743	
B.	Maximum lawn area (St. Augustine sod) permitted = 60 % = 5,846 square feet =	5,846	1,506
	TREES	**REQUIRED**	**PROVIDED**
A.	The number of trees required per net lot acre less the existing number of trees that meet the minimum requirements (minus)	5	
	= 28 trees x net lot acreage =	20	
B.	30% palm species allowed (two palms = one tree) Palms provided =	12	
C.	Percentage of native trees required = number of trees provided x 30% =	9	
D.	Street trees (max. average spacing of 35' o.c.): 324 linear feet along street / 35 =	10	
	Palms as street trees (max. average spacing of 35' o.c.): 0 linear feet along street / 25 =		
E.	Street trees located directly beneath power lines (Max. average spacing 25' o.c.): 0 linear feet along street / 25 =	-	
F.	Total number of trees to be provided	30	
	SHRUBS	**REQUIRED**	**PROVIDED**
A.	The total number of trees required x 10 = the number of shrubs required	350	
B.	The total number of trees required x 30% = the number of native shrubs required	105	

IRRIGATION: Required by Chapter 33. Auto Irrigation X or hose bib provided.

LANDSCAPE LEGEND PARCEL C (This information to be permanently affixed to the plan.)

Zoning District: RU-4L | Net Lot Area: 0.37 (acres) | 16,178 (square feet)

	OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED
A.	Square feet of open space required by Chapter 33, as indicated on site plan: Net Lot area = 16,178 square feet x 25 % = 4,045 square feet	4,045	11,111
B.	Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 14 x 10 square feet per parking space =	140	140
C.	Total square feet of landscaped open space required by Chapter 33 = A+B=	4,185	11,251
	LAWN AREA CALCULATION	**REQUIRED**	**PROVIDED**
A.	Total square feet of landscape open space required by Chapter 33 =	4,185	
B.	Maximum lawn area (St. Augustine sod) permitted = 60 % = 2,511 square feet =	2,511	-
	TREES	**REQUIRED**	**PROVIDED**
A.	The number of trees required per net lot acre less the existing number of trees that meet the minimum requirements (minus)	2	
	= 28 trees x net lot acreage =	9	
B.	30% palm species allowed (two palms = one tree) Palms provided =	5	
C.	Percentage of native trees required = number of trees provided x 30% =	5	
D.	Street trees (max. average spacing of 35' o.c.): 162 linear feet along street / 35 =	5	
	Palms as street trees (max. average spacing of 35' o.c.): 0 linear feet along street / 25 =		
E.	Street trees located directly beneath power lines (Max. average spacing 25' o.c.): 0 linear feet along street / 25 =	-	
F.	Total number of trees to be provided	14	
	SHRUBS	**REQUIRED**	**PROVIDED**
A.	The total number of trees required x 10 = the number of shrubs required	160	
B.	The total number of trees required x 30% = the number of native shrubs required	48	

IRRIGATION: Required by Chapter 33. Auto Irrigation X or hose bib provided.

LANDSCAPE LEGEND SYNOPSIS

Zoning District: varies | Net Lot Area: 2.15 (acres) | 93,559 (square feet)

	OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED
A.	Square feet of open space required by Chapter 33, as indicated on site plan: Net Lot area = 93,559 square feet x varies % = 20,600 square feet	20,600	41,355
B.	Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 180 x 10 square feet per parking space =	1,800	1,800
C.	Total square feet of landscaped open space required by Chapter 33 = A+B=	22,400	43,155
	LAWN AREA CALCULATION	**REQUIRED**	**PROVIDED**
A.	Total square feet of landscape open space required by Chapter 33 =	22,400	
B.	Maximum lawn area (St. Augustine sod) permitted = varies % = 10,051 square feet =	10,051	1,597
	TREES	**REQUIRED**	**PROVIDED**
A.	The number of trees required per net lot acre less the existing number of trees that meet the minimum requirements (minus)	24	28
	= varies trees x net lot acreage =	31	73
B.	30% palm species allowed (two palms = one tree) Palms provided =	18	18
C.	Percentage of native trees required = number of trees provided x 30% =	19	78
D.	Street trees (max. average spacing of 35' o.c.): 648 linear feet along street / 35 =	20	20
	Palms as street trees (max. average spacing of 35' o.c.): 0 linear feet along street / 25 =	-	5
E.	Street trees located directly beneath power lines (Max. average spacing 25' o.c.): 162 linear feet along street / 25 =	7	7
F.	Total number of trees to be provided	58	99
	SHRUBS	**REQUIRED**	**PROVIDED**
A.	The total number of trees required x 10 = the number of shrubs required	840	7197
B.	The total number of trees required x 30% = the number of native shrubs required	252	650

IRRIGATION: Required by Chapter 33. Auto Irrigation X or hose bib provided.

TREE LEGEND

SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES		HEIGHT		CANOPY DIAMETER	QUANTITY
Symbol	New	Existing	Scientific	Common	Yes	No	Installed	Estimated at maturity*	Estimated at maturity*	
BISN	6		Bismarckia nobilis	Bismarkia Palm		X	12'	25'	15'	3
BUSI	1		Bursera simaruba	Gumbo Limbo	X		12'	50'	50'	1
CHOL	4		Chrysophyllum oliviforme	Satinleaf	X		12'	25'	15'	4
CODI	24	9	Coccoloba diversifolia	Pigeon Plum	X		9'	25'	20'	33
COES	4		Conocarpus erectus "Sericeus"	Silver Buttonwood	X		8'	25'	20'	4
-		7	Delonix regia	Royal Poinciana	X			50'	50'	7
LYBA	10		Lysiloma bahamensis	Wild Tamarind	X		12'	40'	50'	10
MYFR	12		Myrcianthes fragrans	Simpson's Stopper		X	8'	20'	15'	12
PHDA	2		Phoenix dactylifera "Zahidi"	Zahidi Date Palm	X		25'	30'	15'	1
PTEL	8		Ptychosperma elegans	Solitaire Palm	X		12'	25'	10'	4
QUVI	8	2	Quercus virginiana	Live Oak	X		12	50'	50'	10
RORE	5		Roystonea regia	Royal palm	X		24'	50'	15'	5
SAPA	19		Sabal palmetto	Sabal Palm	X		22'	40'	10'	9
		8	Swietenia mahagoni	West Indies Mahogany	X			50'	50'	8
TAHE	12		Tabebuia heterophylla	Pink Trumpet Tree		X	10'	30'	25'	12
		1	Terminalia acuminata	Tropical Almond		X		50'	50'	1
THRA	4		Thrinax radiata	Green Thatch Palm			7'	25'	8'	2
									TOTAL TREES PROVIDED	126

* Required for trees located underneath or adjacent to powerlines and palms used at 1:1 ratio

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206-133
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [illegible]
3rd Rev

CIVICA
8323 NW 12TH Street
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fax: 305.593.9855

GABLES EDGE
4250 SW 6TH STREET
MIAMI, FL 33134

OWNER:
PMBC HOMES @ GABLES EDGE, LLC
2222 PONCE DE LEON BLVD. SUITE M-300
CORAL GABLES, FL 33134

CIVICA PROJECT No: 05-2004

ISSUED FOR: ZONING SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY | APPROVED BY

DATE: MAY, 2006 | SCALE: 1"=20'-0"

ROSENBERG GARDNER DESIGN

KEY PLAN

SEAL/SIGNATURE

KEN GARDNER, ASLA
FL LA# 1569

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SHEET TITLE: PLANTING PLAN

SHEET NUMBER: LA-2

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

1.1 SCOPE

A. Contractor shall provide all labor, materials, equipment, watering, supervision, and related work necessary to complete the landscape work in accordance with the intent of the landscape plans, schedules and these specifications. The extent of work is shown on the drawings which are a part of this document.

1.2 SUBSTITUTIONS

A. Only materials specified will be accepted, unless approved in writing by the Landscape Architect in advance.

1.3 PLANT SIZES

A. All plant sizes shall equal or exceed the minimum sizes as specified in the plant list. When plant sizes are specified as a range of size, installed materials shall average the mean of the range specified. Plants shall be measured following pruning, with branches in normal position. All necessary pruning shall be done at the time of planting.

1.4 PLANT QUALITY

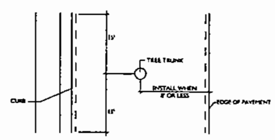
A. All plant material shall be equal to or better than Florida No. 1 as classified by "Grades and Standards for Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. They shall have a growth habit that is normal for the species; healthy, vigorous, free from insects, disease and injury.

B. The Owner or Landscape Architect reserves the right to refuse any plant material which does not conform to the intent of the written specifications or design.

1.5 PLANT QUANTITY

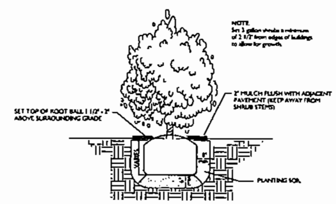
A. The plant quantities shown on the plant list are to be used only as an aid to bidders. In the case of discrepancy between the plant list and the plan, the quantity on the plan shall override the plant list.

[illegible]



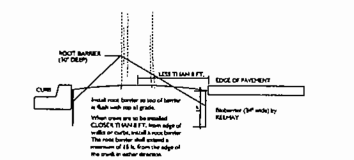
PLAN VIEW

N.T.S.



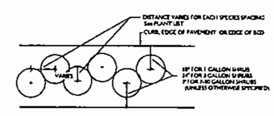
SHRUB INSTALLATION DETAIL

N.T.S.



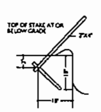
ROOT BARRIER INSTALLATION DETAIL

N.T.S.



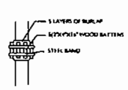
SHRUB SPACING DIAGRAM

N.T.S.



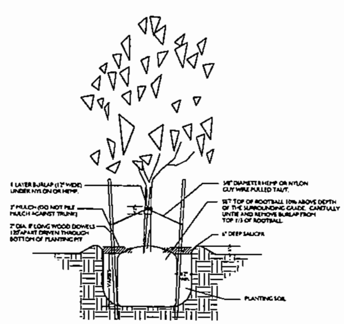
DETAIL A

N.T.S.



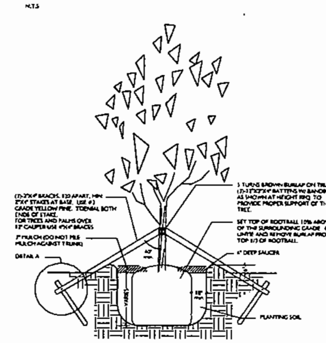
BATTEN DETAIL

N.T.S.



PLANTING & BRACING DETAIL UNDER 3" CALIPER

N.T.S.



PLANTING & BRACING DETAIL OVER 3" CALIPER

N.T.S.

PLANT LIST

KEY	PLANT NAME	QTY.	UT.	SIZE
ACHI	Acalypha hispida ..Chenille Plant	18	ea.	10 gallon cans
AEBL	Aechmea blanchetiana	7		10" pots
ALIM	Alcantarea imperialis	6		10" pots
BALA	Bambusa lako ..Tropical Black Bamboo	5		25 gallon cans, 14'-16' tall, 6-7 culms per pot
BAVV	Bambusa vittata vulgaris ..Tropical Golden Bamboo	16		25 gallon cans, 14'-16' tall, 6-7 culms per pot
BISN	Bismarkia nobilis ..Bismarkia Palm	6		12' tall overall, matched
BRPA	Brunfelsia pauciflora ..Yesterday, Today & Tomorrow	24		7 gallon cans, 3'-4' tall
BUSI	Bursera simaruba ..Gumbo Limbo	1		12'-14' tall x 6'-7' spread, 2 1/2"-3" cal
CHIC	Chrysobalanus icaco ..Cocoplum	365		3 gallon cans
CHOL	Chrysophyllum oliviforme ..Satin Leaf	4		12' tall x 5' spread, 2" cal.
COBA	Costus barbatus ..Spiral Ginger	12		10 gallon cans
CODI	Coccoloba diversifolia ..Pigeon Plum	24		9'-10' tall x 4' spread, 2" cal.
COES	Conocarpus erectus Sericeus ..Silver Buttonwood	4		8'-9' tall x 4' spread, lifted to treeform, 3 trunks max.
COVA	Codiaeum variegatum "Bravo" ..Croton	60		3 gallon cans
CTRS	Cordyline terminalis "Red Sister" ..Red Sister Hawaiian Ti	7		7 gallon cans, 3'-4' tall
DITA	Dianella tasmanica ..Blueberry Flax Lily	400		3 gallon cans
DRSJ	Dracaena reflexa "Song of Jamaica" ..Song of Jamaica Pleomele	28		3 gallon cans
DYLU	Dypsis lutescens ..Areca Palm	12		8'-10' tall, multistem, full
FIGI	Ficus microcarpa "Green Island" ..Ficus Green Island	211		3 gallon cans
GRPI	Graptophyllum pictum ..Character Plant	11		3 gallon cans
HAPA	Hamelia patens ..Firebush	78		3 gallon cans
HYLA	Hymenocallis latifolia ..Spider Lily	90		1 gallon cans
IXNG	Ixora Nora Grant	36		3 gallon cans, 24" x 24"
LECO	Leea coccinea "Rubra"	94		10 gallon cans, 36" x 36"
LIEG	Liriope muscari "Evergreen Giant"	320		1 gallon cans, 7-9 PPP, from tissue culture
LYBA	Lysiloma bahamensis ..Tamarind	10		12' tall x 5'-6' spread, 2"-2 1/2" cal.
MISC	Microsorum scolopendria ..Wart Fern	380		1 gallon cans
MYFR	Myrcianthes fragrans ..Simpson's Stopper	12		8'-9' tall x 4' spread, lifted to treeform, 3 trunks max.
PAJA	Pandanus jaminoides "Variegata" ..Variegated Bower Vine	45		3 gallon cans, trellised
POMA	Podocarpus macrophyllus ..Maki Yew	30		7 gallon cans, 3'-4' tall
PHBM	Philodendron Burle Marxii	170		3 gallon cans
PHDA	Phoenix dactylifera "Zahedi" ..Zahedi Date Palm	2		12' CT, 25' tall overall
PHIR	Philodendron imperialis "Red"	133		3 gallon cans
PITV	Pittosporum tobira "Variegata" ..Variegated Pittosporum	578		3 gallon cans
POGR	Polypodium grandiflora ..Rose Moss	24		1 gallon cans
PEOB	Peperomia obtusifolia ..Baby Rubber Plant	104		1 gallon cans, full
PSBA	Psychosperma bahamensis ..Bahamas Coffee	138		3 gallon cans
PTEL	Ptychosperma elegans ..Solitaire Palm	8		12'-14' tall overall, triple trunks, all heads same height
QUVI	Quercus virginiana ..Live Oak	8		12'-14' tall x 6'-7' spread, 2 1/2"-3" cal.
RAMA	Ravenala madagascariensis ..Traveller's Palm	4		12'-14' tall overall
RHEX	Rhapis excelsa ..Lady Palm	80		10 gallon cans
RORE	Roystonea regia ..Royal Palm	5		24'-26' tall, 6' CT
SAPA	Sabal palmetto ..Sabal Palm	19		22' tall overall, matched, booted
SATR	Sansevieria trifasciata ..Snake Plant	20		3 gallon cans
SCAR	Schefflera arboricola ..Dwarf Schefflera	76		3 gallon cans
STNI	Strelitzia nicholai ..White Bird of Paradise	30		10 gallon cans, 6' tall overall
TAHE	Tabebuia heterophylla ..Pink Trumpet Tree	12		10'-12' tall x 4'-5' spread, 2" cal.
THMO	Thrinax morrisii ..Silver Thatch Palm	4		5' tall overall
THRA	Thrinax radiata ..Green Thatch Palm	4		7'-8' tall overall
TRDA	Tripsacum dactyloides ..Fakahatchee Grass	22		3 gallon cans
Sod	St. Augustine "Palmetto"	1400	s.f.	Solid Sod
	Planting Soil 70% Silica Sand [illegible]	as req.	c.y.	
	[illegible]			

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ROSENBERG GARDNER DESIGN

KEY PLAN

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KEN GARDNER, ASLA
FL LA# 1569

SHEET TITLE

LANDSCAPE SPECIFICATIONS & PLANT LIST

SHEET NUMBER

LA-

51

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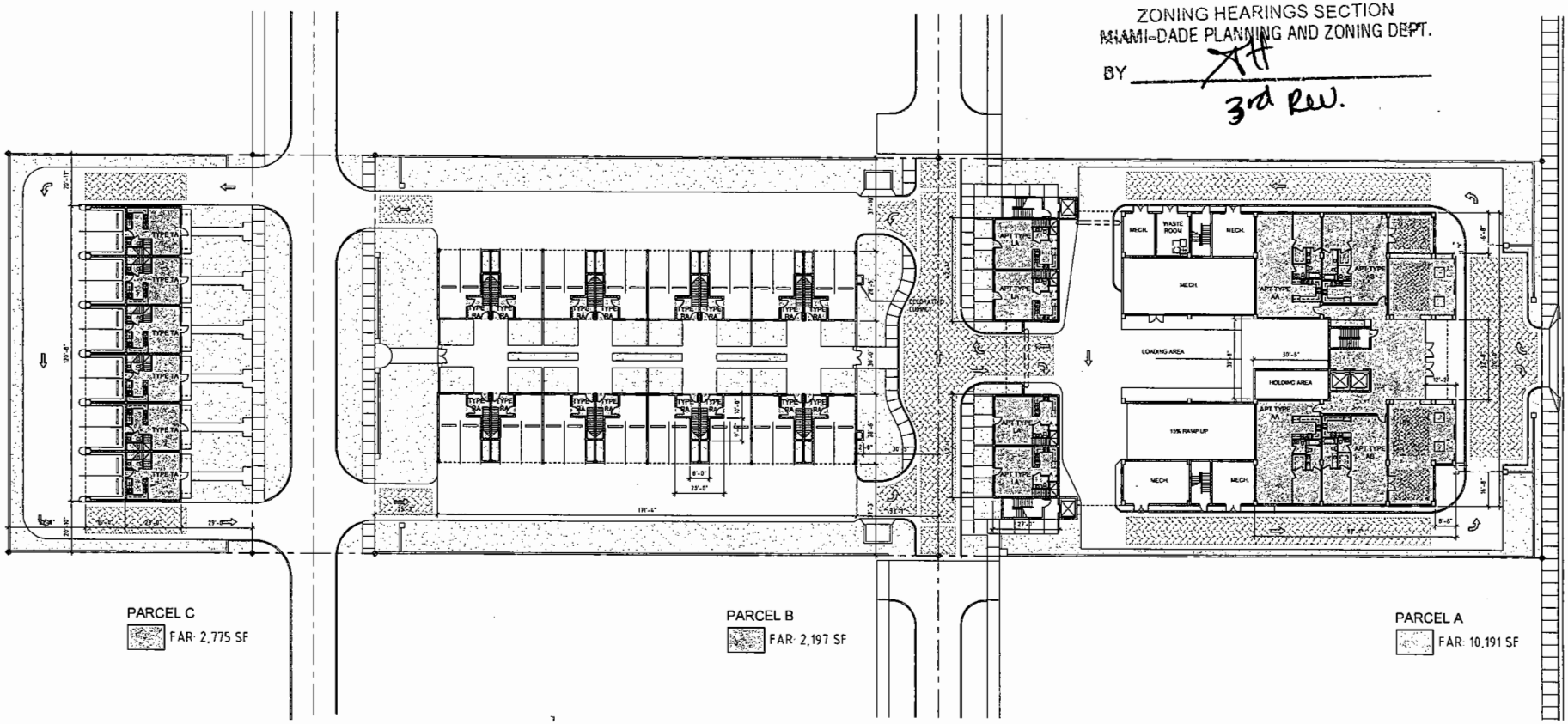

1ST FLOOR PLAN

SCALE: 1" = 20'-0"

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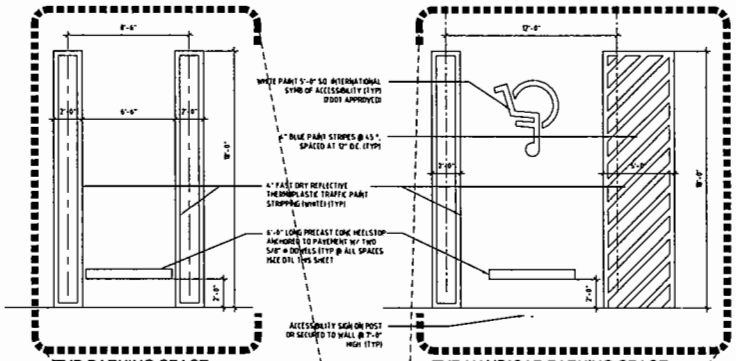
SHEET TITLE
FIRST FLOOR PLAN

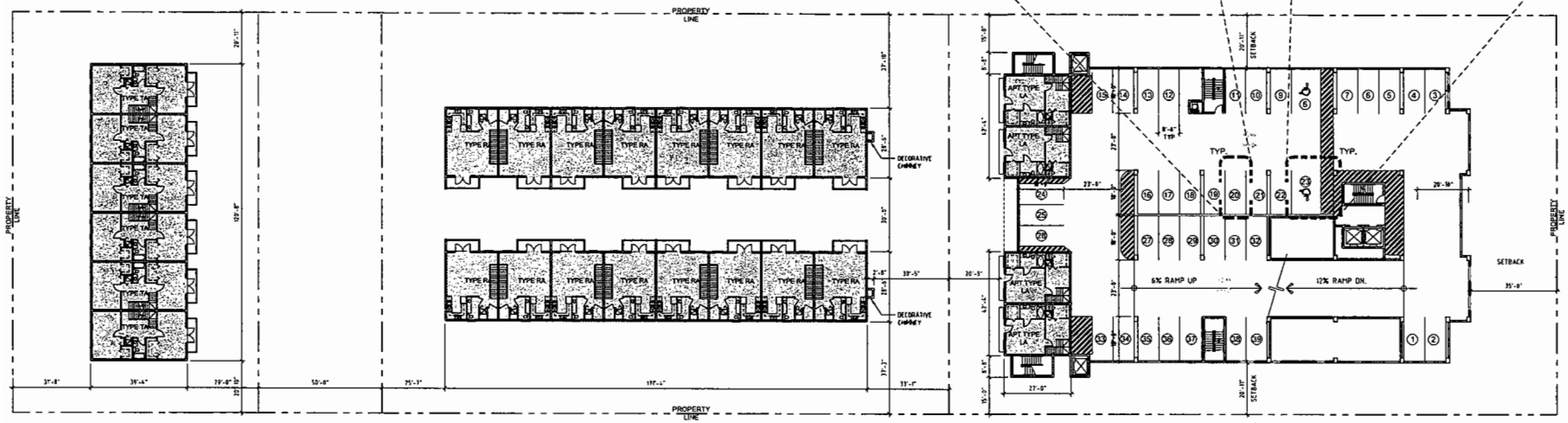
SHEET NUMBER
A1.01

52



TYP PARKING SPACE
1/4" = 1'-0"

TYP HANDICAP PARKING SPACE
1/4" = 1'-0"



PARCEL C
FAR. 4,746 SF

PARCEL B
FAR. 9,766 SF

PARCEL A
FAR. 2,286 SF

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SHEET TITLE
SECOND FLOOR PLAN

SHEET NUMBER

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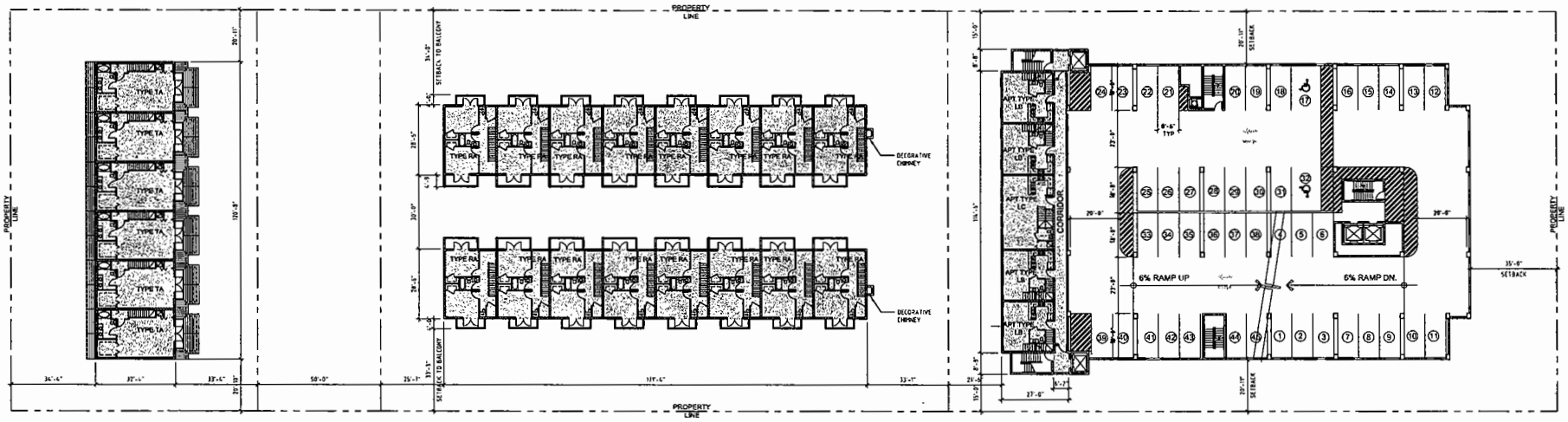
2ND FLOOR PLAN
SCALE: 1" = 20'-0"

N

53



PARCEL C
FAR: 3,902 SF

PARCEL B
FAR: 9,766 SF

PARCEL A
FAR: 3,198 SF

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3RD FLOOR PLAN
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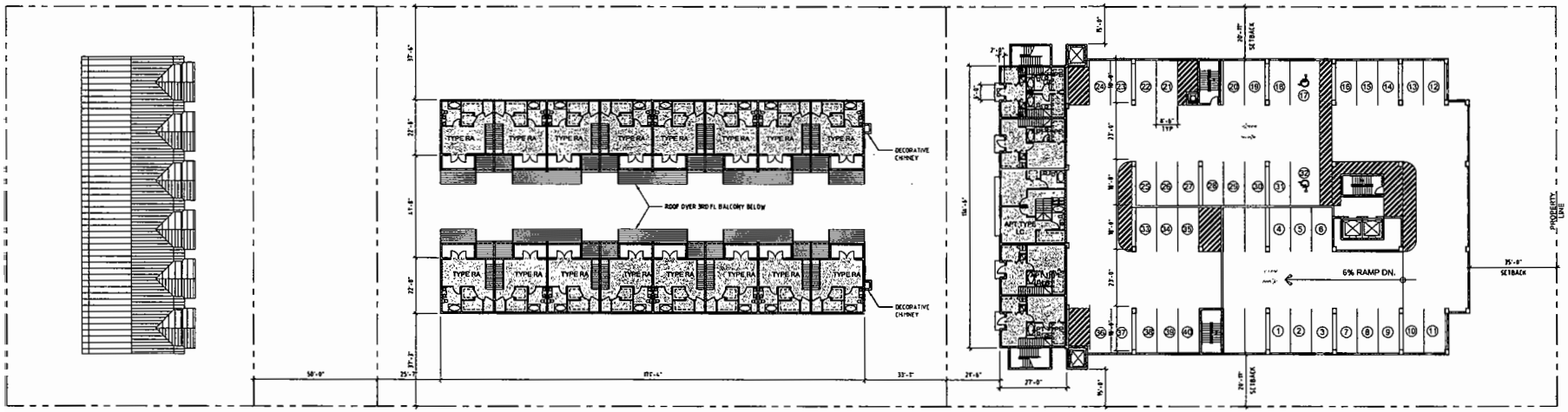
SHEET TITLE
THIRD FLOOR PLAN

SHEET NUMBER A

54



PARCEL B
FAR. 7,767 SF

PARCEL A
FAR. 3,044 SF

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SHEET TITLE
FOURTH FLOOR PLAN

SHEET NUMBER

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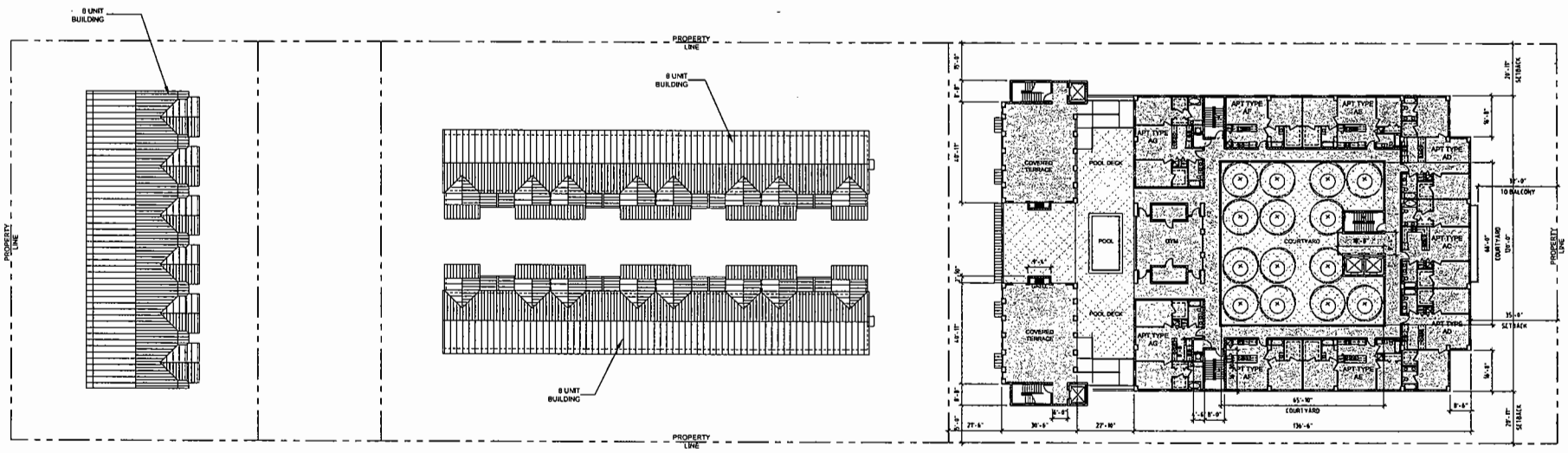
4TH FLOOR PLAN
SCALE: 1" = 20'-0"

N

55



PARCEL A

F.A.R. 14,231 SF

5TH FLOOR PLAN

SCALE: 1" = 20'-0"

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FIFTH FLOOR PLAN

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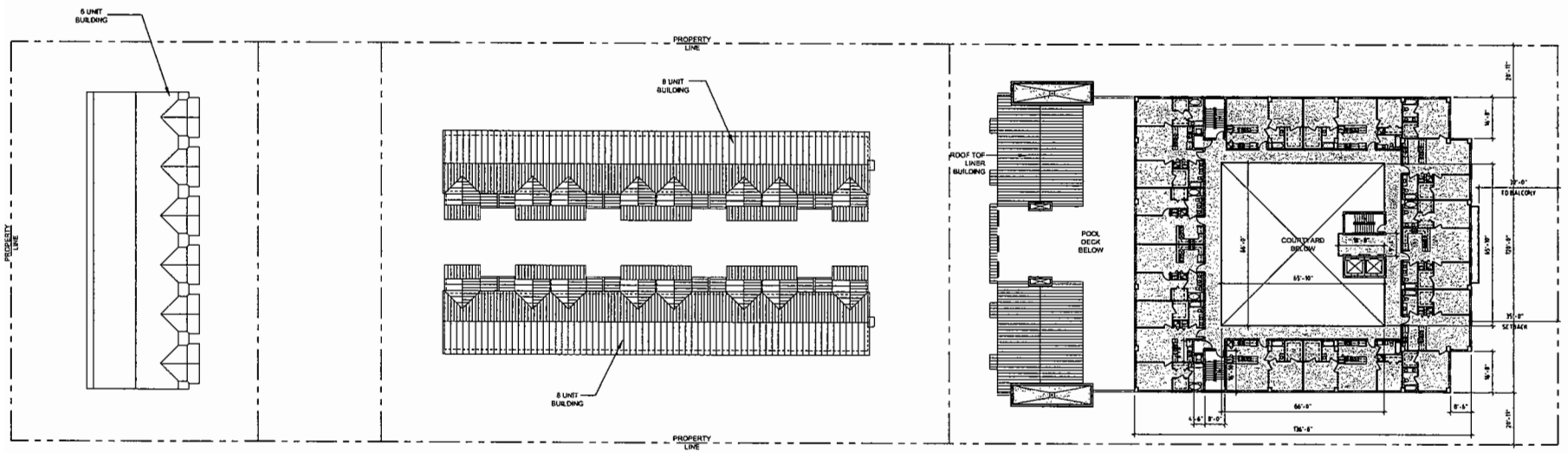

PARCEL A

FAR. 11,579 SF

6TH FLOOR PLAN

SCALE: 1" = 20'-0"

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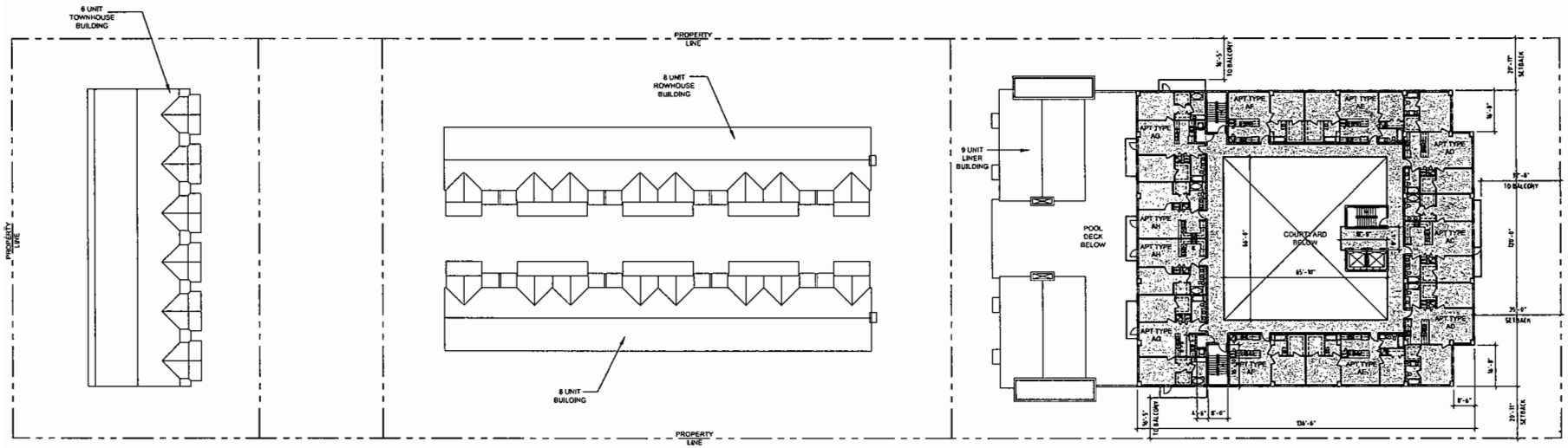
SIXTH FLOOR PLAN

SHEET NUMBER



PARCEL A

FAR: 11,579 SF

7TH FLOOR PLAN

SCALE: 1" = 20'-0"

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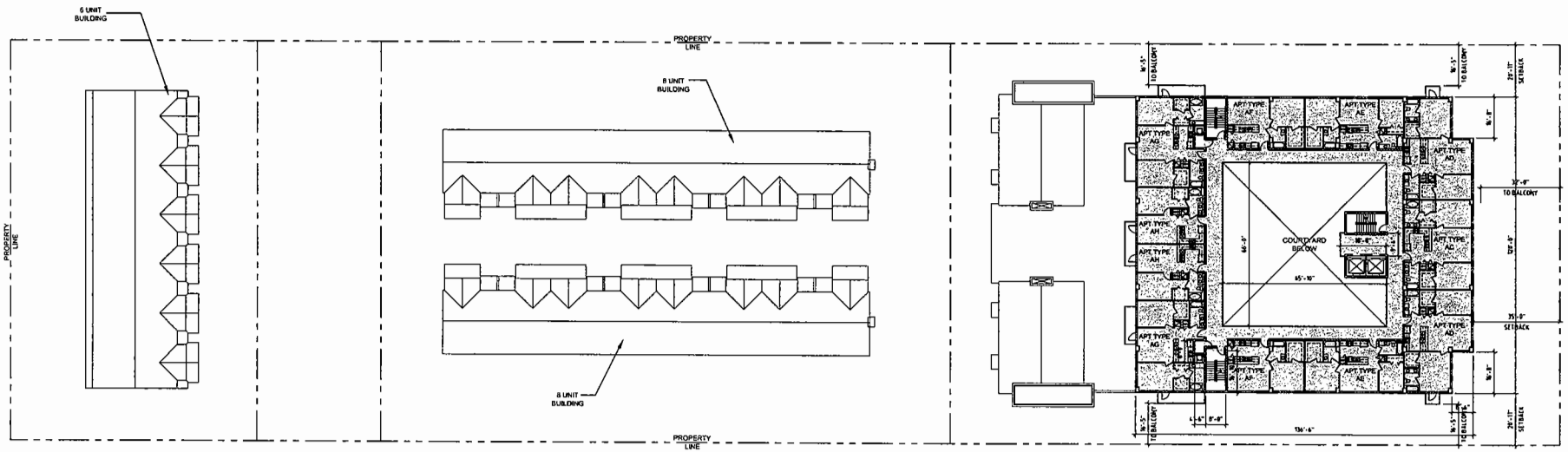
SEVENTH FLOOR PLAN

SHEET NUMBER



PARCEL A

FAR. 11,579 SF

8TH FLOOR PLAN

SCALE: 1" = 20'-0"

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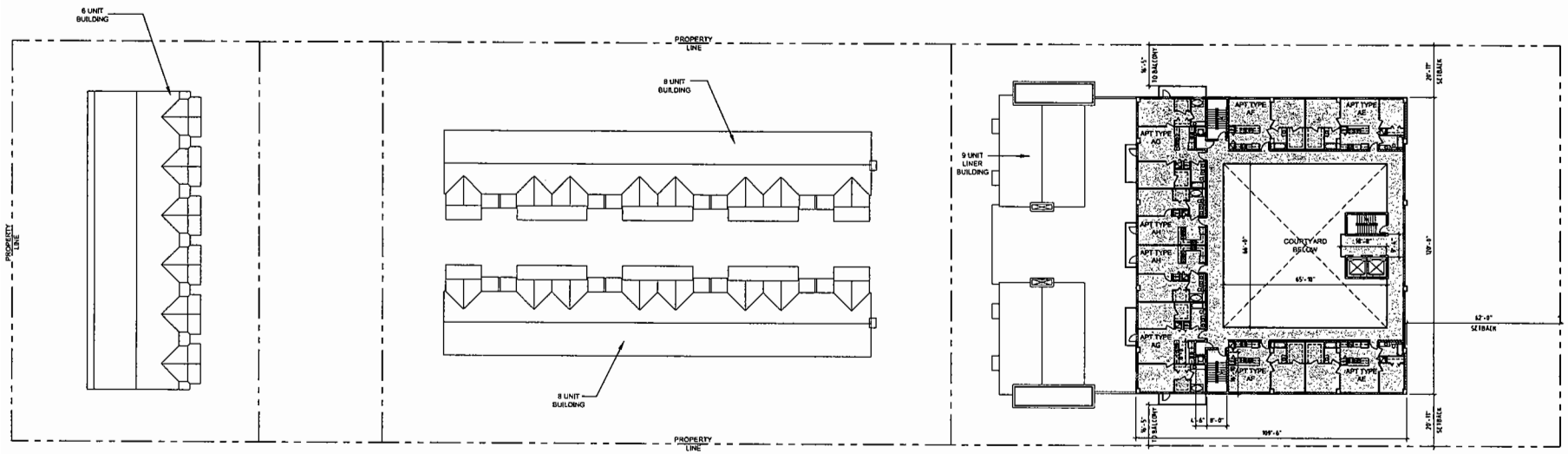
EIGHTH FLOOR PLAN

SHEET NUMBER

A-1.08

59



PARCEL A

FAR: 8,622 SF

9TH FLOOR PLAN

SCALE: 1" = 20'-0"

N

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NINTH FLOOR PLAN

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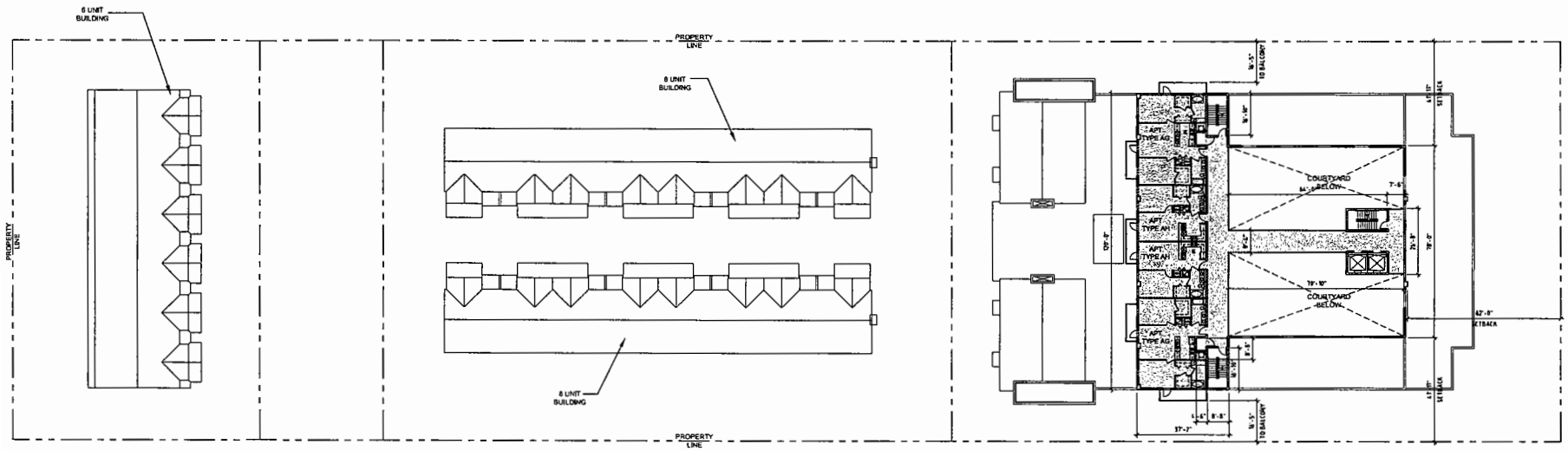

PARCEL A

FAR. 4,966 SF

10TH FLOOR PLAN

SCALE: 1" = 20'-0"

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SHEET TITLE

TENTH FLOOR PLAN

SHEET NUMBER: A1.0

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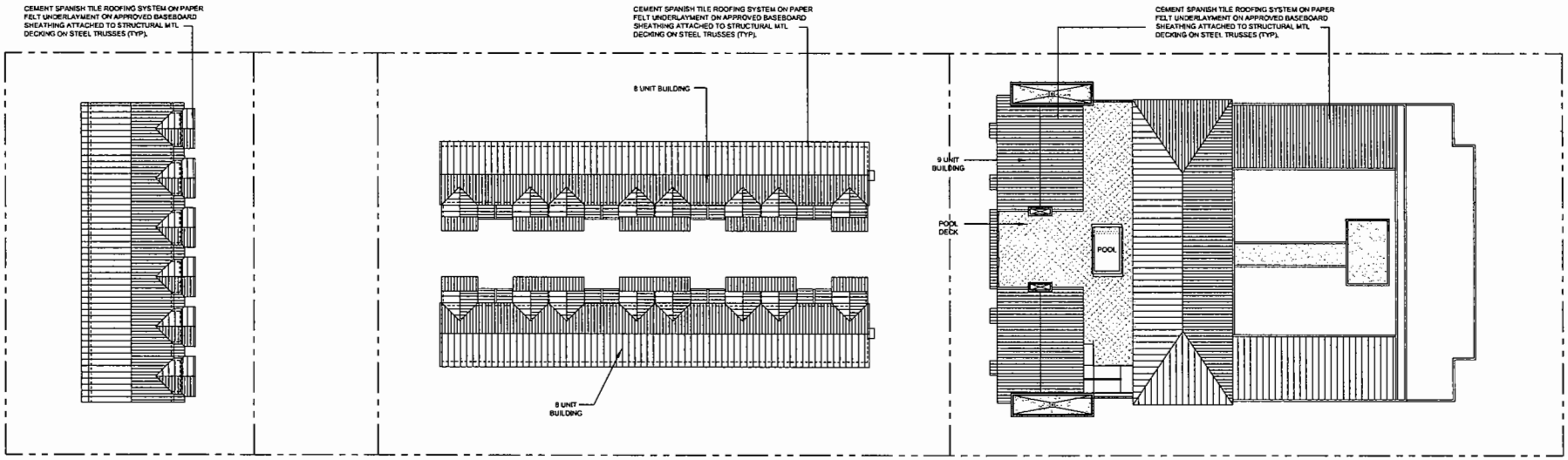

ROOF PLAN

SCALE: 1" = 20'-0"

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ROOF PLAN

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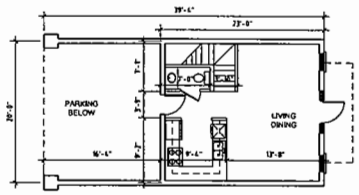
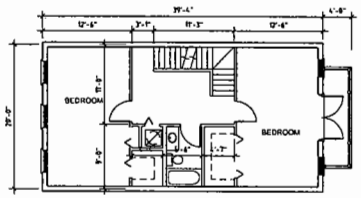
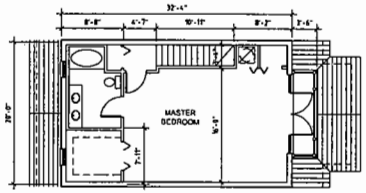


FIRST FLOOR

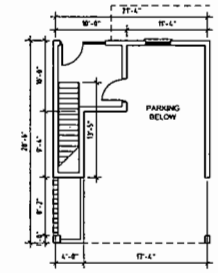


SECOND FLOOR



THIRD FLOOR

UNIT TYPE TA
6 UNITS TOTAL



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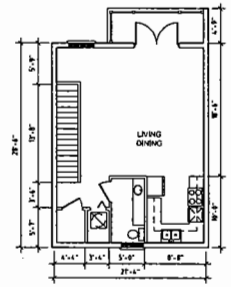
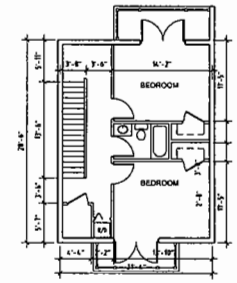
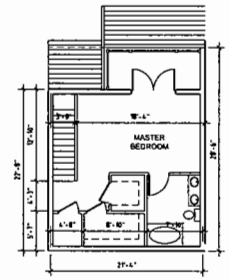


SECOND FLOOR

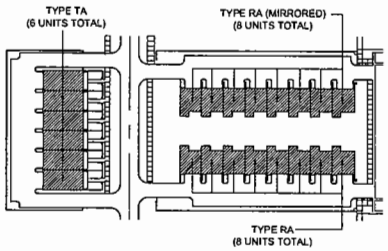


THIRD FLOOR



FOURTH FLOOR

UNIT TYPE RA
16 UNITS TOTAL



KEY PLAN

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Zola 133
JUL 07 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

PARCELS B & C MULTI-FAMILY UNIT TYPES

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

N

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CIVICA PROJECT No:
080402

ISSUED FOR:
ZONING SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY | APPROVED BY

DATE: JUNE 30, 2008 | SCALE:

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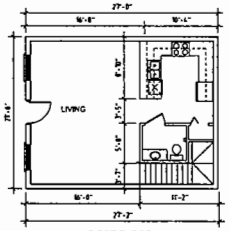
SHEET TITLE
PARCELS B & C MULTIFAMILY UNITS FLOOR PLANS

SHEET NUMBER

RECEIVED

63

RECEIVED
2006-133
JUL 07 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



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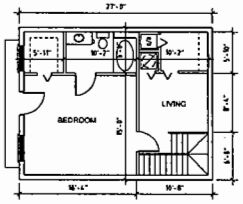

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LINER UNIT TYPE LA
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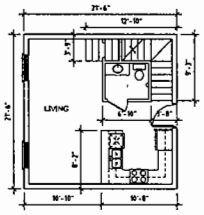

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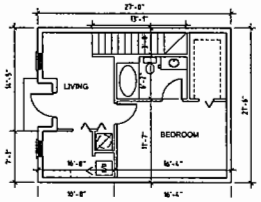

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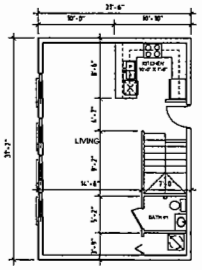

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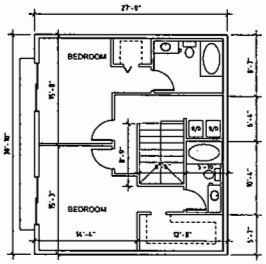

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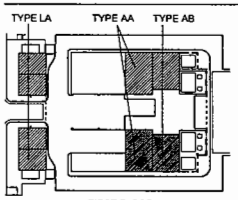
LINER UNIT TYPE LC
1 UNITS TOTAL



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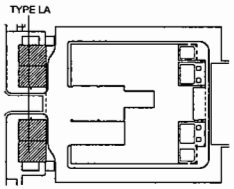

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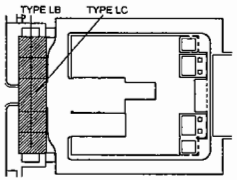

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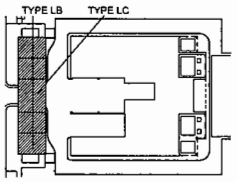

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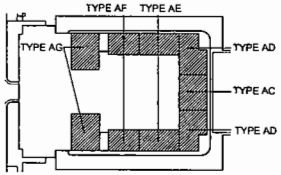

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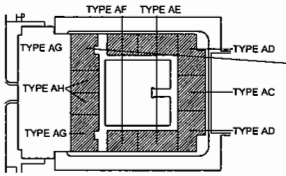

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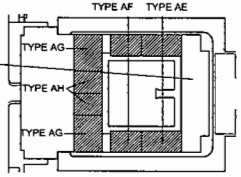

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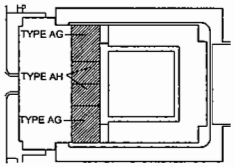
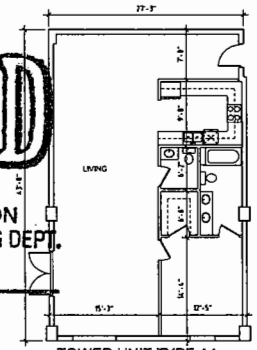


TENTH FLOOR

KEY PLANS



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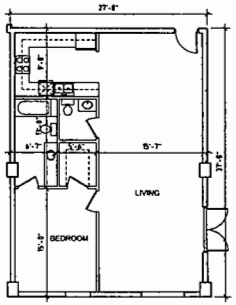
2 UNITS TOTAL



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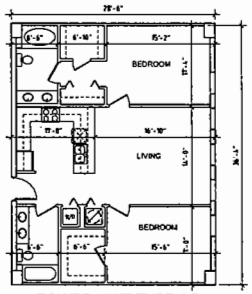

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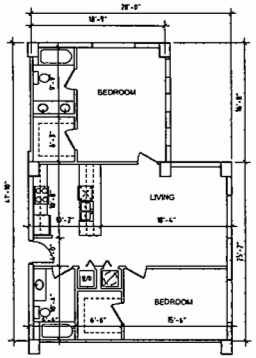
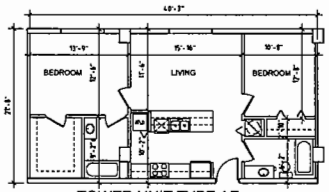


TOWER UNIT TYPE AD
8 UNITS TOTAL



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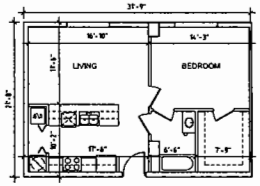
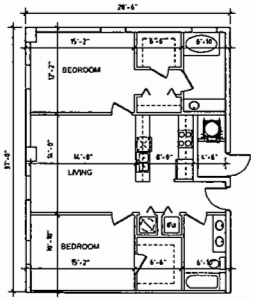
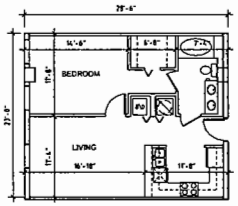


TOWER UNIT TYPE AF
10 UNITS TOTAL



TOWER UNIT TYPE AG
12 UNITS TOTAL



TOWER UNIT TYPE AH
12 UNITS TOTAL

LINER AND TOWER UNIT TYPES

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

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(305) 442-7141

CIVICA PROJECT No:
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ISSUED FOR:
ZONING SUBMITTAL

No.	DATE	REVISION	BY

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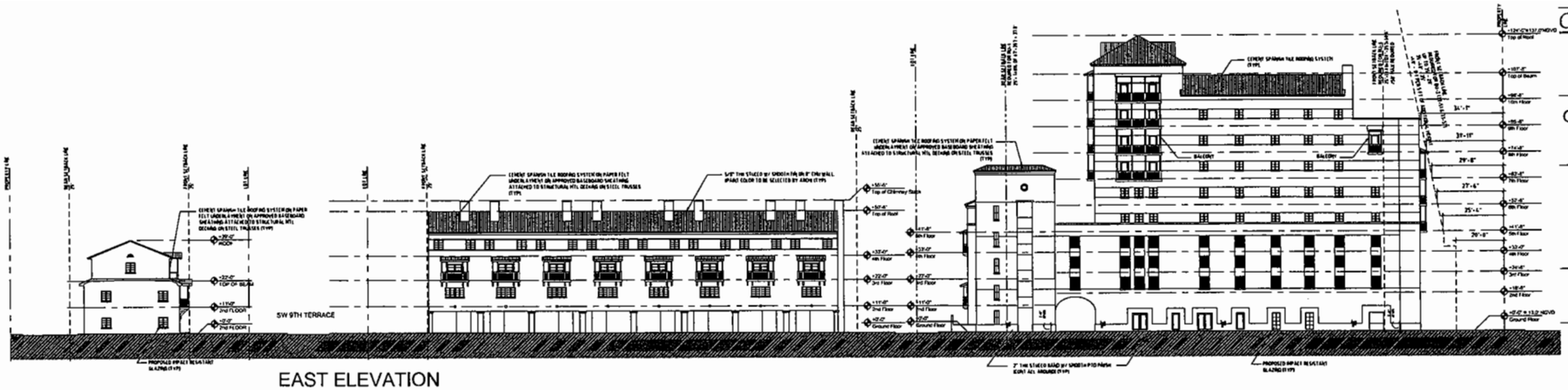
SHEET TITLE
PARCEL "A" APARTMENTS FLOOR PLANS

SHEET NUMBER: A-1.0

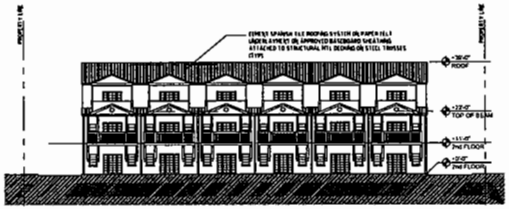
RECEIVED
MIAMI-DADE COUNTY
PROCESSING SECTION
JUL 07 2008

64



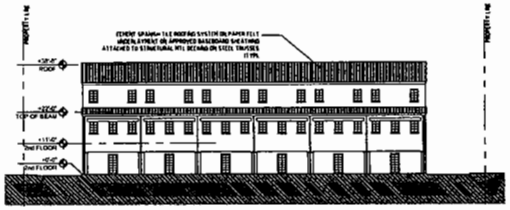
EAST ELEVATION

SCALE: 1" = 20'-0"



PARCEL "C" - NORTH (MAIN) ELEVATION

SCALE: 1" = 20'-0"



PARCEL "C" - SOUTH (REAR) ELEVATION

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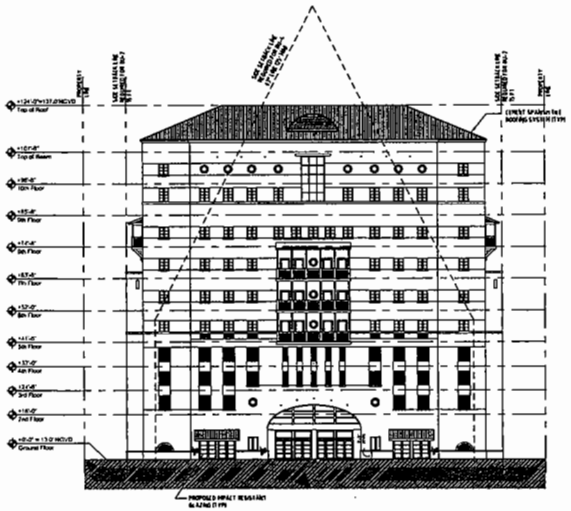

BUILDING NORTH ELEVATION

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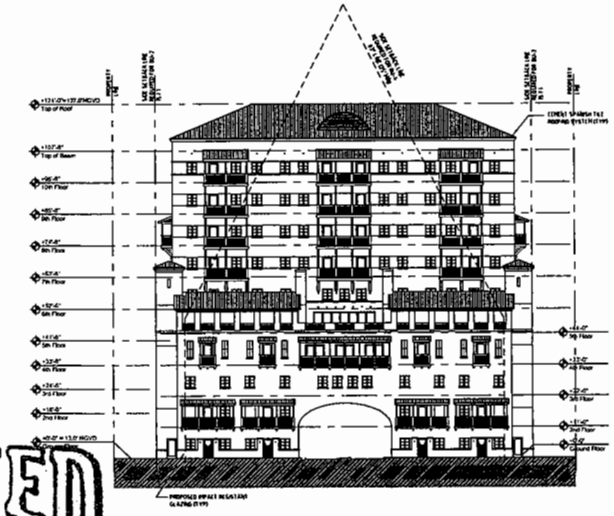

BUILDING SOUTH ELEVATION

SCALE: 1" = 20'-0"

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SHEET TITLE

BUILDING ELEVATIONS

SHEET NUMBER: A-1.0

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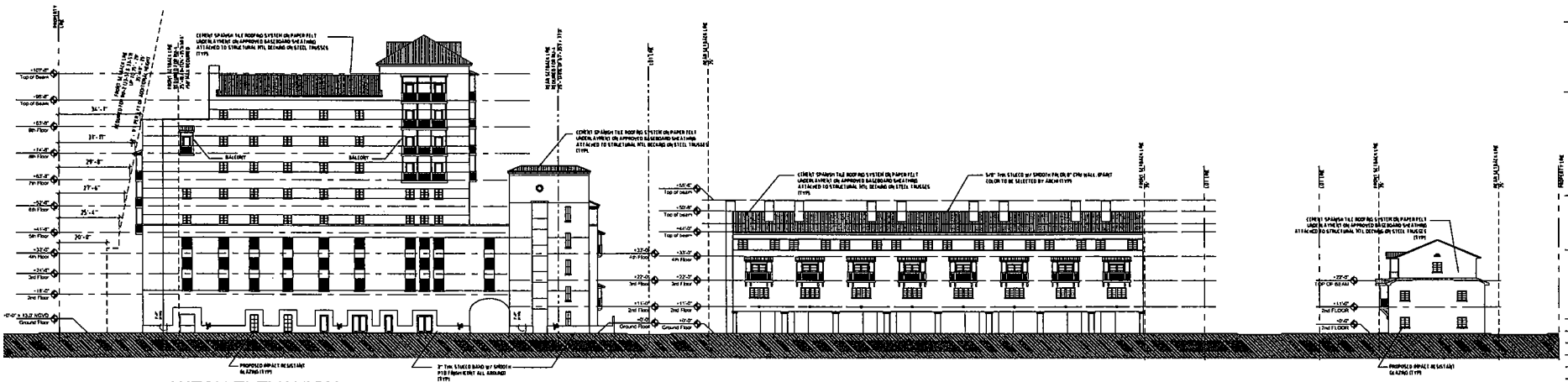
MIAMI-DADE COUNTY
JUL 07 2008
ZONING HEARINGS SECTION

65



WEST ELEVATION

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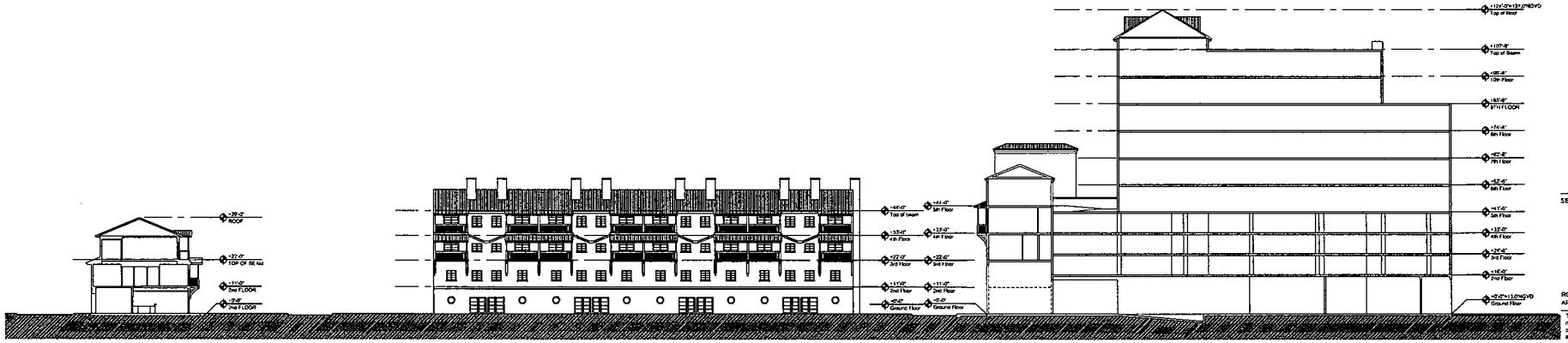

BUILDING ELEVATION/ SECTION

SCALE: 1" = 20'-0"

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CIVICA PROJECT No:
080402

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ZONING SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY | APPROVED BY

DATE: JUNE 30, 2008 | SCALE:

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SHEET TITLE
BUILDING SECTION & BUILDING ELEVATION

SHEET NUMBER

RECEIVED
MIAMI-DADE COUNTY
JUN 30 2008
PLANNING & ZONING

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Zoba.135
JUL 07 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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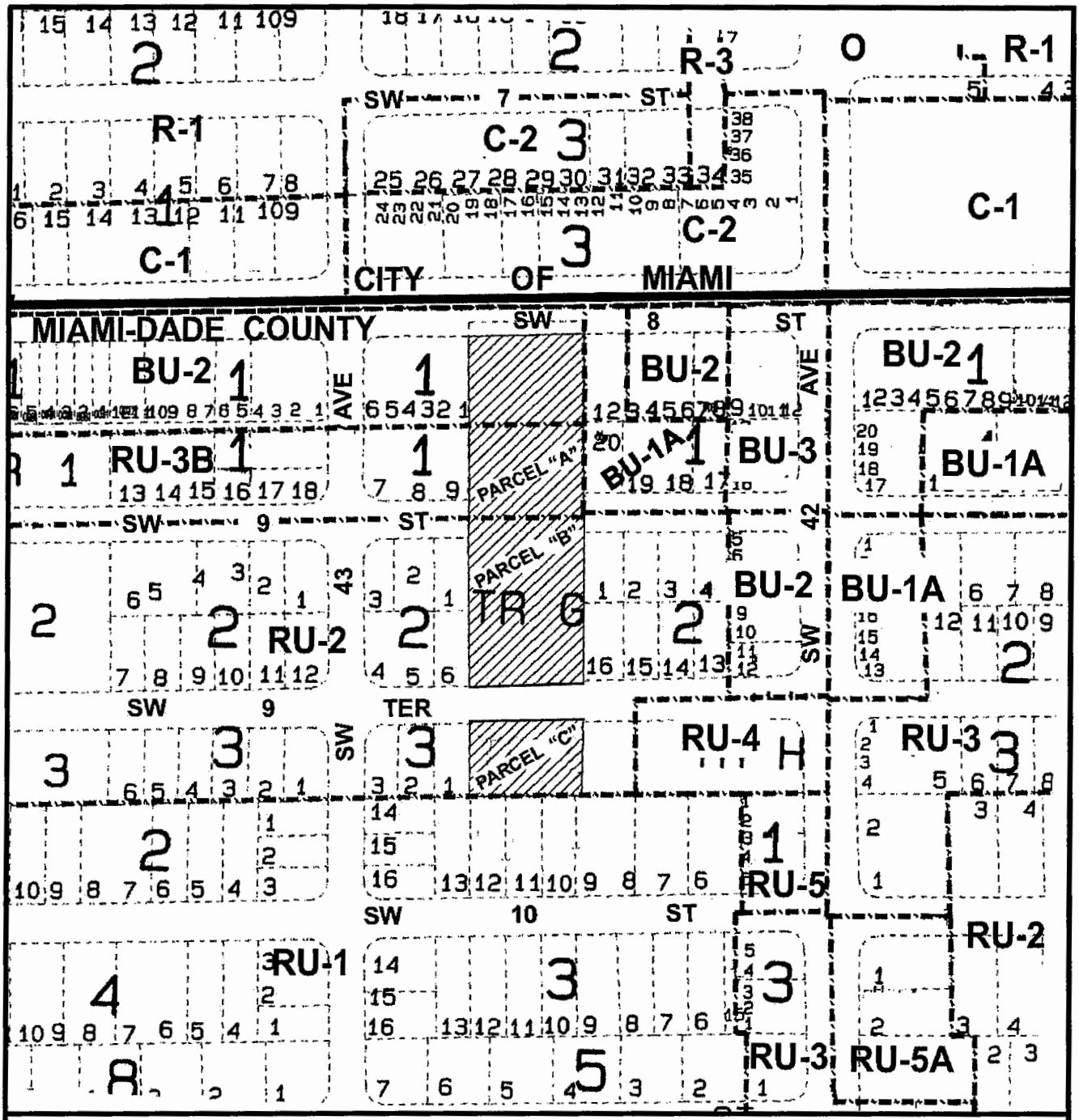


MIAMI-DADE COUNTY
HEARING MAP

Process Number
06-133

S C A L E
0 NTS
N

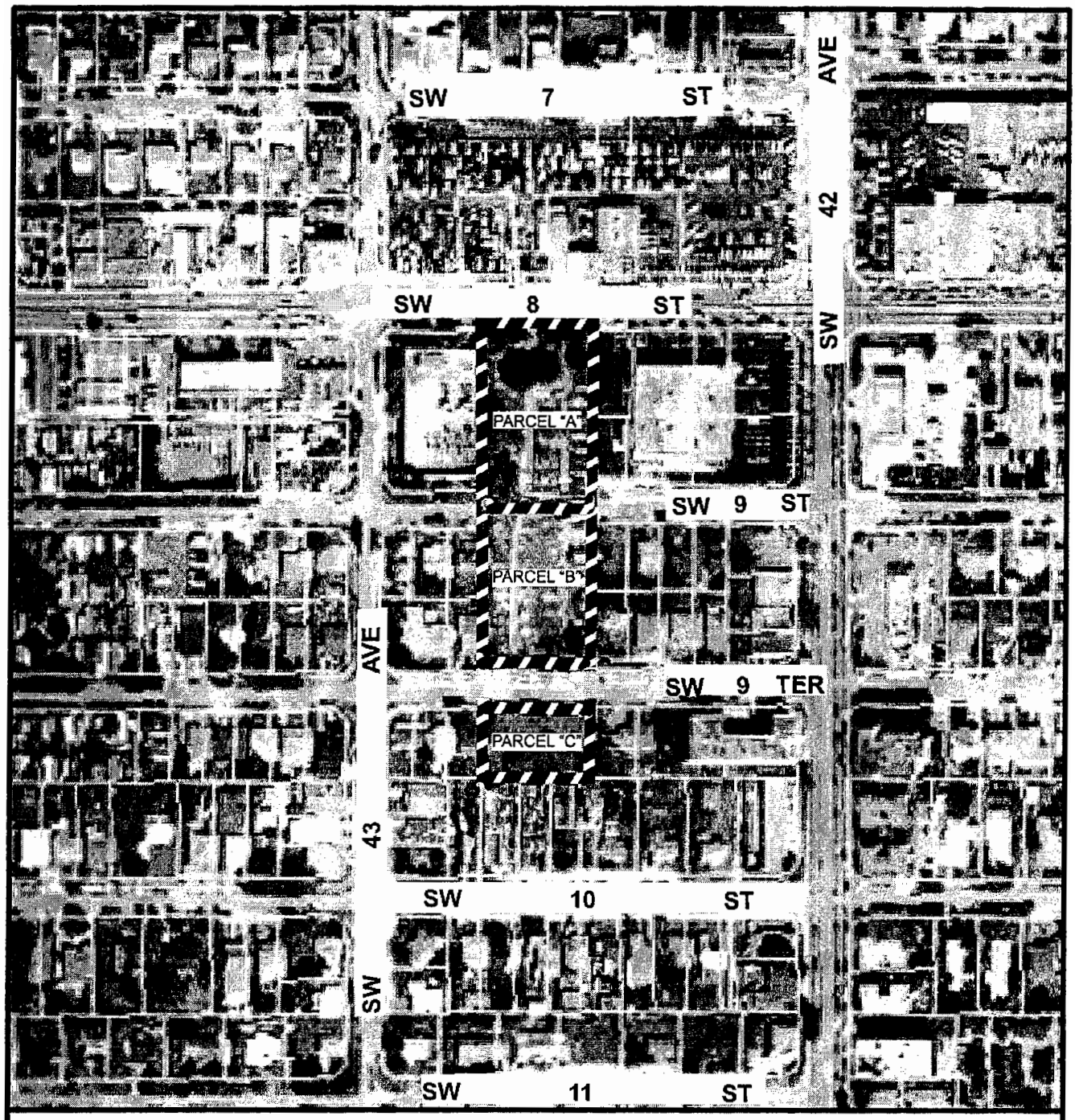
SUBJECT PROPERTY

Section: 08 Township: 54 Range: 41
Process Number: 06-133
Applicant: GABLES EDGE PARKS CO.
Zoning Board: C10
District Number: 06
Drafter ID: ERIC
Scale: 1:200'

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 06-133. 06/06.
Rev. 07/15/08 Add parcels "A" "B" & "C"
Rev. 07/18/08 Zone

67



MIAMI-DADE COUNTY
AERIAL

Process Number
06-133

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 08 Township: 54 Range: 41
Process Number: 06-133
Applicant: GABLES EDGE PARKS CO.
Zoning Board: C10
District Number: 06
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

G:\ZONING DRAFTING 06-133. 06/06.
Rev. 07/15/08 add parcels "A" "B" & "C"

D. ABITBOL WINGS, LLC
(Applicant)

09-2-CZ10-1 (08-129)
Area 10/District 11
Hearing Date: 3/17/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#1

APPLICANT'S NAME: **ABITBOL WINGS L.L.C.**

REPRESENTATIVE: Louis Terminello

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-2-CZ10-1 (08-129)	February 10, 2009	CZAB10		09

REC: Denial without prejudice of request #1; approval with conditions of requests #2 and #3; modified 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).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: March 17, 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 submit a covenant.

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

2

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

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:** March 17, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** D

==========

A. INTRODUCTION

- **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."
In addition: only one pub/bar shall be permitted. "

(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 one 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.

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 modify restrictions prohibiting pubs and bars to permit one bar on the subject site.

- **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, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

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	Office / Residential
EU-1; private school	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 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:

This application was deferred from the February 10, 2009 meeting per the Board's request to allow the applicant time to work with staff. 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 modify restrictions prohibiting pubs and bars to permit one bar on the subject site (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 one 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; 02/12/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:NN:TA:NC

for Maria I. Rojo
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 HEARINGS 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

16

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

APPLICANT

14211 S.W. 42 STREET, MIAMI-DADE COUNTY, FLORIDA.

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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ADMINISTRATIVE SUPPORT
MIAMI-DADE 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 know 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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08129
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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

RECEIVED
JUL - 9 2008
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 Abittol
(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)

My commission expires: _____

SANDRA DE OLIVEIRA
MY COMMISSION # DD 419794
EXPIRES: April 18, 2009
Bonded Thru Notary Public Underwriters

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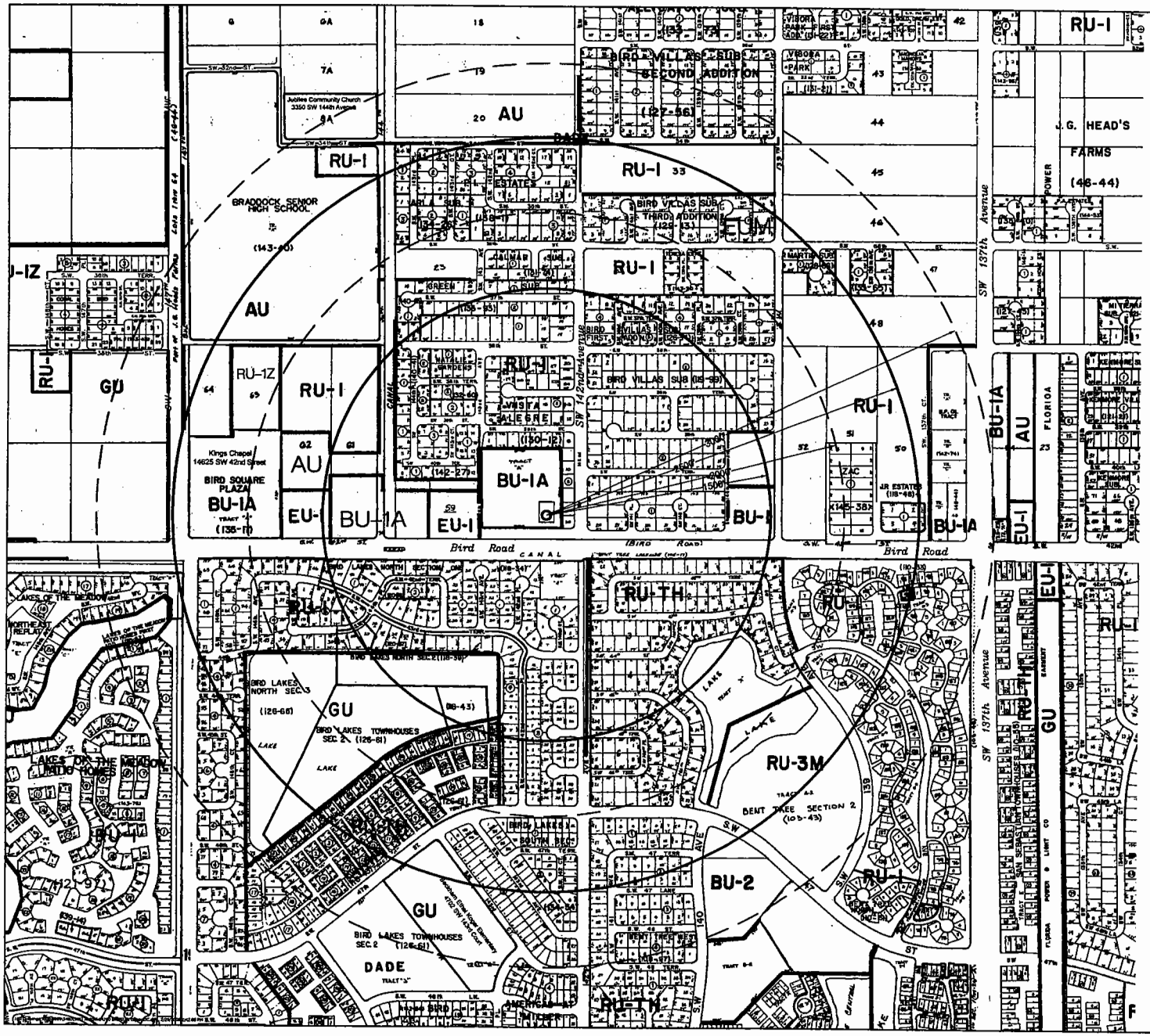
JUL - 9 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

*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



SURVEYOR'S NOTES
Unincorporated Miami-Dade County
Miami-Dade County, Florida
Section 15, Township 54 South, Range 38 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 3801 SW 147th Avenue Northwesterly at a distance of 1851 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.
* Mia 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. 2987

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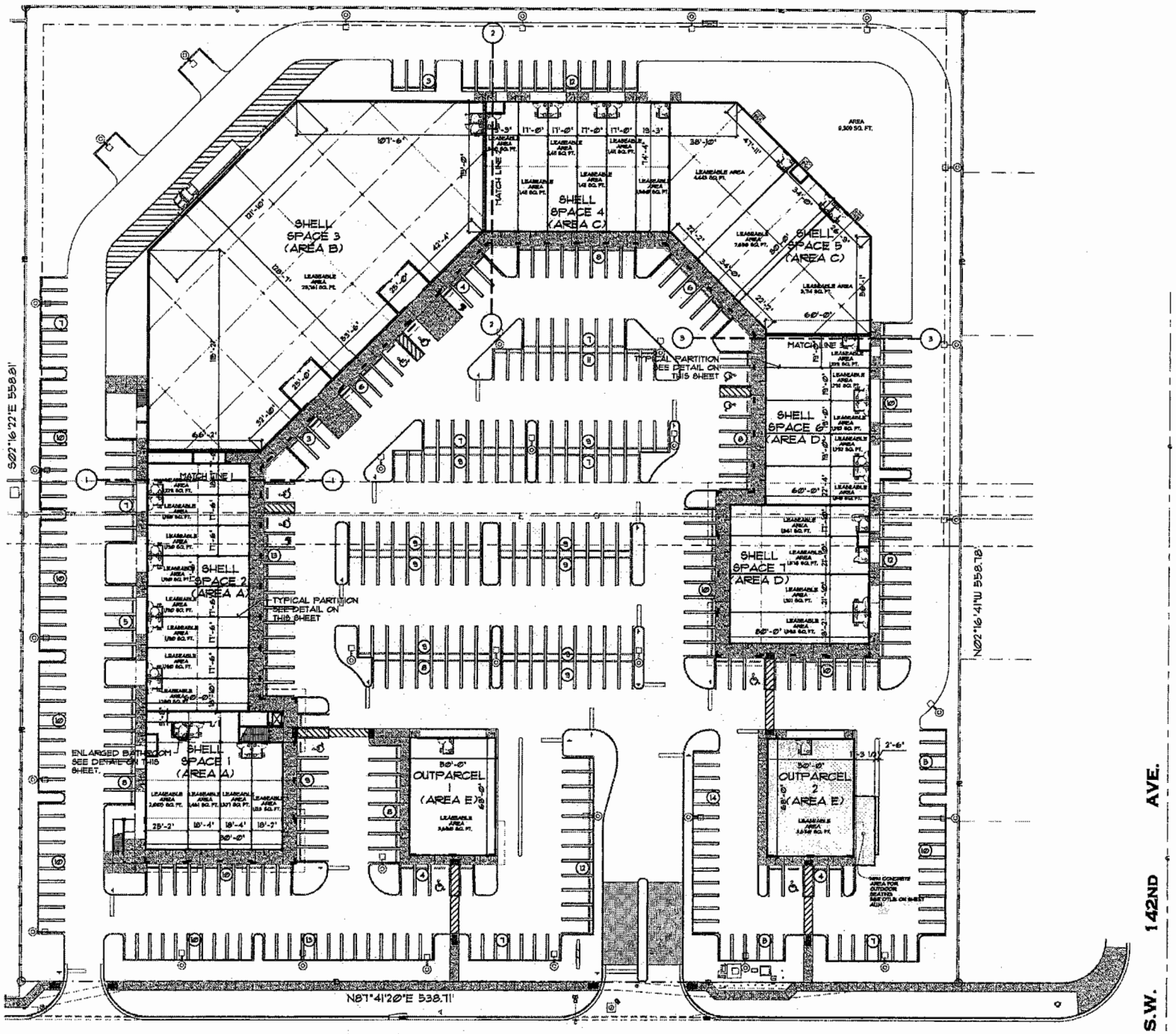
JAMES BEADMAN AND ASSOC., INC. *11501 SW 67th Terrace* *MIAMI, FL 33173* *Phone 305/252-0741 Fax 305/596-5994*	
LIQUOR SURVEY FOR 14211 SW 42nd Street	
SCALE 1" = 300'	DATE: 28 Feb 2008
DWN BY: JEB	APP'D BY: J.E.B.
PAGE: 01 OF 01	JOB No.: 5402



PACES 8 & 9 ARE LOCATED ON SECOND STORY. SEE FLOOR PLAN SHEET A1.2.A

ENLARGED SITE PLAN

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MIAMI-DADE PLANNING AND ZONING DEPT.
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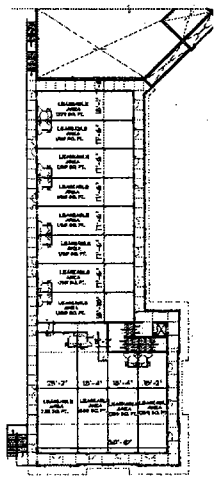
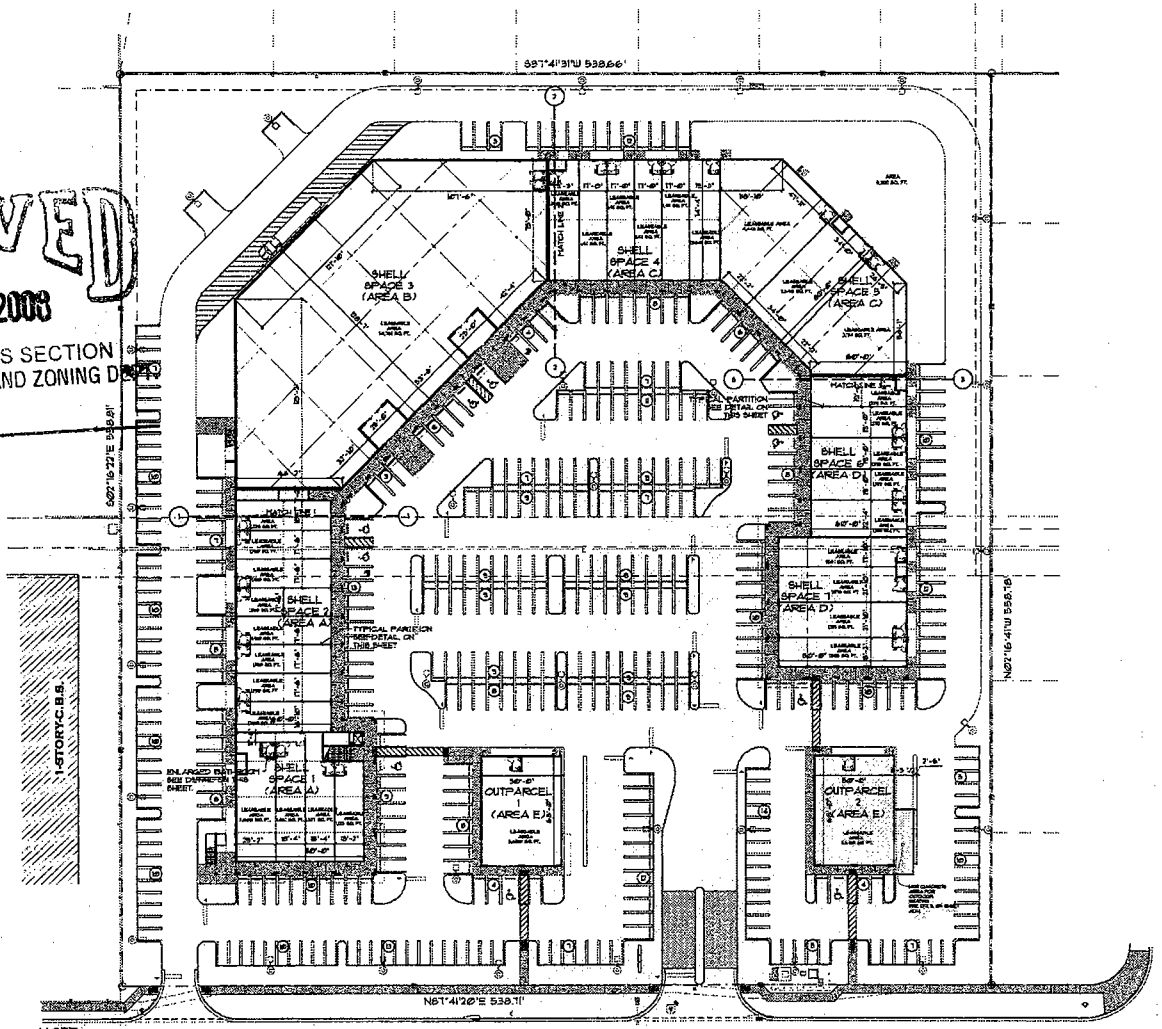


SECOND FLOOR PLAN



NOTE:
SHELL SPACES 8 & 9 ARE LOCATED ON SECOND STORY. SEE FLOOR PLAN SHEET A12.A

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	389,614 SQ. FT. (8.9 ACS)	

BUILDING AREA (BREAKDOWN)

	GROSS FLOOR AREA	UNUSABLE AREA UNDER ROOF	TOTAL BUILDING AREA
AREA A (GROUND LEVEL)	15,493 SQ. FT.	3,593 SQ. FT.	37,694 SQ. FT.
AREA A (SECOND LEVEL)	14,931 SQ. FT.	4,358 SQ. FT.	19,273 SQ. FT.
AREA B	21,428 SQ. FT.	1,818 SQ. FT.	23,246 SQ. FT.
AREA C	18,791 SQ. FT.	1,864 SQ. FT.	20,656 SQ. FT.
AREA D	17,283 SQ. FT.	2,791 SQ. FT.	19,675 SQ. FT.
AREA E (OUTPARCEL 1)	3,480 SQ. FT.	348 SQ. FT.	3,828 SQ. FT.
AREA E (OUTPARCEL 2)	3,480 SQ. FT.	348 SQ. FT.	3,828 SQ. FT.

NOTE:
SEE FLOOR PLAN SHEETS A11A - A11B - A11C - A11D - A11E - A12A FOR GROSS FLOOR AREA BREAKDOWN.

MINIMUM LOT AREA	5,000 SQ. FT.	389,614 SQ. FT.
MINIMUM LOT WIDTH - FRONTAGE	50'-0"	500'-0"
MAXIMUM BUILDING HEIGHT	45'-0" (4 STORIES)	42'-3" (3 STORIES)
MAXIMUM FLOOR AREA RATIO - F.A.R. (0.40 1-STORY + 0.5 ADD. STORY) (16,276 SQ. FT. PER APPROVED RESO# Z-236-84)	233,371 SQ. FT. (60%)	155,748 SQ. FT. (40.0%)
MAXIMUM LOT COVERAGE (40% OF TOTAL LOT AREA) (16,276 SQ. FT. PER APPROVED RESO# Z-236-84)	155,845 SQ. FT. (40%)	133,975 SQ. FT. (34.37%)
LANDSCAPED OPEN SPACE 9 - 25 AC. (10%) + (10%) PER ADD. STORY PLUS 10 SQ. FT. FOR EA PARKING SPACE (53,375 SQ. FT. PER APPROVED RESO# Z-236-84)	94,101 SQ. FT. (24.15%)	59,473 SQ. FT. (17.16%)
MINIMUM BUILDING SETBACKS:		
FRONT SETBACK - SOUTH	25'-0"	66'-0"
REAR SETBACK - NORTH	25'-0"	53'-3"
SIDE SETBACK - EAST	5'-0"	51'-7"
SIDE SETBACK - WEST	5'-0" OR 3'-0"	50'-3"
MINIMUM BUILDING SEPARATION: BUILDING TO BUILDING	20'-0"	54'-0"

PARKING CALCULATIONS:

MAIN BUILDING - GROUND LEVEL 61,610 SQ. FT. (SHELL SPACES 1 / 2 / 3 / 4 / 5 / 7) RETAIL (1 PER EVERY 300 SQ.FT.) (PER APPROVED RESOLUTION Z-236-84)	206 SPACES 247	(SEE TOTAL BELOW)
MAIN BUILDING - GROUND LEVEL 10,693 SQ. FT. (SHELL SPACE 6) DAYCARE (1 PER EVERY 8 STAFF)	✓ 20 SPACES	(SEE TOTAL BELOW)
5 PARKING SPACES FOR STACKING	✓ 5 SPACES	(SEE TOTAL BELOW)
MAIN BUILDING - SECOND LEVEL 8,909 SQ. FT. (SHELL SPACE 9) OFFICE (1 PER EVERY 300 SQ. FT.)	✓ 25 SPACES	(SEE TOTAL BELOW)
MAIN BUILDING - SECOND LEVEL 4,480 SQ. FT. (SHELL SPACE 8) ASSEMBLY (1 / 50 SQ. FT. OF PATRON)	✓ 90 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 300 SQ. FT.) (PER APPROVED RESOLUTION Z-236-84)	14 ✓ SPACES	(SEE TOTAL BELOW)
OUTPARCEL 2 3,480 SQ. FT. RETAIL (1 PER EVERY 300 SQ. FT.) (PER APPROVED RESOLUTION Z-236-84)	14 SPACES	(SEE TOTAL BELOW)
PARKING REQUIREMENTS TOTAL SPACES REQUIRED	426 SPACES 420 ✓	40 SPACES
PARKING BREAKDOWN HP. SPACES (PART OF TOTAL COUNT)	10 SPACES	10 SPACES
STROLLER SPACES (PART OF TOTAL COUNT)	2 SPACES	2 SPACES
COMPACT SPACES (PART OF TOTAL COUNT)	-	28 SPACES
REGULAR SPACES (PART OF TOTAL COUNT)		282 SPACES

LEGAL DESCRIPTION

Tract "A", VISTA ALBORE, according to the plat thereof, as recorded in Plat Book 150, at Page 17, of the Public Records, of Miami-Dade County, Florida.

Containing: 387,614 Square Feet or 8.9 Acres, more or less.

DETECTABLE WARNING NOTES:

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 WIDE THRU THE LENGTH OF PROVIDED WALKING SURFACE AND SHALL COMPLY WITH ALL THE REQUIREMENTS FOR DETECTABLE WARNING SURFACES AS INDICATED IN 2006 FBC. 3-4293 AND ANSI A117-1998.

FLOOD LEGEND

Commercial, Industrial

FOLIO: 30-4911-038-0610 — THE N.W. CORNER OF S.W. 142 AVENUE AND S.W. 42 STREET ADD DRIVE

LOT: TRACT A BLOCK: — SUBDIVISION: VISTA ALBORE

PLAT BOOK/150 PAGE: 17 — PB17-5 & BOUND TRACT "A", VISTA ALBORE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 150, AT PAGE 17, OF THE PUBLIC RECORDS, OF MIAMI DADE COUNTY, FLORIDA

CONTAINING: 387,614 SQUARE FEET OR 8.9 ACRES, MORE OR LESS

CROWN OF ROAD ELEV.=18.87 — PROVIDED CROWN OF ROAD ELEVATION WAS TAKEN FROM A CERTIFIED SURVEY PREPARED BY: MARK PRATT, P.L.S. LIC.# 4357

DRAINAGE PLANS SHALL BE ATTACHED (ONLY ADDED PROVIDED PLAN SHALL BE STAMPED WITH THE DRAINAGE WATER COUNTY APPROVAL)

DERM/WC - SURFACE WATER MANAGEMENT STORMWATER PERMIT — APPLIED

SFWMD - ENVIRONMENTAL RESOURCES PERMIT — APPLIED

TOTAL IMPERVIOUS AREA: _____ UNDERGROUND PARKING: YES/(NO) (CIRCLE ONE) e.g. THE FOLLOWING PLANS AND DRAWINGS SHALL BE ATTACHED BASEMENT: YES/(NO) (CIRCLE ONE)

HAVE THIS SITE OR OTHER PORTIONS OF THE PROPERTY BEEN GRANTED A VARIER OR HEAR LUCES? (CIRCLE ONE) YES LOTS#: _____

	Finished Floor Elev/Indicating Basement/without basement	Adjacent Grade Elevation Point to the out of the structure	Catch Basin Elevation
PROPOSED	10.50 FT. NGVD	10.00 FT. NGVD	6.73 FT. NGVD

0' - 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
(TO THE LAW)
1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

HURRICANE GRILL

BIRD ROAD PLAZA
14211 SW. 42 STREET
MIAMI, FLORIDA

CONTRACTOR TO VERIFY ALL DIMENSIONS NEEDED PRIOR TO CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCIES

ANGEL C. SAQUI, FAIA
ARCHITECTS PLANNERS INTERIORS, LLC.
AA0003126 IB0000126
8900 NW 36 AVENUE
MIAMI, FLORIDA 33147
TEL: 305 696-9600
FAX: 305 696-9601
WWW.SAQUIARCHITECTS.COM

SHEET TITLE: SITE PLAN

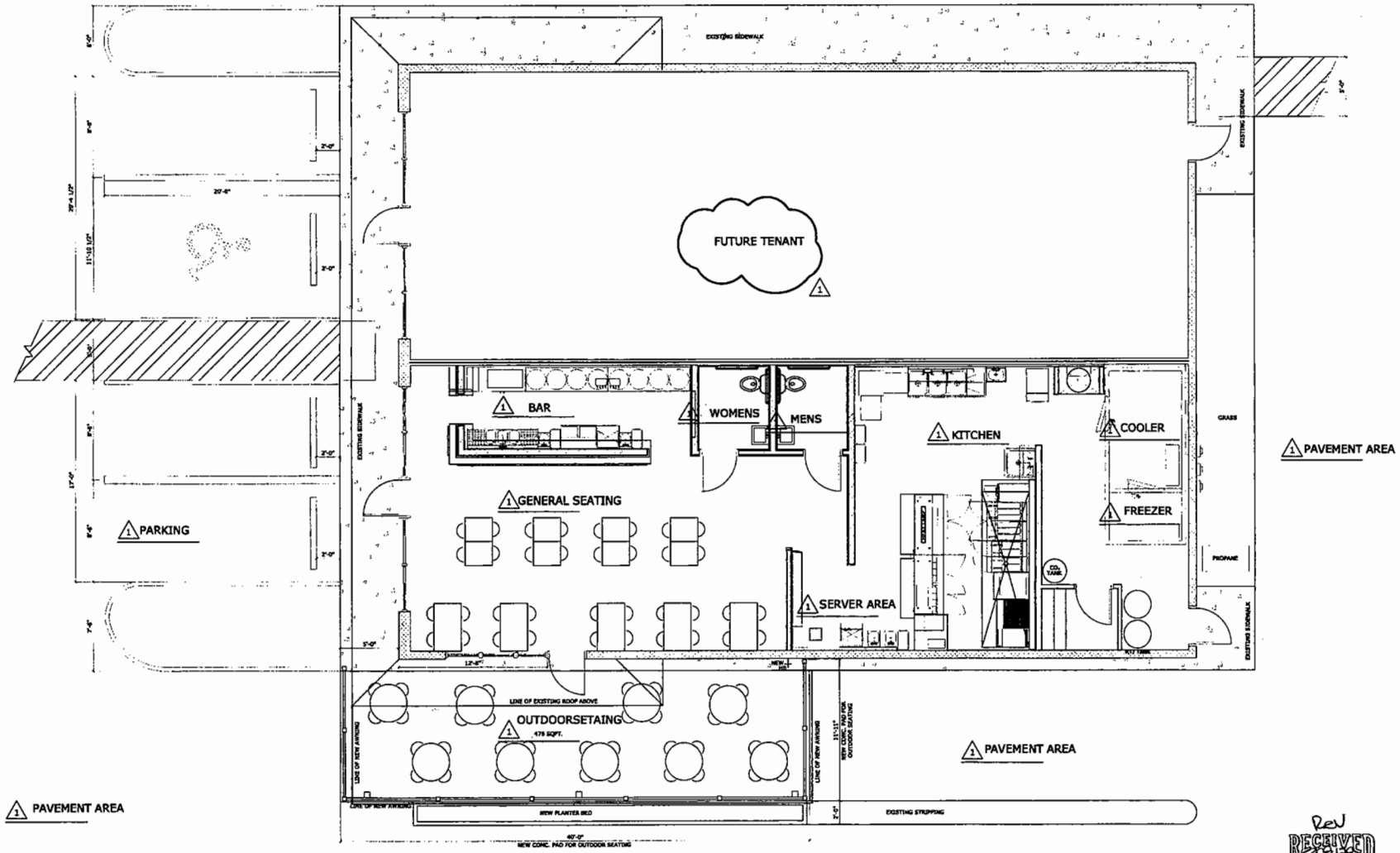
SHEET: A1.01

DSN: MARIO BERRUETA
CHECK: ANGEL C. SAQUI, FAIA
DATE: 10.30.2008
SCALE: 1/32" (1)

NOT RELEASED FOR CONSTRUCTION

26

27



Outdoor Seating

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

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DEC - 8 2008
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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Crossroads Architecture Inc.
Commercial/Residential
Niki L. Norton, R.A.
1235 SE Indian Street
Suite 103
Stuart, Florida 34997
AA26000832
AR91827
(772) 287-7330 (O)
(772) 287-8992 (F)

Crossroads Architecture Inc. AA26000832 Oct 21 2008

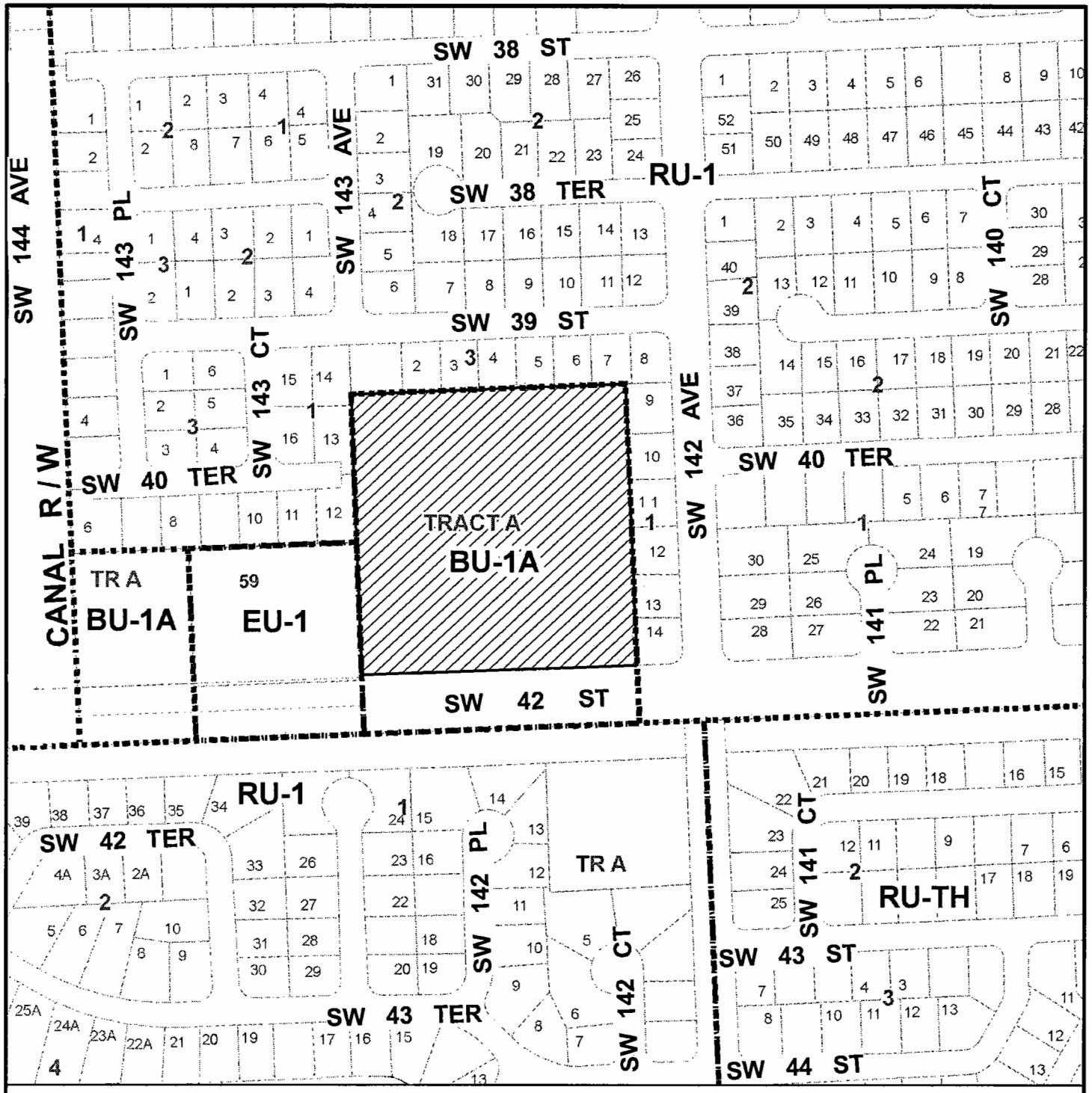
HURRICANE GRILL & WRAP™ Life With Flavor™

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
		28

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

E. ALEXIS PENA & MABEL YANES
(Applicant)

09-2-CZ10-2 (08-146)
Area 10/District 10
Hearing Date: 3/17/09

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

#2

APPLICANT'S NAME: **ALEXIS PENA AND MABEL YANES**

REPRESENTATIVE: Alexis Pena

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-2-CZ10-2 (08-146)	February 10, 2009	CZAB10		09

REC: 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).

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 17, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: At the Board's request for the applicant to bring back the signature of the neighbors . giving their consent for the applicant's request.

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

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

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:** March 17, 2009

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

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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:

This item was deferred from the February 10, 2009 meeting at the applicant's request to meet with the neighbors. 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 Maria I. Tejo
Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning
NDN.

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 Peña 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

MIAMI-DADE COUNTY

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

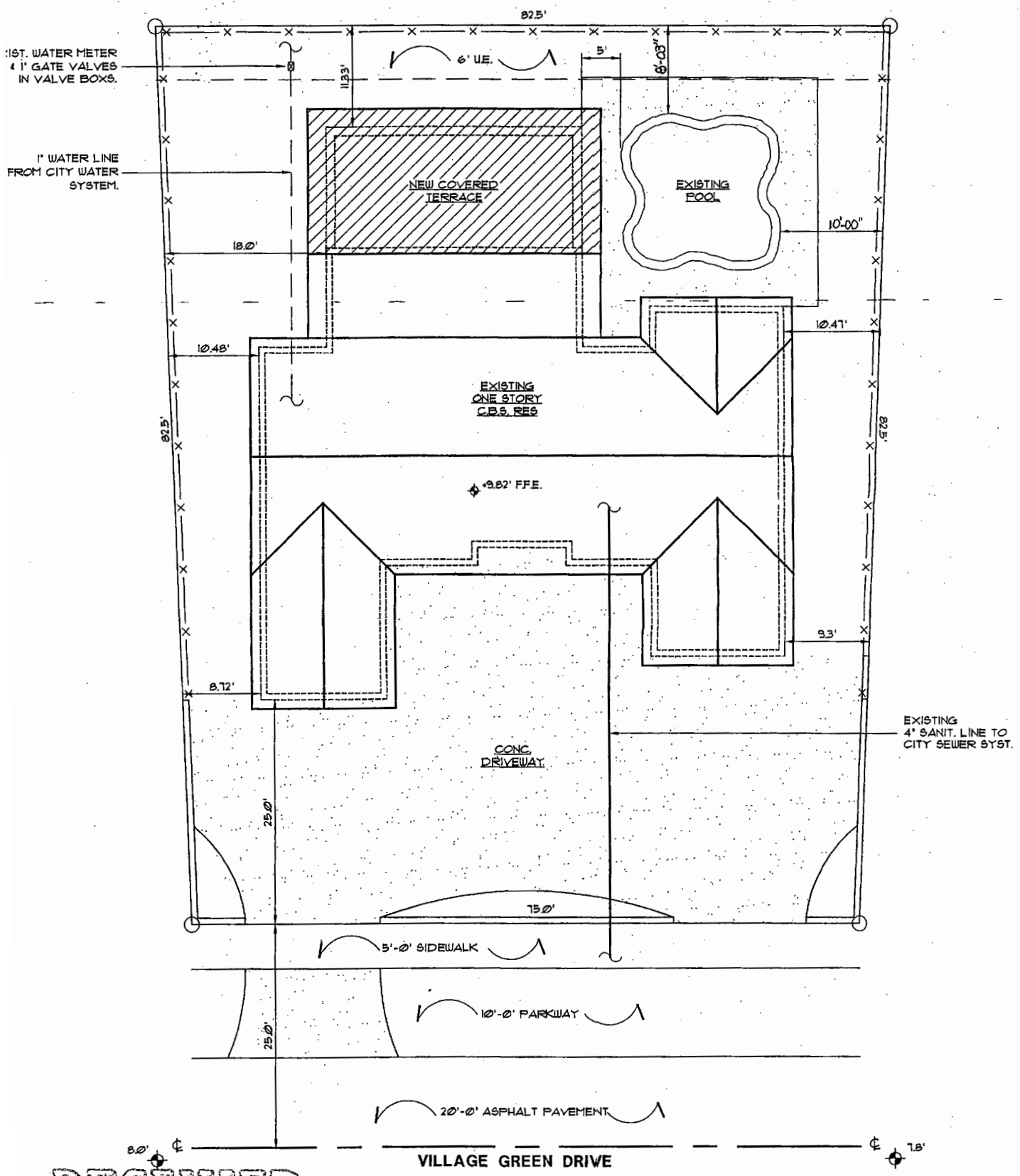
Case opened for Building without a proper permit. NCO Armando de la Torre conducted an inspection on October 23, 2006 and found the property not to be in violation. Property owner has a building permit #2007003278. Case closed.

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

8

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	835 Ft
NET LOT AREA	--	7,819
LOT COVERAGE	--	2,861
EXISTING	--	2,852
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
LOTANT: 10 BLOCK/BLDG: 68
SUBDIVISION: 5TH 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	8.95' NGVD	8.6/8.5' NGVD	7.5/8.0' NGVD
PROPOSED	9.82' NGVD	8.95' NGVD	8.6/8.5' NGVD	7.5/8.0' NGVD

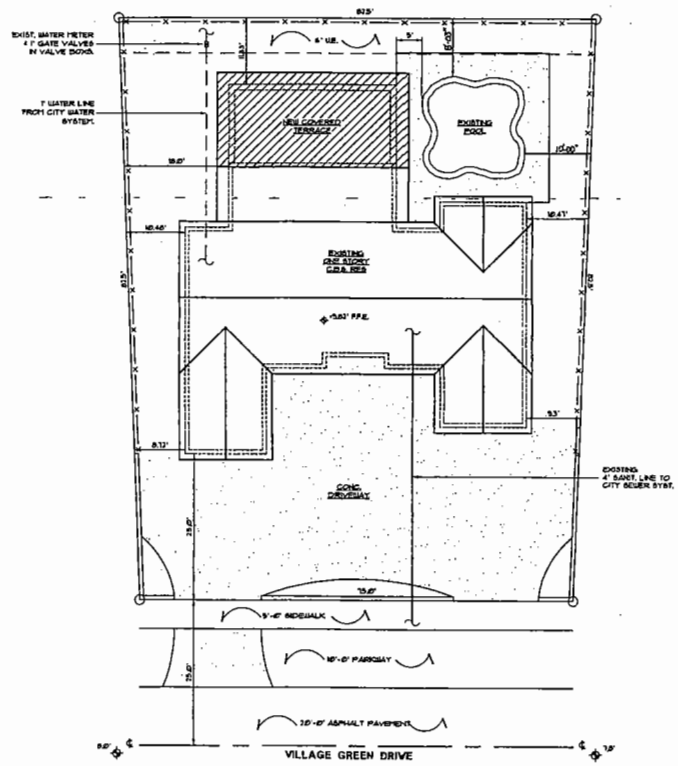
THE OWNER OF THIS PROPERTY UNDERSTANDS THAT THE WORK AMOUNT INDICATED ABOVE IS GOING TO BE KEPT ON THE OFFICIAL PERMIT RECORD DURING A SIX (6) MONTH PERIOD FROM THE DATE OF WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. IF ANY ADDITIONAL REPAIR, RECONSTRUCTION, ALTERATION, ADDITION, REMODELING OR COMBINATION THERE OF IS DONE BEFORE THE CERTIFICATE OF COMPLETION IS ISSUED, OR WITHIN 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 8C 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
SUBDIVISION FIFTH ADDITION TO SOUTHERN ESTATES BLOCK 68
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 MIAMI-DADE PLANNING

JARJ
JUAN A. RODRIGUEZ-JAMOLCA
ARCHITECTS, P.A. • A.R. No. 6661
2800 CATALONIA AVE, SUITE 203
CORAL GABLES, FL. 33134
PH. (786) 488-9089 FAX (305)501-7299

PROJECT NUMBER
08-011

100% C.D.

No.	DATE	REVISIONS	BY

O.C.
DRAWN APPROVED
5-29-08 INDICATED
DATE SCALE

Propose New Terrace for:
ALEXIS PENA & MABEL YANES
2901 Village Green Drive
Miami, Fl. 33175
tel.

This drawing is the property of Juan A. Rodriguez-Jamolca P.A. It not to be reproduced or copied in whole or in part. It is not to be used on any other project and is to be returned on request.

SEAL/SIGNATURE

8-16-08

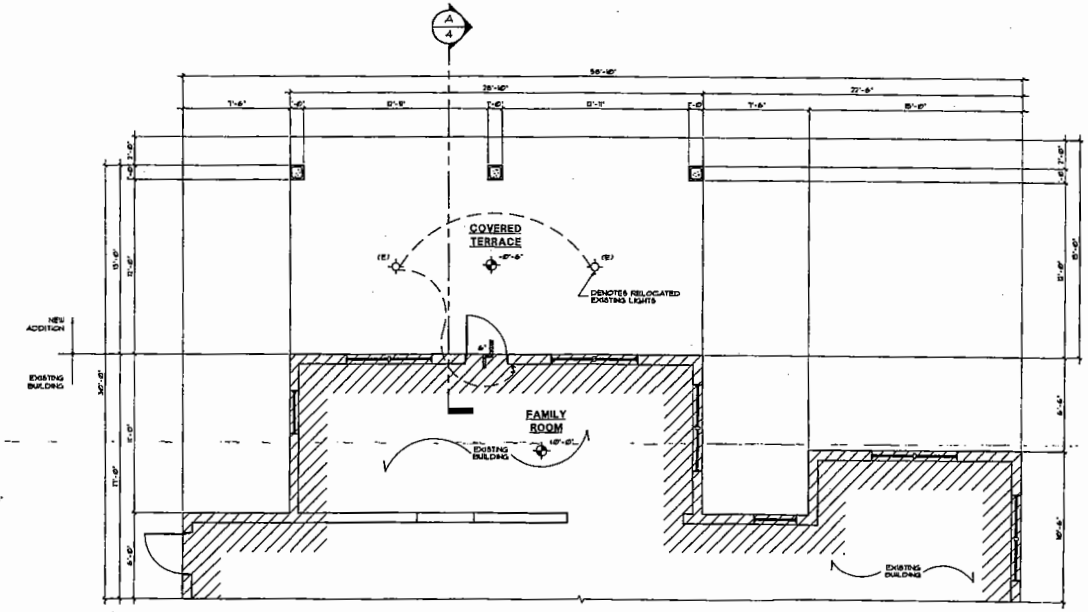
SHEET TITLE
1

SHEET NO.:
1 of 4

LEGEND

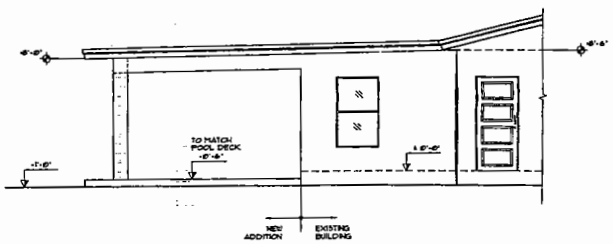
- DENOTES EXISTING 8" C.M.U.
- DENOTES NEW 8" C.M.U.
- DENOTES EXISTING 4" PARTITION
- DENOTES NEW 4" PARTITION
- DENOTES EXISTING TO BE REMOVED

NOTE:
(E) DENOTES EXISTING ELECTRICAL FIXTURE.

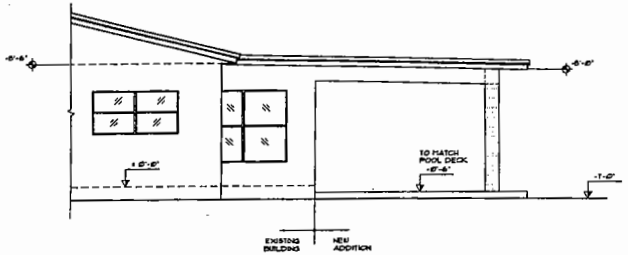


DATUM: 10'-0"=5.82' N.G.V.D.

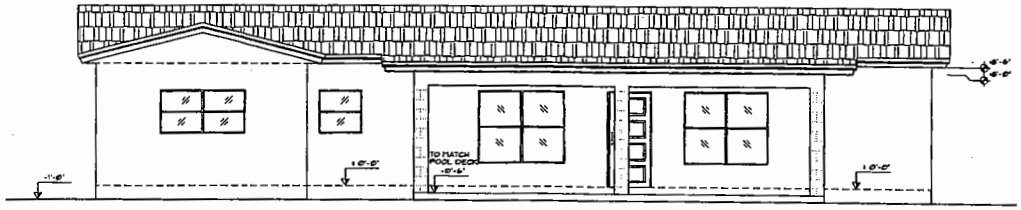
EXISTING & PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"
PARTIAL



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



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



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

RECEIVED COPY AUG - 1 2008
ZONING & LAND DEVELOPMENT DIVISION
MIAMI-DADE PLANNING & ZONING DEPT.

JAR

JUAN A. RODRIGUEZ-JONOS
ARCHITECTS, P.A. • A.R. No 9919
200 CATALONIA AVE. SUITE 203
CORAL GABLES, FL. 33134
PH. (786) 488-8089 FAX (305)361-

PROJECT NUMBER
08-011

100% C.D.

No.	DATE	REVISION'S	BY

O.G.
DRAWN | APPROVED
5-29-08 | INDICATED
DATE | SCALE

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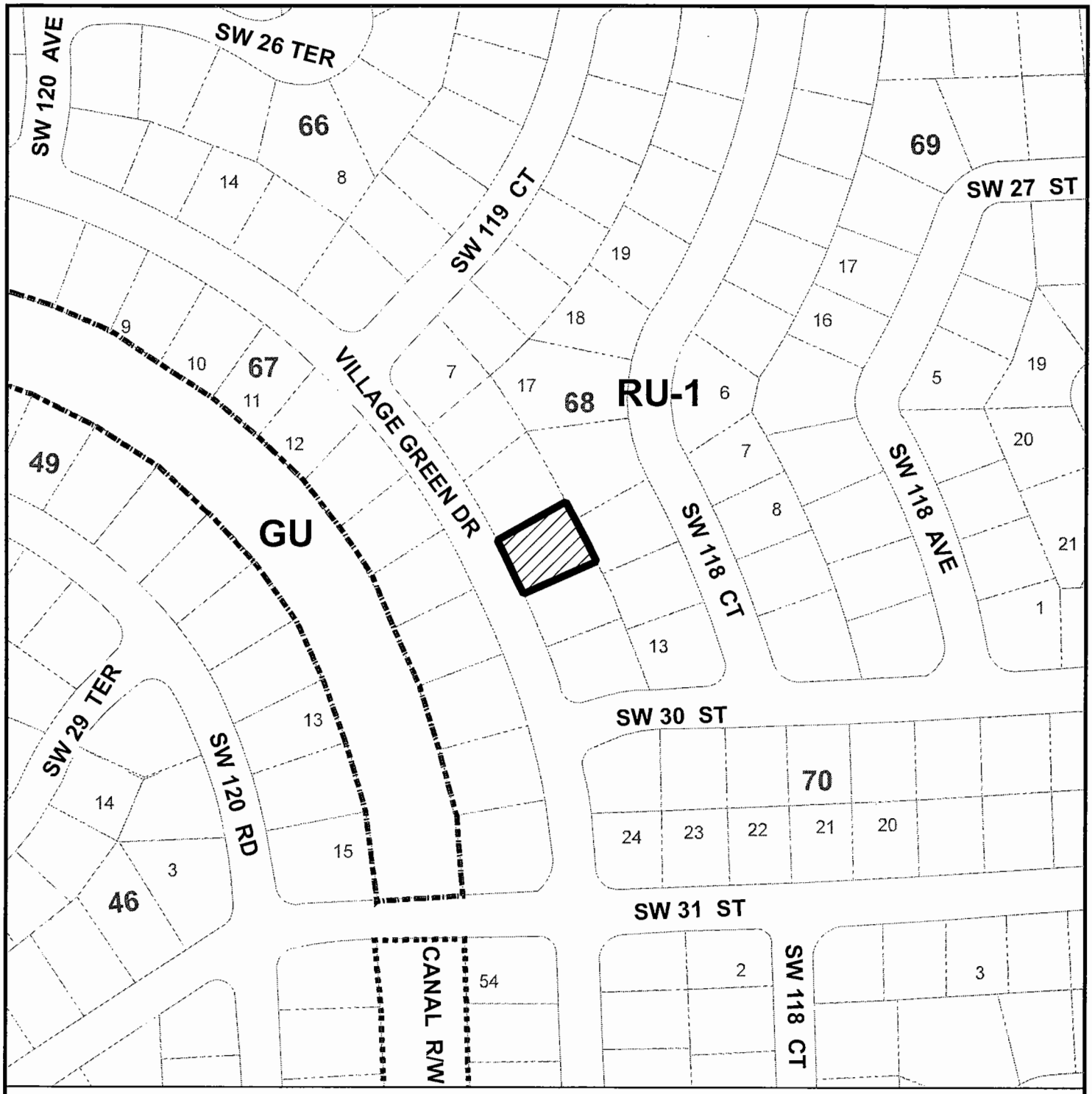
SEAL/SIGNATURE

SHEET TITLE
2

SHEET NO.:
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
		20

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

1. I & D ASSOCIATES INVESTMENTS CORP. **09-3-CZ10-1 (08-184)**
(Applicant) **Area 10/District 11**
Hearing Date: 3/17/09

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
2005	Jorge Ruiloba	Zone change from EU-1 to RU-1Ma.	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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10

APPLICANT: I & D Associates Investments Corporation **PH:** Z08-184 (09-3-CZ10-1)

SECTION: 15-54-39 **DATE:** March 17, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 1

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) UNUSUAL USE to permit a day care, preschool and after school care facility and kindergarten.

  (2) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

  Upon a demonstration that the applicable standards have been satisfied, 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 "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  This application seeks to allow an unusual use to establish a day care center with after-school care and a kindergarten on the subject property. An additional request is being sought to allow parking within 25' of the right-of-way.

- **LOCATION:** 2600, 2618, 2636 and 2654 S.W. 144 Avenue, Miami-Dade County, Florida.

- **SIZE:** 225' x 152.23'

B. ZONING HEARINGS HISTORY:

In February 2005, the subject site was part of a larger tract of land that was granted a zone change from EU-1, Single-Family Once Acre Estate District, to RU-1M(a), Single-Family Modified Residential District, pursuant to Resolution No. CZAB10-17-05. A Declaration of Restrictions was subsequently recorded in March 2005 which limited the maximum density of said property to no more than 6 units per gross acre.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. 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. This site is located 1 miles east of and ½ mile south of and inside of the Urban Development Boundary (UDB).

2. **Residential Communities.** The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, **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 relationships.

3. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. The intensity of use that may be approved for "daytime service uses" such as **day care facilities** shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

   If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses, and daytime service uses such as **day care centers**, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.

4. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

5. **Policy LU-4C.** 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.

6. **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:

    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.

    7. Sites located near the center of the section at or near the intersection of half-section roads may be utilized for neighborhood-serving community facilities such as elementary schools, **day care**, recreational uses, and open spaces.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING		LAND USE PLAN DESIGNATION
Subject Property:		
RU-1M(a); Single-family residence		Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	RU-1M(a); Vacant	Low Density Residential, 2.5 to 6 dua
SOUTH:	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); Single-family residences	Low Density Residential, 2.5 to 6 dua

The subject parcel consists of a corner lot and three interior lots located at 2600, 2618, 2636 and 2654 S.W. 144 Avenue. The surrounding area is predominantly characterized by single-family residences and vacant lots.

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:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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 Variances 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 the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property, zoned RU-1M(a), Modified Single-Family Residential District, is a vacant parcel of land with dimensions of 225 feet by 152.23' feet. The site is composed of four platted lots located at the southwest corner of SW 26 Street (Coral Way) and SW 144 Avenue. The applicant is seeking an unusual use to establish a day care center, pre-school, after-school care and kindergarten (request #1) on the subject site. Additionally, the applicant is seeking the approval to permit parking and drives within 25' of the right-of-way where none is permitted. The applicant indicates in the Child Care Checklist that the proposed day care center with after-school care and kindergarten will have 10 teachers and 4 operation staff for a total of 14. The proposed facility will provide service for 150 children ranging in ages from infants to 12 years, and will be operational Mondays through Fridays from the hours of 6:30 A.M. to 7:00 P.M. The submitted plans and Child Care Checklist indicate an existing two-story single-family residence which will become a part of a proposed 9,964 square feet facility. The proposed day care center, pre-school, after-school care and kindergarten will include a total of ten classrooms to accommodate the proposed enrollment. Access to the facility for ingress and egress to the parking area will be located on the north side of the site through a proposed 22' wide driveway. In addition, the child drop-off and pick-up area will be provided on the east side of the site through SW 144 Avenue. Landscaping in the form of Live Oaks, Florida Royal Palms and Montgomery Palm have been provided throughout the site and a continuous Coco Plum and Pink Ixora hedge is proposed along the south and west property lines. Such hedge will also be provided around the playground and dumpster area.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as indicated in their memorandum for this application. The **Public Works Department (PWD) has no objections** to this application. Their memorandum indicates that the applicant must take the necessary measures to insure that the traffic to the site at no time accumulates in the public right-of-way either on SW 26 Street (Coral Way) or on SW 144 Avenue. The Public Works Department also indicates that the application meets traffic concurrency for an Initial Development Order and that the proposed facility will generate 117 PM daily peak hour vehicle trips. The Miami-Dade Fire Rescue Department **(MDFRD) has no objection** to this application. Their memorandum mentions that the estimated response travel time to this site is approximately **6:10** minutes.

Approval of application will allow the applicant to establish a day care, preschool, after school care facility and kindergarten as an unusual use. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The interpretative text of the CDMP provides that neighborhood and community services such as **day care centers** are permitted in residential communities only when consistent with other goals objectives and policies of the Plan and compatible with the neighborhood. The interpretative text of the CDMP indicates that in areas designated Low Density Residential neighborhoods, daytime service uses such as **day care centers**, should be located only in activity nodes, transition areas and section centers, 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. Staff opines that the proposed facility will act as a transition between the lower density residentially zoned areas found to the south and the heavily traveled section line roadway SW 26 Street (Coral Way). Furthermore, the Guidelines for Urban Form establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement and identify areas located at or near the intersection of section roads between transition areas as authorized and eligible for higher public and semi-public uses. Therefore, staff opines, the proposed facility on the subject property is in keeping with the Guidelines for Urban Form.

Within the interpretative text of the CDMP, **Policy LU-4A** provides that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. As indicated on the elevation plans, the proposed structure will maintain the same residential scale and character as the existing structures in the surrounding area. Also within the interpretative text of the CDMP, **Policy LU-4C** provides 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 notes, that the plans submitted by the applicant depict a proposed coco plum and ixora hedge in addition to the existing 6' high wood fence along the interior side (west) property line and a proposed 6' high precast concrete wall with a hedge along the rear (south) property line. In staff's opinion, the establishment of this facility with the proposed hedge, 6' wall and existing 6' wood fence will mitigate any noise generated by the proposed use. The site will be highly accessible to its patrons due to its location on the southwest corner of a section line road, SW 26 Street (Coral Way) and SW 144 Avenue. Staff opines that said days and hours of operation are not excessive, coincide with regular work hours so as to not unduly disturb the surrounding residential areas for drop-off and pick-up of children and will provide services to working parents. As such, staff is of the opinion that the proposed facility is **consistent** with the LUP map designation and with the objectives of the CDMP. Additionally, staff opines that the proposed day care center with after-school care and kindergarten will act as a transition between the lower density residentially zoned areas developed with single-family homes found to the south and a section line road SW 26 Street (Coral Way) and is therefore, **compatible** with the surrounding area.

When analyzing request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the day care center and after school care in relation to the present and future development of the area, staff is of the opinion that the proposed day care center with after-school care, and kindergarten will be

compatible with the surrounding area, including the existing residential communities that surround the subject property. In staff's opinion, the introduction of this use into this residential area will not disrupt the overall welfare and privacy of the neighborhood by generating excessive noise or traffic. The request to permit the day care center, after-school care and kindergarten to serve 150 children is not, in staff's opinion, overly intensive and the noise generated by the students will be buffered by the proposed hedge, 6' high wood fence running along the interior side (west) property line and the proposed 6' concrete precast fence running along the rear (south) property line. Furthermore, in staff's opinion, the introduction of the day care center into this residential area will not generate excessive traffic in the area since the site is easily accessible from a section line roadway. Moreover, as previously mentioned, the Public Works Department's memorandum indicates that the application meets traffic concurrency. As such, the proposed use does not unduly burden or affect public transportation facilities. Furthermore, staff notes that the submitted plans indicate that the applicant has provided the required number of parking spaces on site as well as a surplus of 5 parking spaces yielding a total of 19 parking spaces for the facility. Additionally, the plans depict 6 auto-stacking spaces for drop-off and pick up of children, which staff opines, is more than sufficient and will not result in the queuing of vehicles in the abutting rights-of-way. Staff opines that the traffic flow generated as a result of the site configuration and the subject property's location on the southwest corner of a section line roadway SW 26 Street (Coral Way) and SW 144 Avenue will not be intrusive to the adjacent residential areas. Therefore, in staff's opinion, the introduction of the proposed facility into this residential area will not disrupt the neighborhood by generating excessive noise or traffic. Staff is of the opinion that the existing site is adequately sized to accommodate the proposed facility. According to the submitted plans, the applicant is providing adequate classroom area and outdoor recreational playground area to properly accommodate the proposed 150 children enrollment. The proposed use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). As such, staff recommends that request #1, be approved with conditions under Section 33-311(A)(3).

When request #2 is analysed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. The applicant is seeking the approval to permit parking and drives within 25' of the right-of-way where none is permitted. As depicted on the submitted plans, two of the proposed nineteen parking spaces are located within 25' right-of-way of SW 26 Street (Coral Way), and a drive which provides six stacking spaces is located within 25' of the right-of-way of SW 144 Avenue. Staff notes that the 8.5' encroachment of the two parking spaces within the 25' right-of way of SW 26 Street (Coral Way) are buffered from the single-family residences across SW 26 Street (Coral Way) by a proposed landscaped area consisting of trees, palms and shrubs. Additionally, staff also notes that SW 26 Street (Coral Way) is a section line arterial roadway with a 100' right-of-way dedication. Therefore, staff opines that with the proposed landscaping and the existing 100' right-of-way dedication the 8.5' encroachment of the two parking spaces into the required 25' would not have a negative visual impact on the properties across SW 26 Street (Coral Way). Additionally, staff opines that the drive which provides six stacking parking spaces located within 25' of the right-of-way of SW 144 Avenue will only be utilized for drop off and pick purposes and will be free of vehicles during the rest of the day. As such, staff opines that the drive will not create a negative visual impact to the

surrounding area. In addition, the Public Works Department has stated on their memorandum that they do not object to this request. Accordingly, staff recommends that request #2 be approved with conditions under Section 33-311(A)(4)(b) (NUV).

When request #2 is analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the zoning regulations, staff is of the opinion that request #2 cannot be approved under the Alternative Non-Use Variance Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Therefore, staff supports requests #1 and #2 which, in staff's opinion, maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Based on all of the aforementioned, staff is of the opinion that the approval with conditions of this application is **compatible** with the surrounding area and is **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)(3); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of request #1 under Section 33-311(a)(3); 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 & 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 "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets, and more specifically that the proposed facility elevations be substantially in accordance with the elevation plans on page E-1.

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

   That prior to issuance of a building permit, the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material. Said landscaping shall be installed prior to final zoning inspection.

4. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of

Public Health, and the State of Florida Department of Children and Families (Child Care Licensing Unit).

5. That the use shall be restricted to a maximum number of 150 children.

6. That the hours of operation shall be between 6:30 A.M. to 7:00 P.M

7. That the use may be conducted on the premises Monday through Friday.

8. That the applicant obtain a Certificate of Use from, and promptly renew the same annually with, 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.

9. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

10. That the applicant ensure that traffic to the site at no time accumulates in the public right-of-way either on SW 26 Street or on SW 144 Avenue as required by Public Works Department.

11. That all signage be in compliance with the zoning regulations and that no caricatures be placed on the fences or walls of the structure.

DATE INSPECTED: 02/12/09
DATE TYPED: 02/12/09
DATE REVISED: 02/13/09; 02/23/09; 02/25/09
DATE FINALIZED: 02/25/09
MCL:MTF:NN:NC:AA

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: October 27, 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 #Z2008000184-Revised
I & D Associates Investments Corporation
2600 S.W. 144th Avenue, 2618 S.W. 144th Avenue,
2636 S.W 144th Avenue and 2654 S.W. 144th Avenue
Unusual Use to Permit a Daycare Facility
(RU-1(M)(a)) (0.79 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 properties are 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

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

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

Wastewater Disposal
The closest public sanitary sewer is located approximately 150 feet from the subject properties. Based on the proposed request, the subject properties are within feasible distance for connection to public sanitary sewers. Therefore, connection of the proposed development to the public 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 sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required 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 modification of Surface Water Management Individual Permit No. 13-02914-P, issued by the South Florida Water Management District (SFWMD), shall be required prior to the construction and operation of the required surface water management system.

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 properties lie within the East Bird Drive Basin, which is a jurisdictional wetland area as defined by Section 24-5 of the Code. Class IV Wetland Permit FW06-126 was issued for these properties to I & D Associates Investments, Corporation for the filling of 1.25 acres of jurisdictional wetlands for residential use (seven single-family residences). Permit FW06-126 was issued on December 15, 2006 and is scheduled to expire on December 15, 2008. The applicant is currently working with the DERM Wetland Resources Section to obtain a modification to the permitted site plans. Therefore, DERM may approve this zoning application.

The applicant is advised that the Army Corps of Engineers (General Permit SAJ-74), the State of Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may require permits in this area. It is the applicant's responsibility to contact these agencies for their permitting requirements.

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

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

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:I & D ASSOC INVESTMENTS CORP

This Department has no objections to this application.

The Site Plan, Traffic Impact Study, and Memoranda submitted are acceptable and indicate a maximum accumulation of thirteen vehicles during the arrival and dismissal periods of the daycare facility. The onsite circular drive can accommodate up to six vehicles. The remaining required vehicle stacking of seven vehicles will be provided, as designated visitor parking spaces, within the parking area located along the frontage of the school on SW 26th Street, the specific locations of which are depicted on the submitted site plan.

While the submitted site plan provides sufficient stacking to accommodate the anticipated accumulation of vehicles on-site, as a condition of approval, it is required that the daycare take any necessary measures to ensure that traffic to the site at no time accumulates in the public right-of-way either on SW 26th Street or on SW 144 Avenue. This condition is for public safety and is to become a condition of the final resolution.

For further details and/or questions, contact Mr. Harvey L. Bernstein at 305-375-1874, or via e-mail at hlb@miamidade.gov.

Additional improvements may be required at time of permitting.

This Department has no objections to the request to permit parking and drives within 25 feet of the right-of-way.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 117 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
9134	Coral Way w/o SW 137 Ave.	E	E
9112	Bird Dr. Ext. w/o SW 147 Ave.	C	C
9110	Bird Dr. Ext. w/o SW 137 Ave.	E	E

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.
26-JAN-09

Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School

School Name: "HIGHER LEARNING EDUCATIONAL CENTER"

School Address: 2600-2618-2626-2634 SW. 144TH AVE MIAMI, FL. 33175 TaxFolio # 30 - 4915.085.0010

1. Is this an expansion to an existing school ☐ Yes ☒ No If yes, indicated the number of students: N/A and age and grade ranges originally approved: 201, 30, 1540.

2. Total size of site: 152.23' x 225.0' = 34,340 + 43,560 sq. ft. = .79 acres

3. Number of children or students requested: 150 Ages: INFANTS - 12yrs/ AFTER SCHOOL CARE

4. Number of teachers: 10 Number of administrative & clerical personnel: 4.

5. Number of classrooms: 10 Total square footage of classroom area: 5,306 SQ. FT

6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): 3,905 SQ. FT.

7. Amount of outdoor recreation/play area in square footage: 5,493 SQ. FT

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: N/A.

9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 27 parking spaces required by §33-124(L) 18.

10. Indicate the number of auto stacking spaces: 6 provided 5 required.

11. Proposed height for the structure(s): 29' See §33-151.18(g).

12. Size of identification sign: 2' x 8' = 16 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.

13. Days and hours of operation: M-F 6:30 AM — 7:00 PM.

14. Does the subject facility share the site with other facilities? ___ Yes ✓ No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).

15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? ☐ Yes ☒ No (If yes, describe the residential uses and indicate same on the plans).

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERELAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 150 (number of children) = 5,250 sq. ft. of classroom area required.

b. Elementary Grades 1-6

30 sq. ft. x _____ (number of children) = N/A sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 5,250 SQ. FT
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: ~~5,306~~ SQ. FT 5174.28

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x 75 (½ of children) = 3,375 SQ FT

b. Grades 1-6 500 sq. ft. x _____ (first 30 children) = _____
300 sq. ft. x _____ (remaining children) = _____

c. Grades 7-12 800 sq. ft. x N/A (first 30 children) = _____
300 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 3,375 SQ FT.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVEDED: 5493 SQ. FT

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

a. 28 trees are required per net acre. Trees required: 23 Trees provided: 23.

b. Ten shrubs are required for each tree required. Shrubs required 230 Shrubs provided 230

c. Grass area for organized sports/play area in square feet: N/A.

d. Lawn area in square feet (exclusive of organized sports/play area): N/A.

School Address: 2600-2616-2636-2674 SW 144th AVE. MIAMI, FL. Zip Code: 33175

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 9th day of JAN. 2009 at Miami-Dade County, Florida.

Signature

WITNESSES:

Henry Rosshelpo

John Diaz

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 9th day of JANUARY 2009, before me personally appeared John Diaz, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

OCTAVIO A. SANTURIO
Comm# DD0384111
Expires 4/11/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc

OCTAVIO A. SANTURIO

REVISION 2

Memorandum

Date: 26-JAN-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000184

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated January 14, 2009.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped January 9, 2009. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2008000184
located at 2600 SW 144 AVE, 2618 SW 144 AVE, 2636 SW 144 AVE, 2654 SW 144 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1473 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	9,964	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 6.68 alarms-annually.
The estimated average travel time is: 6:10 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, Advanced Life Support 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 January 9, 2008. Substantial changes to the plan will require additional service impact analysis.

DATE: 02/05/09

TEAM METRO

ENFORCEMENT HISTORY

I & D ASSOCIATES INVESTMENTS CORP.

APPLICANT

2600 SW 144 AVE, 2618 SW 144 AVE, 2636 SW 144 AVE, 2654 SW 144 AVE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000184

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000184

CURRENT ENFORCEMENT HISTORY:

FEBRUARY 5, 2009
CMS #200912000452 was opened for an Enforcement History inspection. No current zoning violations were observed for 2600 SW 144 AVE, 2618 SW 144 AVE, 2636 SW 144 AVE, 2654 SW 144 AVE.

THE ONLY PREVIOUS VIOLATION WAS FOR: 2600 SW 144 AVE
JULY 2, 2008
CMS#200812006172 was opened for boat storage (2600 SW 144 Ave). First inspection was conducted on 07/02/08, found in violation and W/L#R115784 was issued to PO. Re-inspection conducted on 07/03/08, found violation was corrected by owner. Case closed.

I & D Associates, Investments Corp.

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

CORPORATION NAME: I &D ASSOCIATES INVESTMENTS CORPORATION, 14279 S.W. 20th Terrace, Miami, Florida 33175.

NAME AND ADDRESS	Percentage of Stock
Ivan Vilalta, 14279 S.W. 20th Terrace, Miami, Florida 33175	50%
Susana Vilalta, 14279 S.W. 20th Terrace, Miami, Florida 33175	50%

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

RECEIVED
Z08184
SEP 16 2008
ZONING HEARING 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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 29 day of Aug, 2008 Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

Notary Public State of Florida
Tia Williams
My Commission DD663520
Expires 06/15/2011

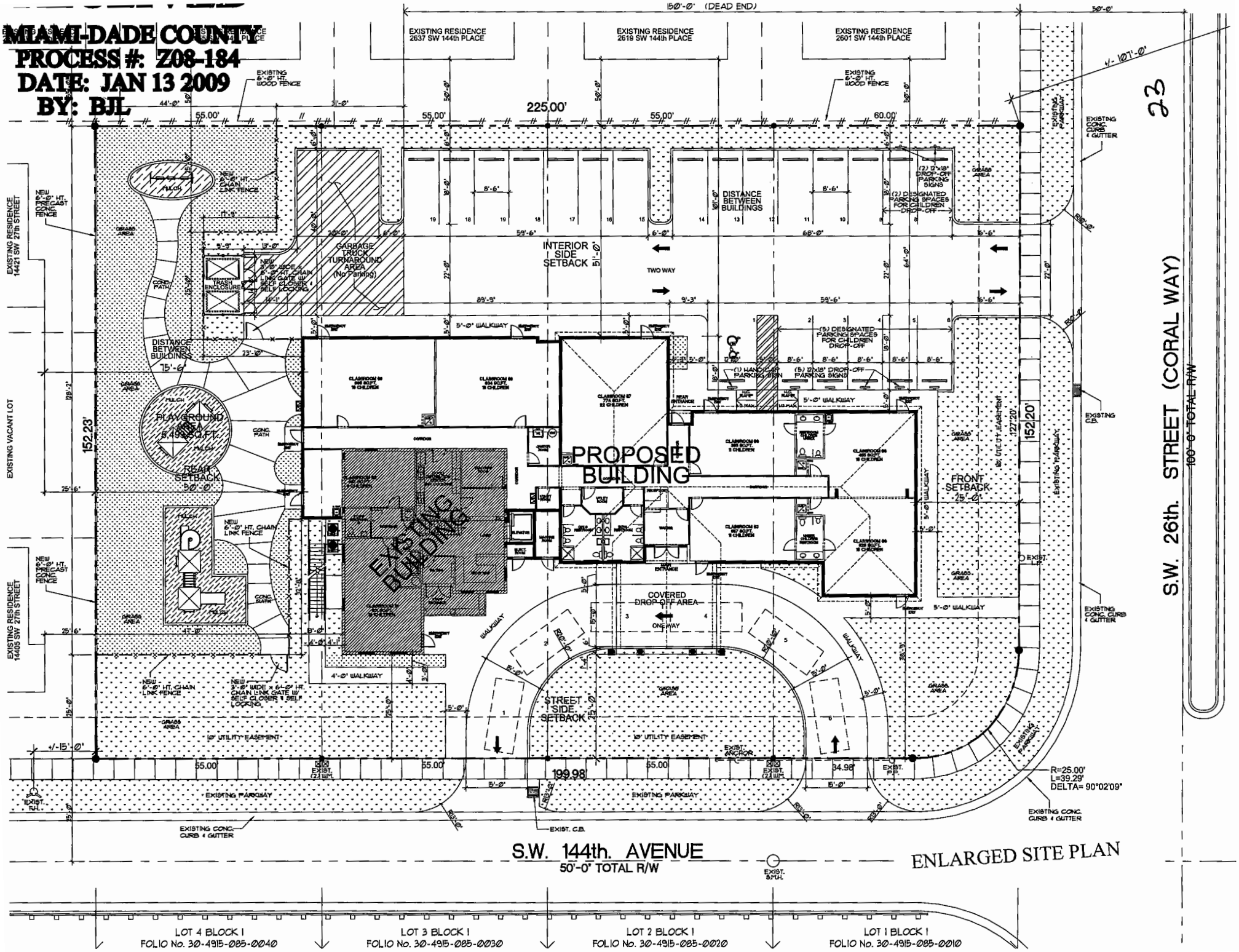
My commission expires _____

*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
BY _____

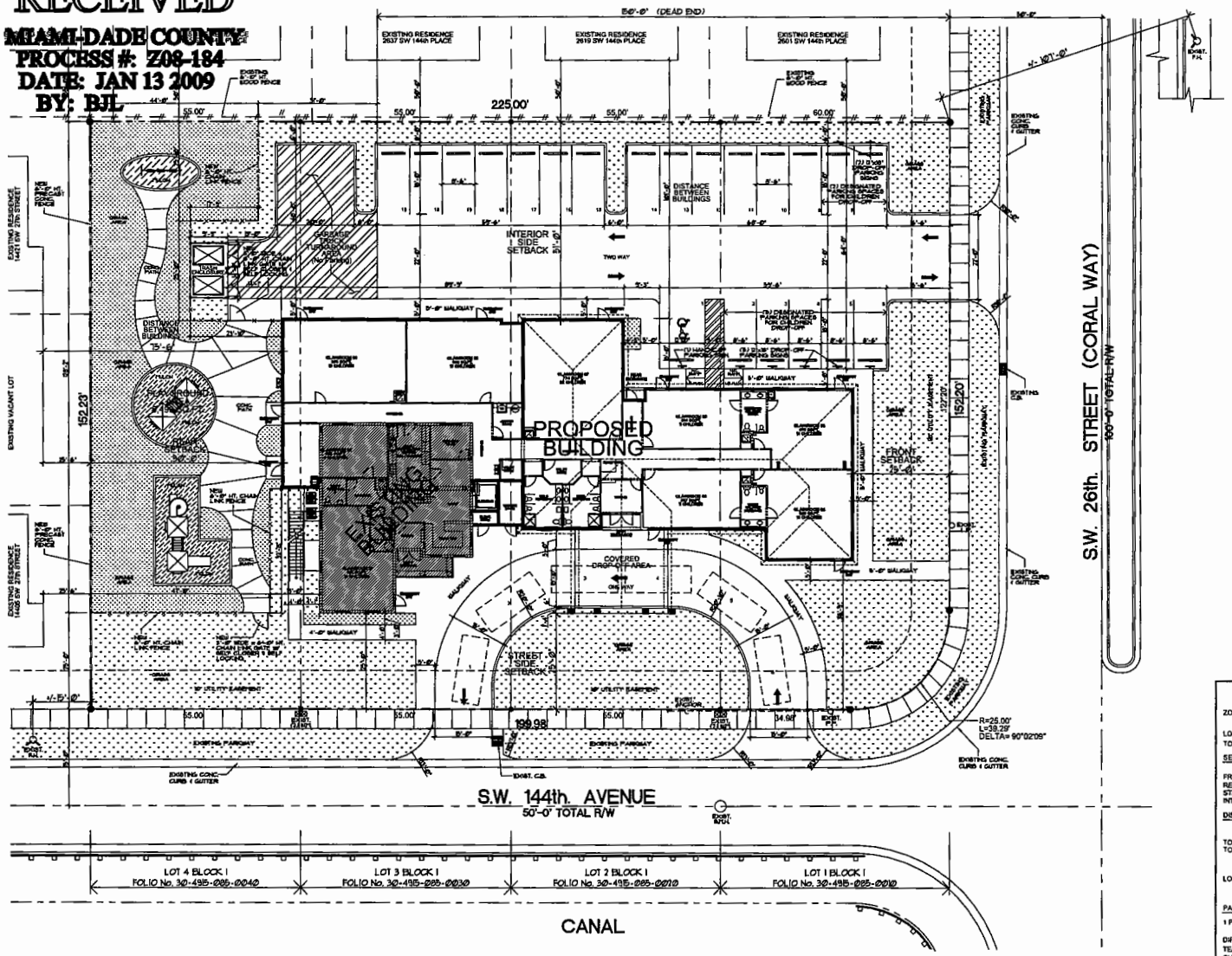
MIAMI-DADE COUNTY
PROCESS #: Z08-184
DATE: JAN 13 2009
BY: BJL

23

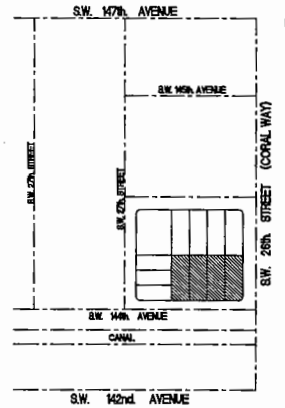


ENLARGED SITE PLAN

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-184
DATE: JAN 13 2009
BY: BJL



PROPOSED SITE PLAN 3/32" = 1'-0"



LOCATION SCKETCH NTS

LEGAL DESCRIPTION

LOTS 1 THRU 4 OF BLOCK 1, OF TERRY ENTERPRISES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99 AT PAGE 94, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ZONING LEGEND

ZONING:	RU-1M(a) RU-3 Pursuant to Section 33-151.13(a)	
LOT AREA:	34,340 SQ. FT. OR 0.79 ACRES	
TOTAL DAY CARE AREA:	9,964 SQ. FT.	
SETBACKS:	REQUIRED	PROVIDED
FRONT	25'-0"	25'-0"
REAR	50'-0"	50'-0"
STREET SIDE	25'-0"	25'-0"
INTERIOR SIDE	50'-0"	51'-0"
DISTANCE TO THE NEAREST RESIDENCE BLDG.:	REQUIRED	PROVIDED
TO SOUTH RES.:	75'-0"	75'-0"
TO WEST RESIDENCES:	75'-0"	101'-0"
	REQUIRED	PROVIDED
LOT COVERAGE:	40% OR 13,736 SQ.FT.	24.67% OR 8,472 SQ.FT.

PARKING CALCULATION:

1 PARKING SPACE PER EMPLOYEE.

	REQUIRED
DIRECTOR:	1 P.S.
TEACHERS:	10 P.S.
CLERICAL & ADMINISTRATIVE STAFF:	2 P.S.
GENERAL EMPLOYEES:	1 P.S.
DESIGNATED P.S. FOR DROP-OFF:	7 P.S.
DESIGNATED P.S. FOR DROP-OFF (Auto Stacking):	6 P.S.
TOTAL:	27 P.S.
	REQUIRED / PROVIDED
TOTAL PARKING SPACES:	27 P.S. / 27 P.S.

(26 REGULAR PARKING SPACES + 1 H.C. PARKING SPACE = 27 PARKING SPACES)

LEGEND:

- ASPHALT SURFACE
- CONCRETE SURFACE
- GRASS AREA

REVISIONS	BY

OCTAVIO A. SANTURIO A.I.A.
ARCHITECT
6762 Bird Road, Suite 3E - South Miami, Florida 33155
Tel. (305) 665-8844 / 665-8866 fax. (305) 661-7413
FL. AR. 0007619

OWNER:
I & D ASSOCIATES INVESTMENTS CORPORATION
C/O MR. IVAN VILLATA, PRESIDENT
14724 S.W. 20th TERRACE
MIAMI, FLORIDA 33185
PHONE: (786) 198 4032

"HIGHER LEARNING EDUCATIONAL CENTER"
THE S.W. CORNER OF S.W. 144th AVENUE & S.W. 26th STREET (CORAL WAY)
2600 S.W. 144th AVE. 2618 S.W. 144th AVE. 2636 S.W. 144th AVE & 2654 S.W. 144th AVE.
MIAMI, FLORIDA 33175

THIS DRAWING AND SPECIFICATIONS CONTAINS PROPRIETARY INFORMATION AND ARE THE PROPERTY OF OCTAVIO A. SANTURIO A.I.A. AND MAY NOT BE REPRODUCED, COPIED OR DISTRIBUTED WITHOUT THE EXPRESSED WRITTEN PERMISSION AND CONFIRMATION OF OCTAVIO A. SANTURIO A.I.A.

DRAWN: JOHN D.
CHECKED: O.A.S.
DATE: SEPTEMBER 2008
SCALE: AS SHOWN
JOB NO.: 0818
SHEET: S1

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-196
DATE: JAN 13 2009
BY: BJL

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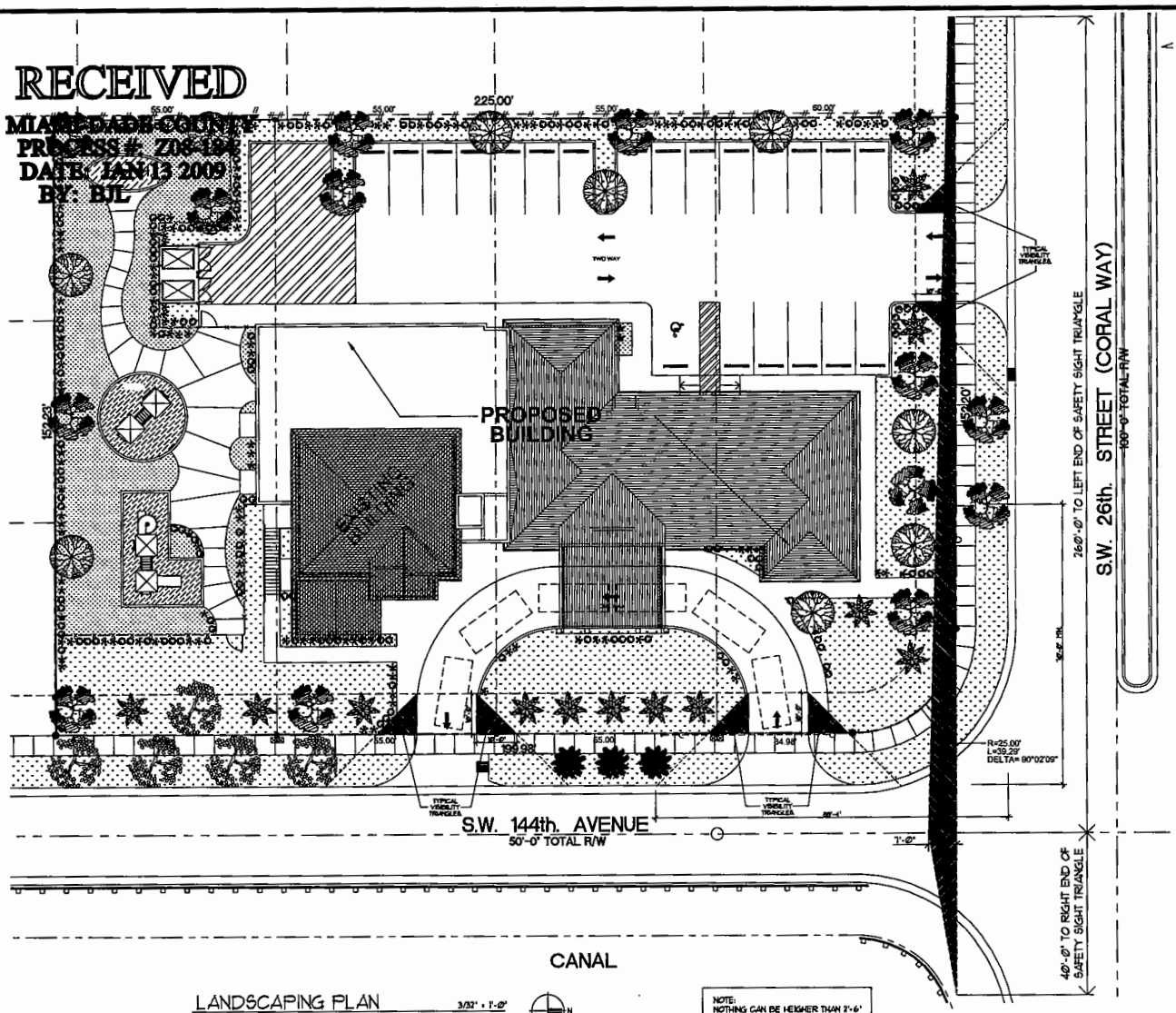
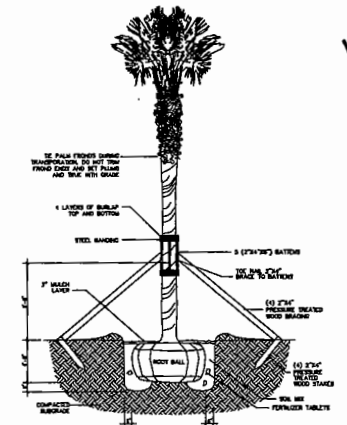
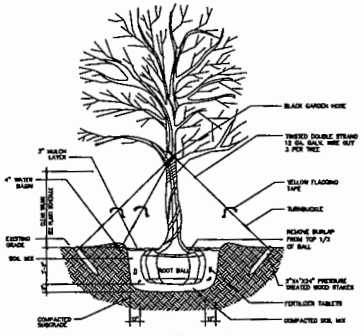


LANDSCAPING PLAN 3/32" = 1'-0"

NOTE:
NOTHING CAN BE HEIGHER THAN 2'-6' WITHIN OF SAFE SIGHT TRIANGLES.



PALM PLANTING DETAIL N.T.S.



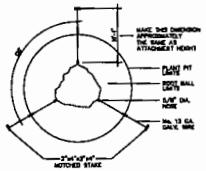
CANOPY TREE PLANTING DETAIL N.T.S.

LANDSCAPE LEGEND
INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

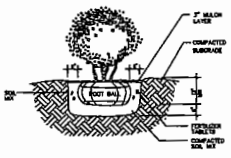
PID-17147 •
ZONING DISTRICT: 18-2 Pursuant to Section 33-B(2)(a) NET LOT AREA: 34,348 SQFT. OR 0.79 ACRES.

	REQUIRED	PROVIDED
OPEN SPACE:		
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN	13,734	13,734
NET LOT AREA= 34,348 SQFT. x .40 % = 13,734 SQFT.		
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN	700	700
No. PARKING SPACES= 34 x 20 SQFT. PER PARKING SPACE= 700		
C. TOTAL SQFT. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33: A+B=	13,734	14,734
LAWN AREA CALCULATION		
A. 13,734 TOTAL SQFT. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33		
B. MAXIMUM LAWN AREA (50%) PERMITTED= .45 % x 13,734 S.F.=	6,878	6,878
TREES / PALMS:		
A. No. OF INTERIOR TREES REQUIRED PER NET LOT ACRE:		
• .79 TREES X NET LOT ACRES (.79) =	23	23
(12) INT. TREES + (8) TREES TO BE REPLACED BY PALMS = (11) INT. TREES=		
TOTAL NUMBER OF INTERIOR TREES=	23	11 *
B. No. OF PALMS ALLOWED:		
INTERIOR PALMS: (TWO PALMS = ONE TREE)		
INTERIOR TREES REQUIRED X 30% = No. OF TREES TO BE REPLACED BY PALMS.		
No. 23 TREES REQUIRED X 30%= 7 MAX. No. OF INT. TREES TO BE REPLACED BY PALMS.		
(7 INTERIOR PALMS = 4 INTERIOR TREES) (0) No. OF INTERIOR PALMS=		0
STREET PALMS: (ONE PALM = ONE TREE)		
5 PALMS PERMITTED TO COUNT AS STREET TREES ON 51 BASIS X 30%		2
(5) STREET TREES REQ. X 30% = (2) PALMS ALLOWED		
EXTRA NUMBER OF PALMS=		1
TOTAL NUMBER OF PALMS=		3 *
C. STREET TREES: (MAX. AVERAGE SPACING OF 30' O.C.)		
270 LINEAR FEET ALONG STREET(S)= 9		
(9) STREET TREES PROV. - 3 PALMS TO COUNT AS STREET TREES = 6 ST. TREES)	9	9
D. STREET TREES LOCATED DIRECTLY BENEATH POWER LINES (MAXIMUM AVERAGE SPACING OF 30' O.C.) 32(2) LINEAR FEET ALONG STREET(S)= 6		
(6) STREET TREES PROV. - 0(0) PALMS TO COUNT AS STREET TREES = 6 ST. TREES)	6	6
TOTAL NUMBER OF STREET TREES=	9	9 *
E. TOTAL NUMBER OF PALMS + TREES=	46	43
F. % OF NATIVE TREES + PALMS REQUIRED:		
TOTAL No. OF TREES + PALMS PROVIDED= 43 x 30% = 13	13	13
SHRUBS:		
A. 46 TREES REQUIRED X 10= No. OF SHRUBS ALLOWED	460	438
B. 460 SHRUBS ALLOWED X 30%=No. OF NATIVE SHRUBS REQUIRED	138	138

IRRIGATION SYSTEM REQUIRED AS PER F.B.C. (SEE SHEET IRR-1)



TYPICAL TOP VIEW STAKING DETAIL N.T.S.



SHRUB PLANTING DETAIL N.T.S.

SYMBOL USED ON PLAN					LOCATION		PLANT NAME		NATIVE SPECIES	HEIGHT AT PLANTING	HEIGHT AT MATURITY	HEIGHT OF CLEAR TRUNK	CANOPY DIAMETER	CALIPER AT PLANTING	MAXIMUM AVERAGE SPACING	QUANTITY
SYMBOL	KEY	DRAWING	NORTH	STREET	SCIENTIFIC	COMMON										
	D			D	[illegible]	[illegible]	LIVE OAK	N		8'-9'-14'-9"	MAX. 30'-0"	6'-0"	6'-0"	3"	30'-0" MAX.	9
	M		6	6	[illegible]	[illegible]	[illegible]	N		10'-0'-12'-0"	MAX. 20'-0"	6'-0"	6'-0"	2 1/2"	15'-0" MAX. AT STREET ONLY	14
	S		5		[illegible]	[illegible]	[illegible]	N		10'-0'-12'-0"	MAX. 20'-0"	6'-0"	6'-0"	2 1/2"	15'-0" MAX. AT STREET ONLY	5
	J			3	[illegible]	[illegible]	[illegible]	N		14'-0'-16'-0"	MAX. 30'-0"	—	—	4"	15'-0" MAX. AT STREET ONLY	3
	O		O		[illegible]	[illegible]	[illegible]	N		10'-0'-12'-0"	MAX. 20'-0"	—	—	3"	—	O
			29		[illegible]	[illegible]	[illegible]	N		36" IN INS LOCATION 36" IN GRAY MARLE LIKE 24" IN SHRUB LOCATION	FOR SHRUBS AND HEDGES: 4'-0" MAX. AS ALONG SIDE 1 MAX. AS ALONG INS. 4.50" MAX. AS IN SAFETY TRIANGLE	—	—	—	4 36" OC	29
			29		COCO PLUM	COCO PLUM	COCO PLUM	N		36" IN INS LOCATION 36" IN GRAY MARLE LIKE 24" IN SHRUB LOCATION	FOR SHRUBS AND HEDGES: 4'-0" MAX. AS ALONG SIDE 1 MAX. AS ALONG INS. 4.50" MAX. AS IN SAFETY TRIANGLE	—	—	—	4 36" OC	29
			X		[illegible]	[illegible]	[illegible]	N		—	—	—	—	—	PANELS	

LEGEND:
- ASPHALT SURFACE
- CONCRETE SURFACE
- GRASS AREA

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C/O MR. IVAN VILALTA, PRESIDENT
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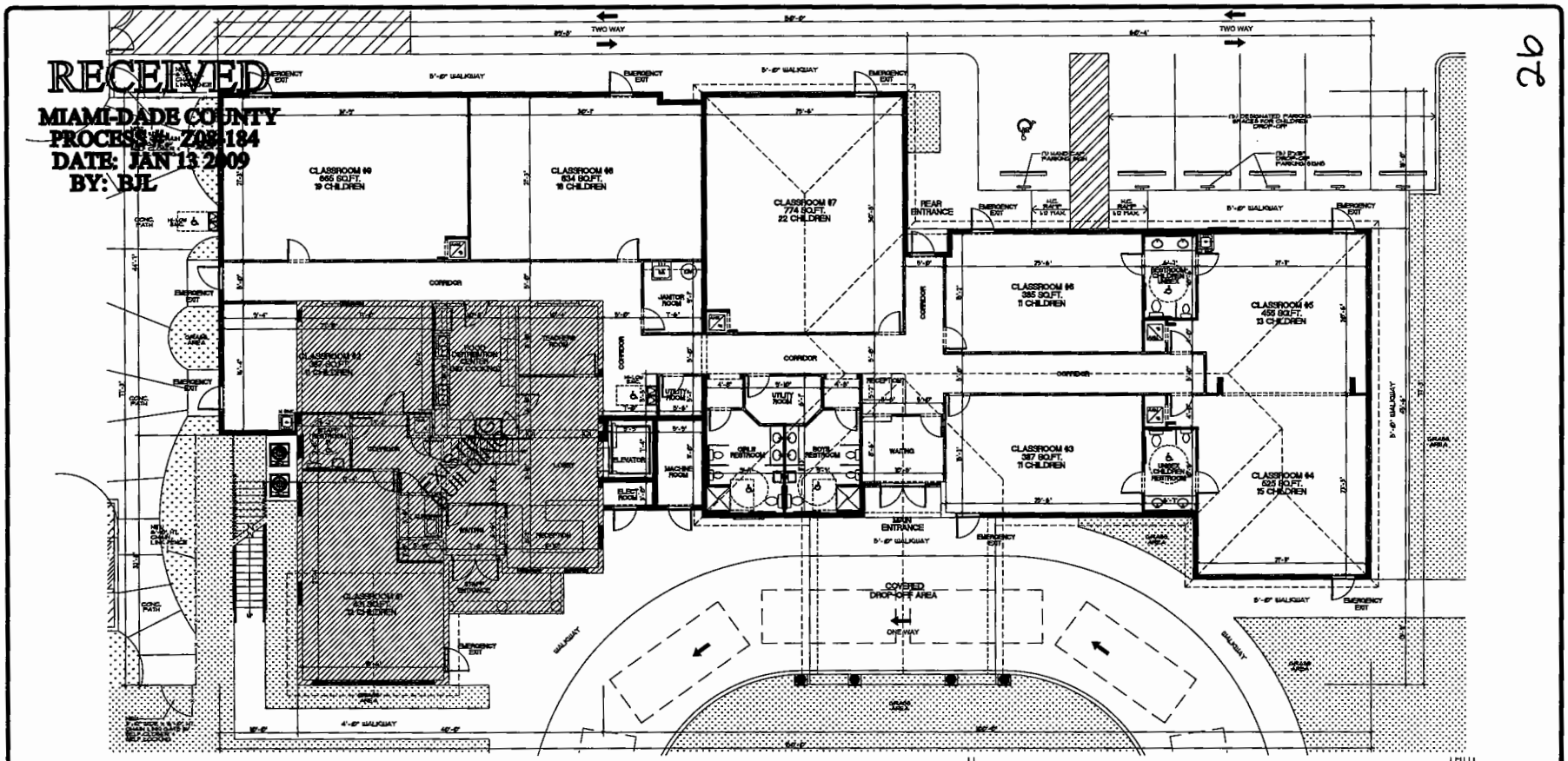
MIAMI, FLORIDA 33175
PHONE: (305) 596-4600

"HIGHER LEARNING EDUCATIONAL CENTER"
THE S.W. CORNER OF S.W. 144th. AVENUE & S.W. 26th. STREET (CORAL WAY)
2400 S.W. 144th. AVE. BTWN. S.W. 26th. STREET & S.W. 24th. STREET, S.W. 144th. AVE.
MIAMI, FLORIDA 33175

DRAWN	JOHN D.
CHECKED	O.A.S.
DATE	SEPTEMBER 2008
SCALE	AS SHOWN
JOB NO.	0818
SHEET	L1

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-184
DATE: JAN 13 2009
BY: BJL

26



PROPOSED GROUND FLOOR PLAN 3/16" = 1'-0"

SEE ROOF PLAN ON SHEET L1

LEGEND:
- ASPHALT SURFACE
- CONCRETE SURFACE
- GRASS AREA

LEGEND
- EXISTING CONC. BLK. WALL
- NEW CONC. BLK. WALL
- EXISTING GYP. BD. PARTITION
- NEW 1/2" GYP. BD. NON-FIRE RATED PARTITION
- NEW 1 HR. FIRE RATED PARTITION
- THIS SYMBOL DENOTES 36"x60" OR 30"x42" WHEELCHAIR CLEAR SPACE
- THIS SYMBOL DENOTES 6'-0" DIAM. WHEELCHAIR TURNING RADIUS

BUILDING BREAKDOWN

GROUND FLOOR:

EXISTING INTERIOR AREA:	1,692 SQ.FT.	
EXISTING ENTRY AREA:	91 SQ.FT.	
EXISTING AREA:	1,783 SQ.FT.	1,783 SQ.FT.
NEW INTERIOR AREA:	6,103 SQ.FT.	
NEW COVERED REAR ENTRANCE:	15 SQ.FT.	
NEW COVERED DROP-OFF AREA:	571 SQ.FT.	
NEW AREA:	6,689 SQ.FT.	6,689 SQ.FT.
TOTAL GROUND FLOOR AREA:		8,472 SQ.FT.

SECOND FLOOR:

EXISTING INTERIOR AREA:	1,401 SQ.FT.	
EXISTING BALCONY AREA:	81 SQ.FT.	
EXISTING 2nd. FLOOR AREA:	1,482 SQ.FT.	1,482 SQ.FT.
TOTAL BUILDING AREA:		9,954 SQ.FT.

DAY CARE CALCULATION (TOTAL AREA: 9,954 SQ.FT.)

TOTAL CLASSROOM AREA =	5,271 SQ. FT.
AUXILIARY AREA = (Non classroom areas)	3,534 SQ. FT.
OTHER AREAS = (drop-off, entry, balcony)	159 SQ. FT.
TOTAL BUILDING AREA =	9,954 SQ. FT.

CHILDREN CALCULATION:

TOTAL CLASSROOM AREA: 5,271 SQ. FT. / 35= 151 CHILDREN

ALLOWED	PROVIDED
151 CHILDREN	150 CHILDREN

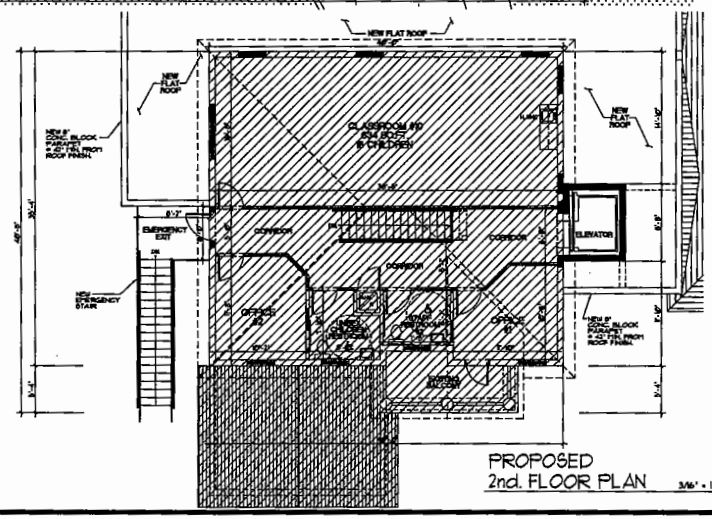
PLAYGROUND CALCULATION:

(No. OF CHILDREN x 50% x 45) 150 CHILDREN x 50% x 75 x 45 SQ.FT.= 3,375 SQ. FT. (AREA REQUIRED)

REQUIRED	PROVIDED
3,375 SQ. FT.	5,453 SQ. FT.

PERSONNEL COUNT

DIRECTOR:	1 PERSON
TEACHERS:	10 PERSONS
CLERICAL + ADMINISTRATIVE STAFF:	2 PERSONS
GENERAL EMPLOYEES:	1 PERSON
TOTAL EMPLOYEES:	14 PERSONS
NUMBER OF CHILDREN:	150 CHILDREN
TOTAL No. OF PERSONS:	164 PERSONS



PROPOSED 2nd. FLOOR PLAN 3/16" = 1'-0"

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DRAWN: JOHN D.
CHECKED: O.A.S.
DATE: SEPTEMBER 2008
SCALE: AS SHOWN
JOB NO.: 0818
SHEET: F1

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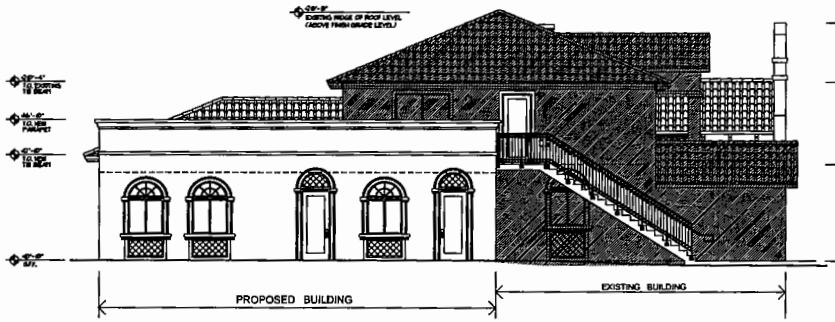
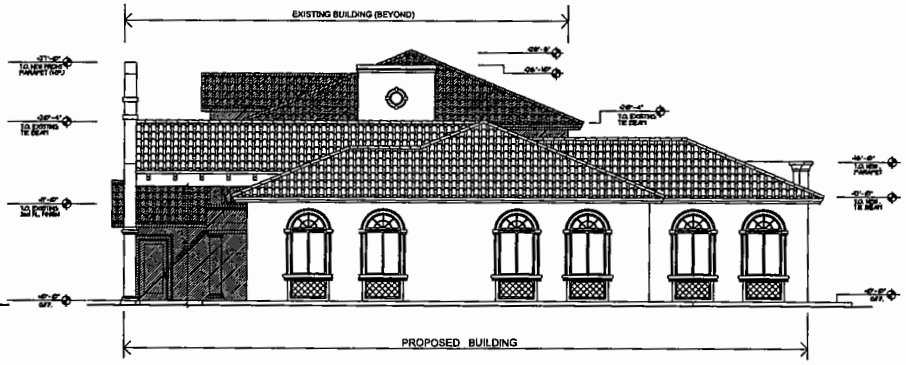
MIAMI-DADE COUNTY
PROCESS #: Z08-184
DATE: JAN 13 2009
BY: BIL

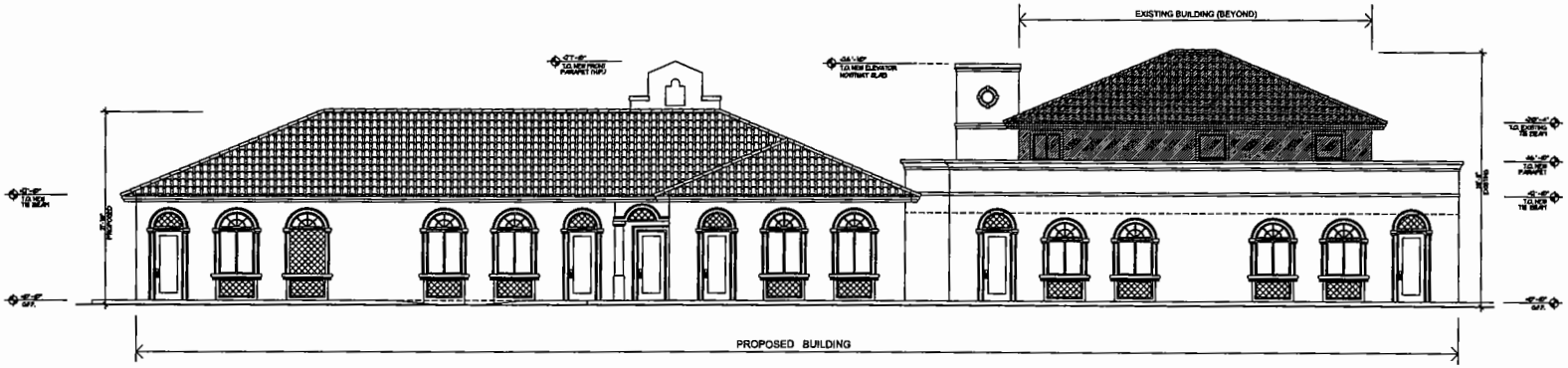
EAST SIDE ELEVATION 3/16"=1'-0"



SOUTH SIDE ELEVATION 3/16"=1'-0"



NORTH SIDE ELEVATION 3/16"=1'-0"



WEST SIDE ELEVATION 3/16"=1'-0"

27

REVISIONS	BY

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DRAWN	JOHN D.
CHECKED	O.A.S.
DATE	SEPTEMBER 2008
SCALE	AS SHOWN
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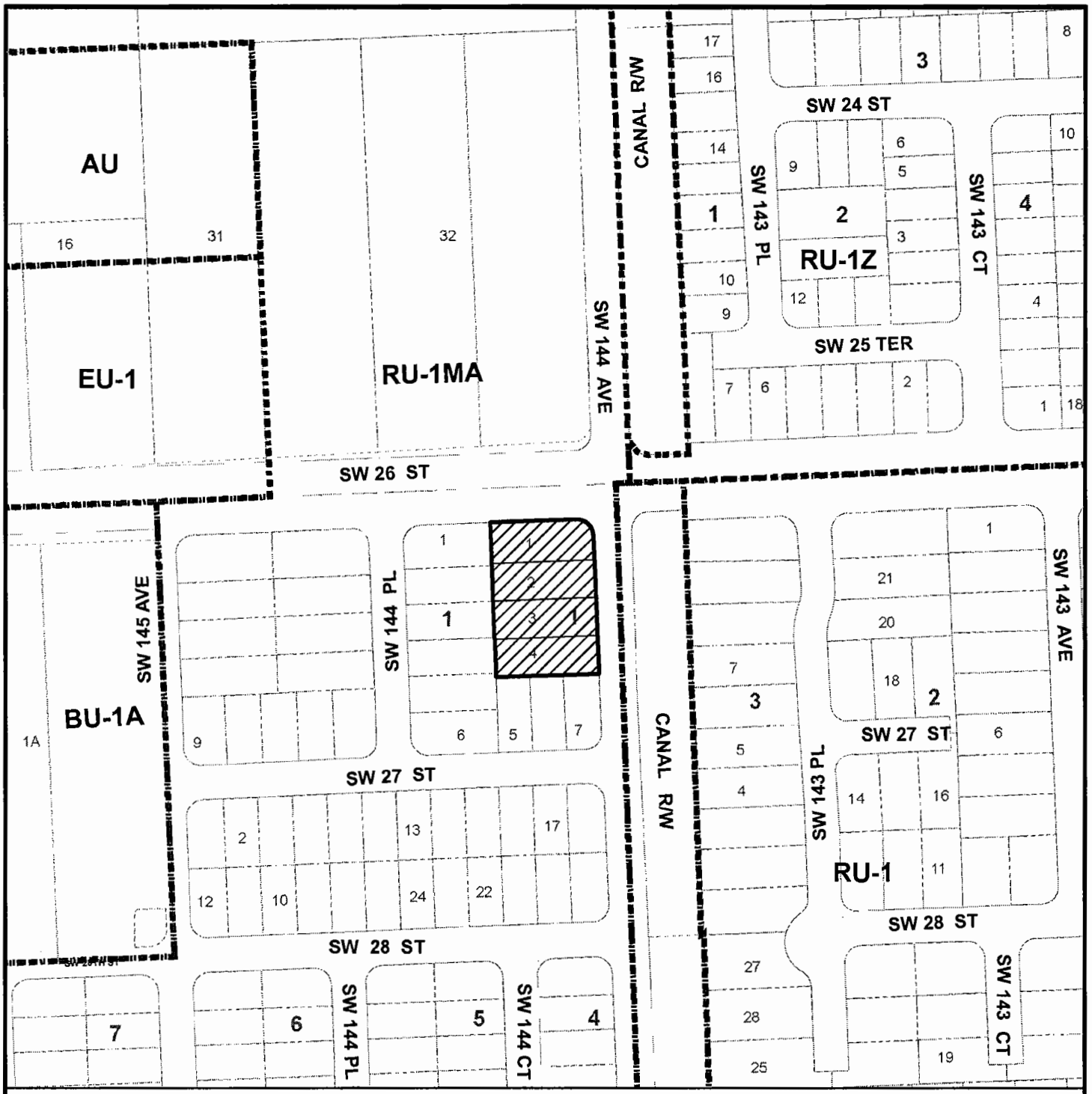
SHEET	E1

4 OF 4 SHEETS



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-184

Section: 15 Township: 54 Range: 39
Applicant: I & D ASSOC. INVESTMENTS CORP.
Zoning Board: C10
Commission District: 11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY
		28

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number
08-184

Section: 15 Township: 54 Range: 39
Applicant: I & D ASSOC. INVESTMENTS CORP.
Zoning Board: C10
Commission District: 11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY

2. HERIBERTO GOMEZ
(Applicant)

09-3-CZ10-2 (08-197)
Area 10/District 12
Hearing Date: 3/17/09

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: Heriberto Gomez **PH:** Z08-197 (09-3-CZ10-2)

SECTION: 31-53-40 **DATE:** March 17, 2009

COMMISSION DISTRICT: 12 **ITEM NO.:** 2

==========

A. INTRODUCTION

- **REQUEST:**

  RU-1 to IU-1

- **SUMMARY OF REQUEST:** The applicant seeks to change the zoning on the subject property from RU-1, Single Family Residential District, to IU-1, Light Industrial Manufacturing District.

- **LOCATION:** Lying south of N.W. 23 Street and approximately 101' west of N.W. 108 Avenue, Miami-Dade County, Florida.

- **SIZE:** 50' x 140.33'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than

the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

2. **Uses and Zoning Not Specifically Depicted.** Some existing uses and zoning are not specifically depicted on the LUP map. All existing 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 districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; vacant	Industrial and Office
Surrounding Properties:	
NORTH: IU-1; warehouse and vehicle open-lot storage	Industrial and Office
SOUTH: IU-1; warehouse	Industrial and Office
EAST: IU-1; warehouse	Industrial and Office
WEST: IU-1; vehicle open-lot storage	Industrial and Office

The subject property is an interior lot that lies south of N.W. 23 Street and approximately 101' west of N.W. 108 Avenue. The area where the subject property lies is known as Truman City and is predominantly characterized by industrial uses such as open lot storage yards and warehouses.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change, Section 33-311** provides that the Board 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 comment**

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is an interior lot that lies south of N.W. 23 Street and approximately 101' west of N.W. 108 Avenue. The area where the subject property lies is known as Truman City and is predominantly characterized by industrial uses such as open lot storage yards and warehouses. The applicant is seeking a zone change on the subject property

from RU-1, Single Family Residential District, to IU-1, Light Industrial Manufacturing District. No plans have been submitted in conjunction with this application.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria and will generate **3** additional daily PM peak hour vehicle **trips**. However, the traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) which are currently operating at LOS "C" and "D". 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 **8:00** minutes.

The approval of this application will allow the applicant to utilize the subject property for light industrial uses in accordance with the IU-1 zoning classification. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. Uses permitted in these areas are manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers are also allowed. The IU-1 zoning district allows uses such as auto paint and body shops, automobile repair garages, lumberyards, restaurants, wholesale salesrooms and manufacturing operations. Existing uses already occurring in the area include warehouse facilities, car and truck open-lot storage yards, and vacant parcels of land. Therefore, the applicant's request to rezone the property from RU-1 to IU-1 is **consistent** with the goals and objectives of the CDMP and compatible with the development trend toward industrial uses in the area.

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. Staff opines that the rezoning of the subject site to IU-1 will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other

necessary public facilities. Additionally, the rezoning does not unduly burden or affect public transportation facilities since the 3 additional daily peak hour vehicle trips do not diminish the current LOS of the area roadways as indicated in the Public Works Department's memorandum. Staff's research reveals that several properties in the surrounding area have recently been granted requests for district boundary changes to IU-1. For example, property located at 2290 NW 108 Avenue, immediately to the east of the subject site, was granted a district boundary change from RU-1 to IU-1 in April 1995, pursuant to Resolution No. Z-57-95. Additionally, in May 1995, properties located at 10805 NW 22 Street, to the south of the subject site, and 10805 NW 23 Street, to the north of the subject site, were each granted a district boundary change from RU-1 to IU-1, pursuant to Resolutions No. Z-75-95 and Z-80-95. Moreover, in February 1997 property that abuts the subject site to the west, was granted a district boundary change from RU-1 to IU-1, pursuant to Resolution No. Z-14-97. As such, staff opines that the approval of IU-1 zoning would be in keeping with the character of the surrounding industrial uses in the area, and therefore, would be **compatible** with same and **consistent** with the Industrial and Office land use designation of the CDMP. As such, staff recommends approval of the district boundary change from RU-1 to IU-1.

I. RECOMMENDATION:

Approval.

J. CONDITION: None.

DATE INSPECTED: 01/21/09
DATE TYPED: 12/22/08
DATE REVISED: 12/23/08; 01/22/09; 02/03/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:NN:CXH:NC

for Mario T. Trujillo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: November 17, 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 #Z2008000197
Heriberto and Caridad Gomez
10820 N.W. 23rd Street
District Boundary Change from RU-1 to IU-1
(RU-1) (0.16 Acres)
31-53-40

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

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

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of the proposed development to the public sanitary sewer system shall be required in accordance with Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required 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 Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. 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 uses allowed in the proposed zoning classification, 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 permitting requirements for fuel storage facilities.

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

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# Z2008000197
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:HERIBERTO GOMEZ

This Department has no objections to this application.

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 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals 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
9408	NW 25 St. w/o NW 107 Ave.	C	C
9510	NW 107 Ave. n/o NW 12 St.	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.
28-NOV-08

Memorandum

Date: 28-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000197

Fire Prevention Unit:

No objection to Zoning change. No site plan reviewed.

Service Impact/Demand:

Development for the above Z2008000197
located at LYING SOUTH OF N.W. 23 STREET AND APPROXIMATELY 101' WEST OF N.W. 108 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1144 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 8:00 minutes

Existing services:

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

Station 29 - Sweetwater - 351 SW 107 Avenue
Rescue, ALS 50¿ Squrt, Squad, Battalion

Planned Service Expansions:

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

Station 68 - Doral North - 11151 NW 74th Street.

Fire Planning Additional Comments:

Not applicable to service impact calculations at this time.

DATE: 10/16/08

TEAM METRO

ENFORCEMENT HISTORY

HERIBERTO GOMEZ

APPLICANT

LYING SOUTH OF N.W. 23 STREET AND APPROXIMATELY 101' WEST OF N.W. 108 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

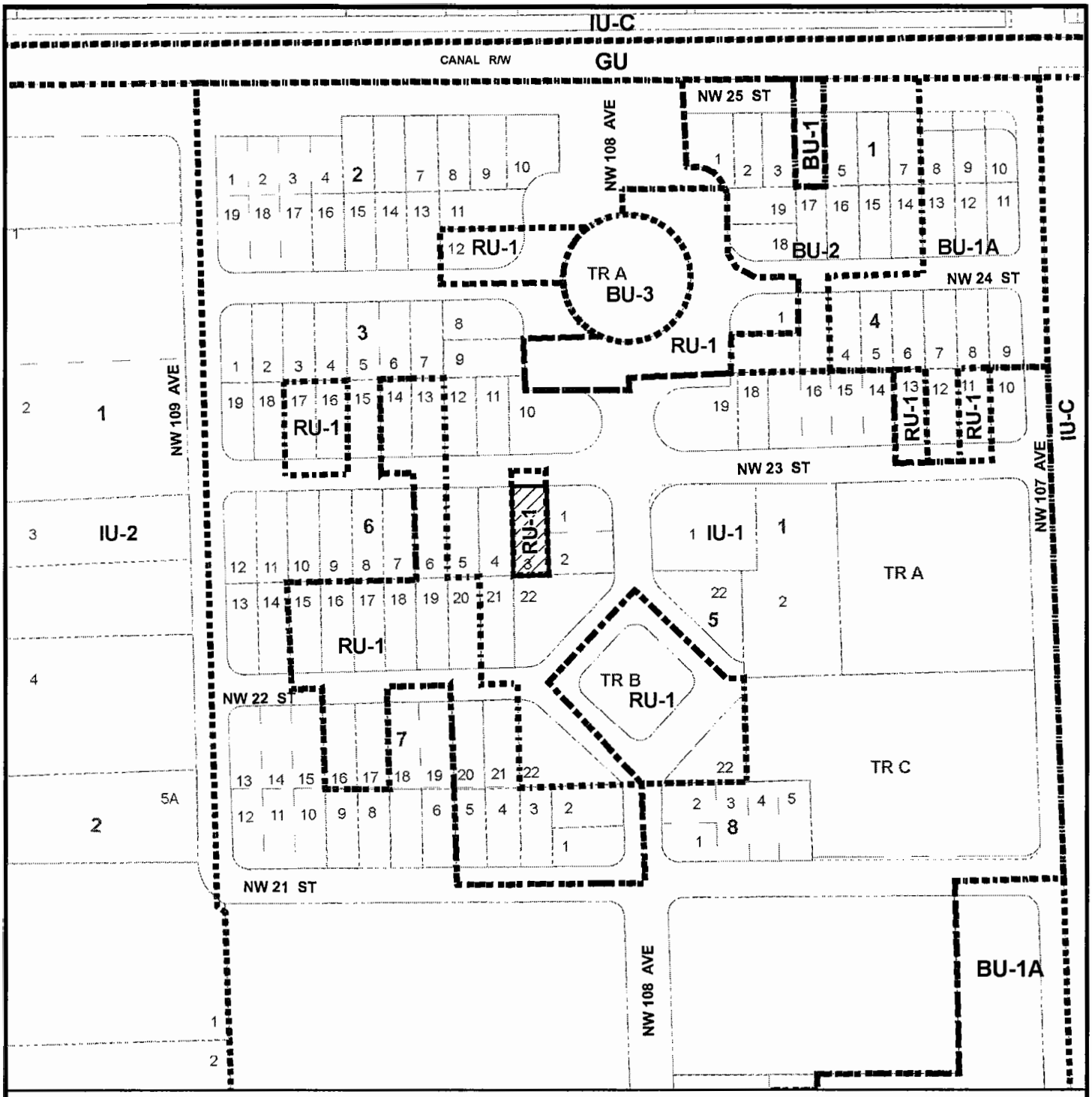
Z2008000197

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations observed

Osiel Morales



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-197

Section: 31 Township: 53 Range: 40
Applicant: HERIBERTO GOMEZ
Zoning Board: C10
Commission District: 12
Drafter ID: KEELING
Scale: NTS
---------- Zoning

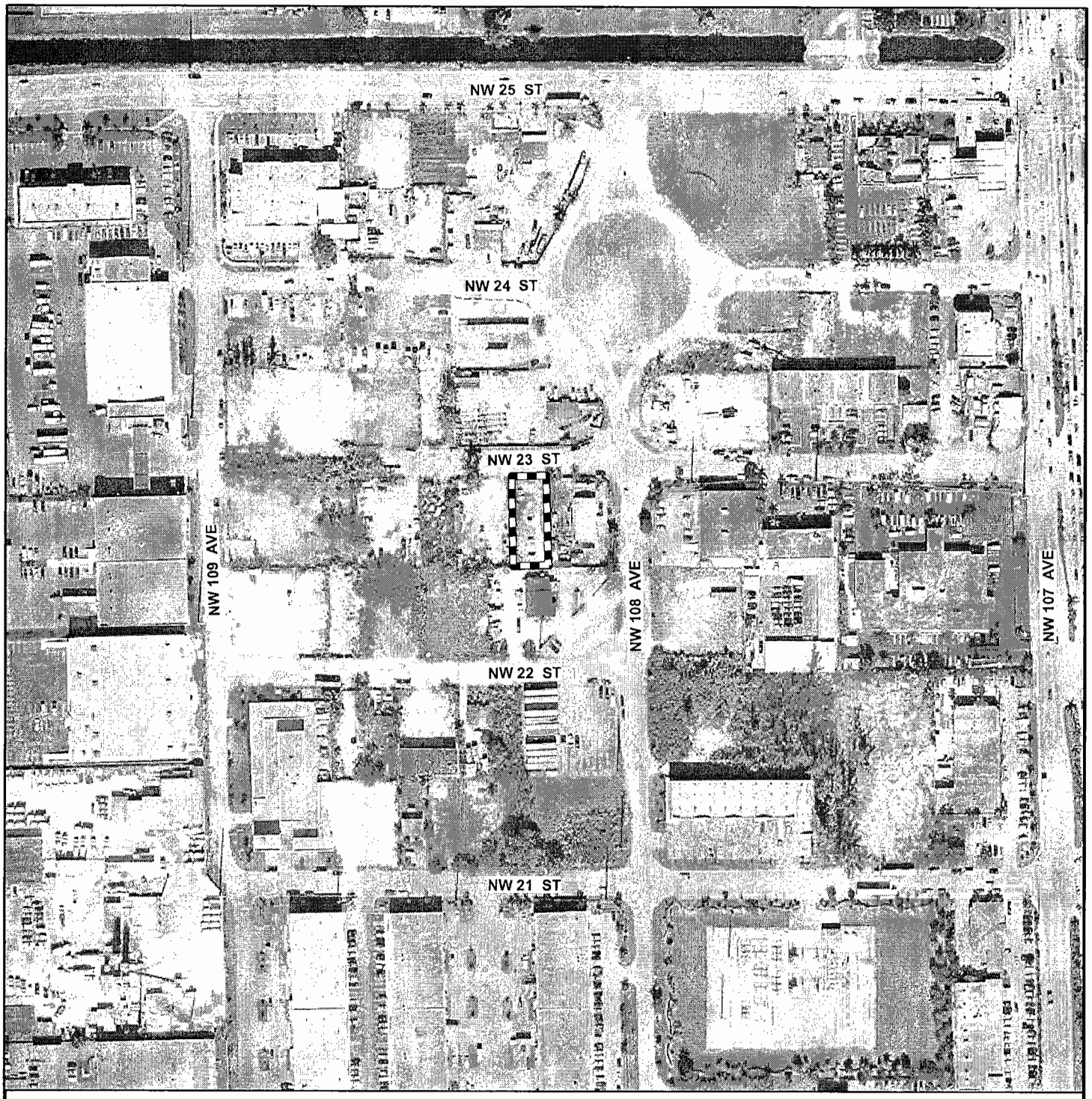
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/17/08

REVISION	DATE	BY
		13



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number
08-197

Section: 31 Township: 53 Range: 40
Applicant: HERIBERTO GOMEZ
Zoning Board: C10
Commission District: 12
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/17/08

REVISION	DATE	BY

3. YOSVANY COLLERA & JUDITH SANSON **09-3-CZ10-3 (08-210)**
(Applicant) **Area 10/District 11**
Hearing Date: 3/17/09

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
1961	Southern Realty & Utilities, Corp.	Zone change from RU-3B to BU-2.	ZB	Approved w/conds.
1987	Directors, Building & Zoning & Planning	Zone change from RU-3B to AU.	BCC	Approved
2000	Minnie Saslaw, Trustee, et al	- Zone change from AU to RU-1Ma. - Non-Use variances right-of-way.	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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 10

APPLICANTS: Yosvany Collera and Judith Sanson | **PH:** Z08-210 (09-3-CZ10-3)

SECTION: 3-54-39 | **DATE:** March 17, 2009

COMMISSION DISTRICT: 11 | **ITEM NO.:** 3

==========

A. INTRODUCTION

- **REQUEST:**

  Applicants are requesting to permit a chickee hut setback 5'6" (20' required) from the side street (east) property line and setback 72'7" (75' required) from the front (north) property line and spaced 6.1' (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 "Proposed Chiki Hut for Mrs. Judith Sanson, as prepared by Eusebio M. Mora, consisting of 2 sheets dated stamped received 12/23/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicants are seeking to legalize an existing chickee hut that encroaches into the setback areas and is spaced closer than permitted to the existing residence.

- **LOCATION:** 14460 S.W. 9 Street, Miami-Dade County, Florida.

- **SIZE:** 63' x 100'

B. ZONING HEARINGS HISTORY:

In 1961, the subject site was part of a larger tract of land that was denied a zone change from RU-3b, Bungalow Court District, to BU-2, Special Business District, but was approved a request to permit a lake excavation subject to conditions, pursuant to Resolution No. ZB-415-61. In 1987, the subject site remained a part of a larger tract of land that was granted a zone change from RU-3b to AU, Agricultural District, pursuant to Resolution No. Z-241-87. In 2000, the subject site remained a part of a larger tract of land that was granted approval of a zone change from AU to RU-1M(a), Single-Family Modified Residential District and approval of a request to permit a right-of-way dedication varying from 0' to 25' (40' required) for a portion of the north side of SW 10 Street, pursuant to Resolution No. CZAB10-2-00.

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-1M(a); single-family residence		Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	RU-1M(a); vacant	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1M(a); single-family residence	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1M(a); single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1M(a); single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 14460 S.W. 9 Street in an area zoned RU-1M(a), Single-Family Modified 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.

6

(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:

The subject property is located at 14460 S.W. 9 Street in an area zoned RU-1M(a), Single-Family Modified Residential District, and developed with single-family residences. The applicants are requesting to permit an existing chickee hut setback 5'6" (20' required) from the side street (east) property line and setback 72'7" (75' required) from the front (north) property line and spaced 6.1' (10' required) from the residence. 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 side street (east) property line and that the existing chickee hut encroaches onto said easement. However, the applicants have submitted letters indicating waivers of objection from the respective utility companies.

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 **5:30**. 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 an existing chickee hut 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 request will not add additional dwelling units to the subject property, the RU-1M(a) 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 chickee hut provides an additional amenity for the residents of the single-family residence by providing additional outdoor recreational space and shelter from the elements. However, staff's research revealed that there are no approvals for reduced setbacks pertaining to accessory structures in the immediate area. In addition, staff notes that the approval of the request results in encroachments of 14.5' and 2.42' into

the side street and front setback areas, which will set a negative precedence in this residential neighborhood. Moreover, staff opines that said encroachments when coupled with the requested 3.9' reduction in the spacing requirements between the existing chickee hut and the principal residence are representative of an overutilization of the site. 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 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 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: 02/09/09
DATE TYPED: 01/23/09
DATE REVISED: 02/03/09; 02/05/09; 02/11/09; 02/27/09
DATE FINALIZED: 02/27/09
MCL:MTF:NN:JV:NC

for Mario A. Trujillo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: November 25, 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 #Z2008000210
Yosvany Collera and Judith Sanson
14460 S.W. 9th Street
Request to Permit an Existing Structure that Exceeds Setback Requirements
(RU-1(M)(a)) (0.14 Acres)
03-54-39

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.

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 Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan (CDMP) for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: November 26, 2008

To: Marc C. LaFerrier, AICP, 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 Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

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

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

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

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

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

Leandro Rodriguez

Memorandum

Date: 29-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000210

Fire Prevention Unit:

No objection to site plan date stamped October 22, 2008.

Service Impact/Demand:

Development for the above Z2008000210
located at 14460 S.W. 9 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1385 is proposed as the following:

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

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

Existing services:

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

Station 61 - Trail - 15155 SW 10 Street
ALS Engine, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 02/05/09

TEAM METRO

ENFORCEMENT HISTORY

YOSVANY COLLERA & JUDITH SANSON

APPLICANT

14460 S.W. 9 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000210

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000210

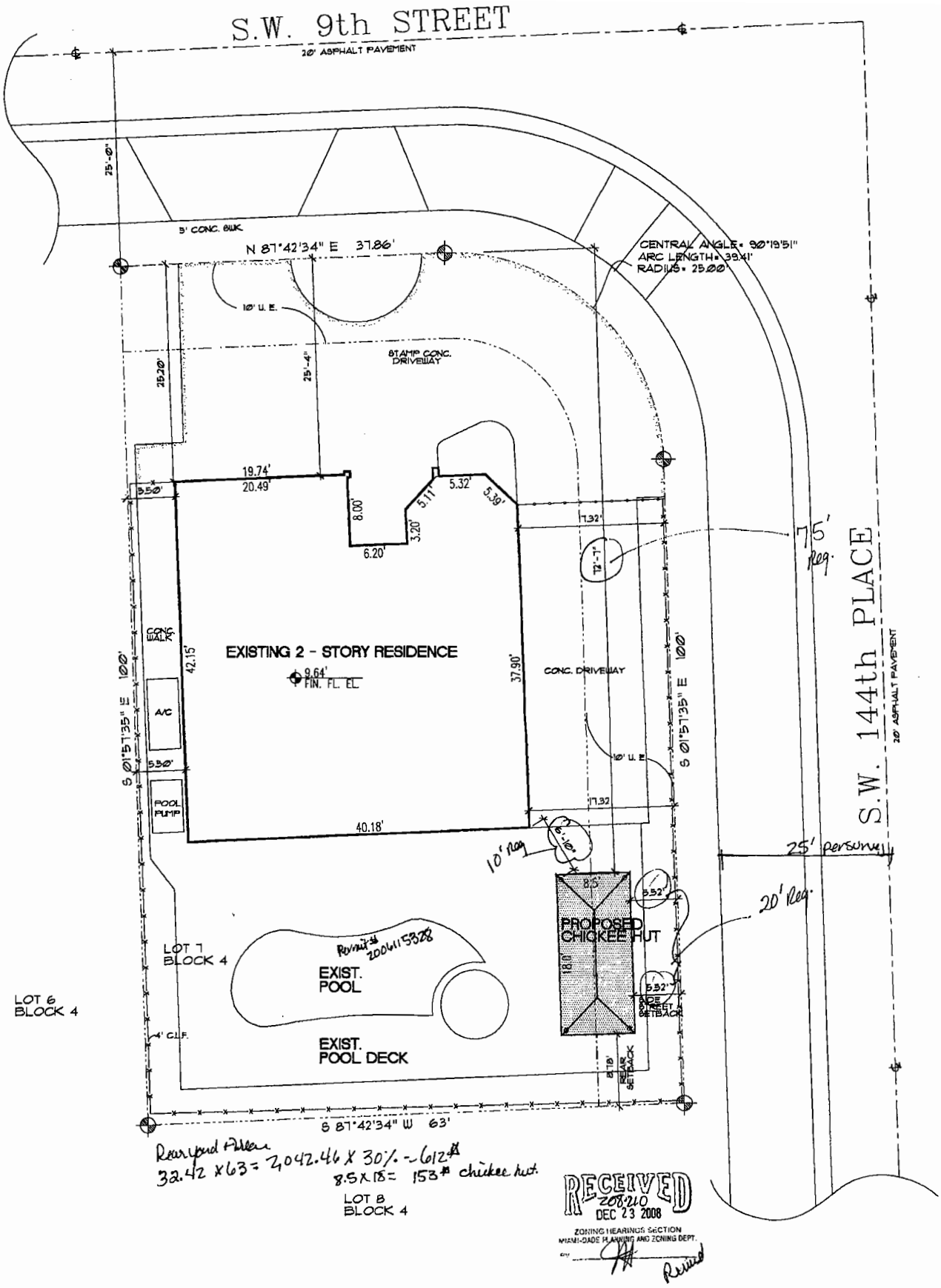
CURRENT ENFORCEMENT HISTORY:

FEBRUARY 4, 2009
CMS #200912000493 was opened for an Enforcement History inspection. No current violations were observed other than the Chikee hut, which variance is being applied for.

JUNE 5, 2008
CMS#200812005399 was opened for failure to obtain zoning permit for chickee hut. First inspection was conducted on 06/12/08, which pictures were taken and case was referred to Building Department. Case closed.

JULY 14, 2006
CMS# 200612005709 was opened for boat storage. First inspection was conducted on 08/10/06, found in violation and W/L# R52861 was issued to PO. Re-inspection conducted on 09/22/09, found violation was corrected by owner. Case closed.

JUNE 14, 2006
CMS# 200612004515 was opened for boat storage. Inspection was conducted on 06/28/06, and no violation was found. Case closed.



SITE PLAN 1/8 ""

LEGAL DESCRIPTION:

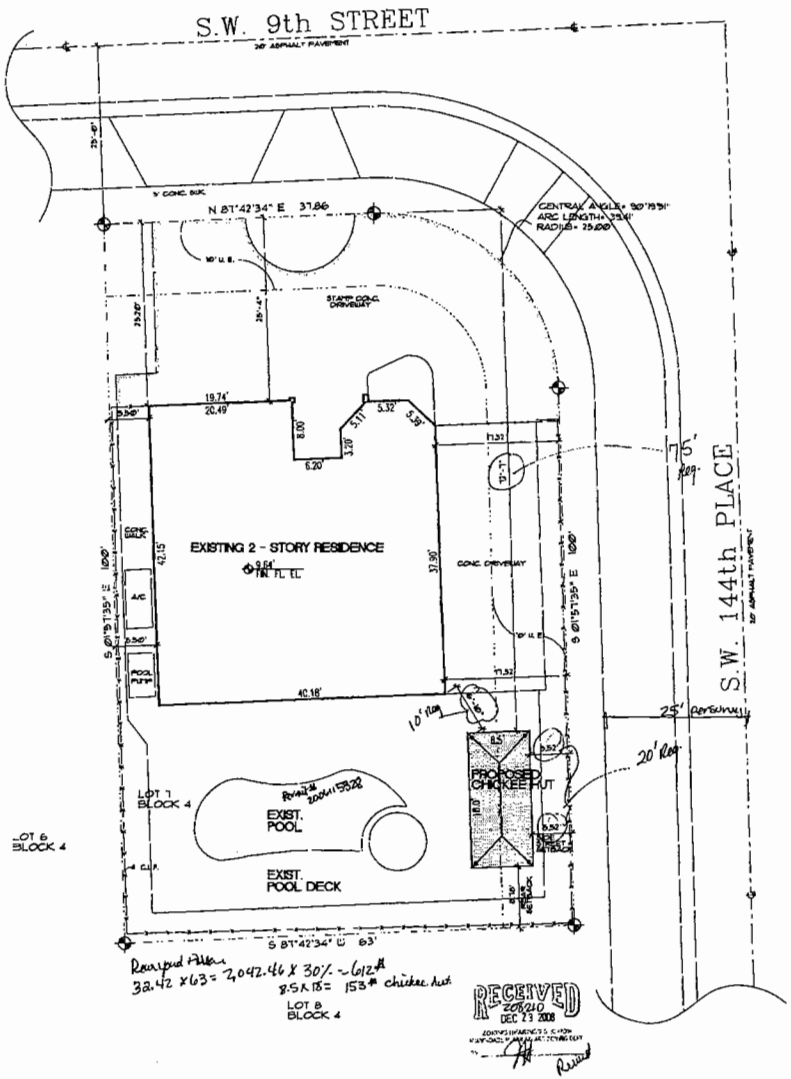
LOT 7, BLOCK 4 OF THE PLAT OF "ALCO ESTATES FIRST ADDITION"
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161
PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FL. FOLIO 30-4903-021-0150.

ENLARGED PLAN

PROPOSED CHIKI HUT FOR:

Mrs. JUDITH SANSON

14460 SW 9 ST MIAMI, FL 33184



Required Area
32.42 x 63 = 2,042.46 x 30% = 612 ft
8.5 x 18 = 153 ft chikee hut

Revised

SITE PLAN 1/8"

LEGAL DESCRIPTION:

LOT 7, BLOCK 4 OF THE PLAT OF "ALGO ESTATES FIRST ADDITION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FL. FOLIO 30-4903-021-0150.

12/12/08

5

Eusebio M. Mora
Architect Fla. Lic. # AR0011932
6781 Southwest 60th Terrace
Miami, Florida 33143
(305) 740-5185

NO.	REMARKS:	DATE:	REVISED BY:

TITLE: COVER SHEET / SITE PLAN/ SET OF DRAWINGS

TITLE: PROPOSED CHIKI HUT FOR Mrs. JUDITH SANSON

PROJECT: 14460 SW 9 ST MIAMI, FL 33184

DRAWN BY:	RJT
CHECKED BY:	EMM
ATTACHMENT NO.:	ATTACHMENT#
DRAWING FILE NO.:	2006-003
DATE:	08/12/2008
SCALE:	NOTED
SHEET NUMBER:	A1 OF 3 1

Eusebio M. Mora
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Miami, Florida 33143
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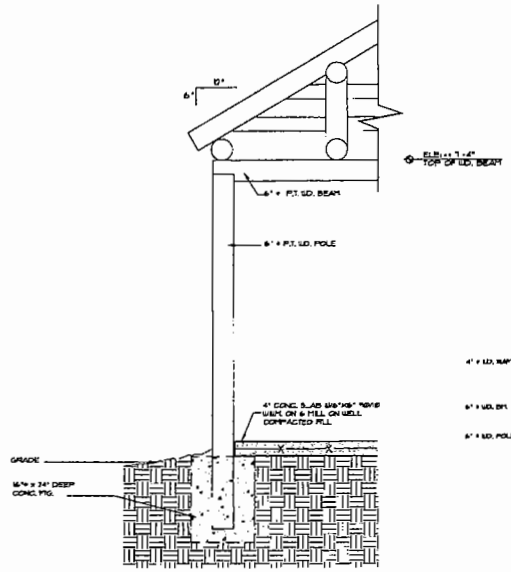
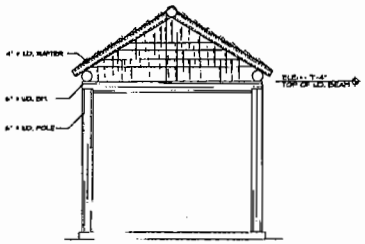
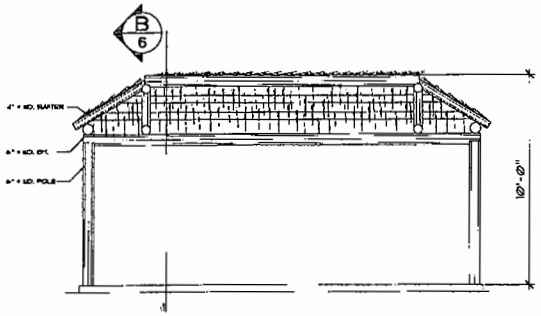


SECTION 3/4"



ELEVATION 3/8"



ELEVATION 3/8"

STRUCTURAL and GENERAL NOTES

1. SOIL BEARING

A. PRIOR INSPECTION OF THE ADJACENT UNDISTURBED SOILS AND LIMESTONE MAY BE ALLOWABLE BEARING CAPACITY OF 3.0 K.S.F.

B. PROPERLY COMPACTED NON-ORGANIC FILL TO MEET ADOPTED PROCTOR.

C. OTHER ADEQUATE FOUNDATIONS SHALL BE ON SAND UNDISTURBED SOILS AND ROCK

2. CONCRETE

A. COMPRESSIVE STRENGTH OF CONCRETE AT 28 DAYS NON-STRUCTURAL SLABS ON FILL 2500 P.S.I. ALL OTHER CONCRETE 3000 P.S.I.

B. FOUNDATION CONCRETE SHALL BE TESTED ACCORDING TO ASTM C-39, ONE AT 3 DAYS ONE AT 7 DAYS AND TWO AT 28 DAYS

C. REINFORCING STEEL BARS, MESH & MINIMUM CLEAR COVER ARE FOLLOWING

1) CONCRETE POURED DIRECTLY THE EARTH = 3"
2) FORMED CONCRETE EXPOSED TO WEATHER
1 BAR DIAMETER(#5) 1/2"
2 OR LARGER = 1"
3) CONCRETE NOT IN CONTACT WITH THE GROUND
BEAM AND COLUMNS = 1 1/2"
SLABS AND WALLS = 3/4"

3. REINFORCING STEEL

A. REINFORCING BARS MUST CONFORM WITH ASTM A615 GRADE 60

B. WELDED WIRE FABRIC MUST CONFORM WITH ASTM A-185 AND MUST BE SUPPORTED ON SLAB BOLSTER SPACED AT 36" MAXIMUM ON CENTER

C. FABRICATED BAR DETAILING ACCORDING TO ACI 315-65

D. ALL ACCESSORIES MUST BE UNPAINTED ZOIS AND BE PLASTIC- TIPPED AFTER FABRICATION

4. SHORING/WALLS

A. ALL SHORING SYSTEM TO BE SEALING ON PLANS MUST BE DESIGNED PRIOR TO THE STRUCTURE FROM SEPARE ENGINEER

B. NORMAL WEIGHT CONCRETE WITH MIN 6224 TYPE III (3000 P.S.I)

C. HOLLOW CONCRETE MASONRY UNITS SHALL CONFORM WITH ASTM C90, GRADE S, TYPE I, NORMAL WEIGHT WITH 1500 PSI

D. GROUT FOR FILLED CELLS SHALL CONFORM TO ASTM C476 WITH 2000 PSI COMPRESSION AT 28 DAYS

E. REINFORCING LINE DURABLE TRUSS TYPE, 2 X 4 GRIDS AS REFERENCE (EXCEPT UNITS GRADE) USE VERTICAL REINFORCING BARS AS SPECIFIED ON THE PLANS AND SHEET FULL BLOCK

5. WOOD

A. WOOD FRAMING MUST BE DESIGNED IN ACCORDANCE WITH FLORIDA BUILDING CODE

B. ALL WOOD MEMBERS MUST BE SEASONED IN ACCORDANCE WITH THE SEAL OF A PROFESSIONAL ENGINEER WHO PLANNED WOOD MEMBER

C. ALL WOOD MEMBERS MUST HAVE A MINIMUM OF 2x — 1700 P.S.I.

D. ALL WOOD MEMBERS SHALL BE SEASONED YELLOW PINE 20 OR BETTER

E. ALL WOOD IN CONTACT WITH CONCRETE, MASONRY, OR EARTH SHALL BE PRESSURE TREATED AS PER THE "AMERICAN WOOD PRESERVATIVE ASSOCIATION".

6. STRUCTURAL STEEL

A. PIPE COLUMNS MUST CONFORM WITH ASTM A53 GRADE B. PLATES AND ROLLED SECTIONS SHALL BE ASTM A-36 TUBE SECTION COLUMNS TO CONFORM WITH ASTM A-500 GRADE B.

B. BOLTS MUST CONFORM WITH ASTM A-325

C. PROVIDE TWO BASE-PLATES OF PLATE SHAPING PRIOR FABRICATION AND ERECTION SHALL BE ACCORDING WITH AISC SPECIFICATIONS

7. SLABS ON FILL

A. MUST BE PLACED ON FILLED, NON-ORGANIC SOIL THOROUGHLY WATERED & THOROUGHLY BEFORE CONCRETE IS POURED. CONCRETE IS TO BE PLACED ON SLABS IN VARIOUS WAYS. SHORTS, SLABS ARE TO BE PLACED IN A "CHECKERBOARD" SEQUENCE. EACH SLOWER OF NOT TO EXCEED A MAXIMUM AREA OF 625 SQ. FT. OR 50 LINEAR FEET IN ANY ONE DIRECTION.

8. APPROVALS

A. SUBMIT 6 SET DRAWINGS FOR FILING 300 PE ABOVE

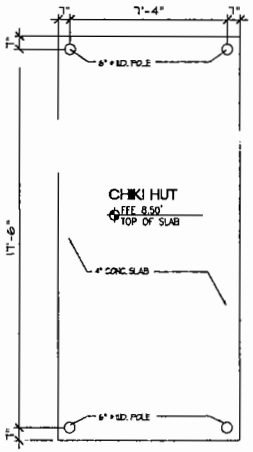
B. SUBMIT 1 ADDITIONAL FOR FILE 2 ABOVE

9. FOUNDATION

A. COORDINATE ALL DIMENSIONS, ELEVATIONS AND OPENINGS WITH ARCHITECTURAL, ELECTRICAL AND MECHANICAL DRAWINGS BEFORE ANY FABRICATION TO SUB OFFICE

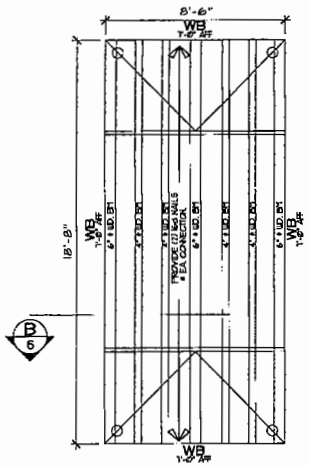
B. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORTING ON THE DRAWINGS AND AT THE JOB SITE AND IMMEDIATELY NOTIFY ANY INCONSISTENCIES TO THE ARCHITECT PRIOR TO FABRICATION

C. INTERNAL CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER A MINIMUM OF ANY DISCREPANCY IN THE DRAWINGS OR INCONSISTENCIES WITH ANY AND ALL APPLICABLE CODES OR REGULATIONS PRIOR TO ANY ACTION ON THE PART THEREOF TO BE DO BY ALL WORK AND PERFORMED AND SHALL STRICT NO CONTINUED

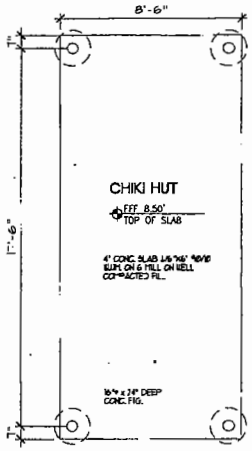


FLOOR PLAN 3/8"

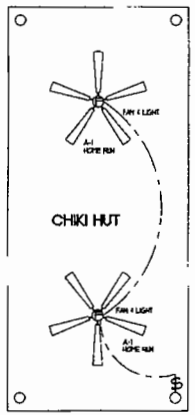
NOTE: CONTRACTOR TO PREPARE AND PROVIDE CERTIFIED SOIL TREATMENT PRIOR TO POURING OF SLAB. SUBMITTAL OF THE CERTIFICATE OF COMPLIANCE TO T-E BUILDING DEPARTMENT FOR TERMITE PROTECTION IS REQ'D BY FBC 1816.1



ROOF FRAMING PLAN 3/8"



FOUNDATION PLAN 3/8"



ELECTRICAL PLAN 3/8"

ELECT. NOTES:

1) PROVIDE (1) HOME RUNS TO EXIST. ELECT. PANEL # 12 GA. (CU) W/ RE W 20 A CB. FOR CEILING FAN.
2) ALL ELECT. WORK SHALL BE PERFORMED ACCORDING TO THE N.E.C. & F.B.C.

12/12/08

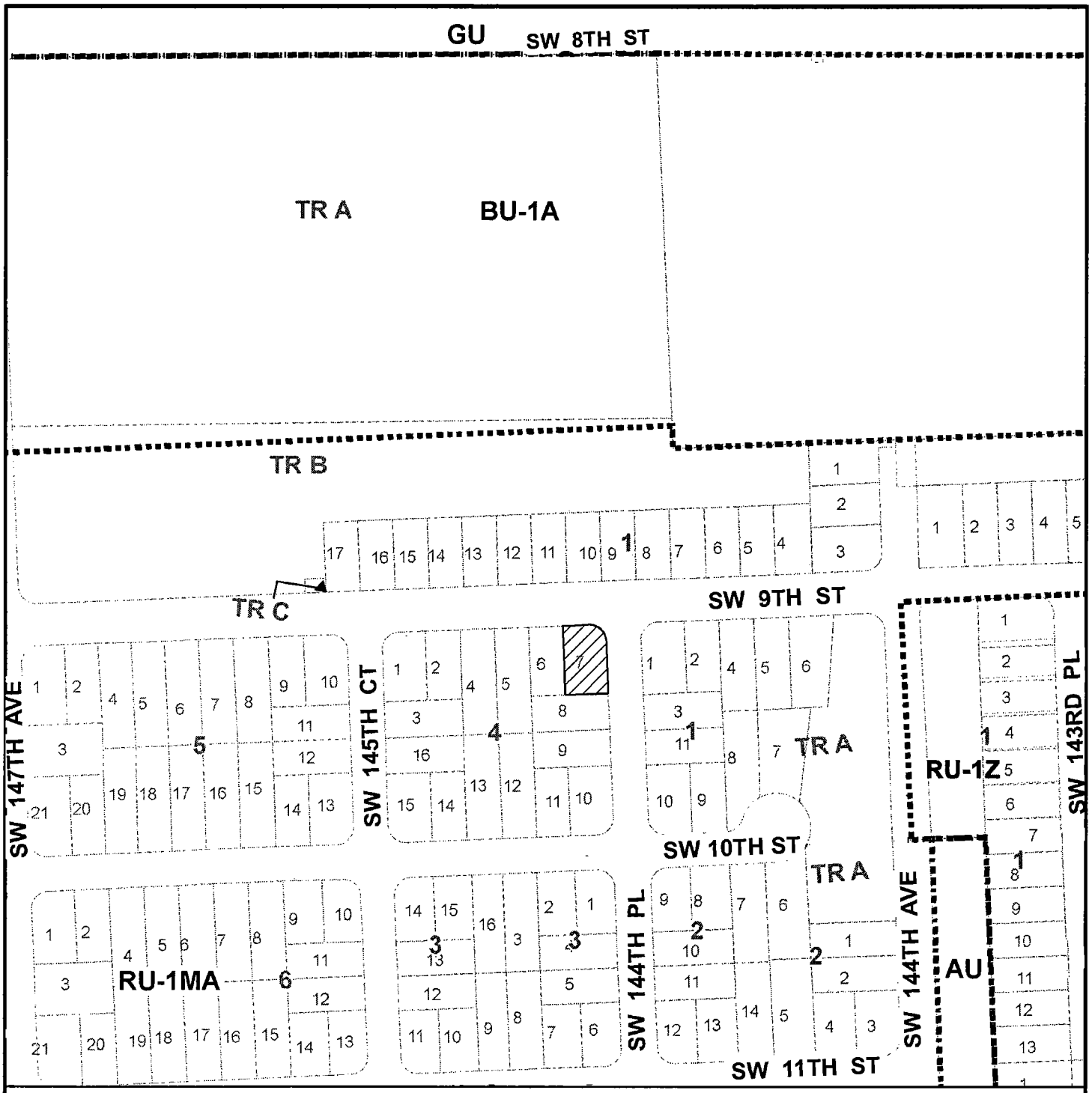
RECEIVED
DEC 23 2008
ZONING & ENVIRONS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NO.	REMARKS:	DATE:	REVISED BY:	TITLE:
				GENERAL NOTES

TITLE: PROPOSED CHIKI HUT FOR
Mrs. JUDITH SANSON
PROJECT: 14460 SW 9 ST MIAMI, FL. 33184

DRAWN BY: R.T
CHECKED BY: E.M.M
ATTACHMENT NO.: ATTACHMENT
DRAWING FILE NO.: 2008-003
DATE: 08/ 2/2008
SCALE: NOTED
SHEET NUMBER: 2 OF 3
2

Miami-3114-1-0501 12/5/2008 10:41:06



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-210

Section: 03 Township: 54 Range: 39
Applicant: YOSVANY COLLERA & JUDITH SANSON
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/31/08

REVISION	DATE	BY
		17

MIAMI-DADE COUNTY

AERIAL YEAR 2008

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