

KITS

3-18-2009 Version # 1



COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, April 22, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|-------------|------------------------------------|--------|----------|
| A. | 09-3-CZ10-1 | I & D ASSOCIATES INVESTMENTS CORP. | 08-184 | 15-54-39 |
| B. | 09-3-CZ10-2 | HERIBERTO GOMEZ | 08-197 | 31-53-40 |

CURRENT

- | | | | | | |
|----|-------------|---------------------------------|--------|----------|---|
| 1. | 09-4-CZ10-1 | JASON MOGHARI & PATRICIA MUNCEY | 08-180 | 13-54-40 | N |
| 2. | 09-4-CZ10-2 | LINDMARC DEVELOPMENT, LLC | 08-202 | 15-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, APRIL 22, 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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 03-17-2009

1. JASON MOGHARI & PATRICIA MUNCEY (09-4-CZ10-1/08-180)

**13-54-40
Area 10/Dist. 6**

- (1) Applicants are requesting to permit a bedroom addition to a single-family residence setback 15' (25' required) from the rear (south) property line.
- (2) Applicants are requesting to permit a gym/storage room addition to the single-family residence setback 18'1" (25' required) from the front (north) property line
- (3) Applicants are requesting to permit a lot coverage of 41.3% (35% permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Moghari Residence," as prepared by Elizabeth G. Camargo, AIA, dated stamped received 1/12/09 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 6240 S.W. 35 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 99.35'

Department of Planning and
Zoning Recommendation:

Approval with conditions of the requests #1 through #3 under Section 33-311(A)(4)(b) (NUV) denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. LINDMARC DEVELOPMENT, LLC (09-4-CZ10-2/08-202)

**15-54-40
Area 10/District. 10**

- (1) RU-3B and BU-2 to BU-2
- (2) SPECIAL EXCEPTION to permit a self-storage facility.
- (3) Applicant is requesting to permit a floor area ratio of 2.22 (1.17 maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU zoning District) 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 "Storage Building for Lindmarc Dev. LLC," as prepared by Robert Wade and Associates, consisting of 15 sheets dated stamped received 11/17/08, Sheets "A-1," "F-1," "A-2" and L-1 dated last revised 12/19/08. Plans may be modified at public hearing.

LOCATION: 8477 S.W. 40 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.06 Acres

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

A. I & D ASSOCIATES INVESTMENTS CORP.
(Applicant)

09-3-CZ10-1 (08-184)
Area 10/District 11
Hearing Date: 4/22/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#1

APPLICANT'S NAME: I & D ASSOCIATES INVESTMENTS CORP.

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-3-CZ10-1 (08-184)	March 17, 2009	CZAB10	09

REC: 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).

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: April 22, 2009 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred to April 22, 2009, with leave to amend per applicant's request to address Board's concerns and work with neighbors. Board requested Representative from MD Fire Rescue Dept. to be present at April's hearing to discuss this item.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		George A. ALVAREZ			X
COUNCILMAN	S	Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES	X		
COUNCILMAN		Jose GARRIDO (C.A.)	X		
COUNCILMAN	M	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: I & D Associates Investments Corporation

PH: Z08-184 (09-3-CZ10-1)

SECTION: 15-54-39

DATE: April 22, 2009

COMMISSION DISTRICT: 11

ITEM NO.: A

A. INTRODUCTION:

o **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.

o **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.

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

o **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 du/a

Surrounding Properties:

NORTH: RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du/a

SOUTH: RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du/a

EAST: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du/a

WEST: RU-1M(a); Single-family residences

Low Density Residential, 2.5 to 6 du/a

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:

This item was deferred at the applicant's request to April 22, 2009 in order to meet with the neighbors and address the Board's concern. 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; 03/18/09
DATE FINALIZED: 03/18/09
MCL:MTF:NN:NC:AA


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

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.

14

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.

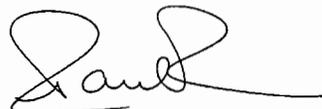
Additional improvements may be required at time of permitting.

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.

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

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 Tax Folio # 30 - 9915-085-0010
S.W. 144th Ave Miami FL 33135 201 301 440

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: _____
2. Total size of site: 15223' x 225.0' = 34,340 + 43,560 sq. ft. = .79 acres
3. Number of children or students requested: 150 Ages: INFANTS - 12 YRS / 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 OVERLAP, 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: 5,906 SQ. FT.
574.28

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 75 (1/2 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 PROVIDED: 5,993 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

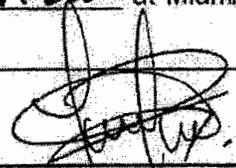
d. Lawn area in square feet (exclusive of organized sports/play area): N/A

School Address: 2600-2616-2626-2694 SW Zip Code: 33175

140 1/2 AVE. MIAMI, FL.

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.

WITNESSES:		Signature	
	<u>Henry Rashebo</u>		<u>John Diaz</u>

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

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:

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

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.

TEAM METRO

ENFORCEMENT HISTORY

I & D ASSOCIATES INVESTMENTS
CORP.

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

APPLICANT

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. 20 th Terrace, Miami, Florida 33175	50%
Susana Vilalta, 14279 S.W. 20 th 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

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2008
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: _____

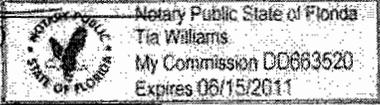
If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

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.

T. Williams
(Notary Public) 

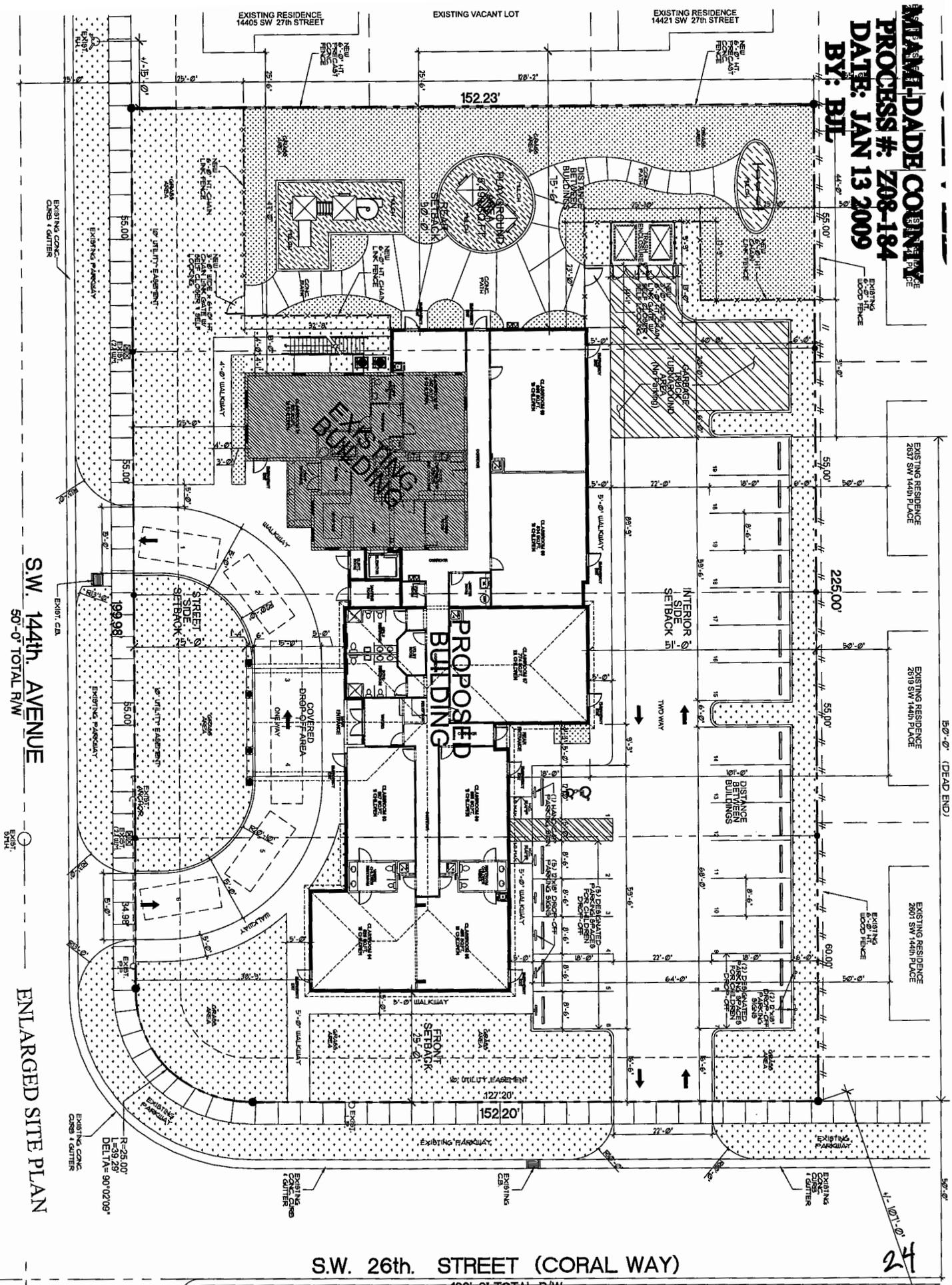
My commission expires _____

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

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2008 SEP 16 2008

ZONING HEARINGS SECTION
GAMM-DADE PLANNING AND ZONING DEPT

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



S.W. 26th STREET (CORAL WAY)
 100'-0" TOTAL R/W

S.W. 144th AVENUE
 50'-0" TOTAL R/W

ENLARGED SITE PLAN

LOT 4 BLOCK 1
 FOLIO NO. 30-495-095-00140

LOT 3 BLOCK 1
 FOLIO NO. 30-495-095-0030

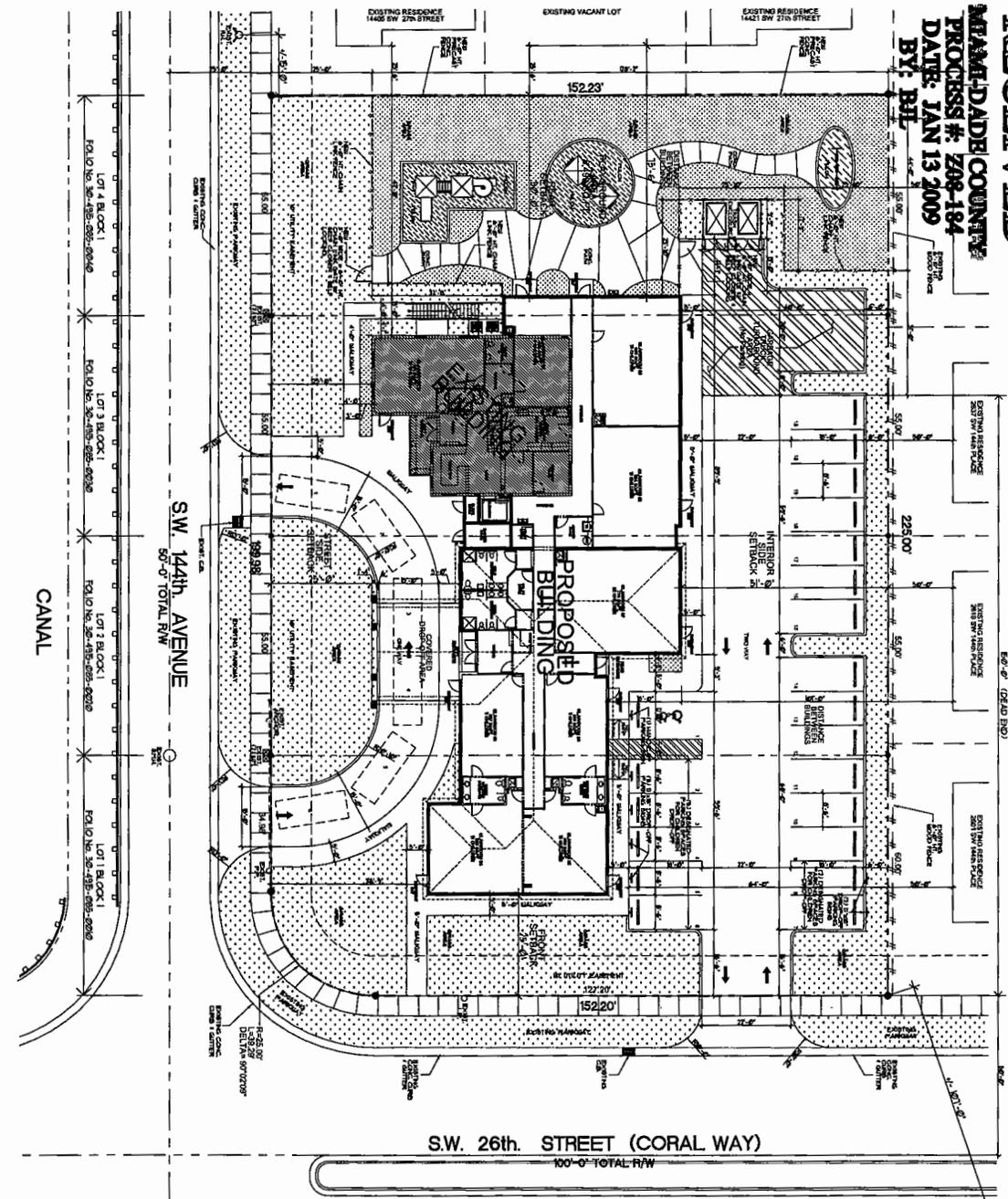
LOT 2 BLOCK 1
 FOLIO NO. 30-495-095-0020

LOT 1 BLOCK 1
 FOLIO NO. 30-495-095-0010

24

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MIRAMONTE COUNTY
PROGRESS # Z08-184
DATE: JAN 13 2009
BY: BJF



PROPOSED SITE PLAN

3/32" = 1'-0"



LEGEND:

	ACTUAL BUILDING
	CONCRETE PAVING
	LAWN AREA

ZONING LEGEND

ZONING: RES-1 (RM)	RESIDENTIAL MEDIUM DENSITY
LOT AREA: 34,240 SQ. FT. OR 0.78 ACRES	
TOTAL LAIN CARE AREA: 8,984 SQ. FT.	
RETENANCE: 25%	
FRONT: 50'-0"	
REAR: 50'-0"	
MINIMUM BLD: 50'-0"	
DISTANCE TO THE NEAREST RESIDENTIAL BLDG: 10'-0"	
TO NORTH RES.: 75'-0"	REQUIRED
TO WEST RESIDENCES: 75'-0"	REQUIRED
LOT COVERAGE: 40%	REQUIRED
MINIMUM BLD: 13'-0" BLD FT.	REQUIRED
PARKING CALCULATION	
DIRECTION: 1.8%	REQUIRED
TRAFFIC: ADMINISTRATIVE STAFF: 19.5%	REQUIRED
GENERAL EMPLOYEES: 19.5%	REQUIRED
CONTRACTORS: 19.5%	REQUIRED
DESIGNATED P. (FOR SHOP-OFF FIRM STORAGE): 19.5%	REQUIRED
TOTAL: 77.3%	
TOTAL PARKING SPACES: 271.3	REQUIRED
OF REGULAR PARKING SPACES + 111.3 (PARKING SPACE = 271 PARKING SPACES)	

LEGAL DESCRIPTION
 100% INTEREST IN THE LOT AND PART THEREOF BEING THE WEST 1/2 OF THE SECTION 26 OF TOWNSHIP 26 NORTH, RANGE 18 WEST OF THE PUBLIC BOUNDARY OF MIAMI COUNTY, FLORIDA.



25

1 of 4 SHEETS

"HIGHER LEARNING EDUCATIONAL CENTER"
 THE S.W. CORNER OF SW 144th AVENUE & SW 26th STREET (CORAL WAY)
 2600 S.W. 144th AVE, 2415 S.W. 144th AVE, 2430 S.W. 144th AVE & 2454 S.W. 144th AVE,
 MIAMI, FLORIDA 33155

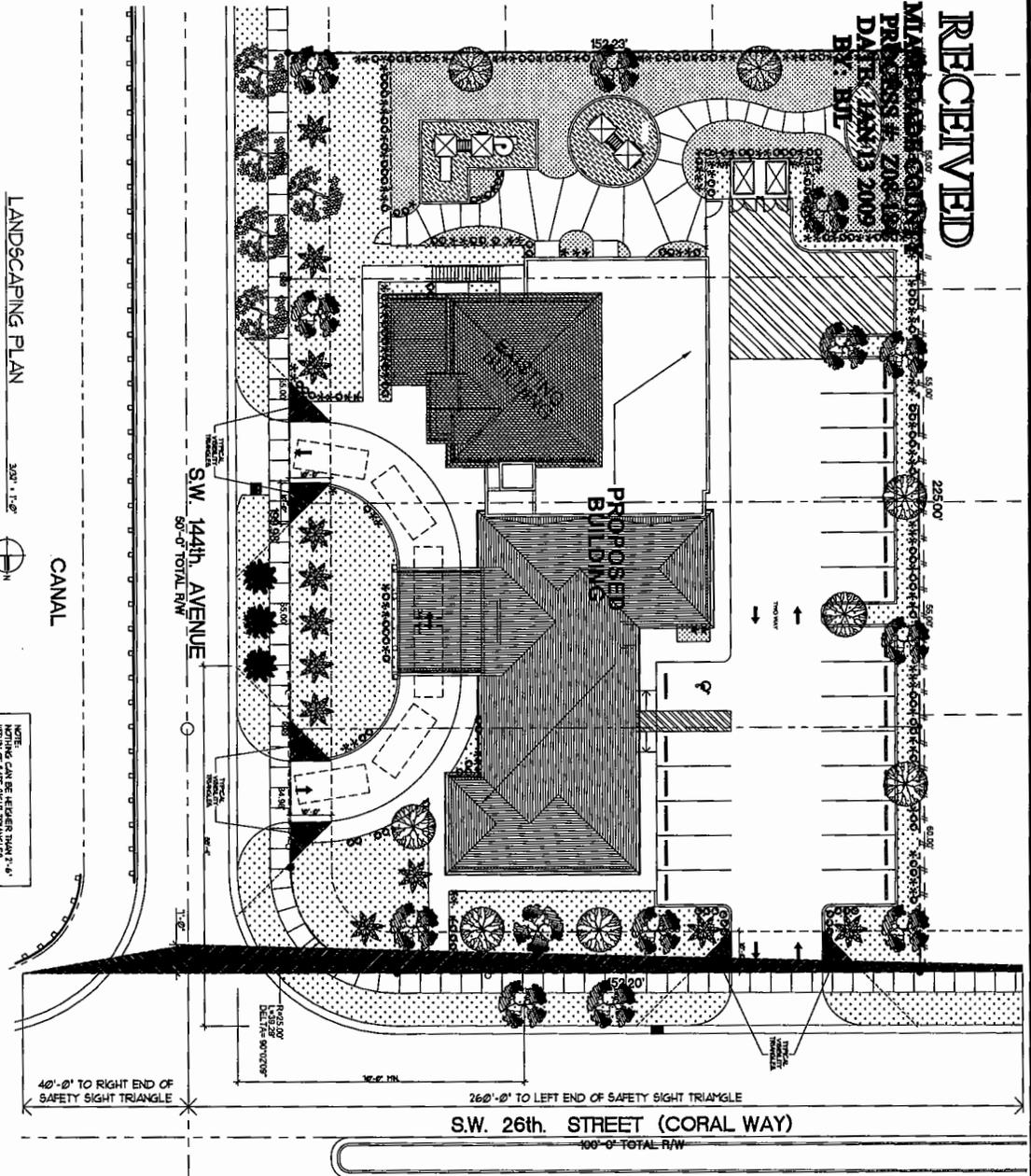
OWNER:
 I & D ASSOCIATES INVESTMENTS CORPORATION
 C/O MR. IVAN VILALTA, PRESIDENT
 1477 S.W. 20th TERACE
 MIAMI, FLORIDA 33135
 PHONE: (305) 591-5550

OCTAVIO A. SANTURIO A.I.A.
 ARCHITECT
 6762 Bird Road, Suite 3E - South Miami, Florida 33155
 Tel. (305) 665-8644 / 665-8866 Fax (305) 661-1413
 FL. ARCH. 06007678

REVISION	BY

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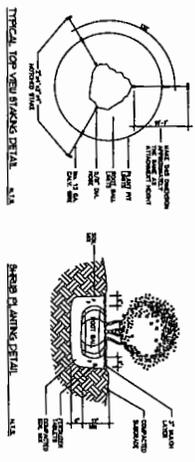
DATE: JAN 13 2009
BY: BIL



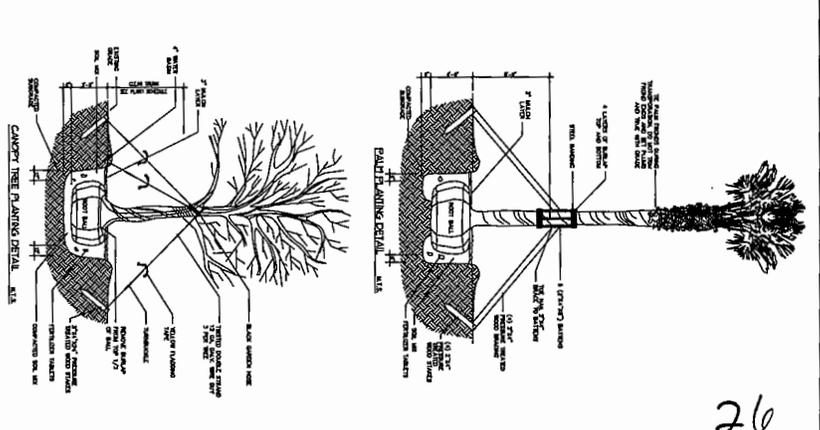
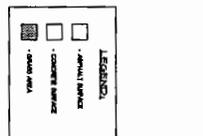
LANDSCAPING PLAN



NOTE:
NOTHING CAN BE HIGHER THAN 7'-6"
DIMS OR SAME DIMENSIONS



PLANT CODE	LOCATION	PLANT NAME	HEIGHT	WIDTH	DEPTH	SPACING	QUANTITY
01	1	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
02	2	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
03	3	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
04	4	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
05	5	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
06	6	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
07	7	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
08	8	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
09	9	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
10	10	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
11	11	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
12	12	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
13	13	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
14	14	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
15	15	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
16	16	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
17	17	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
18	18	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
19	19	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
20	20	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
21	21	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
22	22	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
23	23	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
24	24	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
25	25	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
26	26	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
27	27	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
28	28	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
29	29	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1
30	30	FLORIDA PALM	10'-0"	12'-0"	12'-0"	10'-0"	1



LANDSCAPING LEGEND (continued)

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

4. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

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19. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

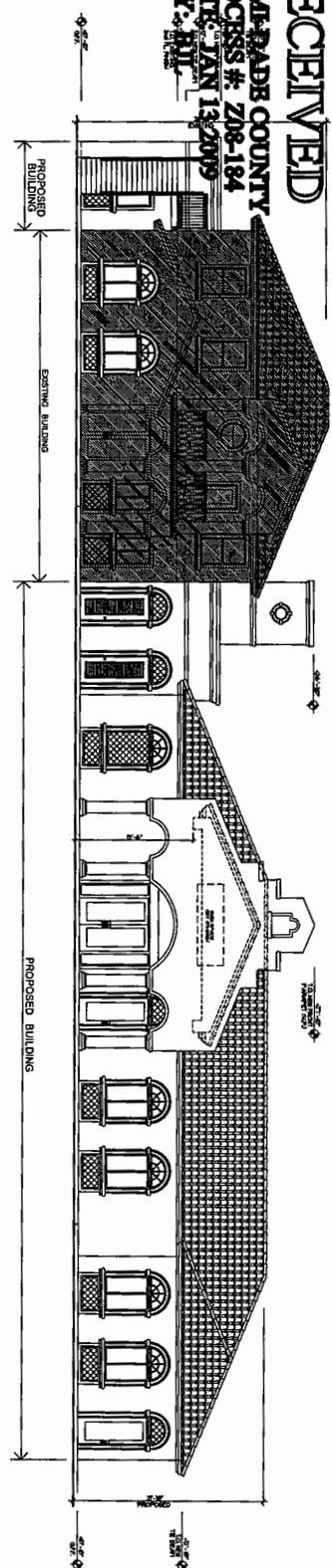
20. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

26

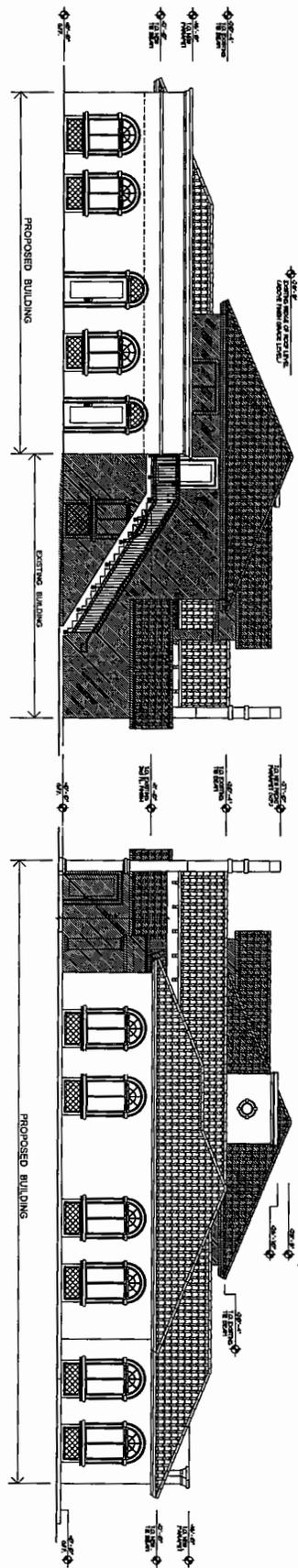
<p>OWNER: I & D ASSOCIATES INVESTMENTS CORPORATION C/O MR. IVAN VILALTA, PRESIDENT 1470 S.W. 20th TERRACE MIAMI, FLORIDA 33135 PHONE: (305) 299-6630</p>	<p>"HIGHER LEARNING EDUCATIONAL CENTER" THE S.W. CORNER OF S.W. 14th AVENUE & S.W. 26th STREET (CORAL WAY) 2400 S.W. 14th AVE. 2415 S.W. 26th ST. MIAMI, FLORIDA 33135 PHONE: (305) 299-6630</p>	<p>OCTAVIO A. SANTURIO A.I.A. ARCHITECT 6762 Blvd Road, Suite 3E - South Miami, Florida 33155 Tel: (305) 665-8644 / 665-8666 Fax: (305) 661-7418 E-MAIL: OAS@OAS.AA</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
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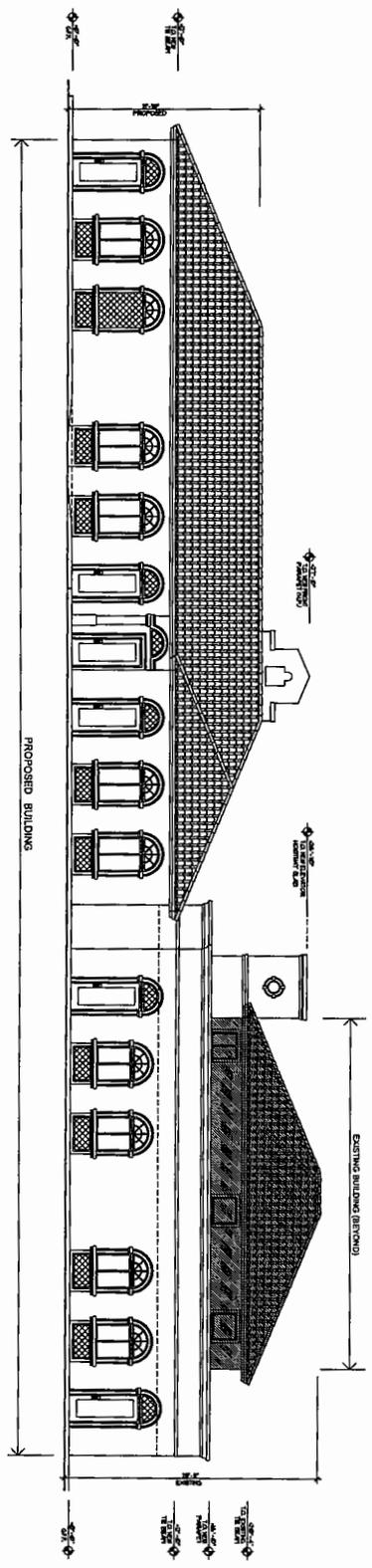
MIAMI-DADE COUNTY
 PROCESS #: Z08-164
 DATE: JAN 13, 2009
 BY: [Signature]



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



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



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

28

1	OF	4	SHEETS
E1			
DATE	BY	CHECKED	APPROVED
07/11/08	ASV	ASV	ASV
SHEET			

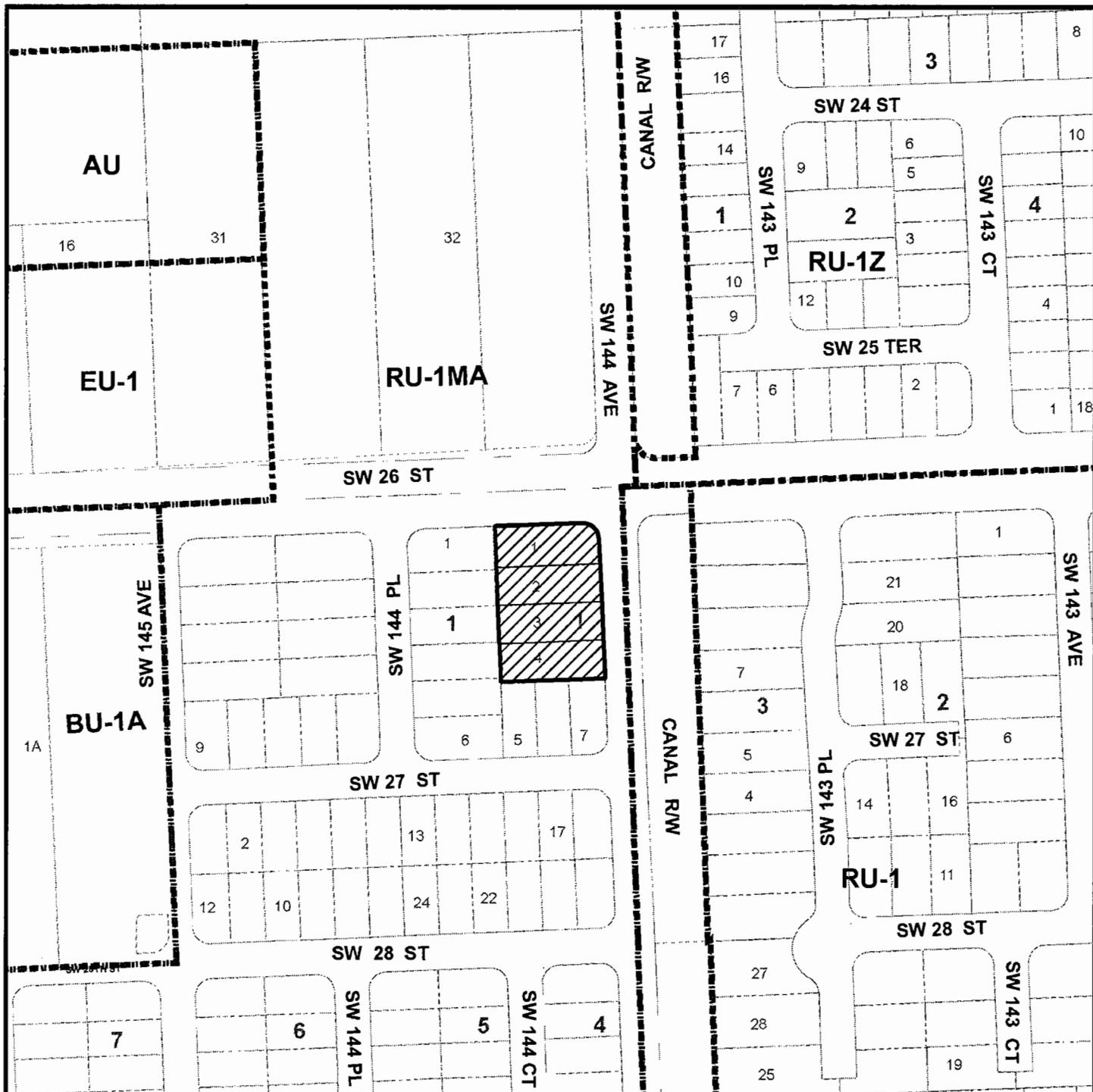
NOT TO SCALE
 ALL DIMENSIONS ARE IN FEET AND INCHES
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"HIGHER LEARNING EDUCATIONAL CENTER"
 THE S.W. CORNER OF S.W. 144th AVENUE & S.W. 28th STREET (CORAL WAY)
 2800 S.W. 28th AVE. 3315 S.W. 144th AVE. 3322 S.W. 28th AVE & 2834 S.W. 144th AVE.
 MIAMI, FLORIDA 33175

OWNER:
 I & D ASSOCIATES INVESTMENTS CORPORATION
 C/O MR. IVAN VELALTA, PRESIDENT
 14773 W. 20th ROAD
 MIAMI, FLORIDA 33175
 PHONE: (305) 556-2530

OCTAVIO A. SANTURIO A.I.A.
 ARCHITECT
 6262 Blvd Road, Suite 3E - South Miami, Florida 33155
 Tel: (305) 665-8844 / 665-8866 Fax: (305) 661-7415
 FL. ARCH. 0007679

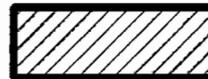
REVISIONS	BY



**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



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY

AERIAL YEAR 2008

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

Process Number
08-184



SUBJECT PROPERTY



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY

B. HERIBERTO GOMEZ
(Applicant)

09-3-CZ10-2 (08-197)
Area 10/District 12
Hearing Date: 4/22/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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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: **HERIBERTO GOMEZ**

REPRESENTATIVE: Tony Sacerio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-3-CZ10-2 (08-197)	March 17, 2009	CZAB10	09

REC: Approval.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: April 22, 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: Deferral to allow applicant time to submit a covenant.

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

EXHIBITS: YES NO

COUNTY ATTORNEY: BRIDGETT THORNTON

**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: April 22, 2009

COMMISSION DISTRICT: 12

ITEM NO.: B

A. INTRODUCTION

o **REQUEST:**

RU-1 to IU-1

- o **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.

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

- o **SIZE:** 50' x 140.46'

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:

This application was deferred from the March 17, 2009 meeting per the applicant's request in order to allow the applicant time to submit a covenant. It should be noted that as of the time of this writing staff has not received said covenant. 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

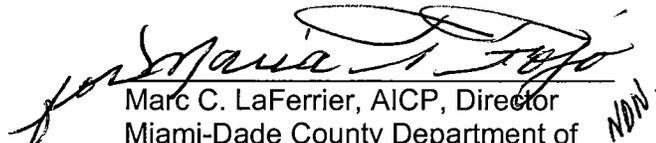
Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, the 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; 03/20/09
DATE FINALIZED: 03/20/09
MCL:MTF:NN:CXH:NC


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

Memorandum



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

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

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 CDMR 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: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:

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

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

TEAM METRO

ENFORCEMENT HISTORY

HERIBERTO GOMEZ

LYING SOUTH OF N.W. 23 STREET
AND APPROXIMATELY 101' WEST
OF N.W. 108 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

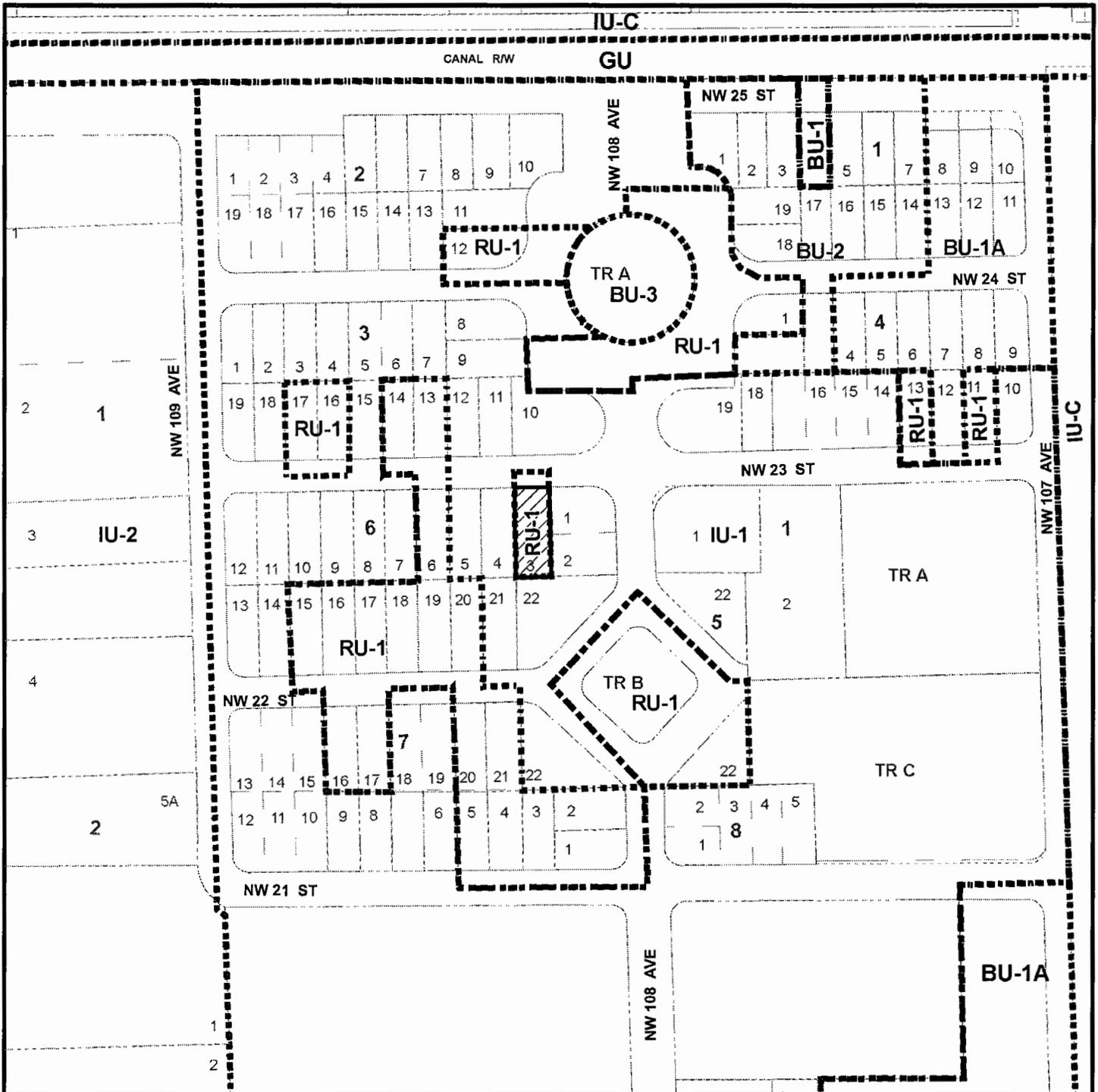
Z2008000197

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations observed

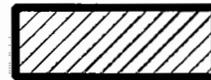
Osiel Morales



**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



SKETCH CREATED ON: 10/17/08

REVISION	DATE	BY
	14	



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Section: 31 Township: 53 Range: 40
 Applicant: HERIBERTO GOMEZ
 Zoning Board: C10
 Commission District: 12
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
08-197



SUBJECT PROPERTY



SKETCH CREATED ON: 10/17/08

REVISION	DATE	BY

1. JASON MOGHARI & PATRICIA MUNCEY
(Applicant)

09-4-CZ10-1 (08-180)
Area 10/District 6
Hearing Date: 4/22/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

APPLICANTS: Jason Moghari and Patricia Muncey

PH: Z08-180 (09-4-CZ10-1)

SECTION: 13-54-40

DATE: April 22, 2009

COMMISSION DISTRICT: 6

ITEM NO.: 1

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit a bedroom addition to a single-family residence setback 15' (25' required) from the rear (south) property line.
- (2) Applicants are requesting to permit a gym/storage room addition to the single-family residence setback 18'1" (25' required) from the front (north) property line
- (3) Applicants are requesting to permit a lot coverage of 41.3% (35% permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Moghari Residence," as prepared by Elizabeth G. Camargo, AIA, dated stamped received 1/12/09 and consisting of 2 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit a proposed bedroom addition to a single-family residence setback closer to the rear property line than permitted, to permit a proposed gym/storage room addition to the single-family residence setback closer to the front property line, and a greater lot coverage than permitted by the Zoning Code.
- o **LOCATION:** 6240 S.W. 35 Street, Miami-Dade County, Florida.
- o **SIZE:** 50' x 99.35'

- B. ZONING HEARINGS HISTORY:** In 1955, the subject site (Lot 5) was included in an application on a larger tract of land (Lots 5 and 6, Block 44, Coral Villas Subdivision) which was granted approval by the Board of Adjustment of a variance of lot area requirements to permit said lots as single-family building sites.

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 du

Surrounding Properties:

NORTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

EAST: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is an interior lot located at 6240 SW 35 Street. The surrounding area is developed with single family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

Acceptable

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

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

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:
1. total lot coverage shall not be increased by more than twenty (20) percent of the lot coverage permitted by the underlying district regulations provided, however, that the proposed alternative development shall not result in total lot coverage exceeding 50% of the net lot area; and
 2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
 3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
 4. the proposed alternative development will not result in an obvious

departure from the aesthetic character of in the immediate vicinity.

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

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This subject property is an interior lot located at 6240 S.W. 35 Street and is improved with a single-family residence in an established area zoned RU-1, Single-Family Residential District. Staff notes that the subject property is part of a subdivision, Coral Villas Revised PB: 8-27, that was originally platted in 1922 as a 50' x 99.35' lot. The applicants are requesting to permit a proposed bedroom addition to a single-family residence setback 15' (25' required) from the rear (south) property line (request #1), to permit a proposed gym/storage room addition to the single-family residence setback 18'1" (25' required) (request #2), and to permit a lot coverage of 41.3% (35% permitted) (request #3). The applicants have submitted plans depicting the aforementioned requests. Staff notes that the submitted plans depict an existing tool shed located on the

southeast corner of the site which the applicants have noted on the plans is to be removed.

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 applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** and the **Miami-Dade Fire Rescue Department (MDFR)** also have **no objections** to this application and MDFR indicates in their memorandum that the estimated average response travel time is **7:05** minutes.

Approval of the requests would allow the applicants to construct the proposed bedroom and gym/storage room additions to the single-family residence. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Because the additions will not add additional dwelling units to the property, the RU-1 zoned density of the subject property remains **consistent** with the LUP Map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1 through #3 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. The approval of request #1 will permit the construction of a proposed 171.5-square foot bedroom addition to the single-family residence setback 15' (25' required) from the rear (south) property line which will provide additional indoor living space for the residents. Staff acknowledges that said addition results in an encroachment of 10' into the rear setback area, but notes that said encroachment is adequately buffered by existing mature trees that line the rear (south) property line of the site. Furthermore, staff opines that the approval of the request would not be out of character with the surrounding area as similar requests for relief of rear setback requirements have been granted in the area. Specifically, staff notes that a property located at 3305 SW 63 Avenue, approximately 694' to the north of the subject site, was granted a request to permit a single-family residence to setback 8.42' from the rear property line, pursuant to Resolution No. 4-ZAB-22-79. The approval of request #2 will permit the construction of a proposed 470.6-square foot gym/storage room addition to the single-family residence setback 18'1" (25' required) from the front (north) property line which will provide additional indoor living space for the residents. Staff opines that approval of request #2 would not be out of character with the area as a similar approval was granted on property located at 3335 SW 64 Avenue, approximately 934' to the northwest of the subject site, to permit a proposed carport addition to a single-family residence setback 12.5' (25' required) from the front property line, pursuant to Resolution No. 5-ZAB-141-96. Moreover, staff notes that property located at 6352 SW 34 Street, approximately 662' to the northwest of the subject site, was granted a request to permit an addition to a single-family residence setback 20.45' (25' required) from the front property line, pursuant to Administrative Variance No. V1992000258. Approval of request #3, to permit a lot coverage of 41.3% will allow the applicant to construct the proposed bedroom and gym/storage room additions to the single-family residence, but will result in a lot coverage that is 6.3% greater than the 35% lot coverage that is permitted by the Zoning Code. As previously noted, however, approval of Request 3 will result in development that is compatible with the surrounding area, would

not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Accordingly, staff opines that the approval of requests #1 through #3 maintain the basic intent of the Zoning Code and would not be out of character with the surrounding area. Therefore, staff recommends approval with conditions of requests #1 through #3 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the 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) Standard, Section 33-311(A)(4)(c), the applicants 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. However, since the property can be utilized in accordance with RU-1 zoning regulations and the previous zoning approval, this application cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff opines that the approval of the requests would not be out of character with the area and are **compatible** with same. Accordingly, staff recommends approval with conditions of the requests #1 through #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of the requests #1 through #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan 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 "Moghari Residence," as prepared by Elizabeth G. Camargo, AIA, dated stamped received 1/12/09 and consisting of 2 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.
4. That the existing shed located on the southeast corner of the subject site be removed or relocated to conform with the zoning requirements.

DATE INSPECTED: 02/23/09
DATE TYPED: 03/02/09
DATE REVISED: 03/02/09; 03/11/09; 03/13/09
DATE FINALIZED: 03/23/09
MCL:MTF:MW:NN:TA:NC


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

Memorandum

Date: October 15, 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 #Z2008000180
Jason and Patricia Moghari
6240 S.W. 35th Street
Request to Permit an Addition with Less Setback than Required and that
Would Exceed Lot Coverage Requirements
(RU-1) (0.11 Acres)
13-54-40

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

Potable Water Service

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

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

Wastewater Disposal

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

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

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

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

Wetlands

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

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposed addition will not impact tree resources. Therefore, DERM has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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.

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: 29-SEP-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000180

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000180
located at 6240 S.W. 35 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1531 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:05 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 3 - Tropical Park - 3911 SW 82 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.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

JASON MOGHARI & PATRICIA
MUNCEY

ADDRESS:

6240 SW 35 ST Miami, Fl.
Folio# 3040130067680

DATE: 03/10/09

ZONING HEARING#:

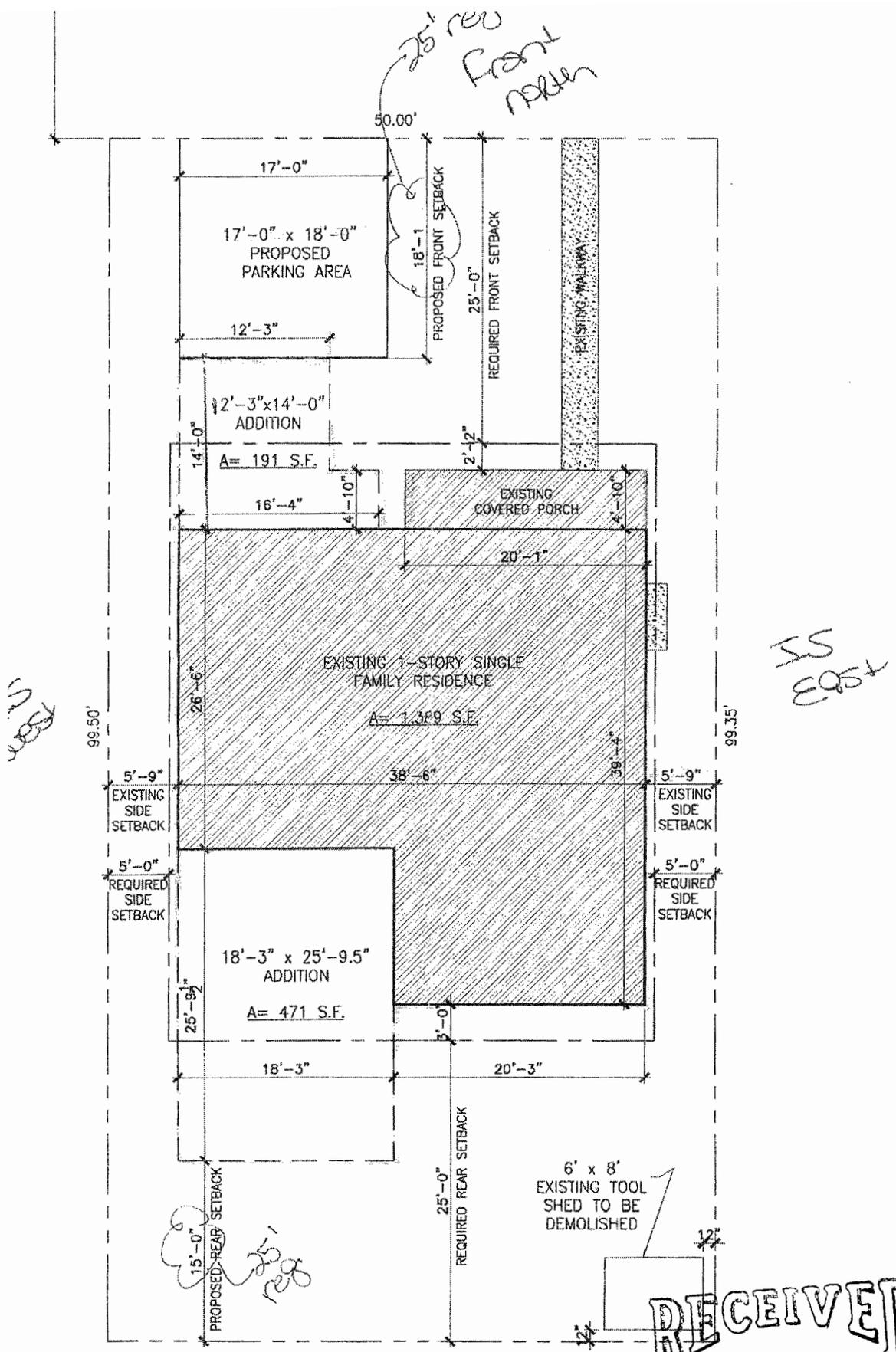
08-180

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

PRIOR CASES:

No open cases.



ENLARGED SITE PLAN

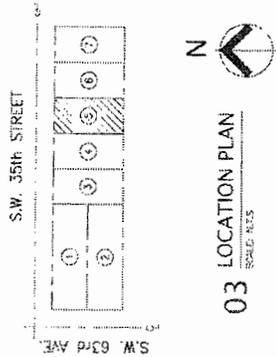
RECEIVED
 JAN 12 2009

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

R
WATER

ZUL

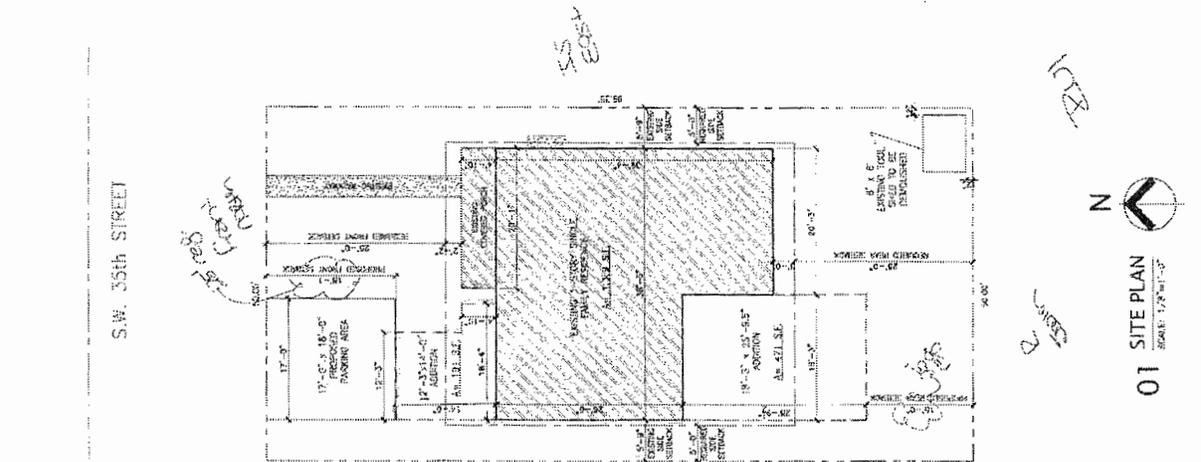
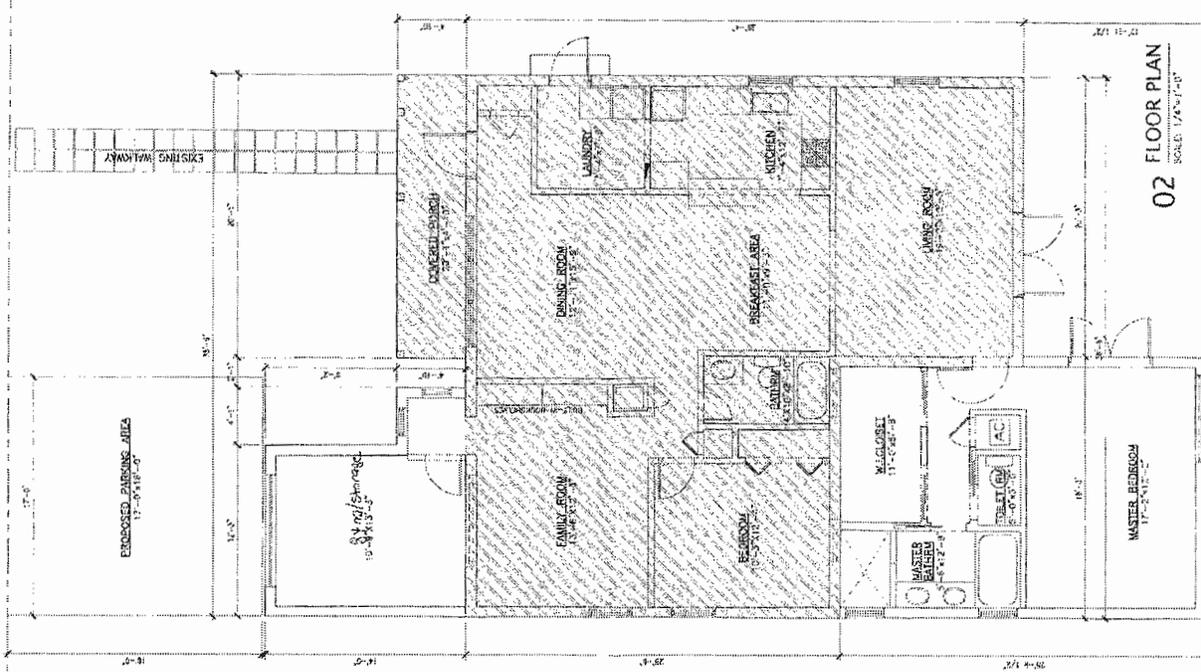
N



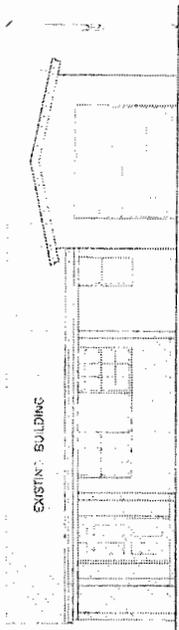
LEGAL DESCRIPTION
 LOT NO. 5, BLOCK 44, IN THE SUBDIVISION OF THE
 REGION OF CORAL VILLAGES, ACCORDING TO THE PLAT
 THEREOF, BEING PART OF THE PUBLIC RECORDS OF
 DALLAS COUNTY, FLORIDA.

ZONING DATA R-1
 HEIGHT: 12'-0"
 NET LOT AREA: 4,571 S.F.
 EXISTING BUILDING AREA: 1,069 S.F.
 TOTAL BUILDING AREA: 1,069 S.F.
 TOTAL AREA OF ADJACENT LOTS: 1,069 S.F.
 TOTAL IMPROVED BUILD. AREA: 2,081 S.F.
 REQUIRED LOT COVERAGE: 30%
 PROPOSED LOT COVERAGE: 17%

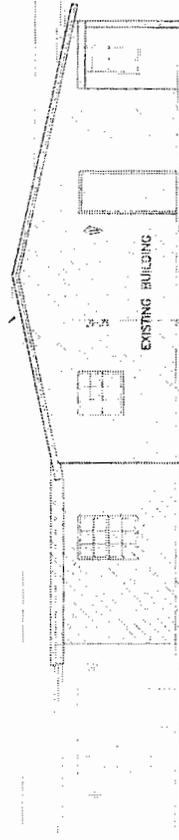
Lot Coverage
 44,258.503 / 1708.162 = 25.91
 41,749.25 / 112.53 = 370.74
 13,924.18 / 75 = 186.32
 2081.714 / 9407.52 = 22.13



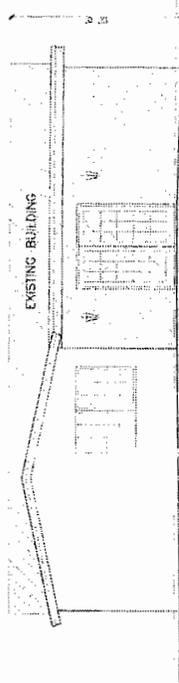
RECEIVED
 JAN 12 2009



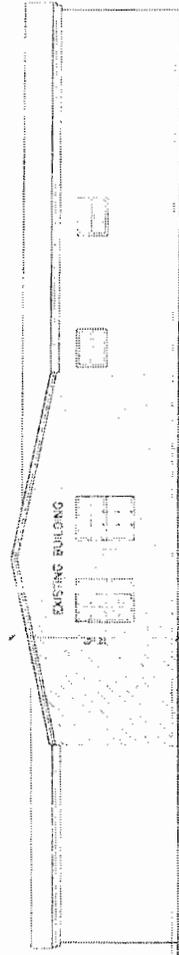
02 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



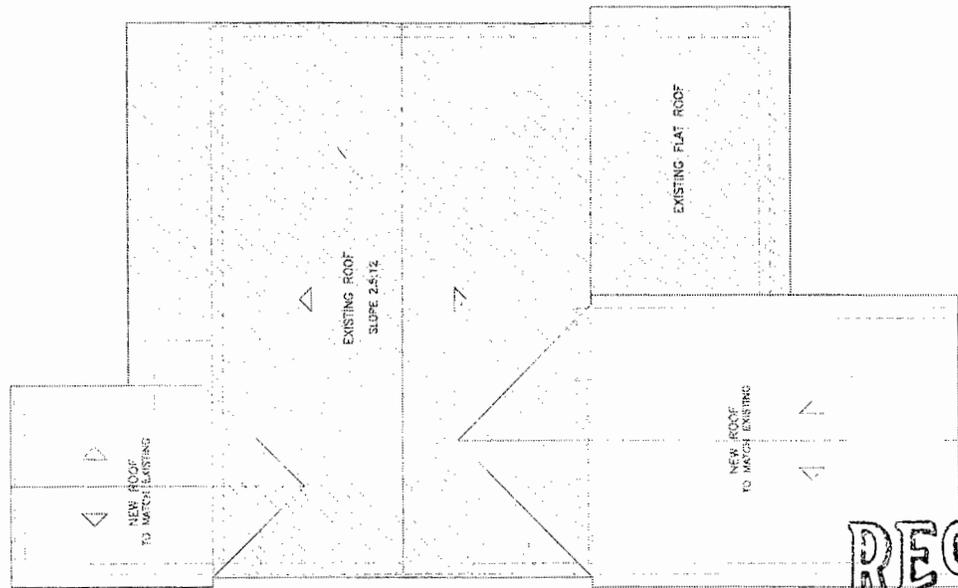
03 EAST ELEVATION
 SCALE: 1/4" = 1'-0"



04 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



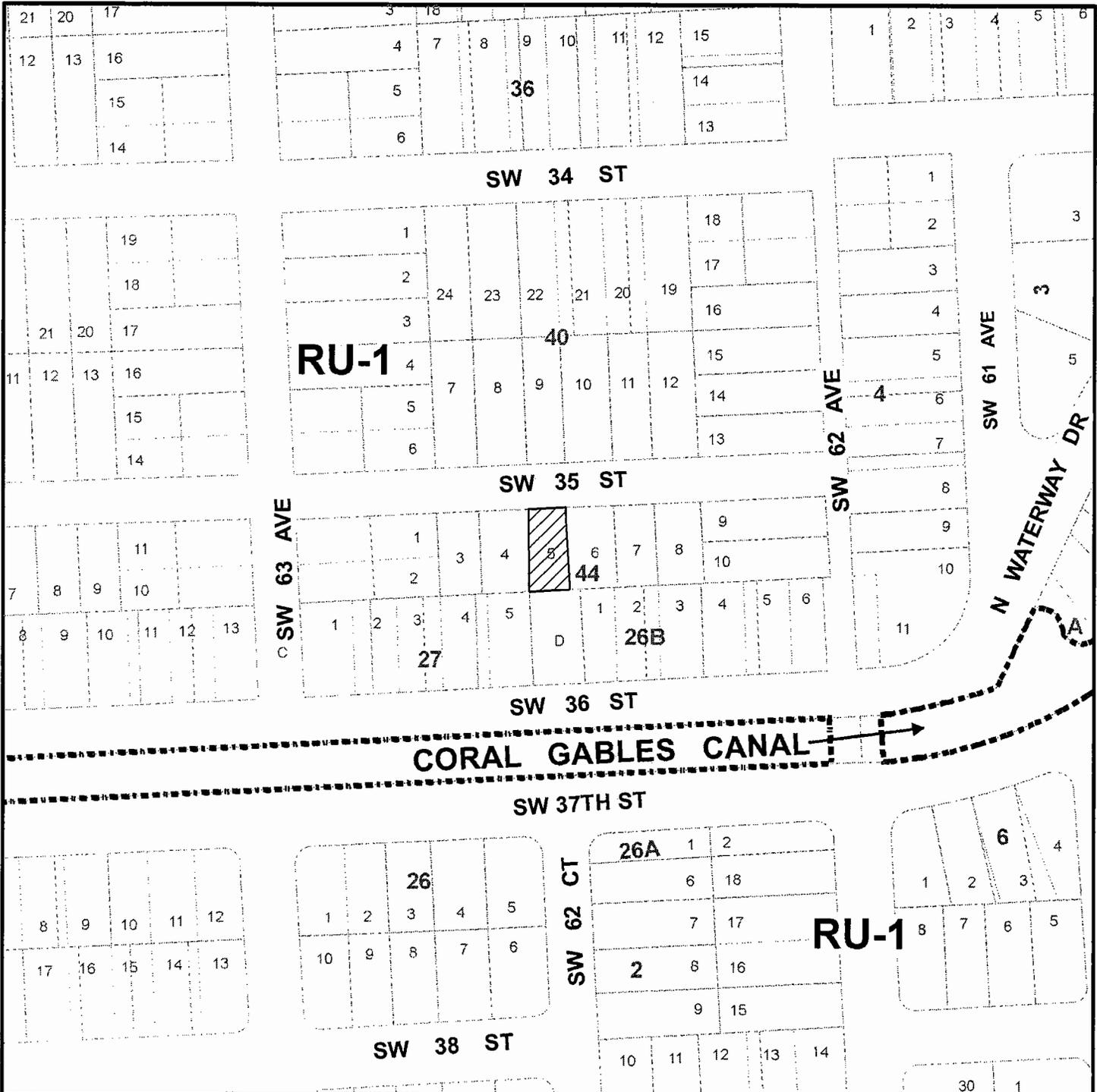
05 WEST ELEVATION
 SCALE: 1/4" = 1'-0"



01 ROOF PLAN
 SCALE: 1/4" = 1'-0"

H2

RECEIVED 19
 JAN 12 2009



MIAMI-DADE COUNTY

HEARING MAP

Section: 13 Township: 54 Range: 40

Applicant: JASON MOGHARI & PATRICIA MUNCEY

Zoning Board: C10

Commission District: 6

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

08-180



SUBJECT PROPERTY



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

AERIAL YEAR 2008
 Section: 13 Township: 54 Range: 40
 Applicant: JASON MOGHARI & PATRICIA MUNCEY
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-180



SUBJECT PROPERTY



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY

2. LINDMARC DEVELOPMENT, LLC
(Applicant)

09-4-CZ10-2 (08-202)
Area 10/District 10
Hearing Date: 4/22/09

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Martin Resse	Zone Change from AU to RU-3B	BCC	Approved

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

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

APPLICANT: Lindmarc Development L.L.C.

PH: Z08-202 (09-4-CZ10-2)

SECTION: 15-54-40

DATE: April 22, 2009

COMMISSION DISTRICT: 10

ITEM NO.: 2

A. INTRODUCTION:

o **REQUESTS:**

- (1) RU-3B and BU-2 to BU-2
- (2) SPECIAL EXCEPTION to permit a self-storage facility.
- (3) Applicant is requesting to permit a floor area ratio of 2.22 (1.17 maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) 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 "Storage Building for Lindmarc Dev. LLC," as prepared by Robert Wade and Associates, consisting of 15 sheets dated stamped received 11/17/08, Sheets "A-1," "F-1", "A-2" and L-1 dated last revised 12/19/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

Approval of this application will allow the applicant to change the zoning on the property from RU-3B, Bungalow Court District, and BU-2, Special Business District, to BU-2. Additionally, the applicant seeks a special exception to permit a self-storage facility as well as a request to permit a greater floor area ratio than that allowed by the Zoning Code.

o **LOCATION:**

8477 S.W. 40 Street, Miami-Dade County, Florida.

o **SIZE:** 1.06 Acres

B. ZONING HEARINGS HISTORY:

In 1947, pursuant to Resolution, #2500-4-47, a portion of the subject parcel was approved for a district boundary change from AU, Agricultural District, to RU-3B, Bungalow Court District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Policy LU-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.
4. **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-3B and BU-2; Vacant

Business & Office

Surrounding Properties

NORTH: RU-3B; Multi-family residential

Low Density Residential, 2.5 to 6 dua

SOUTH: BU-1A; Religious facility

Business & Office

EAST: BU-2; One-story commercial building
RU-3B; Multi-family residential

Business & Office

Low Density Residential, 2.5 to 6 dua

WEST: BU-1A; Three-story commercial building Business & Office

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Unacceptable

Access:

Acceptable

Parking Layout/Circulation:

Unacceptable

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.

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

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances 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)(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.

- (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.
- (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.

(I) **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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. **ANALYSIS:**

The 1.06-acre subject parcel is vacant and is located at 8477 SW 40 Street. One-story multi-family residential buildings are located to the north and east of the subject property. Commercial activity can be found on both sides (north and south) of this portion of SW 40 Street (Bird Road). It should be noted that, in May of 2006, the Board of County Commissioners (BCC) adopted a resolution to organize a charrette for the area around SW 40 Street (Bird Road) between the Palmetto Expressway and the Florida Turnpike, pursuant to Resolution No. R-564-06, which staff notes is currently underway and includes the surrounding area in which the subject property lies. The applicant is seeking a district boundary change from RU-3B, Bungalow Court District, and BU-2, Special Business District, to BU-2 (request #1). The applicant also seeks a special exception to permit a self-storage facility (request #2) and to permit a floor area ratio of 2.22 (1.17 maximum permitted) (request #3).

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, Florida. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the subject site requires platting in accordance with Chapter 28 of the Miami-Dade County Code and that the driveways to SW 40 Street must meet current F.D.O.T. access management requirements. Their memorandum further indicates that this application will generate an additional **28 PM** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "B", "C", "D" and "E". The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **4:19** minutes.

It should be noted that in 2006 this site was the subject of an application for a small-scale amendment to the Land Use Plan Map, which was approved by the Board of County Commissioners to change the land use of the subject property from Business and Office and Low Density Residential (2.5 to 6 du) to Business and Office, pursuant to Ordinance No. 06-73. The rezoning of the property will allow the applicant to provide business uses to the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, **commercial and professional offices**, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. As such the proposed zone change to BU-2 and the proposed self-storage facility use on the site are **consistent** with the Business and Office LUP map designation of the Master Plan. In addition, the interpretative text of the CDMP further includes that all existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section titled "Concepts and Limitations of the Land Use Plan Map." As such, the current BU-2 zone classification on the southern portion of the site and the current RU-3B zone classification on the northern portion of the site are also **consistent** with the LUP map designation and with the provisions found within the interpretative text of the CDMP.

Notwithstanding the foregoing, the interpretative text of the CDMP further provides that in reviewing 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. Staff acknowledges that a multitude of varying intensities of commercial activity and offices characterize this section of the corridor along the north and south sides of SW 40 Street (Bird Road) and that the subject site is located within the Bird Road commercial corridor which features BU-1A, BU-2 and BU-3 commercial zoning. However, staff is of the opinion that the design of the proposed self-storage facility lacks sensitivity to the adjacent discordant residential uses found to the north and east of the subject property. Staff's review of the submitted plans reveals that the proposed self-storage facility will consist of 8 stories, will exceed the maximum floor area ratio permitted (F.A.R.) by 1.05, and will attain a maximum height of 99'6". The abutting BU-1A zoned properties located to the west and south of the subject site are permitted a maximum height of 4 stories or 45'. It should be noted that the BU-1A zoned property immediately to the west of the subject site has recently been improved with a 3-story retail building. The adjacent RU-3B zoned properties located to the north and east of the subject site are permitted a maximum height of one-story and are improved with one-story multi-family bungalows. Staff notes that **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. Further, **Policy LU-4C** states 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 opines that the proposed eight-story self-storage facility with a maximum height of 99'6" and an F.A.R. of 2.22 is excessive and out of scale with the heights and development intensities of the surrounding commercial and residential developments. Based on all of the above, staff opines that the proposed rezoning to BU-2 and the proposed eight-story self-storage facility would be **inconsistent** with Policies LU-4A and LU-4C of the CDMP and with the provisions found within the interpretative text of the CDMP. As such, staff opines that the requested zone change to BU-2 and proposed eight-story self-storage facility is **incompatible** with the surrounding area.

In addition to considering if an application, if approved, conforms to the CDMP, the Zoning Code requires that, 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. Additionally, 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 rezoning of the property will allow the applicant to unify the entire subject site as BU-2 zoning which would allow the applicant to provide more liberal commercial services to the community. Staff acknowledges that this project 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). The proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. Staff acknowledges that the proposed BU-2 zoning with a less intensive design could be compatible with the existing BU-2 zoned property located to the east and the BU-3 zoned property located to the south of the subject site. However, as previously mentioned, staff's review of the commercial development along SW 40 Street (Bird Road) reveals that although a variety of commercial zoning exists along this corridor ranging from BU-1A to BU-3, most of the commercial development consists of structures ranging in height from one to three stories. In addition, staff notes that the residential properties located to the north and east of the subject site are improved with one-story multi-family bungalows. As such, staff opines that the introduction of the proposed eight-story self-storage facility with a maximum height of 99'6" is **incompatible** and out of scale with the surrounding area. Moreover, staff notes that the requested variance of FAR is excessive and is indicative of an overutilization of the site. Staff is of the opinion that the approval of the requested district boundary change would have an unfavorable effect on the surrounding area and would be contrary to the public interest. Therefore, staff recommends denial without prejudice of the district boundary change from RU-3B and BU-2 to BU-2.

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area and would negatively affect the appearance of the community. As previously mentioned, the applicant seeks to permit the proposed self-storage facility with a floor area ratio (F.A.R.) of 2.22 (1.17 maximum permitted) (request #3), which staff opines is excessive and indicative of the intrusiveness of the proposed self-storage facility in terms of height, bulk, and scale. Moreover, it should be noted that no similar approvals as that sought by the applicant in request #3 have been granted in the surrounding area. As such, staff recommends denial without prejudice of request #3 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, request #3 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 request #3 is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, the property can be developed in accordance with the existing zoning regulations. Therefore, since the applicant has not proven that compliance with same would result in an unnecessary hardship, request #3 cannot be

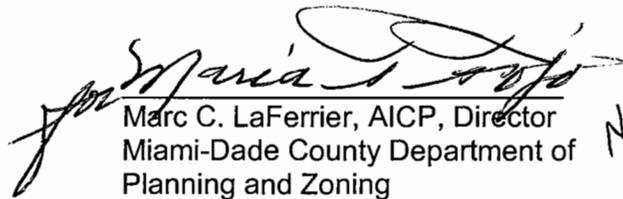
approved under the ANUV Standards, and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that the application is **inconsistent** with Policies LU-4A and LU-4C of the CDMP and that the applicant's proposed utilization of the site as illustrated on the submitted plans is **incompatible** with the surrounding area. Accordingly, staff recommends denial without prejudice of request #1; denial without prejudice of request #2 and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

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

J. **CONDITIONS:** None.

DATE INSPECTED: 02/16/09
DATE TYPED: 02/18/09
DATE REVISED: 02/24/09; 02/27/09; 03/11/09; 03/13/09
DATE FINALIZED: 03/23/09
MCL:MTF:NN:JV:NC


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

Date: January 21, 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 #Z2008000202-Revised
Lindmarc Development, LLC
8477 S.W. 40 Street
District Boundary Change from BU-2 and RU-3B to BU-2
(BU-2) (1.06 Acres)
15-54-40

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

Potable Water Service and Wastewater Disposal

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

Wellfield Protection

The subject property is located within the Average 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. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed

covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Tree Preservation

An on site inspection performed by DERM staff on December 8, 2008 revealed that the subject property contains county regulated tree resources, as well as prohibited trees as referenced in Chapter 24-49.9 of the Environmental Code of Miami-Dade County. Per Chapter 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from site prior to development.

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

Stormwater Management

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

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

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

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.

Air Quality Preservation

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

Wetlands

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

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

Enforcement History

DERM has found the following closed enforcement record:

In February 1990, a Uniform Civil Violation Notice (UCVN) was issued to Beeper Signal at the referenced location for failure to secure the required Industrial Waste (IW6) permit. In June 1990, the facility closed and vacated the property; 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 discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:LINDMARC DEVELOPMENT, LLC

This Department has no objections to this application.

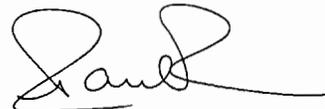
Driveways to SW 40th Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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 application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 28 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.# w/project		LOS present	LOS
F-42	SW 87 Ave. s/o SW 24 St.	D	D
F-41	SW 87 Ave. s/o SW 40 St.	B	B
F-78	SW 40 St. e/o SW 78 Ct.	E	E
F-76	SW 40 St. w/o SW 87 Ave.	C	C

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

Memorandum



Date: 30-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000202

Fire Prevention Unit:

No objection to plans corrected on December 19, 2008.

Service Impact/Demand:

Development for the above Z2008000202
 located at 8477 S.W. 40 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1527 is proposed as the following:

N/A	dwelling units	106,442	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: 4.68 alarms-annually.
 The estimated average travel time is: 4:19 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SE 82 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 corrected on December 19, 2008. Substantial changes to the plans will require additional service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:
LINDMARC DEVELOPMENT, LLC

ADDRESS:
8477 SW 40 ST.
Folio# 3040150000070

DATE: 03/24/09

ZONING HEARING#:
08-202

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

PRIOR CASES:

CMS# 200403005420. Sign Sweep. Case Closed.

CMS# 200403005964. Sign Sweep. Case Closed.

CMS# 200403000636. Multi-Family Use. Not in Violation. Case Closed.

CMS# 20040300653. Other. Not in violation. Case Closed.

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].

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-202
DATE: OCT 08 2008
BY: SDE

CORPORATION NAME: LINDMARC DEVELOPMENT, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Linda Rozynes, (Manager)</u>	<u>100%</u>
<u>P.O. Box 55-7490, Miami, Florida 33255-7490</u>	

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: _____

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

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where 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: _____

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

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

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MIAMI-DADE COUNTY
PROCESS #: Z08-202
DATE: OCT 08 2008
BY: SDE

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:

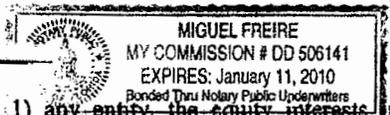
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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 8 day of October, 2008. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



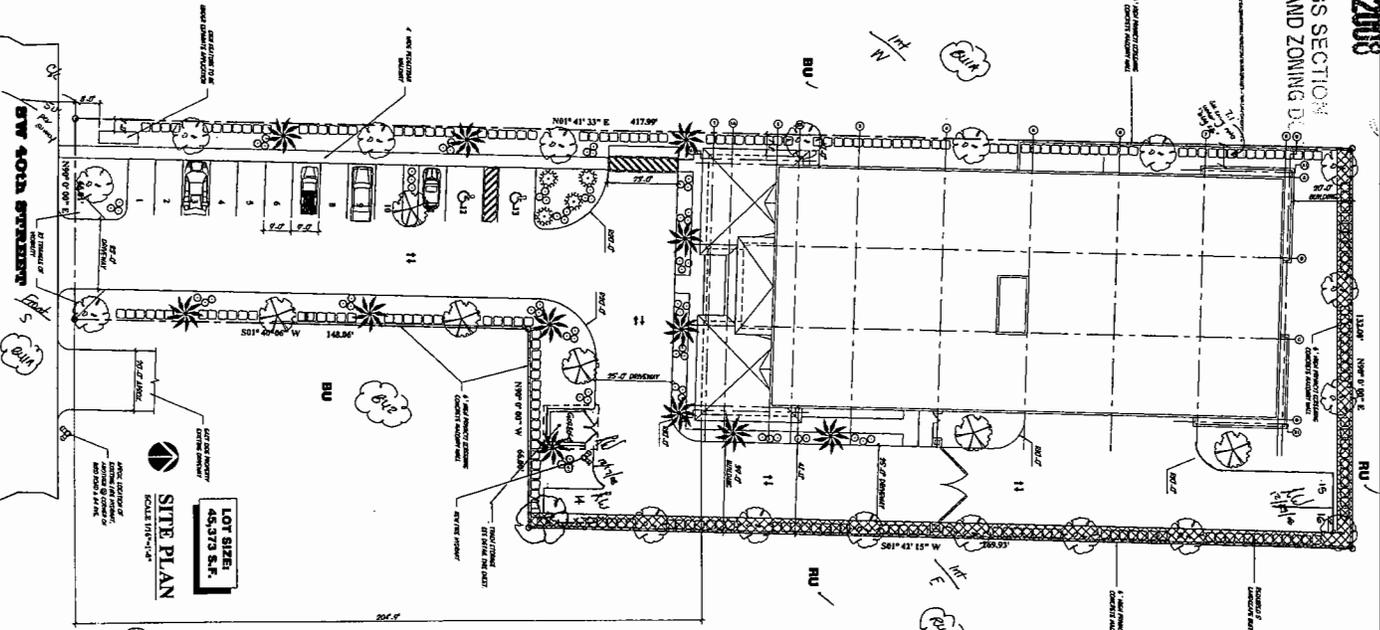
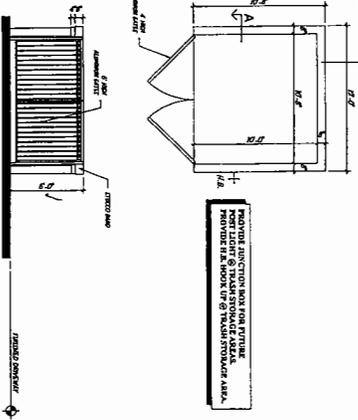
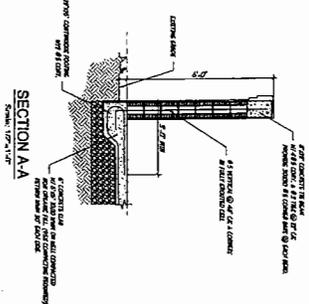
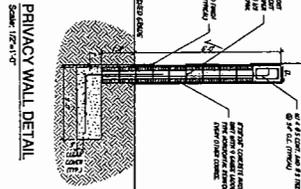
My commission expires _____

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

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NOV 17 2008

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NOV 17 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPARTMENT



Lot Area: 45,978 S.F.
 Building Area: 12,334 S.F.
 Coverage: 27.0%

PROJECT DATA

PROJECT NAME / SITE LOCATION / ADDRESS	8477 SW 40 ST. MIAMI, FLORIDA
PROJECT NAME	UNDEVELOPED LOTS
LOCAL JURISDICTION	MIAMI-DADE COUNTY
PREPARED BY	ROBERT WADE AND ASSOCIATES, P.A.
DATE	NOVEMBER 11, 2008

LOT DATA	LOT AREA: 45,978 S.F.
SITE DATA	EXISTING: UNDEVELOPED
ZONING	BU-2
ADJACENT LOTS	TO THE NORTH: UNDEVELOPED

BUILDING TYPE - (DETAILED)	STORAGE BUILDING
CONSTRUCTION DATA	MIN. BUILDING SIZE: 12,334 S.F.
MIN. BUILDING SIZE	AREA GROSS: 12,334 S.F.
MIN. BUILDING SIZE	AREA NET @ 73%: 9,000 S.F.

BUILDING SETBACKS	FRONT: 5 FT.	REAR: 5 FT.	SIDE: 5 FT.
MAXIMUM BUILDING HEIGHT	PERMITTED: 35 FT.	PROVIDED: 35 FT.	
BUILDING FOOTPRINT	PERMITTED: 12,334 S.F.	PROVIDED: 12,334 S.F.	
GREEN SPACE	REQUIRED: 12,334 S.F.	PROVIDED: 12,334 S.F.	

FLOOR AREA RATIO	PERMITTED: 0.27	PROVIDED: 0.27
PARKING DATA	REQUIRED: 14 SPACES	PROVIDED: 14 SPACES

11-17-08 TO COMMENTS
 BY FIRE AND ZONING
 DEPARTMENTS (1ST REVIEW)

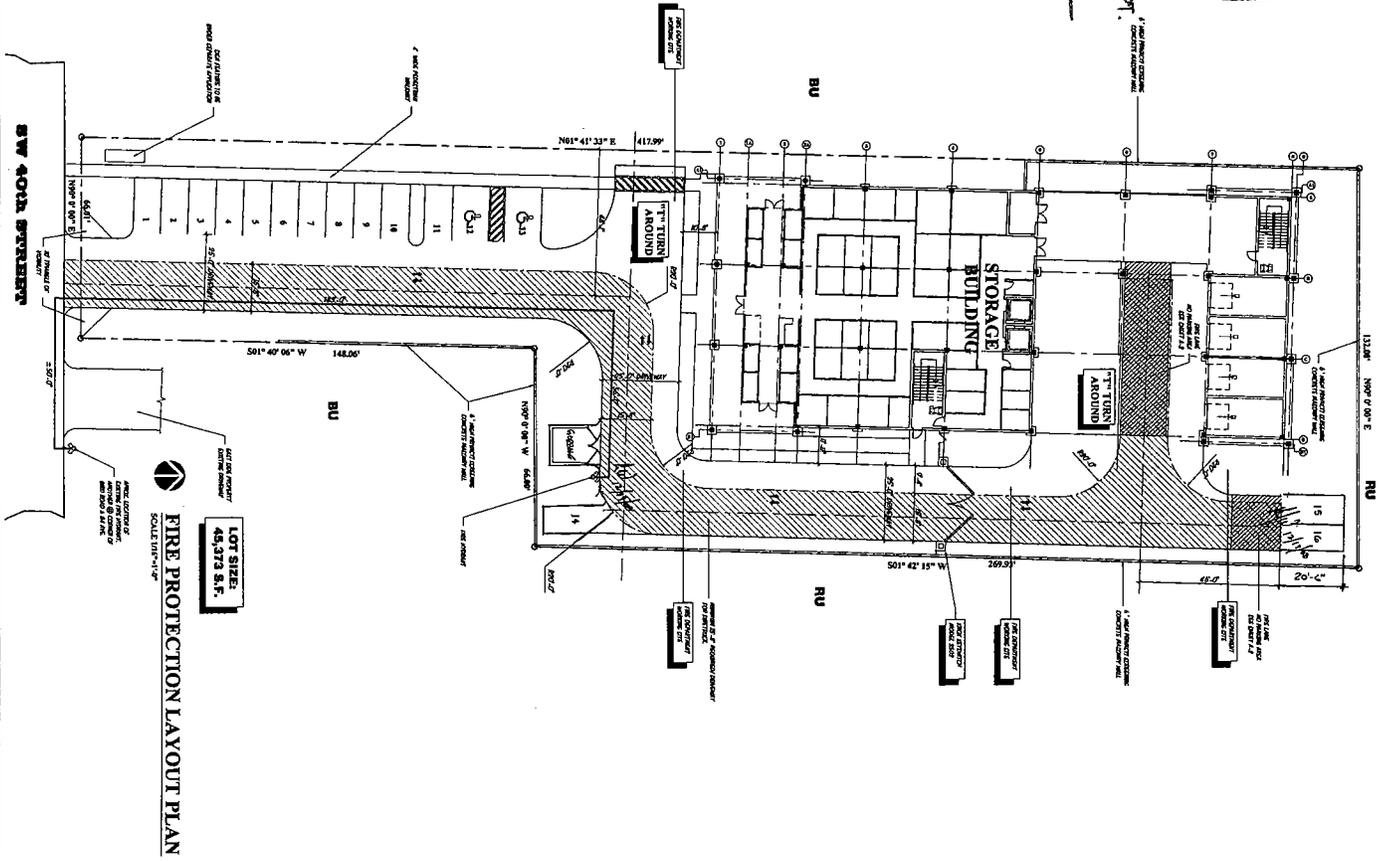
DATE	11-17-08
REVISIONS	11-17-08
SHEET	1

STORAGE BUILDING FOR
 LINDMARC DEV. LLC
 8477 SW 40 ST.
 MIAMI, FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
 ARCHITECTS
 INTERIOR DESIGNERS
 520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
 MIAMI, FLORIDA 33130
 PHONE (305) 371-1522 FAX (305) 381-6505
 WWW.RWA-ARCHITECTS.COM

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



LOT SIZE:
45,373 S.F.

FIRE PROTECTION LAYOUT PLAN
SCALE: 1/8" = 1'-0"

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11-17-08
ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
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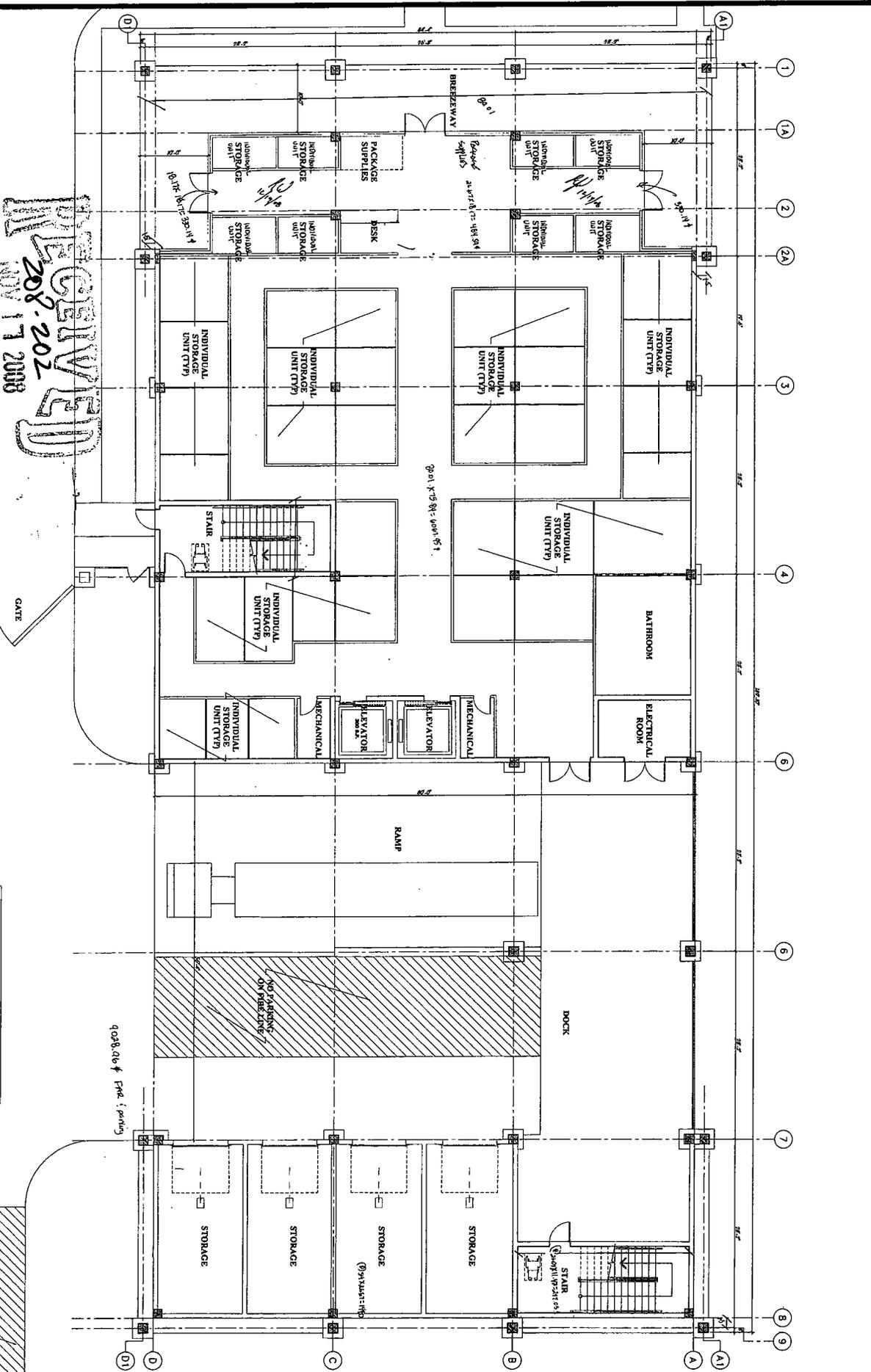
STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE
FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS
PHONE: (305) 311-2822 FAX: (305) 361-6545
www.rwaarchitects.com AIC200875

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY **XH**



NO INDIVIDUAL STORAGE UNIT
 TO BE GREATER THAN 400 SF.
 TO COMPLY WITH SMALL BUSINESS PLAN
 OF FLORIDA BUILDING CODE (TYP)
 SCALE 1/4" = 1'-0"

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NO PARKING
 ON FIRE LANE

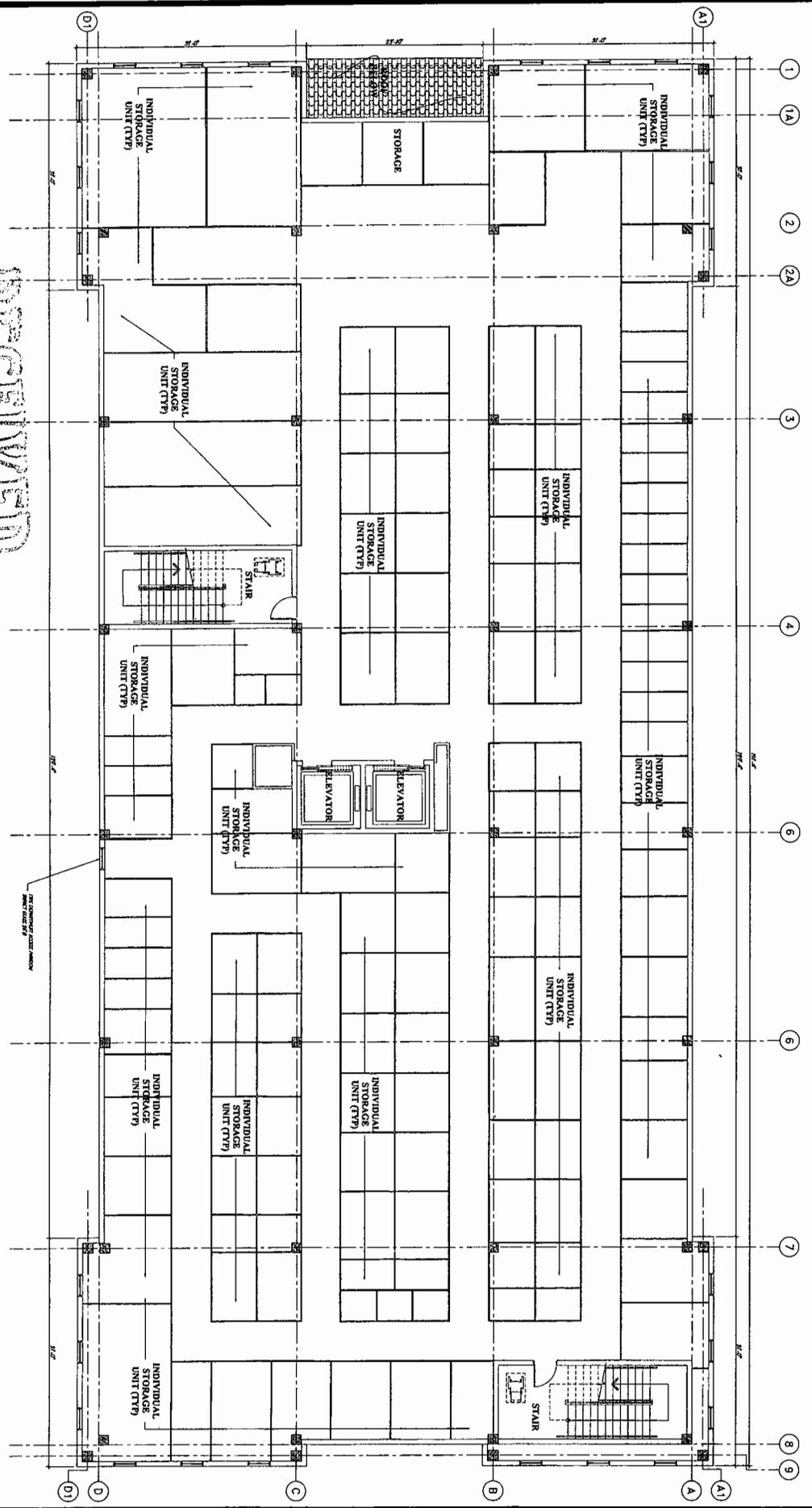
PLEASE REFER TO COMMENTS
 BY FIRE AND ZONING
 DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
10-03-08	1 11-17-08
SHEET	
A-2	

STORAGE BUILDING FOR
 LINDMARC DEV. LLC
 8477 SW 40 ST.
 MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
 ARCHITECTS
 INTERIOR DESIGNERS
 520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
 MIAMI, FLORIDA
 PHONE (305) 371-2832 FAX (305) 381-6542
 www.rwaarchitects.com AAC00075

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 ZONING HEARINGS SECTION
 MIAMI DADE PLANNING AND ZONING DEPT.
 BY **XMH**

NO INDIVIDUAL STORAGE UNIT
 TO BE GREATER THAN 400 S.F.
 TO COMPLY WITH SECTION 33-247130
 OF FLORIDA BUILDING CODE (TYP)

2ND FLOOR PLAN
 SCALE 3/8" = 1'-0"

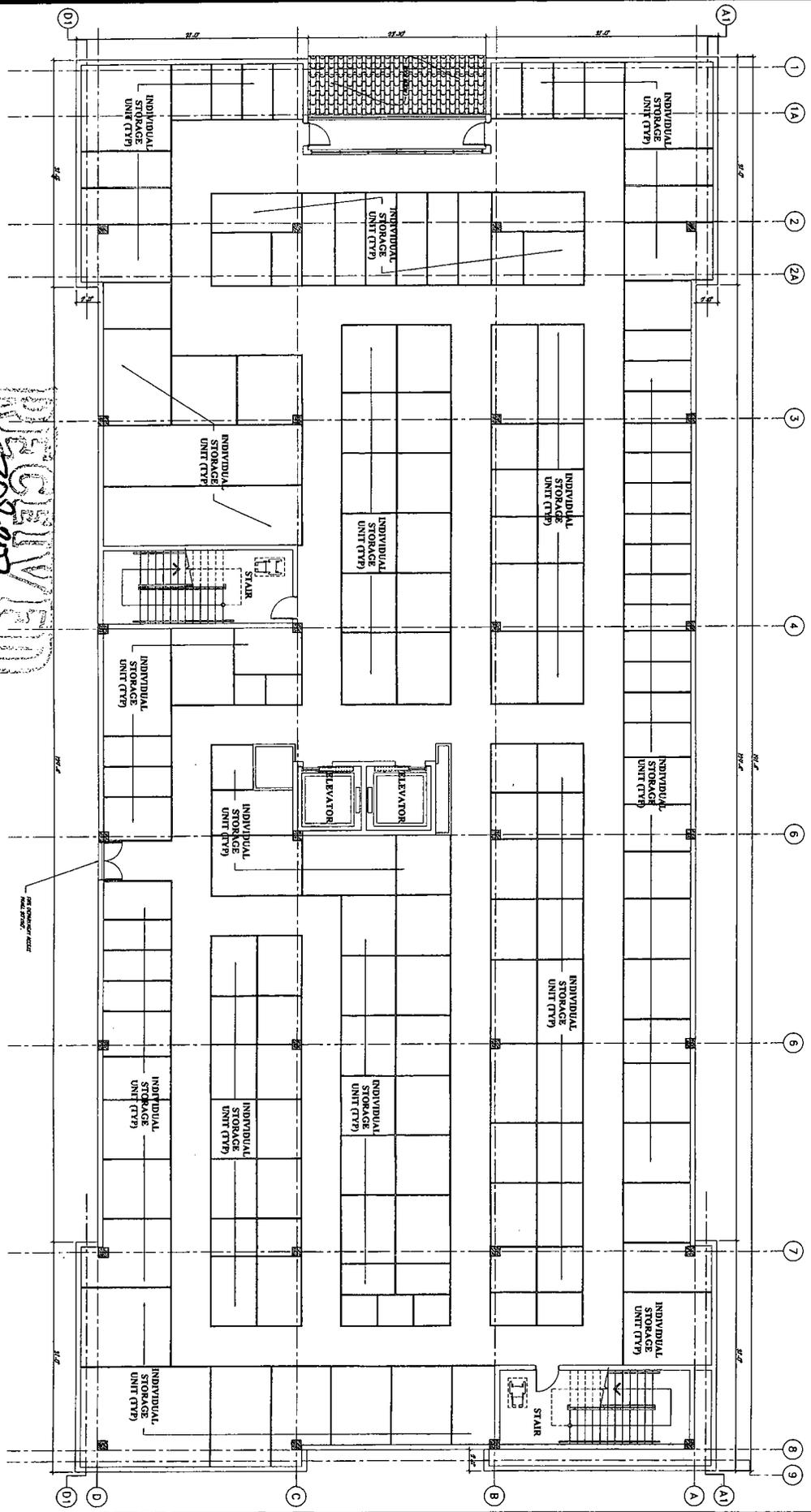
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 ANSWER TO COMMENTS
 BY FIRE AND ZONING
 DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
10-08-08	1
11-17-08	2

STORAGE BUILDING FOR
LINDMARC DEV. LLC
 8477 SW 40 ST.
 MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
 ARCHITECTS
 INTERIOR DESIGNERS
 520 BRIDGELL KEY DRIVE, OFFICE PLAZA 201
 MIAMI, FLORIDA
 PHONE (305) 371-7832 FAX (305) 361-6542
 www.robertwade.com AIC000075

24



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

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208-002

NO INDIVIDUAL STORAGE UNIT
TO BE GREATER THAN 400 S.F.
TO COMPLY WITH SECTION 33-247(30)
OF FLORIDA BUILDING CODE (FPB)

3RD FLOOR PLAN

SCALE 3/16"=1'-0"

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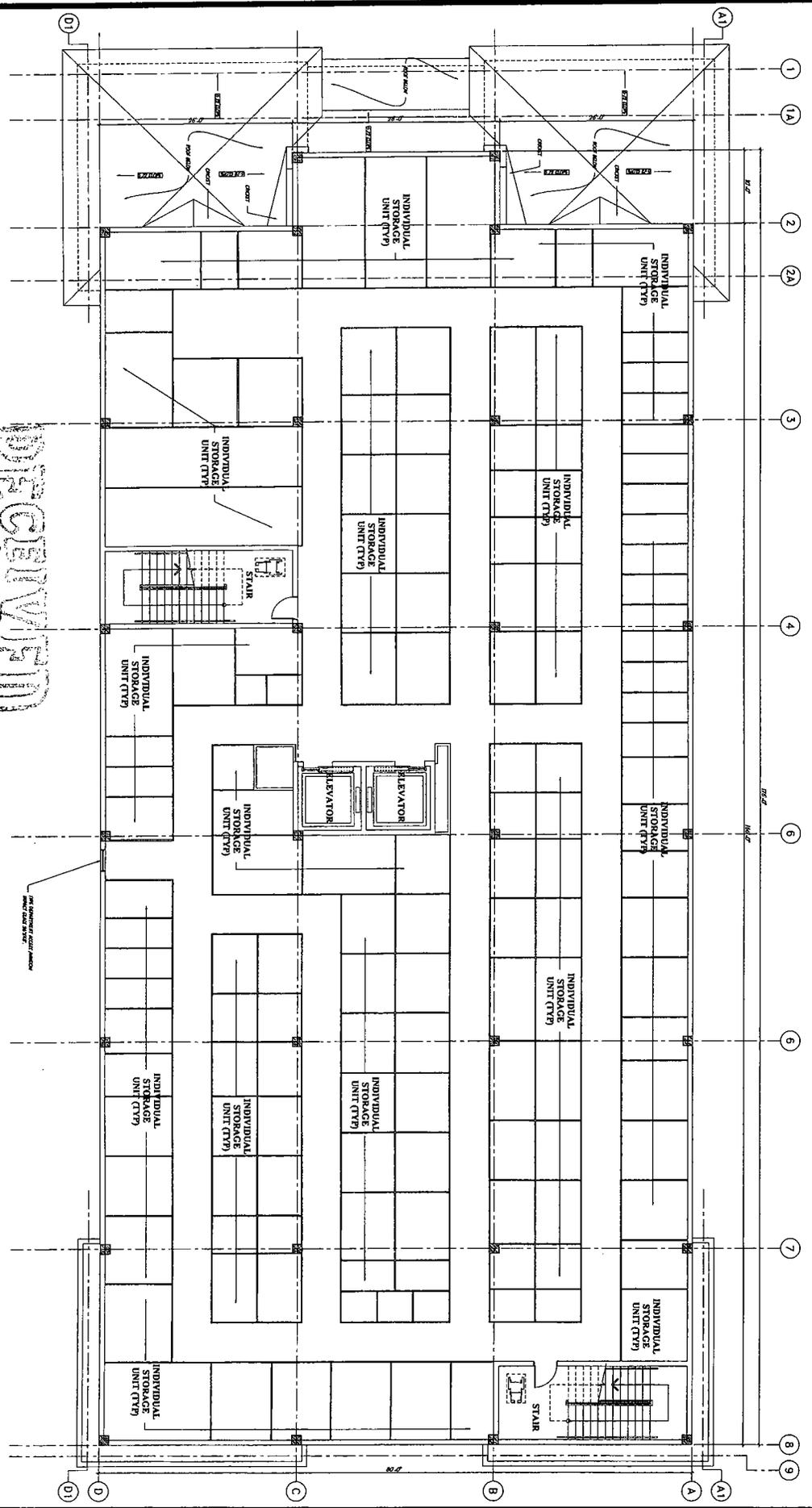
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ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
11-17-08	

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS
520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 371-2822 FAX (305) 381-8542
www.architects@rcd.com AAC00075

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ZONING HEARINGS SECTION
 MIAMI DADE PLANNING AND ZONING DEPT.
 BY *AW*

NO INDIVIDUAL STORAGE UNIT
 TO BE GREATER THAN 400 S.F.
 TO COMPLY WITH SECTION 33-247.30
 OF FLORIDA BUILDING CODE (FPB)

4TH FLOOR PLAN
 SCALE 3/8" = 1'-0"

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 ANSWER TO COMMENTS
 BY FIRE AND ZONING
 DEPARTMENTS (1ST REVIEW)

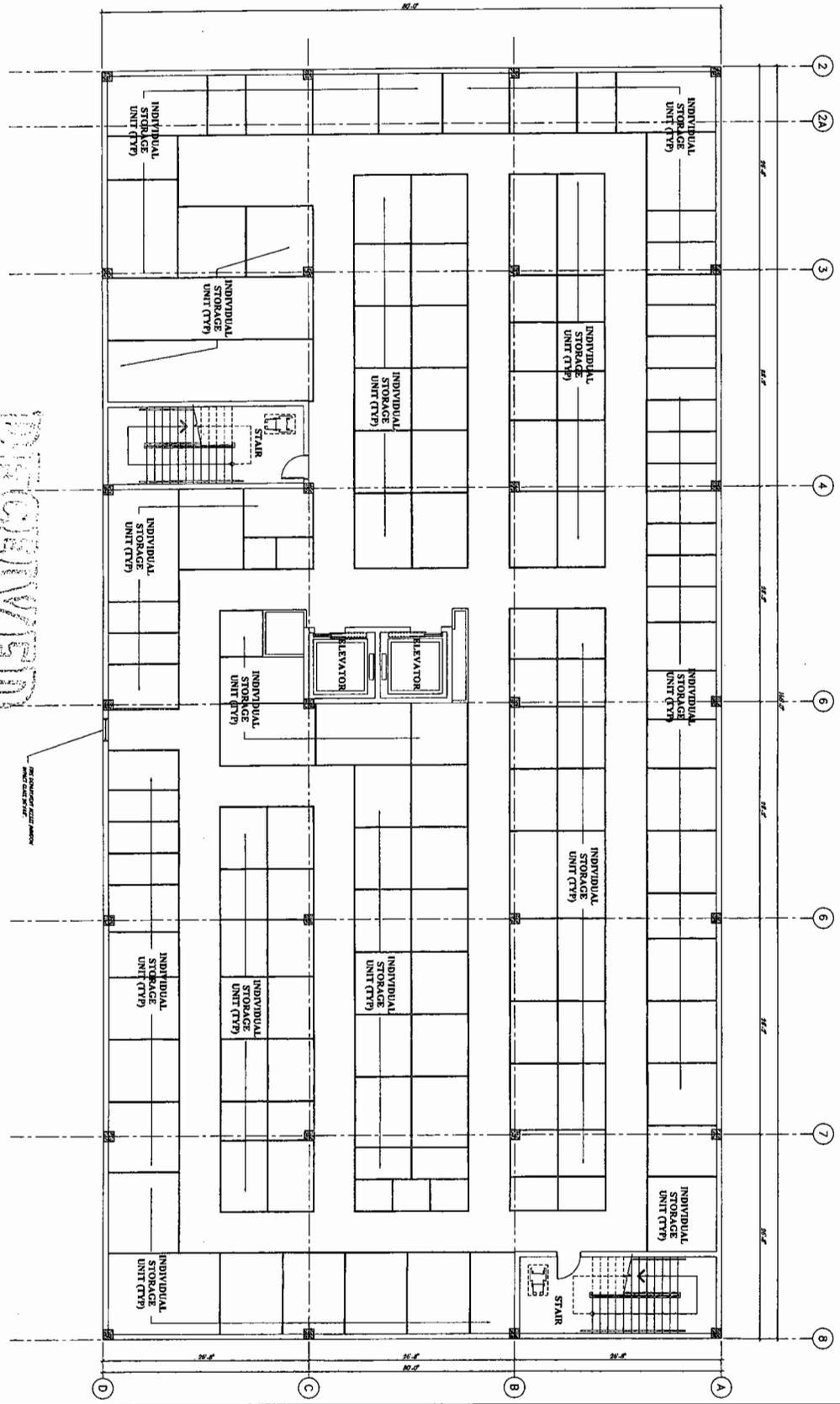
DATE 10-09-08
 SHEET A-5
 OF 02

REVISIONS	DATE
1	11-17-08

STORAGE BUILDING FOR
 LINDMARC DEV. LLC
 6477 SW 40 ST.
 MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
 ARCHITECTS
 INTERIOR DESIGNERS
 520 BIRCKELL KEY DRIVE, OFFICE PLAZA 201
 MIAMI, FLORIDA
 PHONE (305) 371-2822 FAX (305) 361-6542
 wade@robertwade.com RWAD000875

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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NO INDIVIDUAL STORAGE UNIT
TO BE GREATER THAN 400 S.F.
TO COMPLY WITH SECTION 39-247130
OF FLORIDA BUILDING CODE (FPB)

6TH FLOOR PLAN

SCALE 3/8"=1'-0"

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11-17-08
ASSUMER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

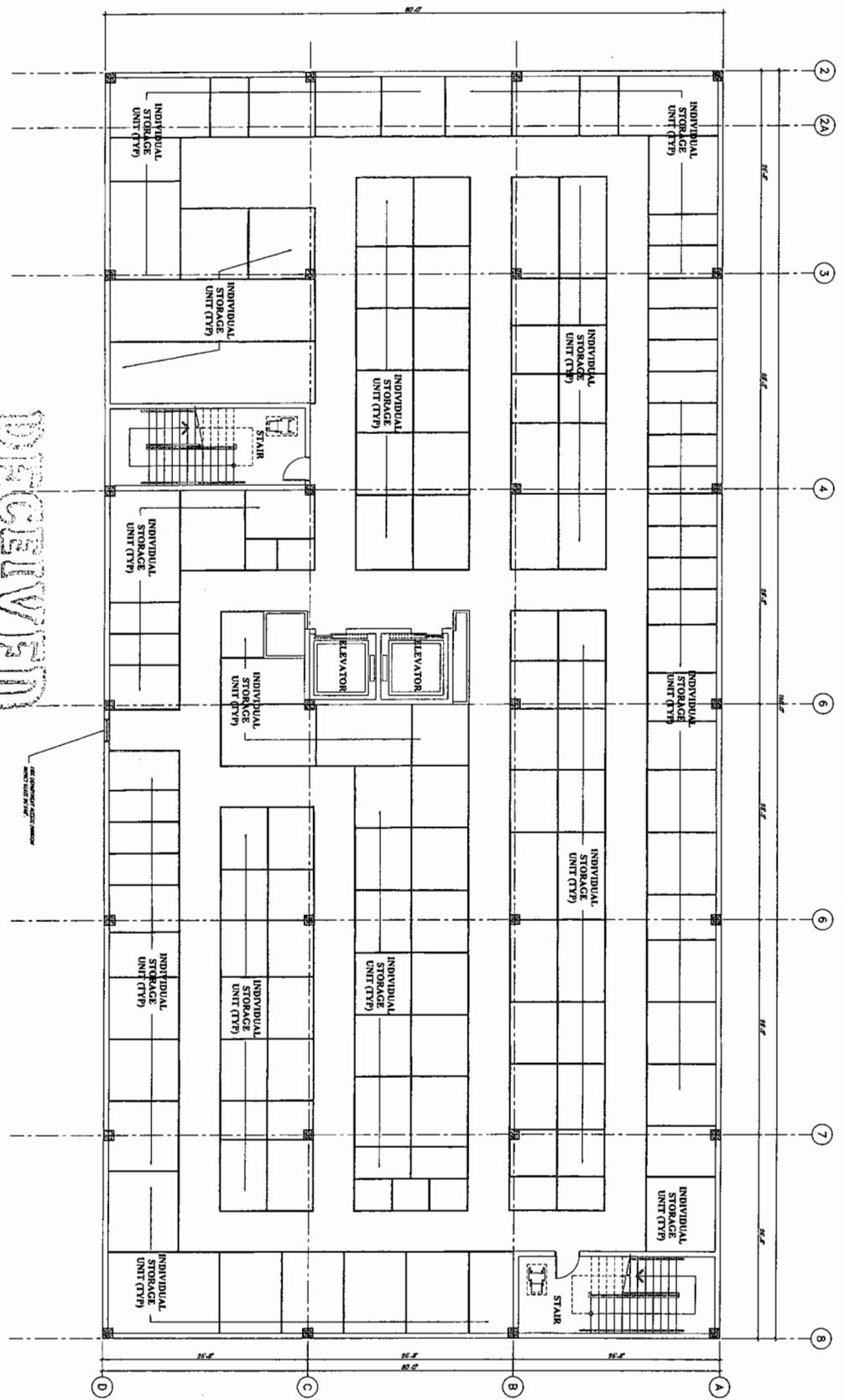
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OF

NO.	REVISIONS
1	11-17-08

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE
FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
DESIGNERS
220 BRIDGELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 371-2522 FAX (305) 381-8542
www.robertwade.com AAC000075

28



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208-202
NOV 17 2008

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

NO INDIVIDUAL STORAGE UNIT
TO BE GREATER THAN 400 S.F.
TO COMPLY WITH SECTION 35.247130
OF FLORIDA BUILDING CODE (FPB)

7TH FLOOR PLAN
SCALE: 1/8" = 1'-0"

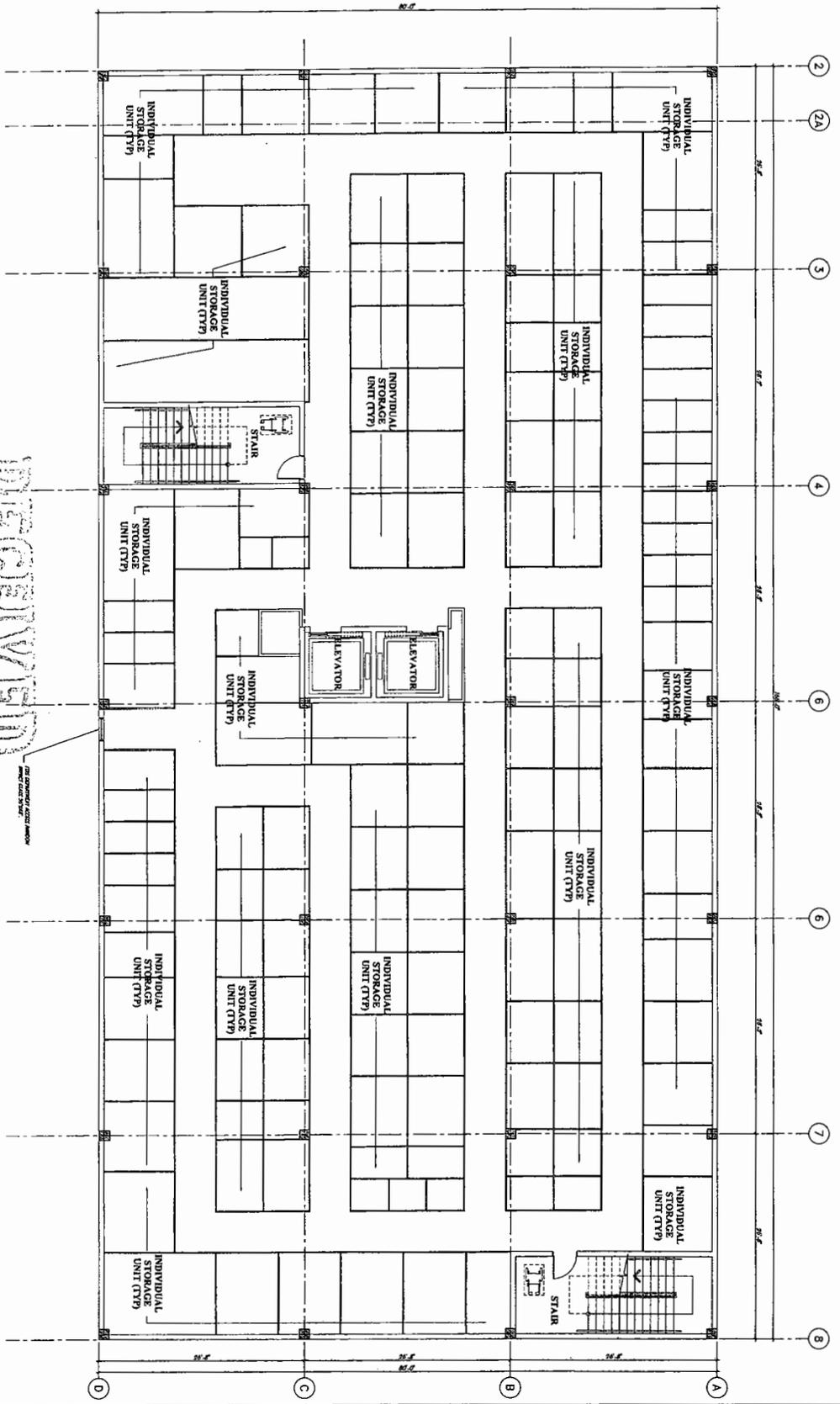
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NOV 17 2008

11-15-08
ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISION
10-03-08	11-17-08
SHEET	
A-8	
OF	

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS
120 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 371-2832 FAX (305) 381-6542
wadeandpartners@aol.com AIC000875



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208-202
NOV 17 2008

ZONING HEARINGS SECTION
MIAMI DADE PLANNING AND ZONING DEPT.
BY *KF*

NO INDIVIDUAL STORAGE UNIT
TO BE GREATER THAN 400 S.F.
TO COMPLY WITH SECTION 33-247130
OF FLORIDA BUILDING CODE (FPB)

8TH FLOOR PLAN
SCALE 3/8"=1'-0"

RECEIVED
NOV 17 2008

11-17-08 TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

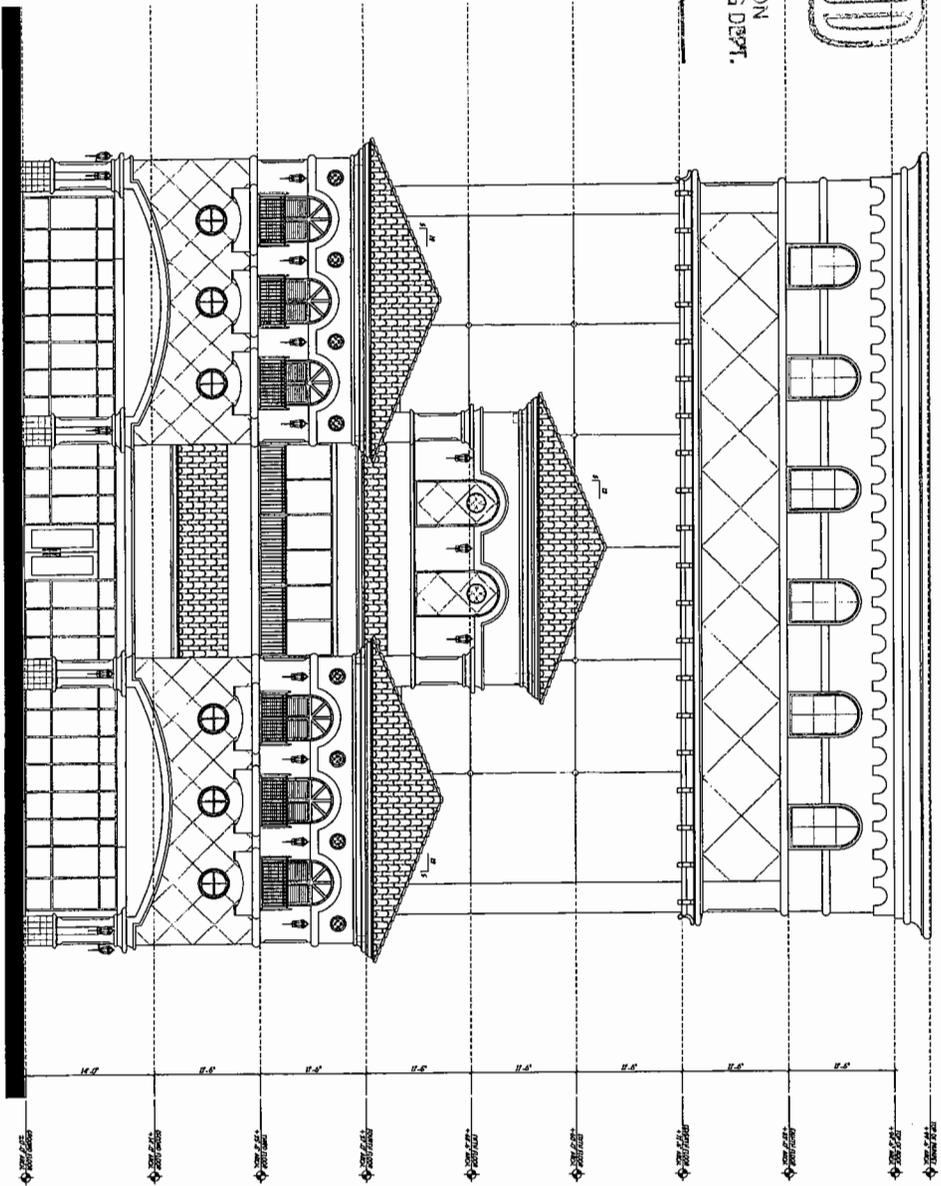
DATE	REVISIONS
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11-17-08	2
11-17-08	3
11-17-08	4
11-17-08	5
11-17-08	6
11-17-08	7
11-17-08	8
11-17-08	9
11-17-08	10

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS
320 BRUCKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 271-2832 FAX (305) 381-6542
www.rwaarchitects.com ACC000675

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NOV 17 2008

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



FRONT ELEVATION
SCALE 3/16"=1'-0"



11-17-08
APPROVED TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
10-23-08	11-17-08
SHEET	
A-11	

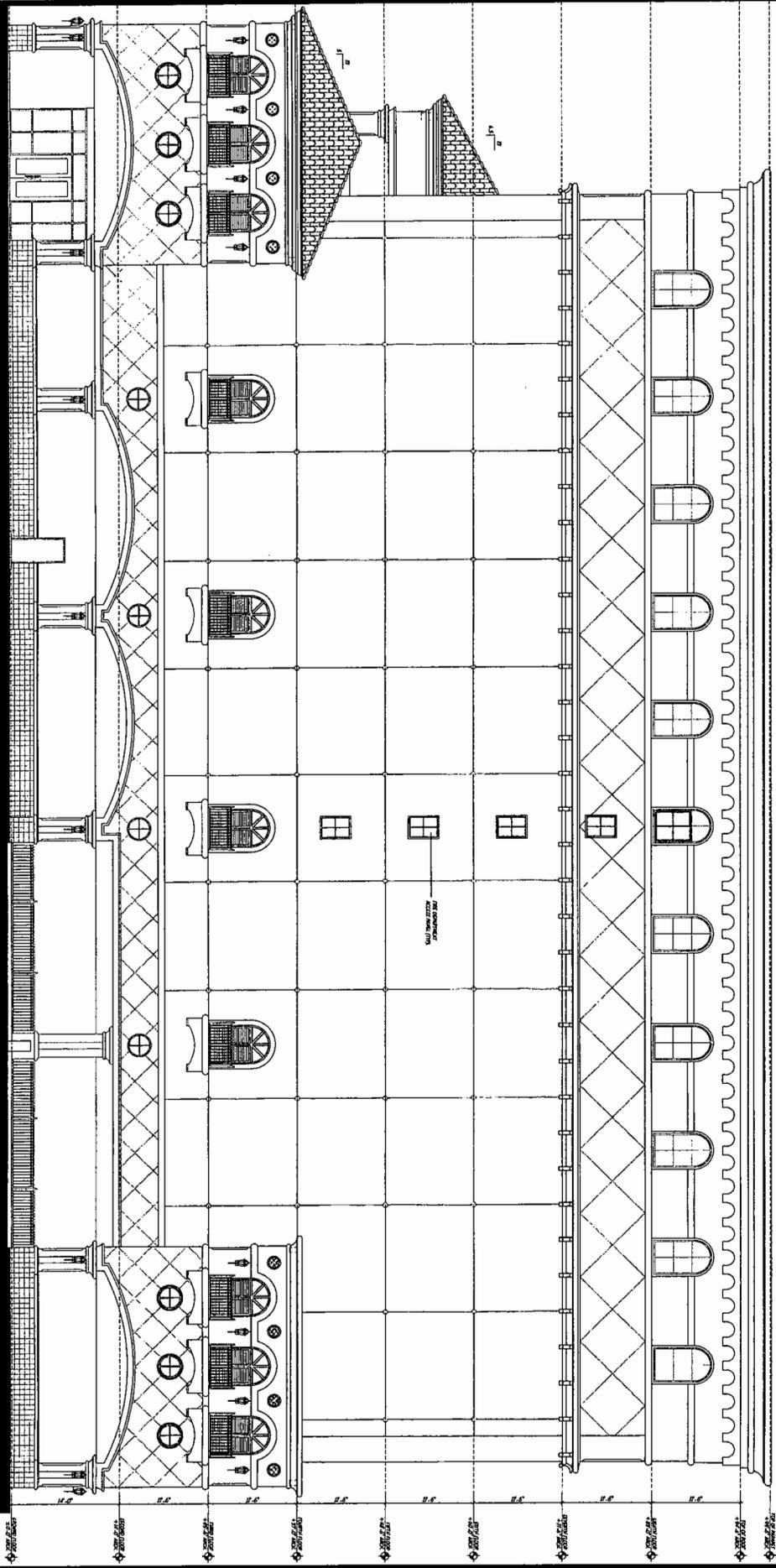
STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE
FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS
620 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 371-2232 FAX (305) 381-6545
www.rwaarchitect.com ANZ00875

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



RIGHT ELEVATION
SCALE 3/8"=1'-0"

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11-17-08
ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

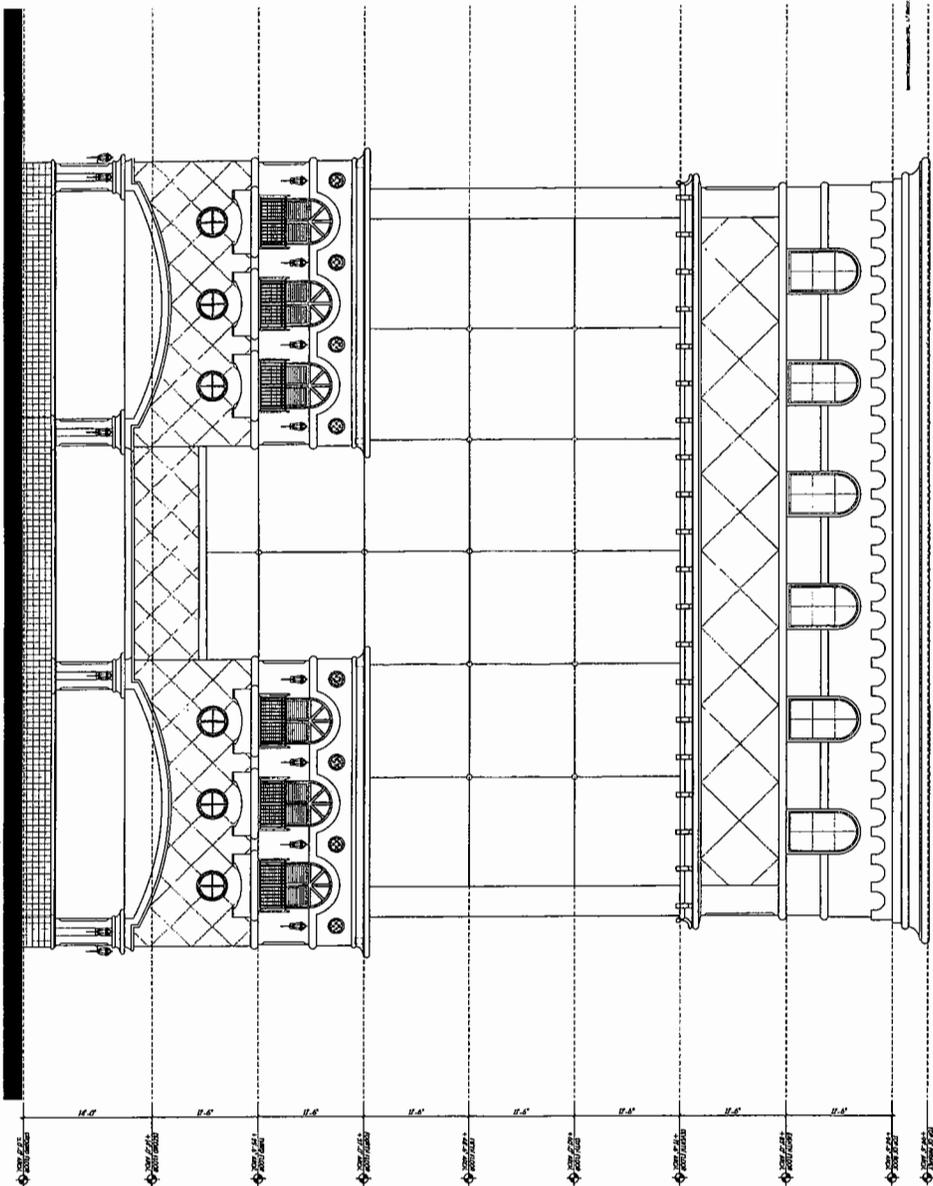
DATE	REVISIONS
10-03-08	11-17-08
A-12	

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.
MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS INTERIOR DESIGNERS
520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FL 33130
PHONE (305) 571-8832 FAX (305) 361-6542
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *AKD*



REAR ELEVATION
SCALE 1/8"=1'-0"

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11-17-08

ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
11-17-08	1
11-17-08	

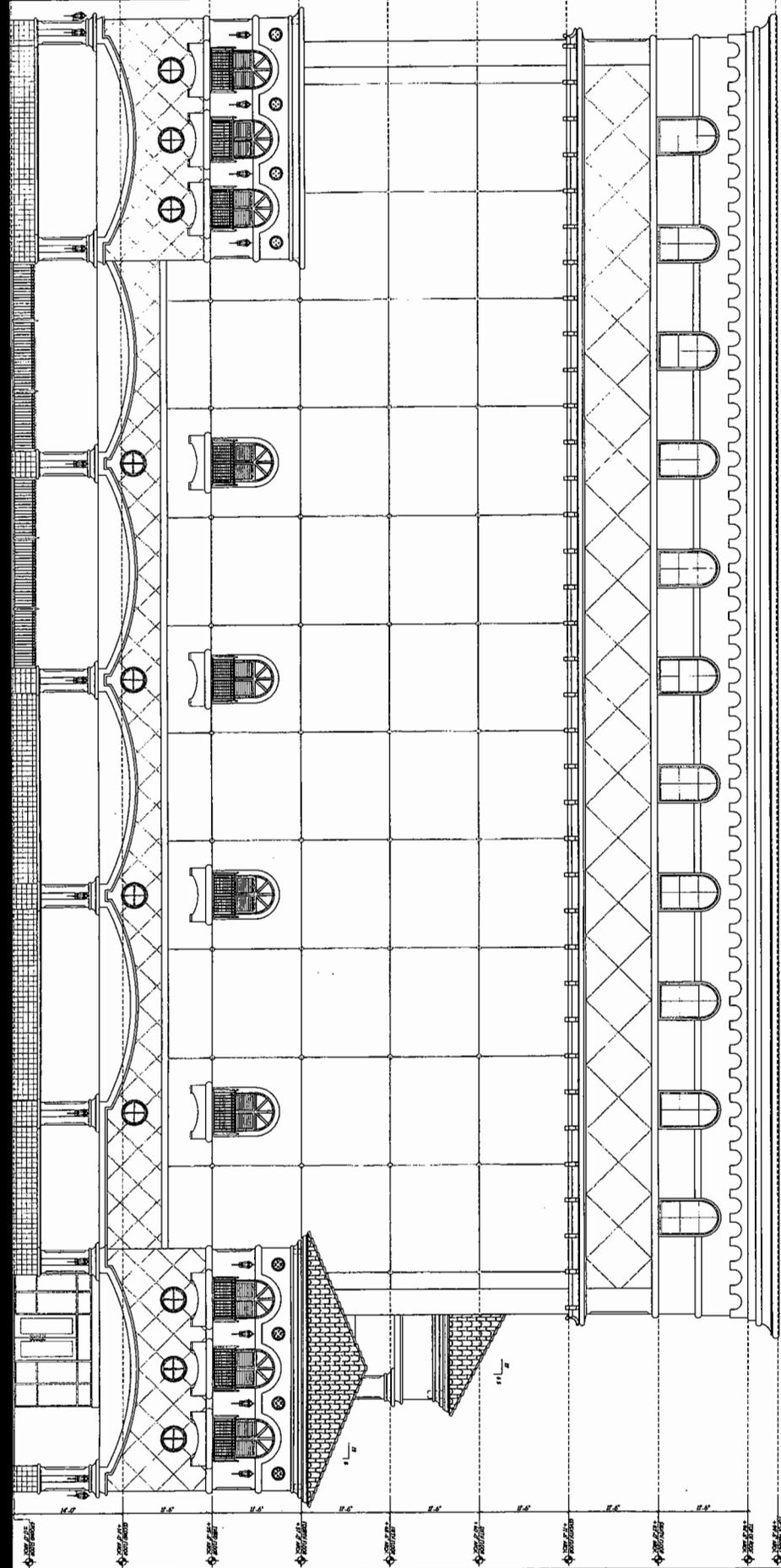
STORAGE BUILDING FOR
LINDMARC DEV. LLC
6477 SW 40 ST.
MIAMI DADE FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS INTERIOR DESIGNERS
520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA
PHONE (305) 371-2822 FAX (305) 381-8542
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ZONING HEARINGS SEC
MIAMI DADE PLANNING AND ZONING DEPARTMENT
BY *AKY*



LEFT ELEVATION
SCALE 3/8" = 1'-0"

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NOV 17 2009

11-17-08
ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

DATE	REVISIONS
10-03-08	1 11-17-08
SHEET	
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OF	

STORAGE BUILDING FOR
LINDMARC DEV. LLC
8477 SW 40 ST.

MIAMI DADE

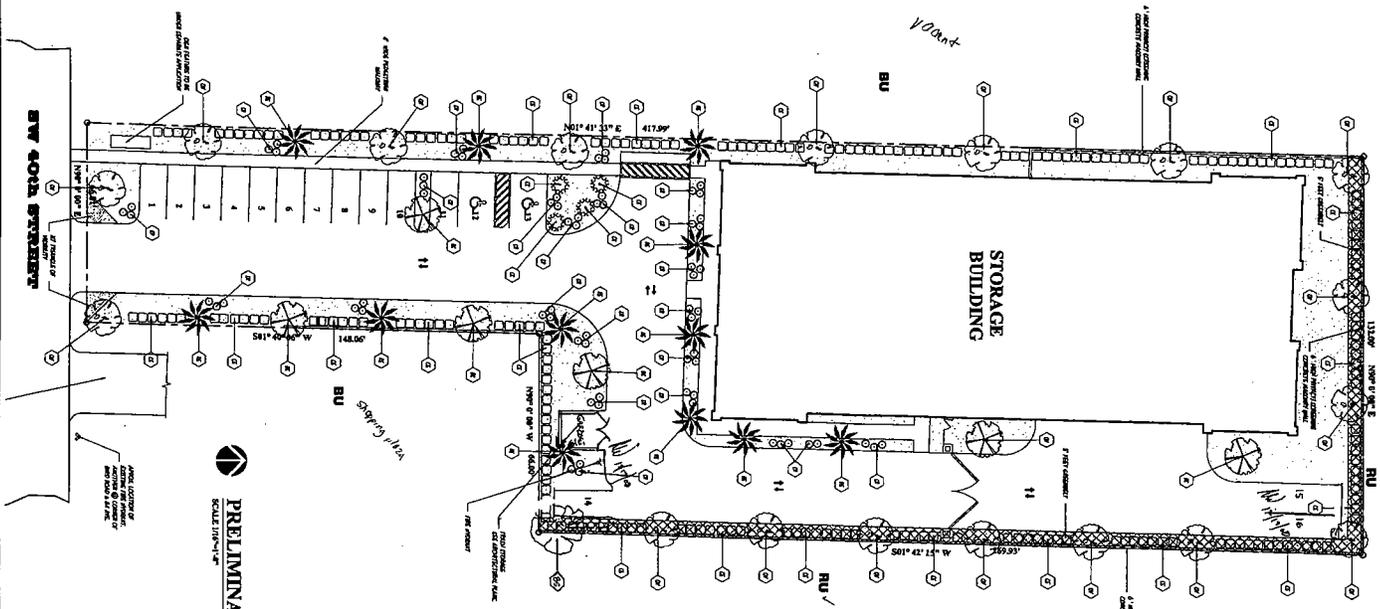
FLORIDA

ROBERT WADE AND ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS

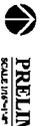
520 BRICKELL KEY DRIVE, OFFICE PLAZA 201
MIAMI, FLORIDA

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PRELIMINARY LANDSCAPE PLAN



- LANDSCAPE LEGEND (this information is required to be permanently affixed to the plan.)
Zoning District: BU Net lot area: 1,041 sq. ft. 45,373 square feet
- OPEN SPACE**
A. Square feet of open space required by Chapter 20, as indicated on the plan: 12,024 sq. ft.
Net lot area: 45,373 square feet (52.1% = 23,349 square feet)
- B. Total feet of parking lot open space required by Chapter 18A, as indicated on the plan: 150 ft.
The number of parking spaces: 160 (10 square feet per parking space = 1,600 sq. ft.)
- C. Total square feet of landscaped open space required by Chapter 33A-4-B:
12,334 sq. ft.
- LAWN AREA CALCULATION**
A. Total square feet of landscaped open space required by Chapter 33A: 28.5%
- B. Maximum lawn area (St. Augustine and) permitted: 20% x 12,154 square feet = 2,431 sq. ft.
- TREES**
A. The number of trees required per net lot area (22 per acre) from the existing number of trees (net minimum requirements): 23
- B. 30% palm trees allowed (two palms = one tree) Palms provided: 7
- C. Percentage of native tree required - the number of trees provided: 30% = 7
- D. Street trees (max. average spacing 35' o.c.): 66' linear feet along street = 35 = 2
Palms as street trees (max. average spacing 25' o.c.): 0' linear feet along street = 25 = 0
- E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): 0' linear feet along street = 25 = 0
- F. Total number of trees provided: 25
- SHRUBS**
A. The total number of trees required: 110 = the number of shrubs required: 75
- B. The number of shrubs required: 250% = the number of native shrubs required: 75
- IRRIGATION PLAN: Required by Chapter 33, Irrigation - In-situ drip

REQUIRED	PROVIDED
12,024 sq. ft.	12,334 sq. ft.
150 ft.	150 ft.
28.5%	28.5%
2,431 sq. ft.	2,431 sq. ft.
23	23
7	7
2	2
0	0
25	25
75	75
250	250

SYMBOL	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTE
OV	18	ONE OAK	QUERCUS SPICATA	7" CAL. 17' O.A. Hgt. & 8" DBH.	125' HAW	12' H1
OR	6	ORANGE JADE	RAPISTRA FLORIBUNDA	7" CAL. 17' O.A. Hgt. & 8" DBH.	125' HAW	12' H1
AR	12	ARBOREAL BANYAN	FICUS BANYAN	10" CT. 17' CAL. Hgt.	125' HAW	12' H1
CF	4	COCONUT PALM	COPERNICUS SPICATA	12" CAL. 10' Hgt.	125' HAW	12' H1
SHRUBS	75	COCONUT PALM	COCONUT PALM	3" CAL. 17' Hgt.	3' O.C.	12' H1
CF	40	ARBOREAL BANYAN	FICUS BANYAN	3" CAL. 17' Hgt.	3' O.C.	12' H1
CF	55	ARBOREAL BANYAN	FICUS BANYAN	3" CAL. 17' Hgt.	3' O.C.	12' H1
GROUNDCOVER						
6,500 sq. ft. 4" HAW 200' MANDALAY MOUNTAIN						

SYMBOL LEGEND

[Symbol] EXISTING CONDITIONS EXISTING TO REMAIN

[Symbol] NEW CONDITIONS

[Symbol] NEW TREE PLANTING

REQUIRED TREES MUST HAVE 6'-0" CLEARANCE TO THE TOP OF THE TRUNK OR HEIGHT OF 4'-0". REQUIRED PALMS MUST HAVE 6'-0" CLEAR TRUNK OR HEIGHT OF 4'-0". THESE REQUIREMENTS ARE AT TIME OF PLANTING

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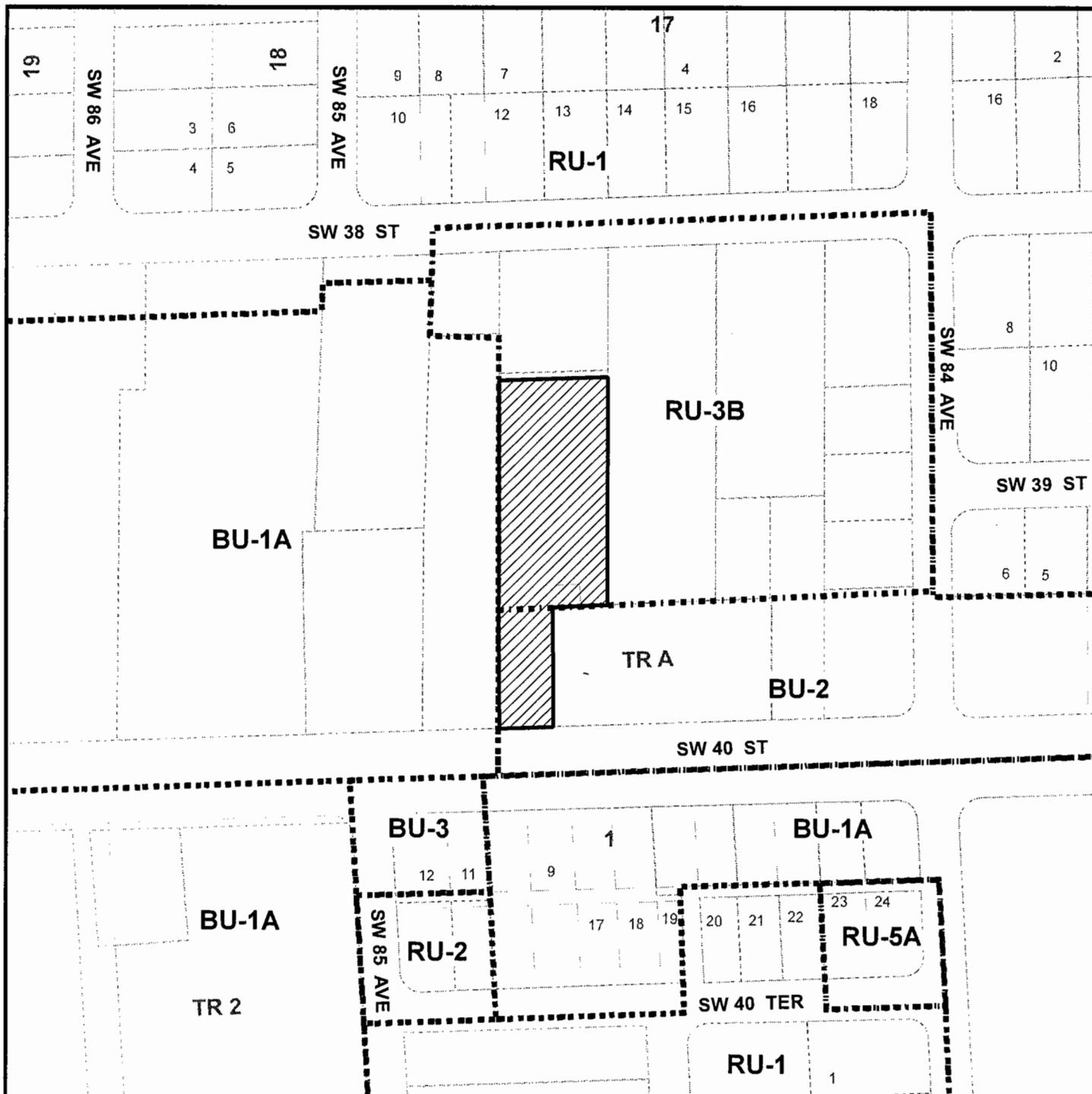
ZONING HEARINGS SECTION
MAY 11 2008

APPROVED FOR SUBMITTAL
MAY 11 2008

DATE	REVISION
10-03-08	11-17-08
SHEET	
1	

STORAGE BUILDING FOR
LINDMARC DEV. LLC
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MIAMI DADE FLORIDA

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INTERIOR DESIGNERS
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**MIAMI-DADE COUNTY
HEARING MAP**

Section: 15 Township: 54 Range: 40
 Applicant: LINDMARC DEVELOPMENT, LLC.
 Zoning Board: C10
 Commission District: 10
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
08-202

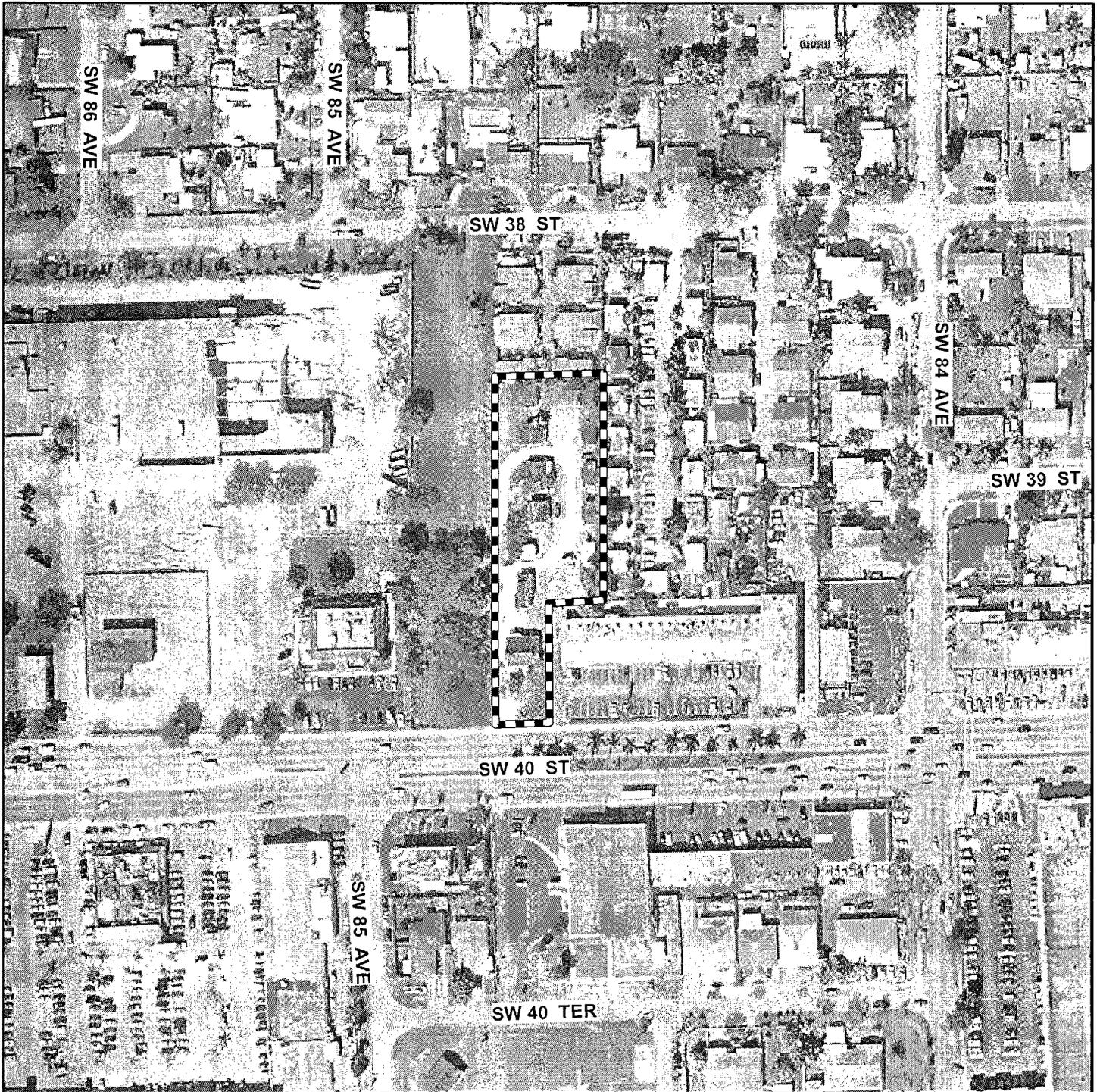


SUBJECT PROPERTY



SKETCH CREATED ON: 10/23/08

REVISION	DATE	BY
		36



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Section: 15 Township: 54 Range: 40
 Applicant: LINDMARC DEVELOPMENT, LLC.
 Zoning Board: C10
 Commission District: 10
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SUBJECT PROPERTY



SKETCH CREATED ON: 10/23/08

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