

KITS

5-8-2009 Version # 2



COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, May 20, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

| | | | | |
|----|-------------|---------------------------|--------|----------|
| A. | 04-3-CZ10-4 | NEIL KADRE | 03-324 | 03-54-40 |
| B. | 09-3-CZ10-2 | HERIBERTO GOMEZ | 08-197 | 31-53-40 |
| C. | 09-4-CZ10-2 | LINDMARC DEVELOPMENT, LLC | 08-202 | 15-54-40 |

CURRENT

| | | | | | |
|----|-------------|--------------------------------------|--------|----------|---|
| 1. | 09-5-CZ10-1 | MILLOS THREE STARS ENTERPRISES, INC. | 08-135 | 10-54-39 | N |
| 2. | 09-5-CZ10-2 | LAZARO & MARIBEL LEZCANO | 08-167 | 02-54-39 | N |
| 3. | 09-5-CZ10-3 | LOURDES & RENE PICANES JR. | 08-227 | 13-54-39 | N |
| 4. | 09-5-CZ10-4 | KATHERINE VALVERDE, ET AL | 08-229 | 10-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, MAY 20, 2009

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. NEIL KADRE (04-3-CZ10-4/03-324)

**03-54-40
Area 10/Dist. 6**

EU-M to RU-5

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

SIZE OF PROPERTY: 300' x 139'

Department of Planning and
Zoning Recommendation:

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

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 03-17-2009

B. HERIBERTO GOMEZ (09-3-CZ10-2/08-197)

**31-53-40
Area 10/District. 12**

RU-1 to IU-1

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

SIZE OF PROPERTY: 50' x 140.46'

Department of Planning and
Zoning Recommendation:

Approval.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 04-22-2009

C. 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: _____

Deferred from 04-22-2009

1. MILLOS THREE STARS ENTERPRISES, INC (09-5-CZ10-3/08-135)

**10-54-39
Area 10/District 11**

AU and EU-1 to RU-1M(a)

LOCATION: The northeast corner of S.W. 26 Street and theoretical S.W. 145 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.5 Gross Acres

Department of Planning and Zoning Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. LAZARO & MARIBEL LEZCANO (09-5-CZ10-2/08-167)

**2-54-39
Area 10/District. 12**

(1) Applicants are requesting to permit a covered terrace addition to a single-family residence setback 6' (25' required) from the rear (north) property line.

(2) Applicants are requesting to permit a lot coverage of 40.3% (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).

LOCATION: 13451 S.W. 2 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 118'

Department of Planning and
Zoning Recommendation:

Modified approval with conditions of request #1, to permit the covered terrace addition to the single-family residence setback 15' from the rear (north) property line, in lieu of the requested 6' and modified approval with conditions of request #2, to permit a lot coverage of 38.7% in lieu of the requested 40.3% under Section 33-311 (A)(4)(b)(NUV) and denial without prejudice of requests #1 and #2 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: _____

3. LOURDES & RENE PICANES JR (09-5-CZ10-3/08-227)

**13-54-39
Area 10/District. 10**

(1) Applicants are requesting to permit a covered terrace, utility room & BBQ addition to a single-family residence setback a minimum of 5'3" (7'6" required) from the interior side (east) property line and setback 20' (25' required) from the rear (north) property line.

(2) Applicants are requesting to permit a lot coverage of 37.2% (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 "Terrace Addition to the Picanes Residence," as prepared by Palenzuela & Hevia Design Group, Inc., dated stamped received 1/13/09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 12241 S.W. 28 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 120'

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1 and 2 under Section 33-311(A)(4)(b)(NUV), and denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(c)(ANUV) and under Section 33-311(A)(14)(ASDO).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. KATHERINE VALVERDE, ET AL (09-5-CZ10-4/08-229)

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

(1) Applicants are requesting to permit a covered terrace addition to a single-family residence setback 13.7' (25' required) from the rear (east) property line.

(2) Applicants are requesting to permit a shed spaced 9.5' (10' required) from the residence.

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 "Re-Zoning Plan for Alvaro Zumaeta," as prepared by Eduardo A. Vazquez, consisting of 3 sheets and dated stamped received 2/2/09. Plans may be modified at public hearing.

LOCATION: 2025 S.W. 85 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100' X 101.57'

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c)(ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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. NEIL KADRE
(Applicant)

04-3-CZ10-4 (03-324)
Area 10/District 6
Hearing Date: 5/20/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

APPLICANT'S NAME: NEIL KADRE

REPRESENTATIVE(S): Juan Mayol

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

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

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

WITHDRAW: Entire Application ITEM(S) _____

DEFER: INDEFINITELY TO: _____ W/Leave To Amend

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH STD. CONDITIONS

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

VOTE: 4 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: David Hope

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

APPLICANT'S NAME: NEIL KADRE

REPRESENTATIVE(S): Felix Lasarte

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

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

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

WITHDRAW: Entire Application ITEM(S) _____

DEFER: INDEFINITELY TO: May 25, 2004 W/Leave To Amend

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH STD. CONDITIONS

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---------------|----------|-----------------------|-----|----|--------|
| MR. | S | Jose M. BLANCO (C.A.) | 1 | | |
| MR. | | Manuel CASAS | 1 | | |
| VICE-CHAIRMAN | M | Jesus RODRIGUEZ | 1 | | |
| CHAIRMAN | | George A. ALVAREZ | 1 | | |

VOTE: 4 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: David Hope

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

APPLICANT: Neil Kadre

PH: Z03-324 (04-3-CZ10-4)

SECTION: 3-54-40

DATE: May 20, 2009

COMMISSION DISTRICT: 6

ITEM NO.: A

A. INTRODUCTION

o **REQUEST:**

EU-M to RU-5

o **SUMMARY OF REQUEST:**

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

o **LOCATION:**

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

o **SIZE:** 300' X 139'

B. ZONING HEARINGS HISTORY:

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

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Office/Residential**. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on

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

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

D. NEIGHBORHOOD CHARACTERISTICS:

| <u>ZONING</u> | <u>LAND USE PLAN DESIGNATION</u> |
|--------------------------------------|--|
| <u>Subject Property:</u> | |
| EU-M; vacant property | Office/Residential |
| <u>Surrounding Properties:</u> | |
| NORTH: EU-M; vacant property | Office/Residential |
| SOUTH: EU-M; single family residence | Office/Residential |
| EAST: EU-M; single family residence | Estate Density Residential, 1 to 2.5 dua |
| WEST: RU-TH; townhouses | Medium Density Residential, 13 to 25 dua |

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

E. SITE AND BUILDINGS:

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

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions stated in their memoranda

H. ANALYSIS:

This application was deferred from the March 17, 2009 meeting in order to allow the applicant time to submit a site plan and to provide the Board with more specific information regarding the proposed use of the site. It should be noted that as of the time of this writing, staff has not received said site plan. This application was deferred indefinitely from the May 25, 2004 meeting at the applicant's request to submit new plans and to work with staff. The applicant submitted a revised Letter of Intent on November 25, 2008 amending the application to request only a zone change on the subject site.

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

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

Approval of this application will allow the applicant to provide residential/semi-professional office space for the community. This site is designated for **Office/Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, zoned, or Plan-designated adjoining or adjacent residential uses. The CDMP also indicates that office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to, traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. The requested RU-5 zoning district allows uses such as duplexes, multi-family

housing projects, accountants, banks without drive-in teller facilities, day nursery, dentists, medical doctors, real estate, and travel agencies, to name a few. Staff notes that the uses permitted in the RU-5 zoning district are **consistent** with the uses allowed in the Office/Residential land use category. Staff acknowledges that the applicant has not submitted plans in conjunction with this application, but notes that the applicant has proffered a covenant that limits the uses on the site and provides landscape buffering elements along the south, east and north property lines. As such, staff opines that the approval of the requested zone change, subject to the Board's acceptance of the proffered covenant, is both **consistent** with the designation of the LUP Map of the CDMP and **compatible** with the surrounding area. In addition, the CDMP states that all such lawful uses and zoning are deemed to be consistent with the CDMP. As such, the existing EU-M zoning which was established before the CDMP was adopted is also **consistent** with same.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from EU-M to RU-5 that allows uses such as duplexes, multi-family housing projects, accountants, banks without drive-in teller facilities, day nursery, dentists, medical doctors, real estate, and travel agencies, which are **consistent** with the uses allowed in the Office/Residential land use category. Staff notes that the proposed rezoning will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the approval of this application will not have an unfavorable impact on the economy of Miami-Dade County. Further, the Public Works Department has no objection to this application, and indicates that the additional 25 PM daily peak hour vehicle trips generated by this application will not exceed the acceptable level of service of the surrounding roadways. Furthermore, staff opines that the proposed rezoning on the subject property to RU-5 is well suited along SW 87 Avenue, since said roadway is a well-traveled section-line roadway. As such, staff opines that said circumstance render the subject site as being less conducive for residential uses due to noise generated by motorists traveling along SW 87 Avenue. Moreover, it should also be noted that RU-5 zoning regulations require a lot frontage of 100', which the subject lot exceeds by 39' and a lot area of 10,000 sq. ft., which the subject lot exceeds by approximately 31,839 sq. ft. Therefore, staff opines that the subject site is more than adequate in lot frontage and area to accommodate an office/residential use. In addition, as previously mentioned, the applicant has voluntarily proffered a covenant to restrict the permitted uses on the site and to provide landscape buffering elements along the south,

east and north property lines in order to ensure a design that is sensitive to the adjoining residential properties located to the south, east and north of the site. Therefore, staff opines that the proposed RU-5 zoning would be **compatible** with the surrounding area. Based on all of the aforementioned, staff recommends approval of the requested zone change from EU-M to RU-5 subject to the Board's acceptance of the proffered covenant.

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

I. RECOMMENDATION:

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

J. CONDITIONS: None.

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


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

Memorandum



Date: January 26, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-10 #Z2003000324-Revised
Neil Kadre
Northeast Corner of S.W. 87th Avenue and S.W. 4th Street
District Boundary Change from EU-M to RU-5
(EU-M) (0.95 Acres)
03-54-40

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

Potable Water Supply and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

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

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

Wetlands

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

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

Tree Preservation

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

Operating Permits

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: NEIL KADRE

This Department has no objections to this application.

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

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 25 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|--------|-------------------------------|-------------|---------------|
| F-44 | SW 87 Ave. s/o Flagler St. | B | B |
| F-1141 | W. Flagler St. w/o SR 826 | D | D |
| F-42 | SW 87 Ave. s/o SW 24 St. | D | D |
| 9154 | W. Flagler St. w/o SW 87 Ave. | D | D |

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



Raul A Pino, P.L.S.

03-FEB-09

Memorandum



Date: 26-JAN-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2003000324

Fire Prevention Unit:

- No objection to Letter of Intent.
- No plans available. Compliance with MDFR site requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2003000324 located at THE NORTHEAST CORNER OF S.W. 87 AVENUE & S.W. 4 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1352 is proposed as the following:

| | | | |
|---------------------------|----------------|--------------------------------------|-------------|
| <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: 6:31 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 48 - Fontainebleau - 8825 NW 18 Terrace
Rescue, Technical Rescue Team, Heavy Rescue USAR

Planned Service Expansions:

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

Fire Planning Additional Comments:

Service impact analysis will be provided upon submission of the development plans for the proposed project.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:
NEIL KADRE

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

DATE: 01/28/09

ZONING HEARING#:
Z2003000324

CURRENT ENFORCEMENT HISTORY:

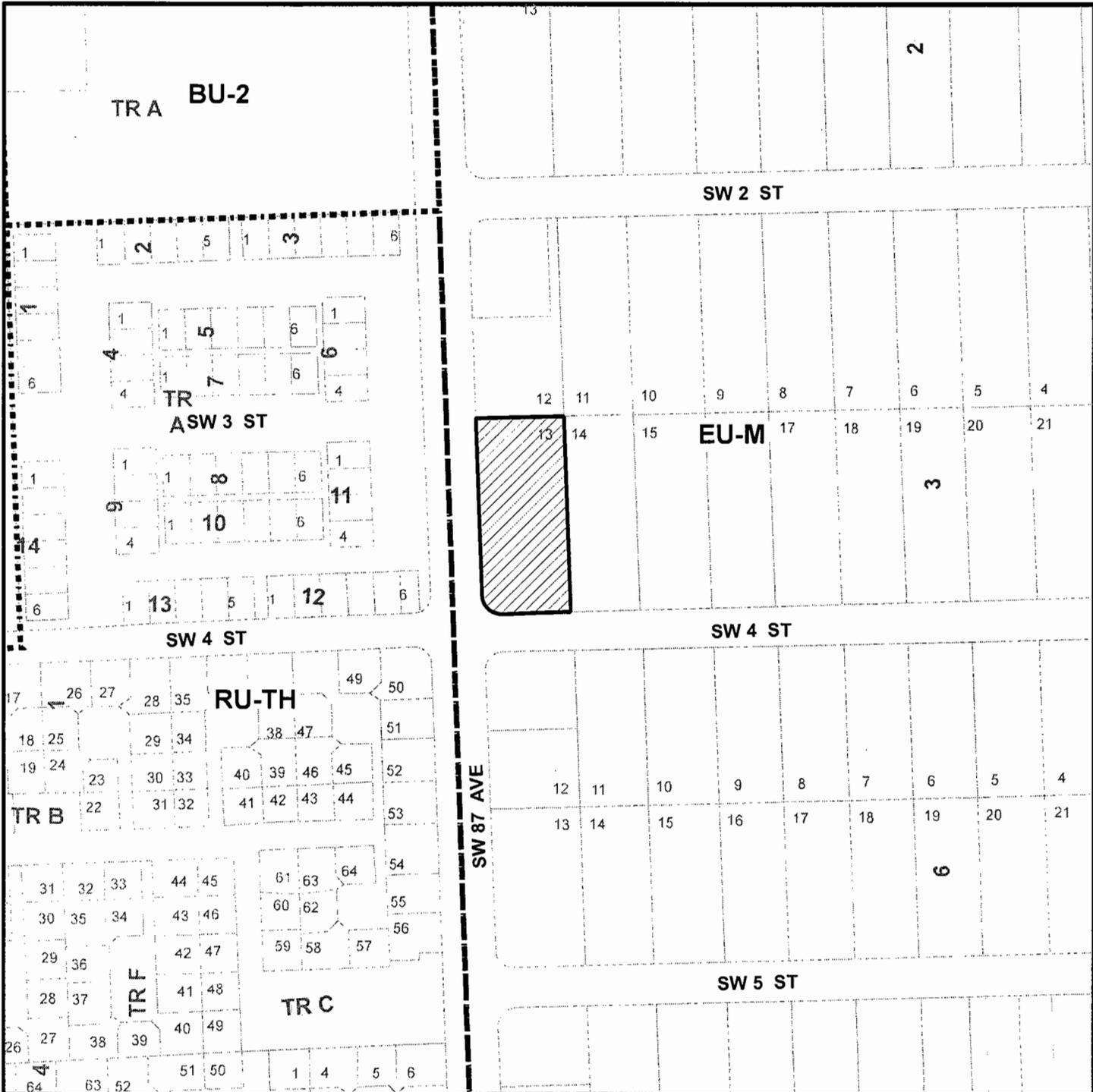
No open cases. No current violations.

PRIOR CASES:

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

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

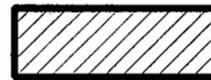
CMS #200103007538. CVN issued in September 2001 for overgrowth. CVN voided. Case closed as complied.



**MIAMI-DADE COUNTY
HEARING MAP**

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

Process Number
03-324



SUBJECT PROPERTY



SKETCH CREATED ON: 03/02/09

| REVISION | DATE | BY |
|----------|------|----|
| | | 18 |



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
03-324

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



SUBJECT PROPERTY



SKETCH CREATED ON: 03/02/09

| REVISION | DATE | BY |
|----------|------|----|
| | | |

MAR 13 2009

NEIL KADRE

03-324

ITEM A

This instrument was prepared by:
Joseph G. Goldstein, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 03-324 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Uses Prohibited.** Notwithstanding the approval of the Application or the proposed RU-5 zoning classification for the Property, the following specific uses are expressly prohibited:
 - (a) Dentists (as provided in Sec. 33-223.1(23), Miami-Dade County Code);
 - (b) Medical doctors (as provided in Sec. 33-223.1(31), Miami-Dade County Code);
 - (c) Tattoo parlor;
 - (d) Massage or Bath parlor;
 - (e) Adult video store;
 - (f) Adult book Store;
 - (g) Adult entertainment facility; and
 - (h) Pool halls.

- (2) **Vehicular Access to Property.** Vehicular access to the Property shall be provided along SW 87 Avenue only and the Property shall not have vehicular access from SW 4 Street.

- (3) **Landscape Plan.** In the event that the Property is developed as an office or other permitted non-residential use, the Owner shall install the following landscape improvements on the Property:
 - (a) The Owner shall install along the south property line, large canopy trees such as live oak, mahogany or satin leaf, fourteen (14) feet to sixteen (16) feet high at time of planting and spaced a minimum of twenty-five (25) feet on center;
 - (b) The Owner shall install a three (3) feet high berm along the east property line with trees on top of said berm, twelve (12) feet high at time of planting and

(Public Hearing)

Declaration of Restrictions

Page 2

spaced twenty-five (25) feet on center, and a continuous shrub along said berm, three (3) feet high at time of planting and to be maintained at a minimum height of six (6) feet;

- (c) The Owner shall install along the north property line, hedging three (3) feet high at the time of planting, and be maintained at a minimum height of six (6) feet; and
 - (d) The Owner shall install a six (6) foot high decorative wall or fence along the east and north property lines.
- (4) **Water Feature.** In the event the Property is developed as an office or other permitted non-residential use, the Owner shall install a decorative water feature, such as a decorative fountain, at (or near) the main entrance to the building located on the Property. Said water feature shall comply with all zoning regulations.
- (5) **Dumpsters.** Any dumpster required to serve any future non-residential building on the Property shall be enclosed and/or concealed and shall be located as far as reasonably possible from the adjacent residential property to the east.
- (6) **Height of Buildings.** The maximum height of any structure shall be two (2) stories and shall not to exceed thirty-five (35) feet above finished grade.
- (7) **Lighting of Property.** In the event that the Property is developed as an office or other permitted non-residential use, for offstreet area parking purposes, outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half (1/2) footcandle (vertical) and shall not exceed one-half (1/2) footcandle (horizontal) illumination on adjacent properties or structures.
- (8) **Miscellaneous.**
- (a) **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
 - (b) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
 - (c) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date

(Public Hearing)

this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

- (d) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the owner(s) of seventy-five percent (75%) of the Property, including joinders of mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

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

- (e) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (f) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.
- (g) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (h) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (i) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and

(Public Hearing)

effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

- (j) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.
- (k) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
- (l) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

Exhibit A

Legal description of subject property:

Lot 13, Block 3, FLAGLER WATERWAY ESTATES, according to the Plat thereof, as recorded in Plat Book 44, Page 44, of the Public Records of Miami-Dade County, Florida.

B. HERIBERTO GOMEZ
(Applicant)

09-3-CZ10-2 (08-197)
Area 10/District 12
Hearing Date: 5/20/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

B

APPLICANT'S NAME: **HERIBERTO GOMEZ**

REPRESENTATIVE: Applicant not present at the hearing.

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|----------------------|----------------|-------------------|----|
| 09-3-CZ10-2 (08-197) | April 22, 2009 | CZAB10 | 09 |

REC: Approval.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: May 20, 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 due to the absence of the applicant. Board did not vote for the deferral.

Application was rolled over to the next available hearing.

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

VOTE:

| | |
|--|--|
| | |
|--|--|

EXHIBITS: YES NO

COUNTY ATTORNEY: **DAVID HOPE**

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: May 20, 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 April 22, 2009 meeting due to the lack of the applicant's attendance and 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; 04/27/09
DATE FINALIZED: 04/27/09
MCL:MTF:NN:CH:NC

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

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

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

Potable Water Service

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

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of the proposed development to the public sanitary sewer system shall be required in accordance with Code requirements.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the

system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

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

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

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

Hazardous Materials Management

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

Operating Permits

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

Fuel Storage Facilities

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

Wetlands

Although the subject property is located within a designated wetland basin, the subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

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

Concurrency Review Summary

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

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

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

If you have any questions concerning the comments, or wish to 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:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 8:00 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 29 - Sweetwater - 351 SW 107 Avenue
 Rescue, ALS 50, 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

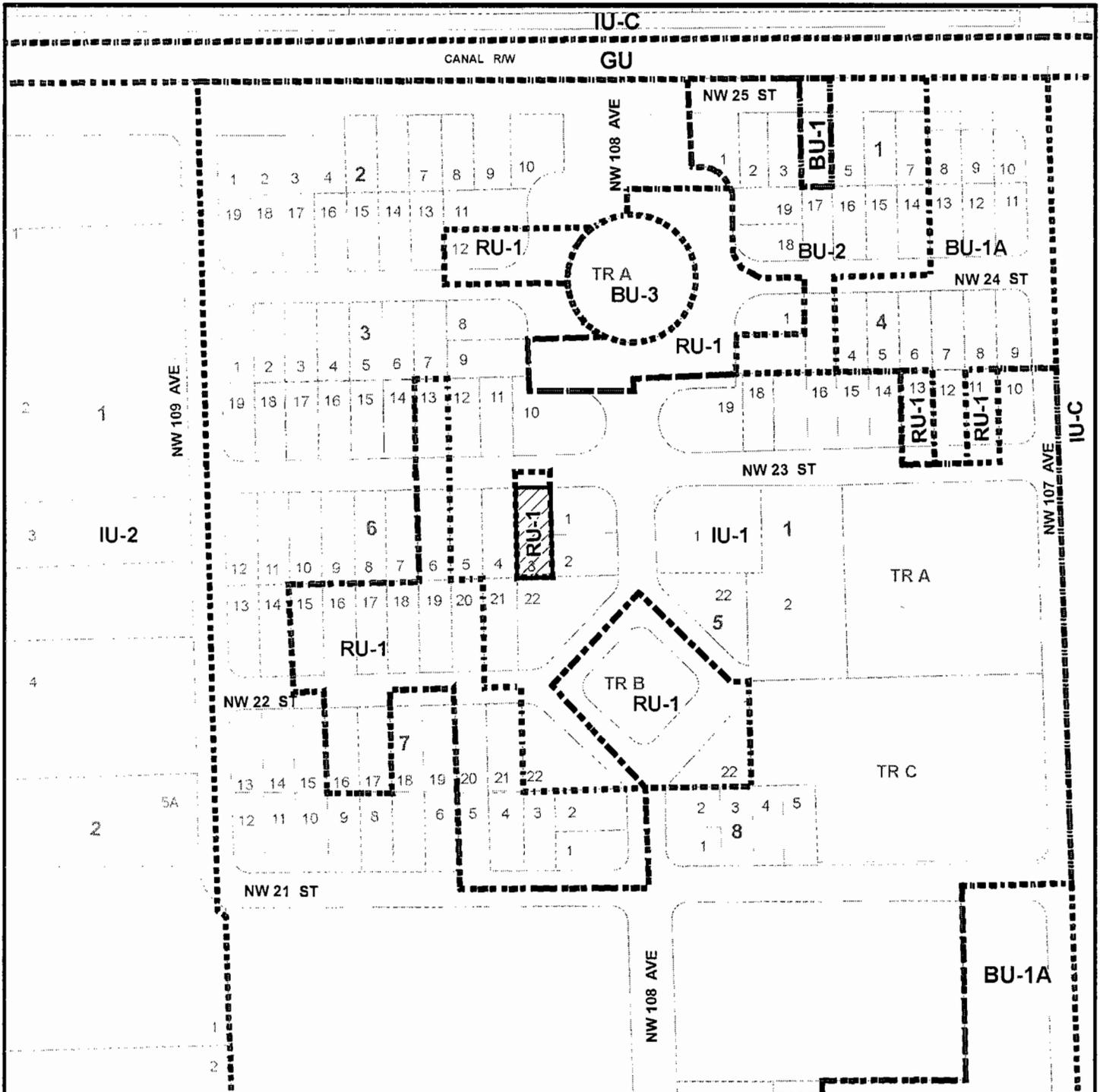
Z2008000197

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations observed

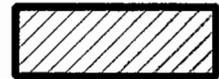
Osiel Morales



MIAMI-DADE COUNTY
HEARING MAP

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

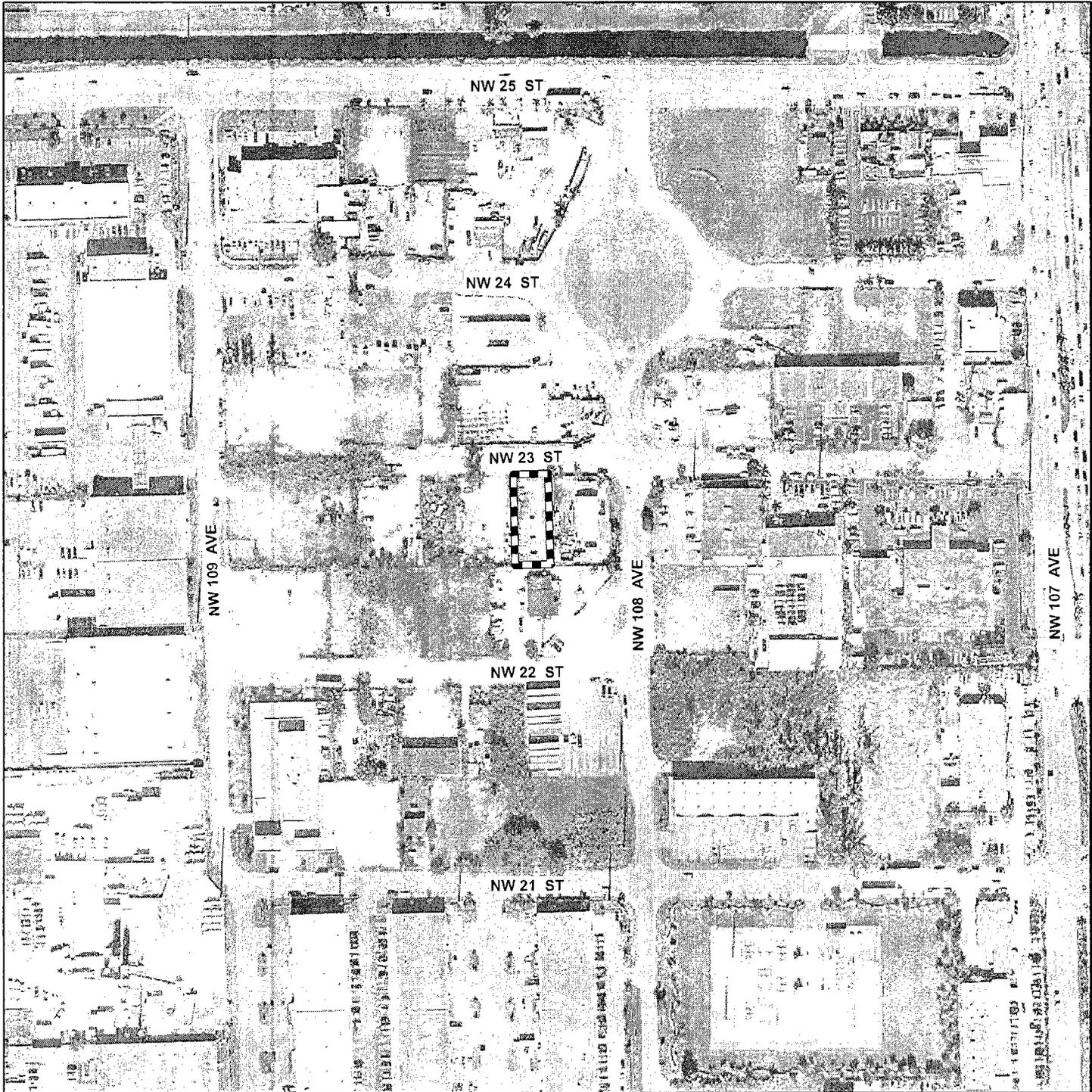


SUBJECT PROPERTY



SKETCH CREATED ON: 10/17/08

| REVISION | DATE | BY |
|-------------------|----------|----|
| Removed RU-1 zone | 03/30/09 | KS |
| | | 15 |



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 |
|-------------------|----------|----|
| Removed RU-1 zone | 03/30/09 | KS |

C. LINDMARC DEVELOPMENT, LLC
(Applicant)

09-4-CZ10-2 (08-202)
Area 10/District 10
Hearing Date: 5/20/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

2

APPLICANT'S NAME: LINMARC DEVELOPMENT, LLC

REPRESENTATIVE: Ines Marrero-Priegues

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER |
|----------------------|----------------|-------------------|
| 09-4-CZ10-2 (08-202) | April 22, 2009 | CZAB10 09 |

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: May 20, 2009 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: At applicant's request to meet with the neighbors and to address the Boards concerns
 regarding the site plans.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---------------|----------|---------------------|----------|----------|----------|
| COUNCILMAN | S | George A. ALVAREZ | X | | |
| COUNCILMAN | | 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: DAVID HOPE

**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: May 20, 2009

COMMISSION DISTRICT: 10

ITEM NO.: C

=====

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:**

This application was deferred from the April 22, 2009 meeting upon the request of the applicant to work with the neighbors. 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

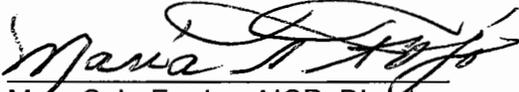
reasonable use of the premises. However, the property can be developed in accordance with the existing zoning regulations. Therefore, since the applicant has not proven that compliance with same would result in an unnecessary hardship, request #3 cannot be approved under the ANUV Standards, and should 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; 04/27/09
DATE FINALIZED: 04/27/09
MCL:MTF:NN:JV:NC

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

Memorandum



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

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

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 | square feet |
| 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

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

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: LINDMARC DEVELOPMENT, I.L.C.

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|--|----------------------------|
| <u>Linda Rozynés, (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:

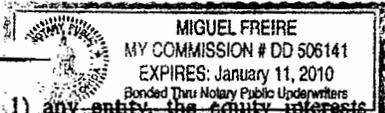
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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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208-202
1-2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY JK

6" HIGH PRIVACY SCREENING
CONCRETE MASONRY WALL

REQUIRED 5'
LANDSCAPE BUFF

6" HIGH PRIVACY
CONCRETE MASONRY WALL

BUK

Int
W

BU ✓

Int
E

RU ✓

VE AREA.

OWN FEATURE TO BE
UNDER SEPARATE APPLICATION

EAST SIDE PROPERTY
EXISTING DRIVEWAY

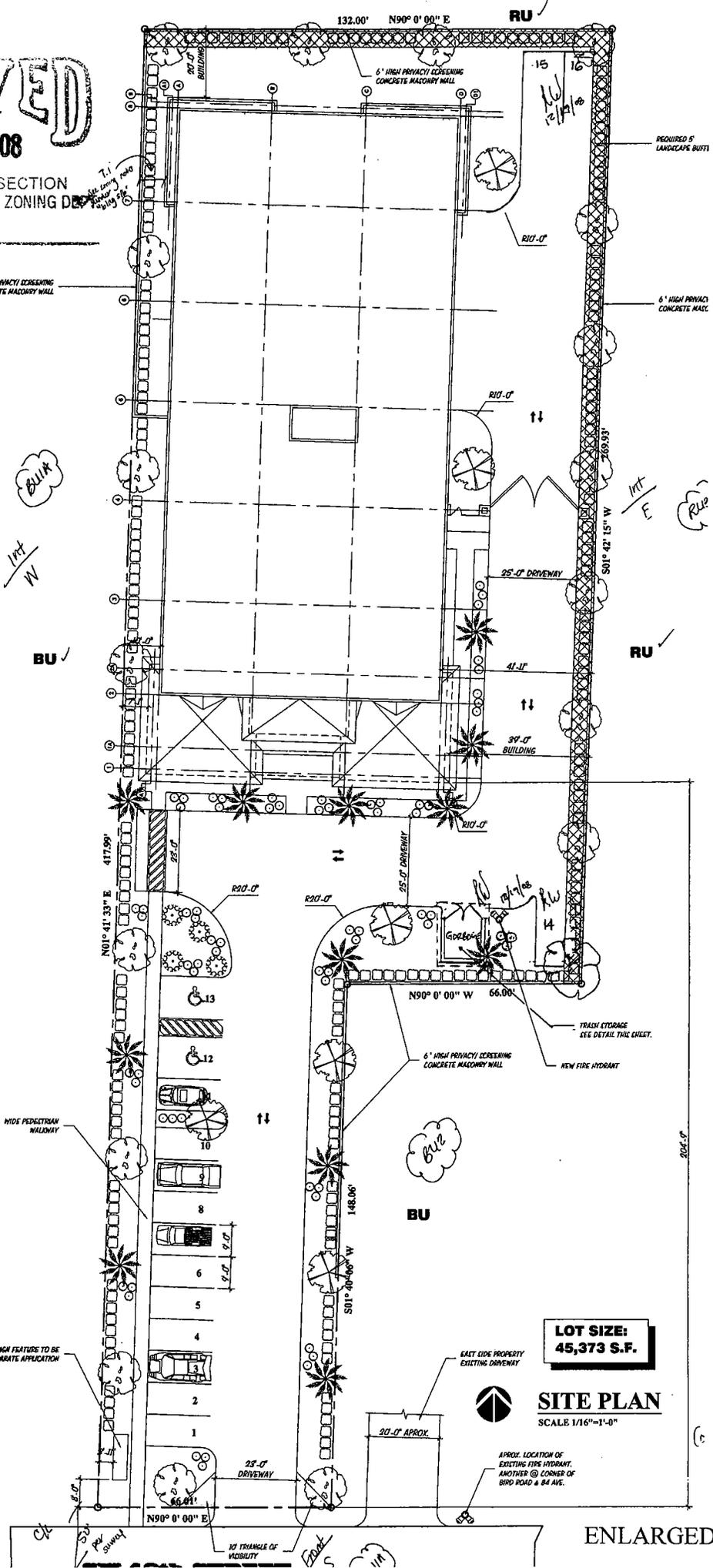
LOT SIZE:
45,373 S.F.

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

APPROX. LOCATION OF
EXISTING FIRE HYDRANT.
ANOTHER @ CORNER OF
BIRD ROAD & 84 AVE.

ENLARGED SITE PLAN

21

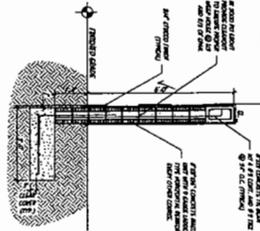


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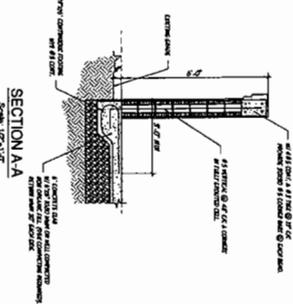
ZONING HEARING SECTION
MIAMI DADE PLANNING AND ZONING DEPARTMENT

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REV

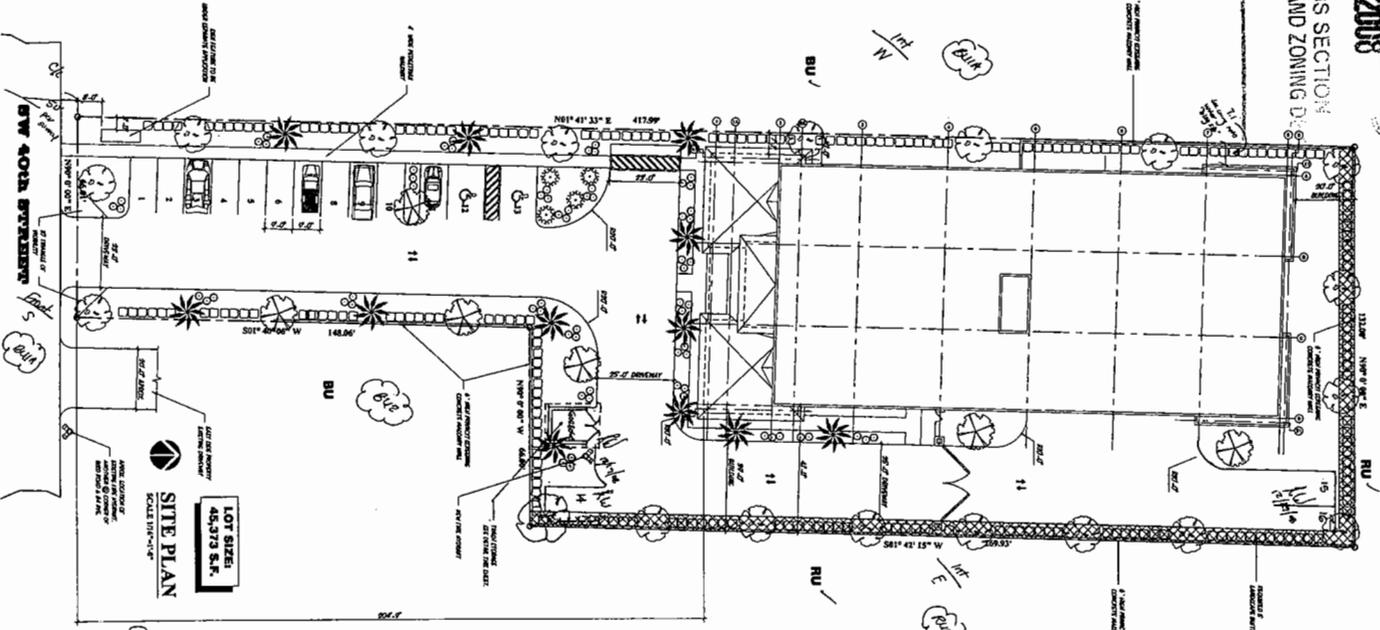
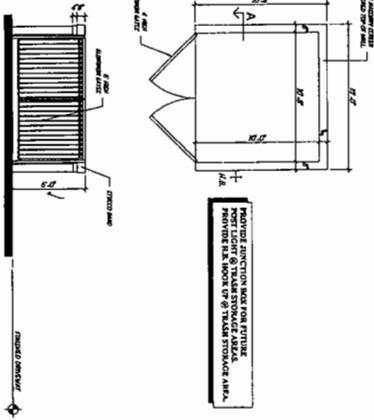
PRIVACY WALL DETAIL
SCALE: 1/2" = 1'-0"



SECTION A-A
SCALE: 1/2" = 1'-0"



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



Lot Area: 45,373 S.F.
 Building Area: 15,418 S.F.
 Parking: 14 SPACES
 Setbacks: 10' (Front), 10' (Side), 10' (Rear)

PROJECT NAME / SITE LOCATION / ADDRESS

PROJECT NAME: STORAGE BUILDING FOR LINDMARC DEV. LLC
 ADDRESS: 6477 SW 40 ST. MIAMI, FLORIDA
 ZONING: RU-2
 BUILDING USE: COMMERCIAL MEDIUM RETAIL

LOT DATA

LOT AREA: 45,373 S.F.

SITE DATA

CEILING: 10'-0"

BUILDING TYPE - (DETAILED)

COMMERCIAL MEDIUM RETAIL

CONSTRUCTION DATA

| MIN. BUILDING SIZE | AREA GROSS | AREA NET @ 75% |
|--------------------|-------------|----------------|
| MINIMUM FLOOR | 6,000 S.F. | 4,500 S.F. |
| SECOND FLOOR | 12,000 S.F. | 9,000 S.F. |
| THIRD FLOOR | 18,000 S.F. | 13,500 S.F. |
| FOURTH FLOOR | 24,000 S.F. | 18,000 S.F. |
| FIFTH FLOOR | 30,000 S.F. | 22,500 S.F. |
| SIXTH FLOOR | 36,000 S.F. | 27,000 S.F. |
| SEVENTH FLOOR | 42,000 S.F. | 31,500 S.F. |
| EIGHTH FLOOR | 48,000 S.F. | 36,000 S.F. |
| NINTH FLOOR | 54,000 S.F. | 40,500 S.F. |
| TENTH FLOOR | 60,000 S.F. | 45,000 S.F. |

BUILDING SETBACKS

REAR: 10'-0"

MAXIMUM BUILDING HEIGHT

PERMITTED: 35'-0"

BUILDING FOOTPRINT

PERMITTED: 15,418 S.F.

GREEN SPACE

REQUIRED: 15,418 S.F.

FLOOR AREA RATIO

PERMITTED: 0.34

PARKING DATA

REQUIRED: 14 SPACES

BUILDING TYPE

REQUIRED: COMMERCIAL MEDIUM RETAIL

CONSTRUCTION DATA

CEILING: 10'-0"

BUILDING SETBACKS

REAR: 10'-0"

MAXIMUM BUILDING HEIGHT

PERMITTED: 35'-0"

BUILDING FOOTPRINT

PERMITTED: 15,418 S.F.

GREEN SPACE

REQUIRED: 15,418 S.F.

FLOOR AREA RATIO

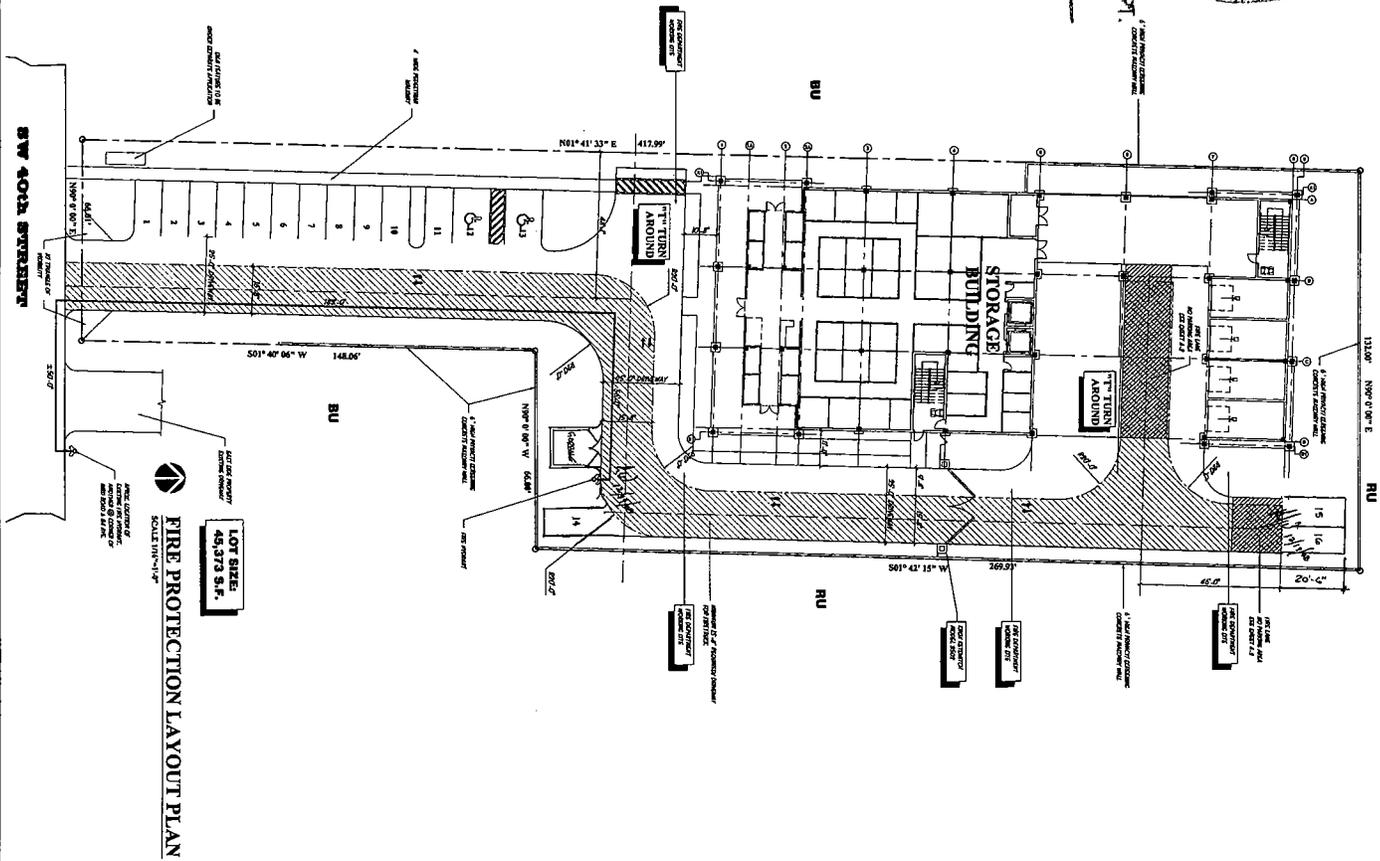
PERMITTED: 0.34

PARKING DATA

REQUIRED: 14 SPACES

22

RECEIVED
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ZONING HEARINGS SECTION
MIAMI DADE PLANNING AND ZONING DEPT.
BY **XIF**



FIRE PROTECTION LAYOUT PLAN
SCALE: 1/8" = 1'-0"
LOT SIZE: 45,373 S.F.
DATE: 10-06-08
BY: [Signature]

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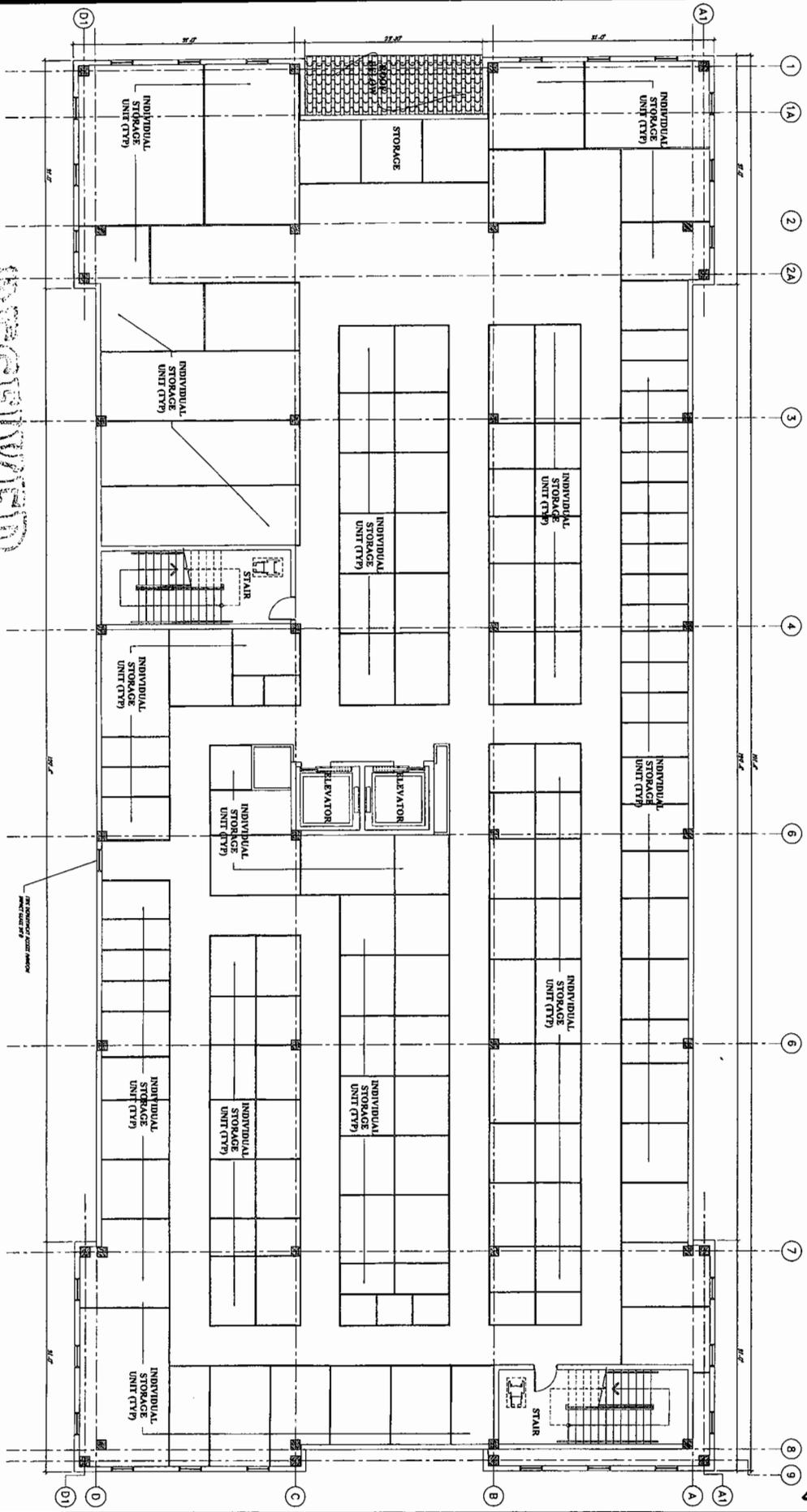
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ANSWER TO COMMENTS
BY FIRE AND ZONING
DEPARTMENTS (1ST REVIEW)

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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
520 BRUCELL KEY DRIVE, OFFICE PLAZA 201
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 TO COMPLY WITH SECTION 33-247(30)
 OF FLORIDA BUILDING CODE (FPB)

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

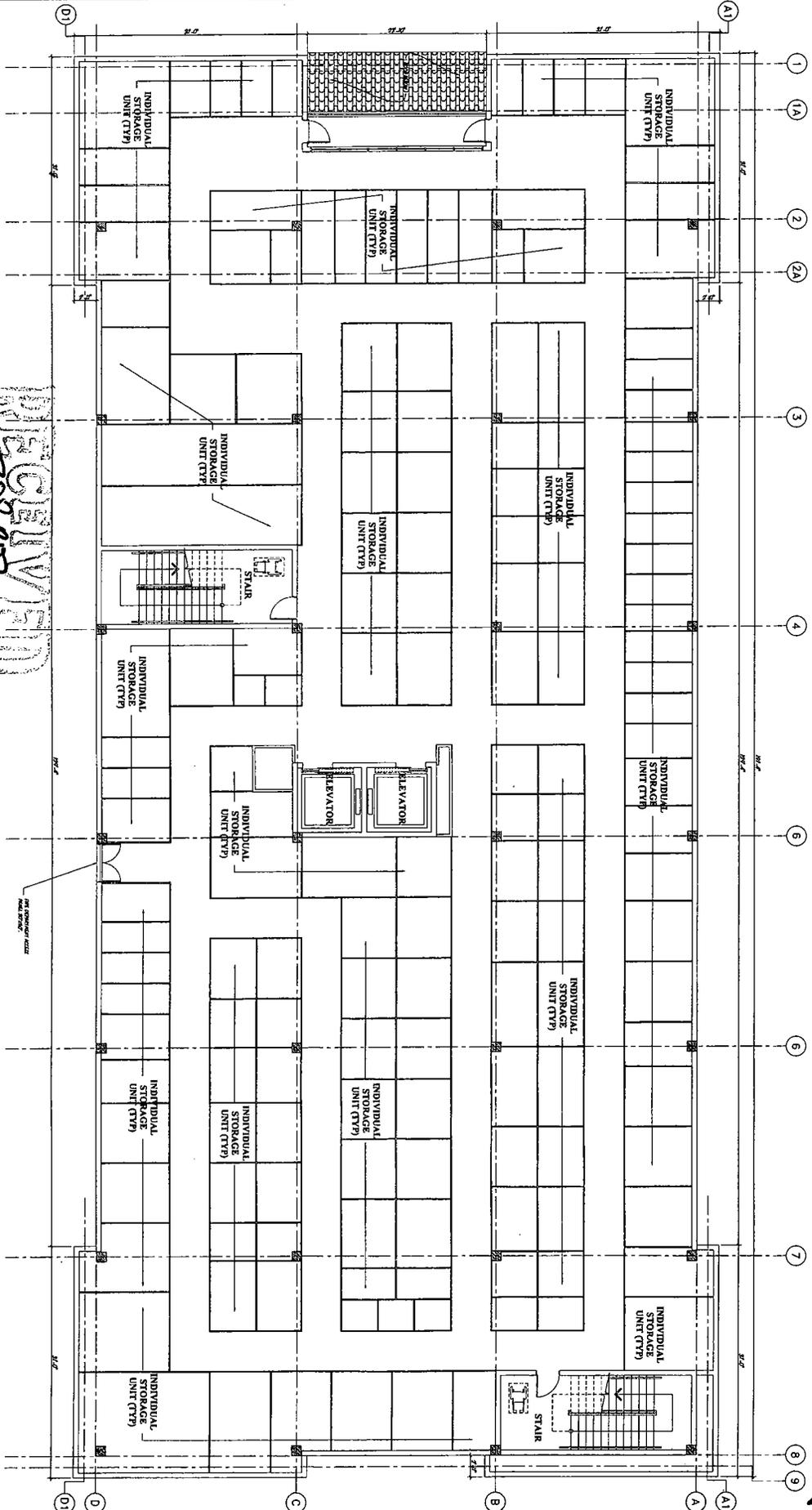
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3RD FLOOR PLAN
 SCALE 3/8"=1'-0"

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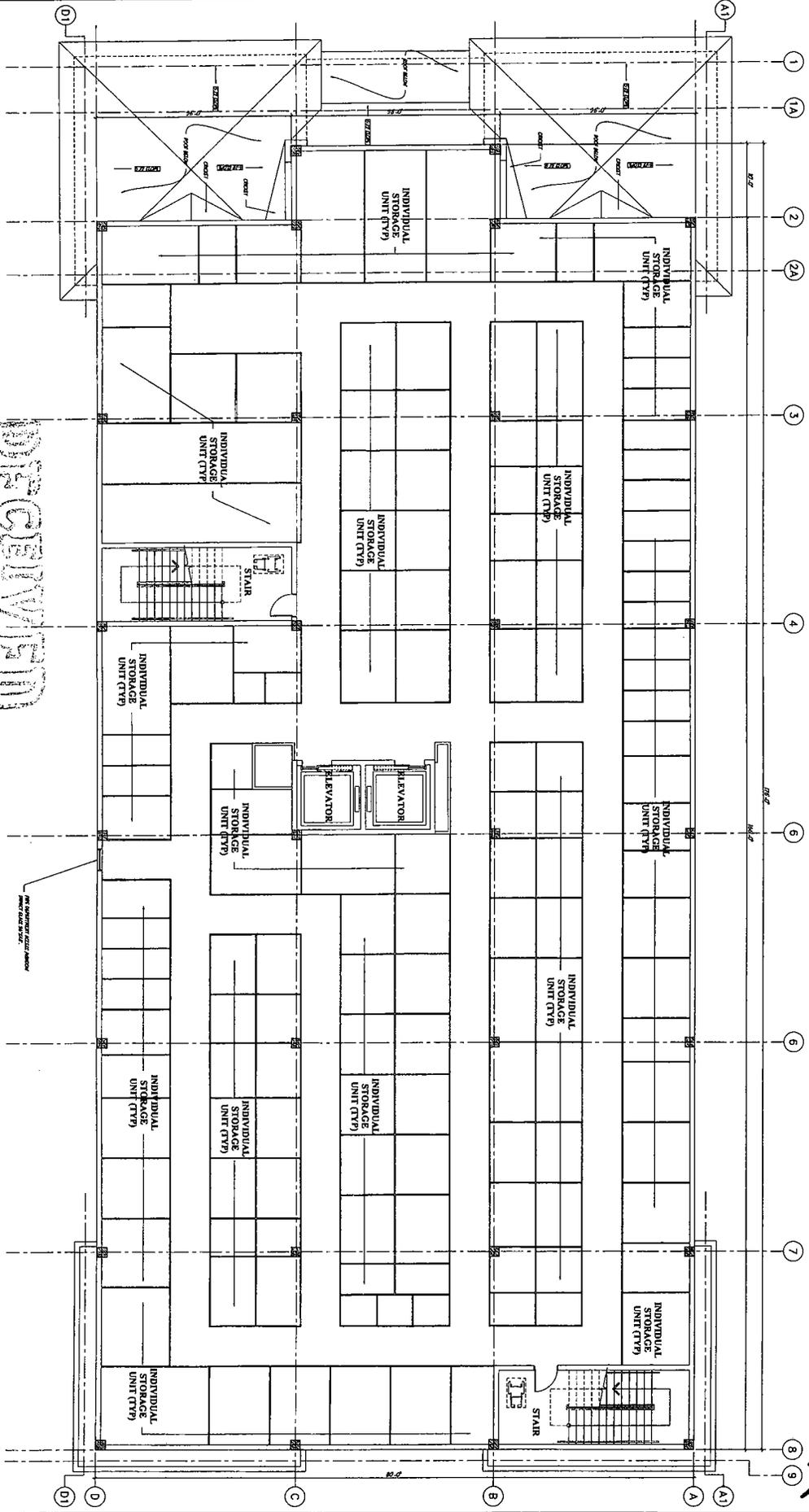
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 TO COMPLY WITH SECTION 33-2471.30
 OF FLORIDA BUILDING CODE (FPB)

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

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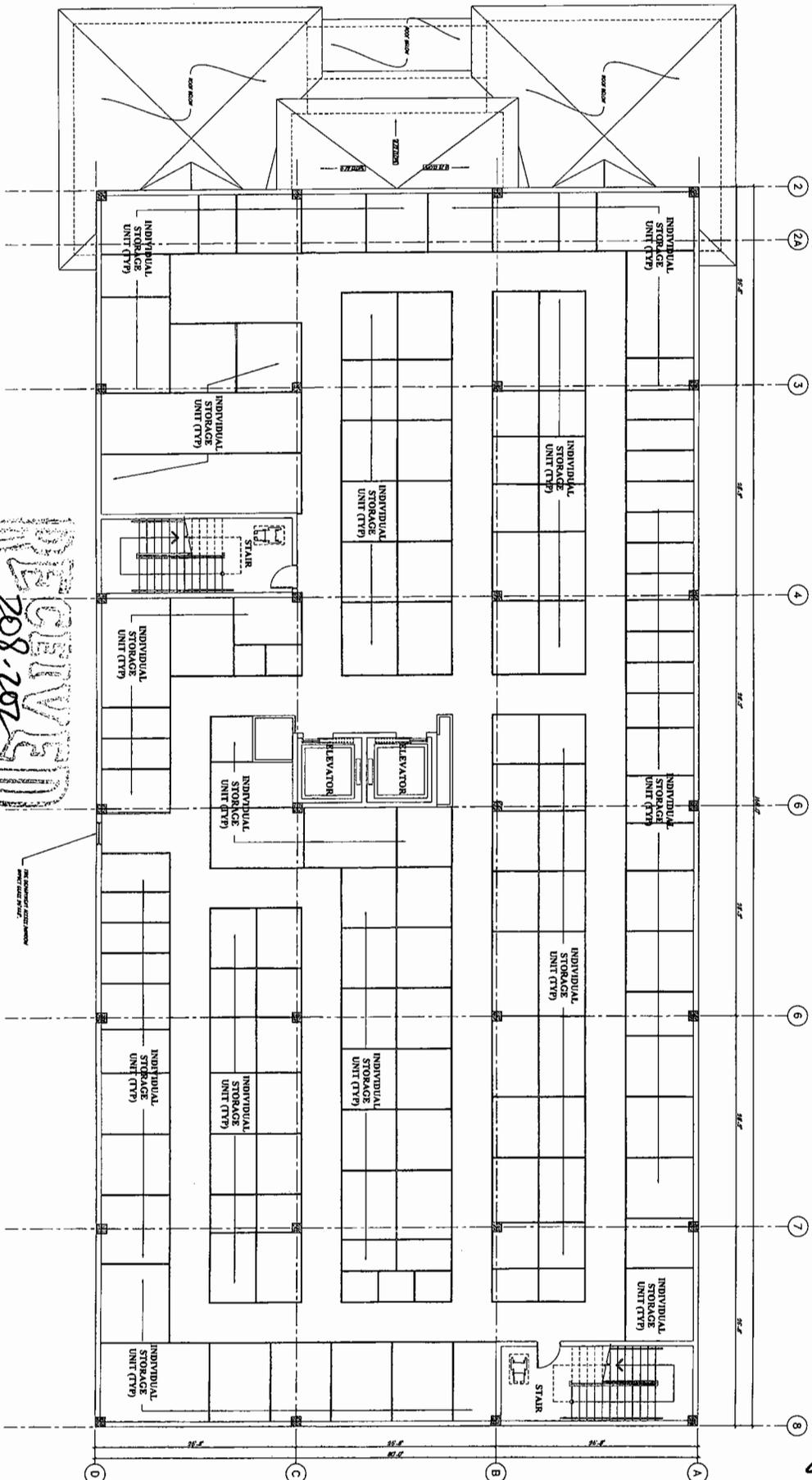
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5TH FLOOR PLAN
 SCALE 3/8" = 1'-0"

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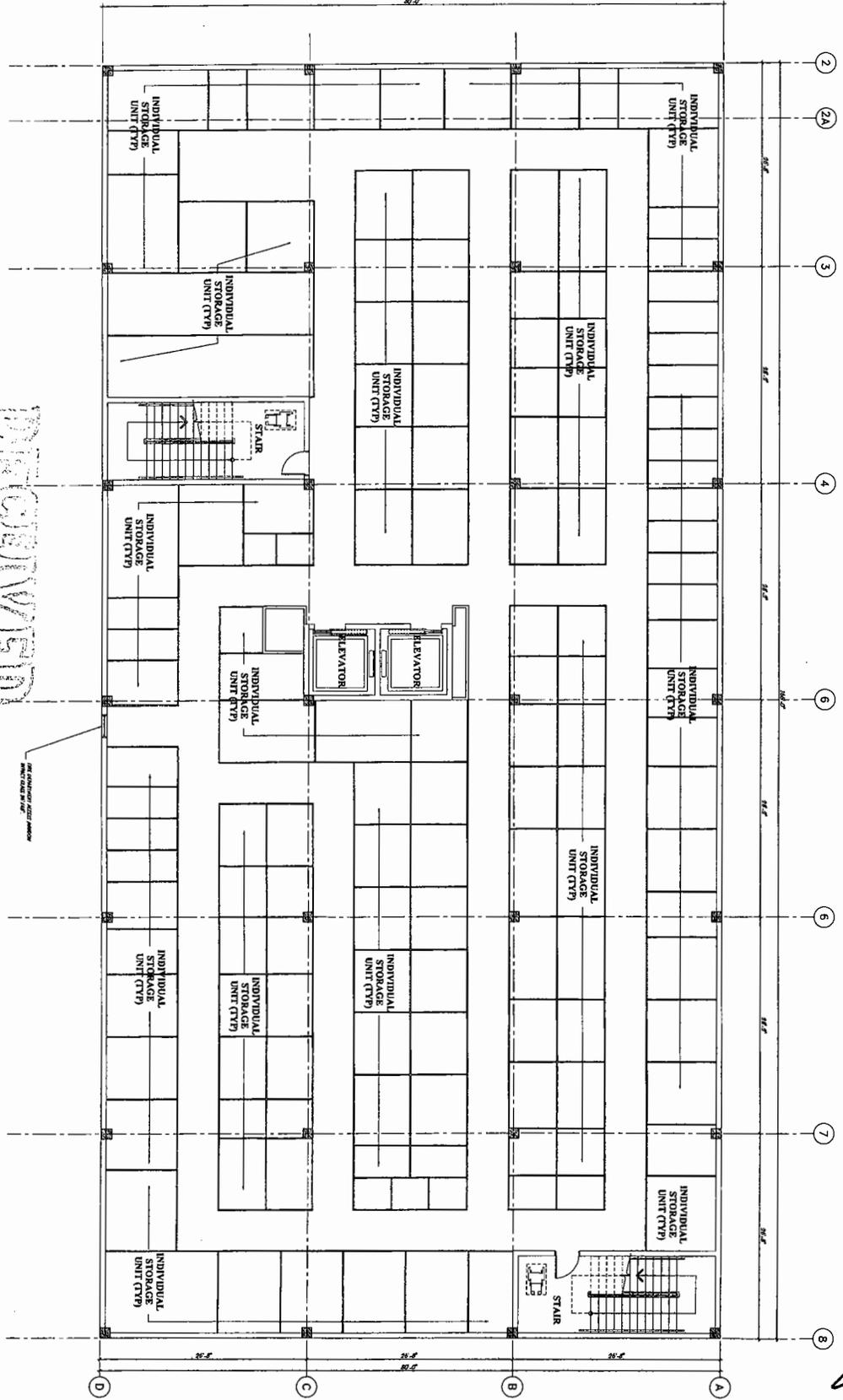
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TO COMPLY WITH SECTION 33-247130
OF FLORIDA BUILDING CODE (TYP)

6TH FLOOR PLAN

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

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DEPARTMENTS (1ST REVIEW)

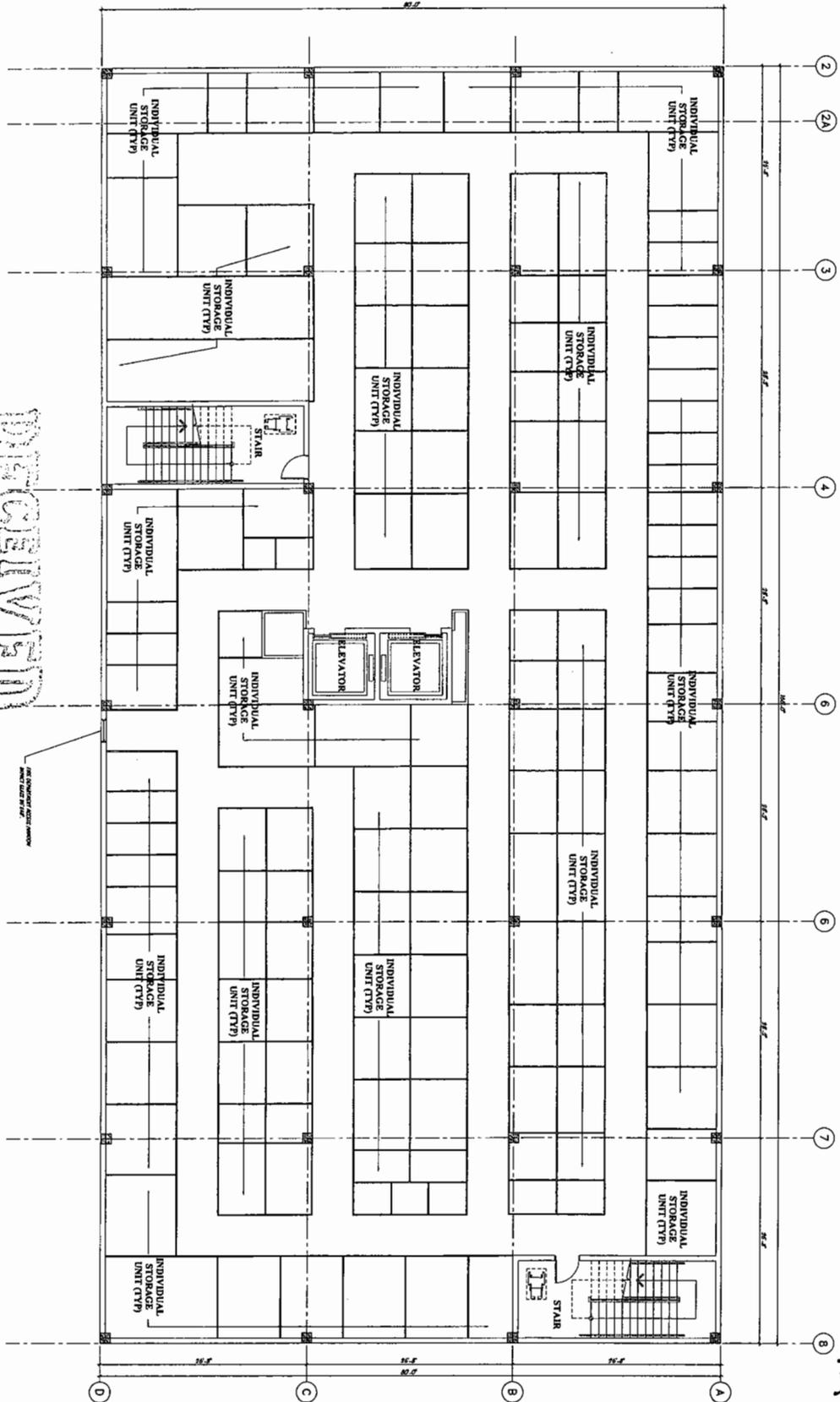
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7TH FLOOR PLAN
SCALE 3/8"=1'-0"

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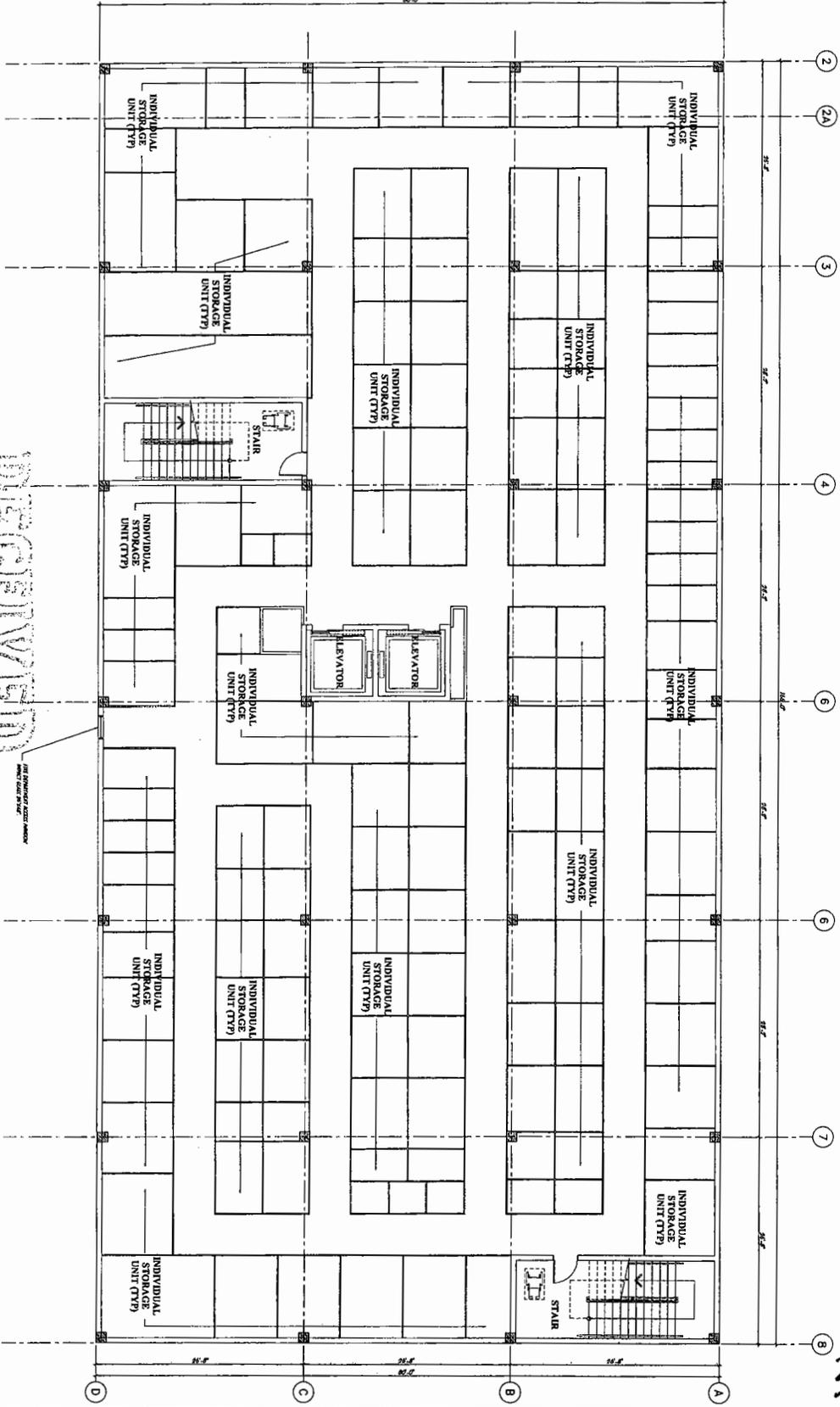
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DEPARTMENTS (1ST REVIEW)

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TO BE GREATER THAN 64 SQ. FT.
TO COMPLY WITH SECTION 22-2427.30
OF FLORIDA BUILDING CODE (FBC)

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

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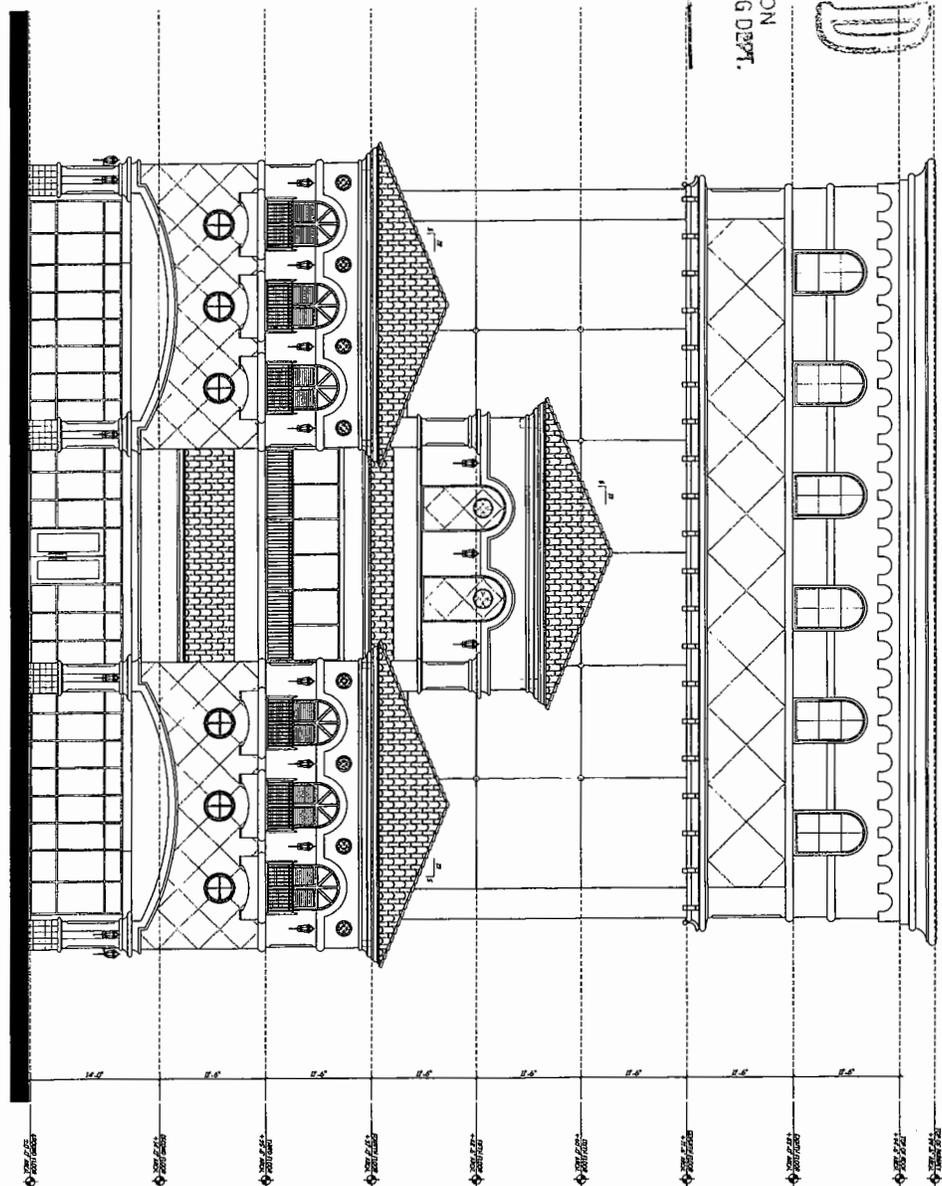
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FRONT ELEVATION
SCALE 3/16"=1'-0"

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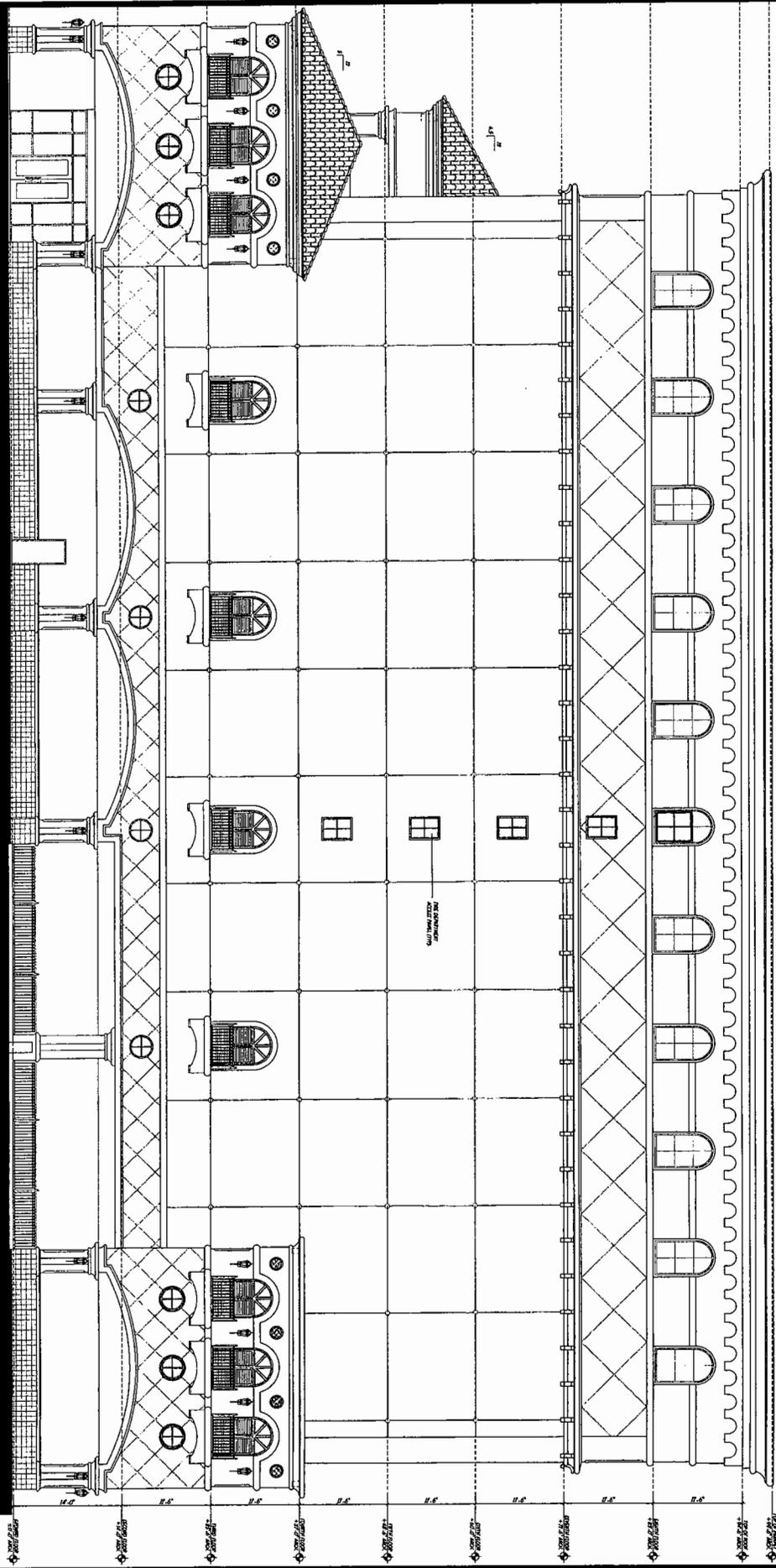
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RIGHT ELEVATION
SCALE 1/8"=1'-0"

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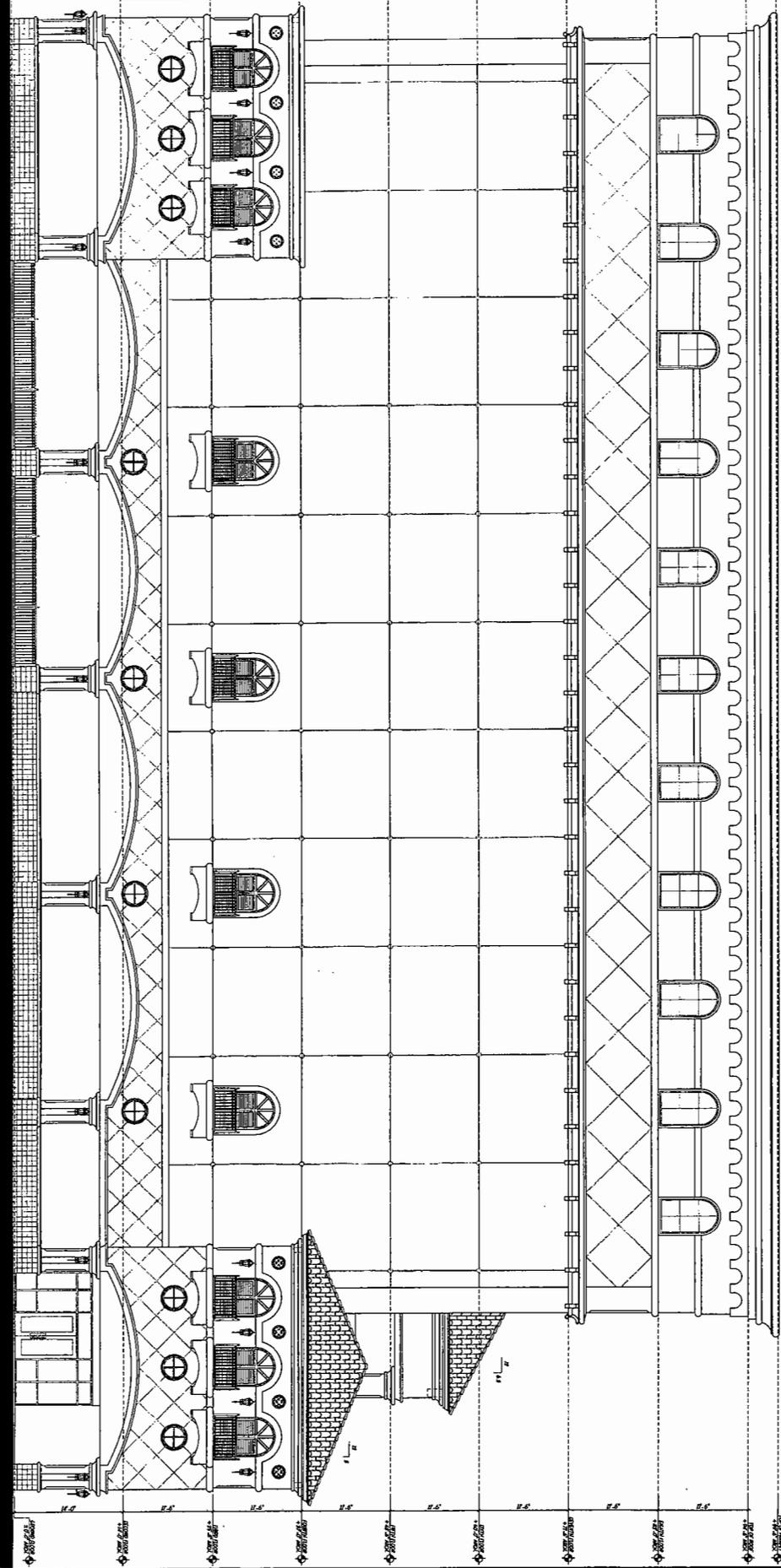
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LEFT ELEVATION
SCALE 3/8" = 1'-0"

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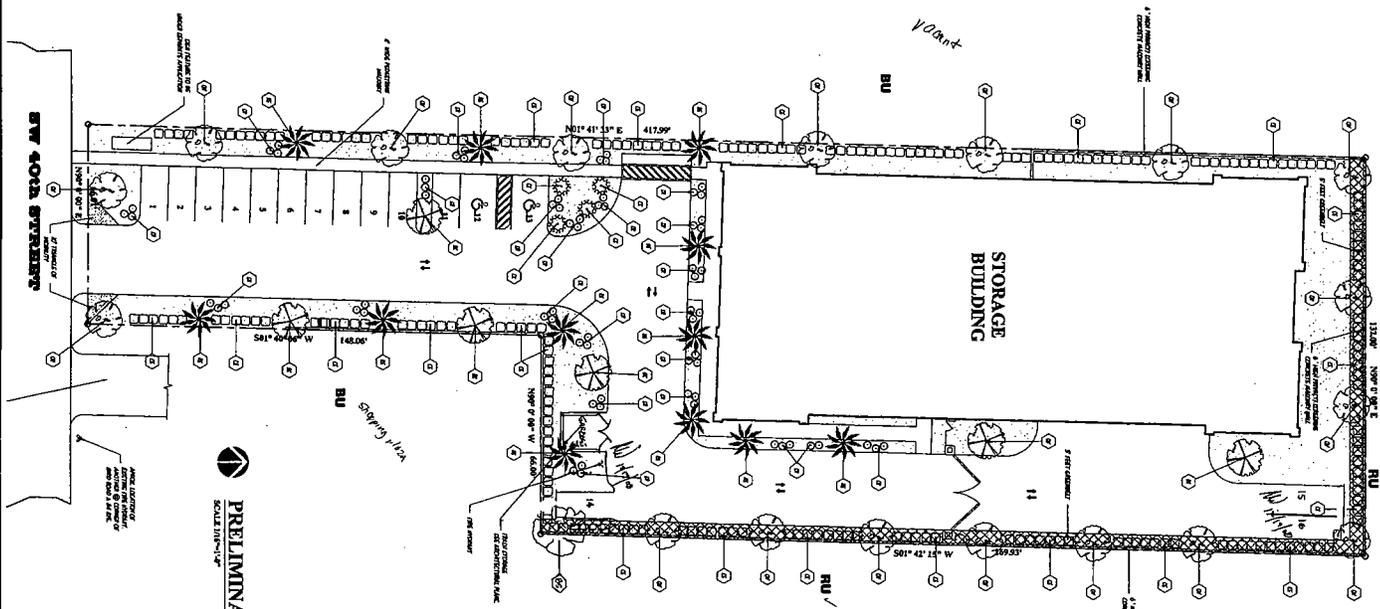
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OF 14

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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: 1.0419 acres 45,373 square feet

OPEN SPACE

A. Square feet to open space required by Chapter 33, as indicated on this plan:
Net lot area: 45,373 square feet 266.5 5% = 12,024 square feet

B. Total feet of parking lot open space required by Chapter 18A, as indicated on this plan:
The number of parking spaces: 160 (110 square feet per parking space) = 17,600 sq. ft.

C. Total square feet of landscaped open space required by Chapter 33-A-B:

LAWN AREA CALCULATION

A. Total square feet of landscaped open space required by Chapter 33a: _____

B. Maximum lawn area (St. Augustine sod) permitted: 20 % x 12,024 square feet = 2,405 sq. ft.

TRIEES

A. The number of trees required per net lot acre (22 per acre): _____

B. Percentage of native trees required - the number of trees provided x 30% = _____

C. Street trees (max. average spacing 35' o.c.): 56 linear feet along street x 36" = 2 Pines as street trees (max. average spacing 25' o.c.): 0 linear feet along street x 25" = _____

D. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): _____

E. Total number of trees provided: _____

SHRUBS

A. The total number of shrubs required 110 - the number of shrubs required _____

B. The number of shrubs required 40% = the number of native shrubs required _____

IRRIGATION PLAN: Required by Chapter 33, Irrigation - from lib

| REQUIRED | PROVIDED |
|----------------|----------------|
| 12,024 sq. ft. | 12,394 sq. ft. |
| 2,405 sq. ft. | 2,431 sq. ft. |
| 23 | 23 |
| 23 | 23 |
| 12/2-6 | 12/2-6 |
| 7 | 23 |
| 2 | 2 |
| 0 | 0 |
| 0 | 0 |
| 25 | 31 |
| 250 | 250 |
| 75 | 250 |

| SYMBOL | COMMON NAME | BOTANICAL NAME | SIZE | SPACING | NOTES |
|--------------|-----------------------|-----------------------|---------------------------|-----------|-------|
| 18 | LIVE OAK | QUERCUS LIVIDA | 7" CAL. 17' O.C. 4" DIA. | 55' x 55' | R- #1 |
| 7 | CASINO LAMB | BOUTELLOA CURTANII | 7" CAL. 17' O.C. 4" DIA. | 55' x 55' | R- #1 |
| 12 | FLORIDA SPYGLASS PALM | ROSTKIA SCHULTZII | 15' CAL. 17' O.C. 4" DIA. | 15' x 15' | R- #1 |
| 4 | CASINO PALM | COCCOBA PALM | 15' CAL. 17' O.C. 4" DIA. | 15' x 15' | R- #1 |
| 55 | COCCOBA PALM | COCCOBA PALM | 3" CAL. 17' O.C. 4" DIA. | 3" O.C. | R- #1 |
| 40 | ENTER BUTTWOOD | CONOCARPUS ALTERNATUS | 3" CAL. 17' O.C. 4" DIA. | 3" O.C. | R- #1 |
| 55 | 80% OF SHRUBS | FRUITFUL SHRUBS | 3" CAL. 17' O.C. 4" DIA. | 3" O.C. | R- #1 |
| GROUND COVER | | MOUNDING MOISTURE | 5.500 sq. ft. | | |

SYMBOL LEGEND

2.6/1 DESTROY EXISTING VEGETATION TO BE REPLACED

5 NEW PLANTING LOCATIONS

45V TREE SHRUBS

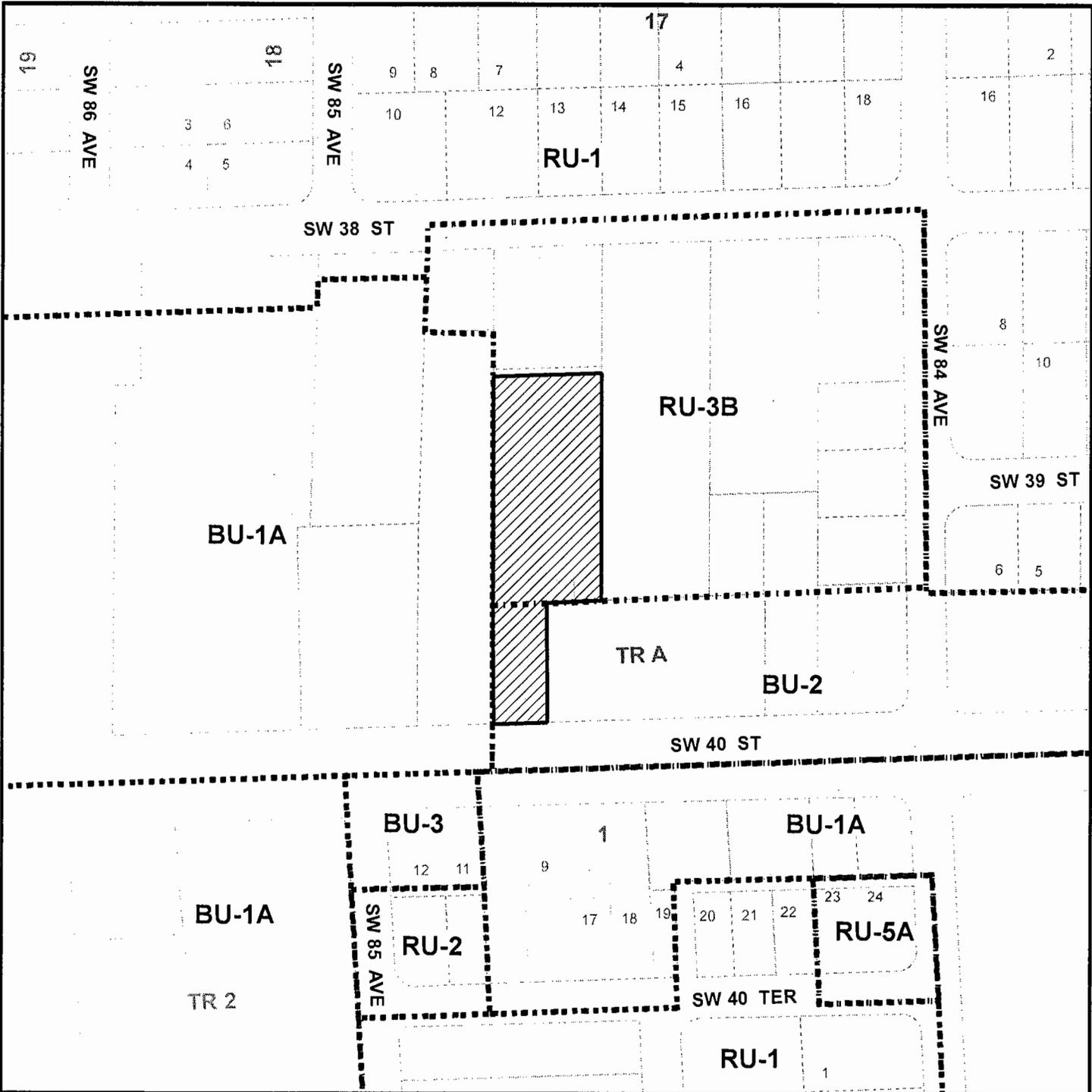
REQUIRED TREES MUST HAVE 6" DBH
CLEAN TRUNK OR HEIGHT OF 12'-0"
REQUIRED PALMS MUST HAVE 6'-0" DBH
CLEAN TRUNK OR HEIGHT OF 14'-0"
THESE REQUIREMENTS ARE AT TIME OF PLANTING

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11-17-08
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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

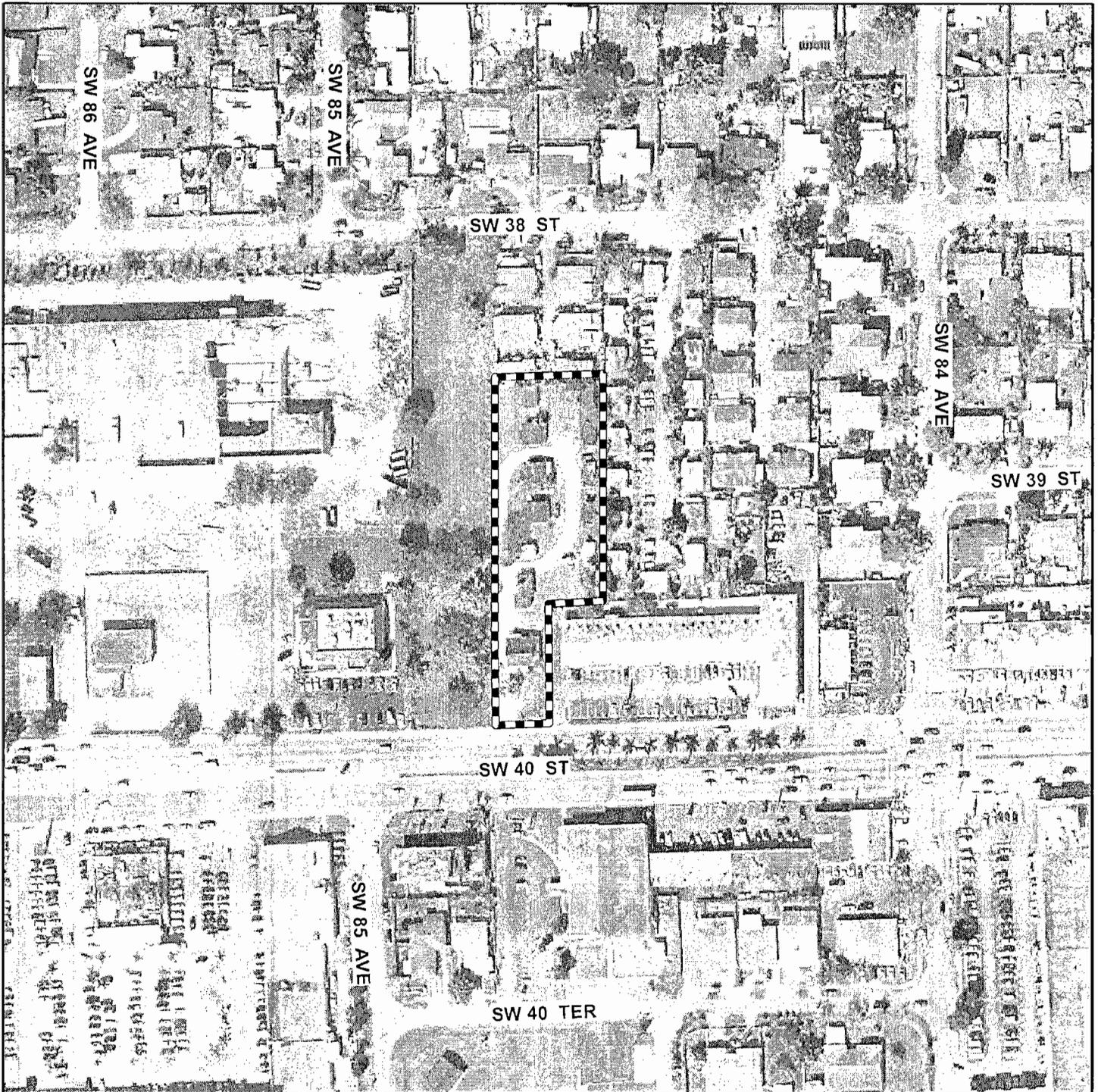


SUBJECT PROPERTY



SKETCH CREATED ON: 10/23/08

| REVISION | DATE | BY |
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| | | 37 |



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

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 |
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1. MILLOS THREE STARS ENTERPRISES, INC.
(Applicant)

09-5-CZ10-1 (08-135)
Area 10/District 11
Hearing Date: 5/20/09

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**

APPLICANT: Millos Three Stars Enterprises, Inc.

PH: Z08-135 (09- 5-CZ10-1)

SECTION: 10-54-39

DATE: May 20, 2009

COMMISSION DISTRICT: 11

ITEM NO.: 1

A. INTRODUCTION:

o **REQUEST:**

AU and EU-1 to RU-1M(a)

o **SUMMARY OF REQUEST:**

The applicant is seeking a zone change from AU, Agricultural District and EU-1, Single-Family One-Acre Estate District, to RU-1M(a), Single-Family Modified Residential District.

o **LOCATION:**

The northeast corner of SW 26 Street and SW 145 Avenue, Miami-Dade County, Florida.

o **SIZE:** 2.5 Gross Acres

B. ZONING HEARINGS HISTORY:

In December, 1947, the subject site was a part of a larger parcel of land which was granted a zone change to EU-1(b), Single-Family Estate District, pursuant to Resolution #2704. Subsequently in 1951, the subject site was also a part of a larger parcel of land which was granted a zone change from EU-1(b), Single-Family Estate District, to EU-1, Single-Family One-Acre Estate District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. This site is located approximately 1.25 miles east of and 1 mile south of and inside of the Urban Development Boundary (UDB). The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density

depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

AU and EU-1; Vacant

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

NORTH: RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du

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

Low Density Residential, 2.5 to 6 du

EAST: RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du

WEST: AU and EU-1; Vacant

Low Density Residential, 2.5 to 6 du

The subject property is located at the northeast corner of theoretical SW 145 Avenue and theoretical SW 26 Street. Vacant RU-1M(a) parcels, abut the subject property on the north and on the east and vacant AU and EU-1 parcels abut the subject property on the west. The property to the south (across SW 26 Street), is zoned RU-1M(a) and developed with single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(No site plan submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

N/A

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The 2.5-acre subject property is located at the northeast corner of theoretical SW 145 Avenue and SW 26 Street. The applicant is seeking to rezone the subject property from AU, Agricultural District, and EU-1, Single-Family One-Acre Estate District, to RU-1M(a) Modified

Residential District (5,000 sq. ft. net). Vacant RU-1M(a), AU and EU-1, zoned parcels abut the subject property to the north, west and east, and single-family homes can be found to the south of the subject site across SW 26 Street. The applicant has submitted a boundary survey-tentative plat indicating the development of the property with 12 lots. Further, the applicant has voluntarily proffered a covenant restricting the development of the site to a maximum of 12 single-family residential lots.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application and has indicated additional improvements may be required at time of platting. Their memorandum further indicates that this application will generate **16** additional PM daily peak hour **vehicle trips**, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "D" and "E". Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and their memorandum indicates that the estimated average travel response time is **6:24**. Their memorandum indicates that site requirements will be determined upon the submission of the development plans for the property. Additionally, the Miami-Dade County Public Schools (**MDCPS**) has **no objection** to this application and they mention in their memorandum for this application that the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees for this application.

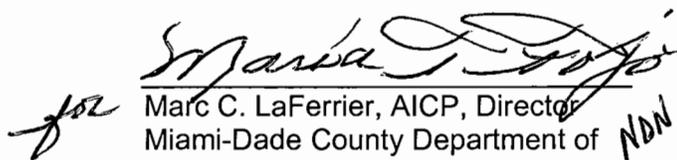
The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 dwelling units per acre, for a minimum of 6 to a maximum of 15 units on the subject property. The requested RU-1M(a) zoning district would allow a total of 17 units at a density of 6.8 units per gross acre, which would be **inconsistent** with the LUP map's maximum density threshold. However, as previously mentioned, the applicant has proffered a covenant restricting the development of the site to a maximum of 12 single-family residential lots which results in a development density of 4.80 units per gross acre, rendering the requested RU-1M(a) zoning **consistent** with the density threshold of the LUP Map of the CDMP. Therefore, the development of the site subject to the Board's acceptance of the proffered covenant will be **consistent** with the LUP map of the CDMP. It should be noted that although the property to the west is currently zoned AU, Agricultural District, and EU-1, Estate One-Acre Single-Family Residential District, said site is also designated on The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 dwelling units per acre. As such, the proposed RU-1M(a) zoning on the subject property would be **compatible** with the zoning trend in the area. Staff is of the opinion that the request for a zone change to RU-1M(a), when coupled with the applicant's proffered covenant limiting the development of the site to a maximum of 12 single-family residential lots, resulting in a development density of 4.80 units per gross acre, is **consistent** with the LUP Map of the CDMP and is **compatible** with the area as the development trend to higher density residential development is evident.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Further, the rezoning, if granted, subject to the proffered covenant, is consistent with the LUP Map designation of the Comprehensive Development Master Plan for Miami-Dade County. The subject property is located on the west side of a local area roadway, SW 145 Avenue, and on the north side of a section line street SW 26 Street, which will provide access to the site once it has been paved as required by the Public Works Department. Further, as indicated in the Department of Environmental Resources Management's memorandum, public water and sanitary sewers can be made available to the property, which will not reduce the Level of Service (LOS) standards as set forth in the CDMP. Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the development trend as evidenced by similar approvals in the area. Specifically, the property located one parcel to the north of the subject site was granted in 2002 an approval for a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB10-29-02. Additionally, the property located to the east of the subject site, was granted zone a change from AU and EU-1 to RU-1M(a), pursuant to Resolution #CZAB10-07-04. As previously mentioned, the applicant has proffered a covenant limiting the development of the site to a maximum of 12 single-family residential lots which is **consistent** with the density threshold of the LUP map of the CDMP. As such, staff recommends approval of the zone change, subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:** Approval, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 12/29/08
DATE TYPED: 12/29/08
DATE REVISED: 01/05/09; 02/03/09; 03/13/09; 04/09/09
DATE FINALIZED: 04/09/09
MCL:MTF:NN:NC:TA


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

Date: August 27, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-10 #Z2008000135
Millos Three Stars Enterprises, Inc.
Northeast Corner of S.W. 26th Street and S.W. 145th Avenue
District Boundary Change from AU and EU-1 to RU-1MA
(AU/EU-1) (2.3 Acres)
10-54-39

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

Wellfield Protection

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

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

Potable Water 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.

Stormwater Management

The subject property has Cut and Fill Permit # 462 in effect. Full compliance with all conditions set forth in said permit is required prior to platting or seeking building permits.

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

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

Wetlands

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

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

The applicant is advised to contact the Wetlands Resources Program of DERM at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit. The applicant is also advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property revealed the presence of tree resources. However, the property contains jurisdictional wetlands; therefore, these tree resources will be regulated through a Class IV Wetland Permit. Section 24-48 of the Code requires the preservation of all tree islands. Please be advised that any tree resources on-site that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History

DERM has found the following closed enforcement record for the subject property.

In June 2004, a Notice of Violation (NOV) was issued to the property owner for solid waste disposal in a wetland. In February 2006, the property changed ownership and a NOV was issued to the new property owner. In April 07, the property was remediated and the case was subsequently closed.

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MILLOS THREE STARS ENTERPR. INC

This Department has no objections to this application.

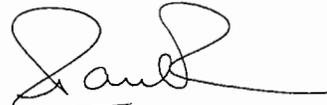
Additional improvements may be required at time of platting.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 16 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|-------|-------------------------------|-------------|---------------|
| 9134 | Coral Way w/o SW 137 Ave. | E | E |
| 9826 | SW 147 Ave. s/o Bird Dr. Ext. | D | D |

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



Raul A Pino, P.L.S.

19-SEP-08



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board

Dr. Solomon C. Stinson, Chair
Dr. Marta Pérez, Vice Chair
Agustin J. Barrera
Renier Díaz de la Portilla
Dr. Lawrence S. Feldman
Perla Tabares Hantman
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan

Received by
Zoning Agenda Coordinator

MAR 13 2009

March 3, 2009

RECEIVED
MAR 12 2009

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

C-10

Ms. Maria Teresa-Fojo, Acting Assistant Zoning Director
Miami-Dade County Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RE: MILLOS THREE STARS ENTERPRISES, INC. - NO. 08-135
NORTHEAST CORNER OF SW 26 STREET AND SW 145 AVENUE

Dear Ms. Fojo:

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

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that one of the impacted school facilities meets the referenced review threshold. The proposed residential development will impact Joe Hall Elementary School (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District spoke with the applicant on January 1, 2009 to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that the proffer by the applicant will be considered by the School Board at its April 22, 2009 meeting.

Facilities Planning

Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

11

Ms. Maria Teresa-Fojo
March 3, 2009
Page 2

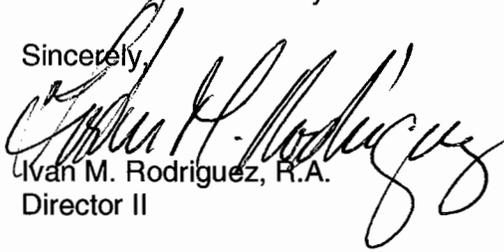
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

$$\text{New residential unit square footage} \times .90 \text{ (Square Footage Fee)} + \$600.00 \text{ (Base Fee)} + 2\% \text{ administrative fee} = \text{Educational Facilities Impact fee}$$

As an example, assuming the proposed unit is 2,000 square feet (single-family attached), the additional 12 units are estimated to generate approximately \$28,800 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,


Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L-361

Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian Villamil
Ms. Melisa Orozco
File

SCHOOL IMPACT REVIEW ANALYSIS

(November 7, 2008)

APPLICATION: Millos Three Stars Enterprises, Inc. - No. 08-135

REQUEST: Zone change from AU to RU-1MA

ACRES: 2.3 acres

LOCATION: Northeast corner of SW 26 Street and SW 145 Avenue

**MSA/
MULTIPLIER:** 6.1/.55 Single-Family Detached

UNITS: 12 units

**ESTIMATED
STUDENT
POPULATION:** 7 students*

ELEMENTARY: 3

MIDDLE: 2

SENIOR: 2

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Joe Hall Elementary – 1901 SW 134 Avenue

MIDDLE: Zelda Glazer Middle – 15015 SW 24 Street

SENIOR HIGH: G. Holmes Braddock Senior High – 3601 SW 147 Avenue

All schools are located in South Central Regional Center.

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2008:

| | STUDENT POPULATION | FISH DESIGN CAPACITY PERMANENT | % UTILIZATION FISH DESIGN CAPACITY PERMANENT | NUMBER OF PORTABLE STUDENT STATIONS | % UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE |
|--------------------------------|--------------------|--------------------------------|--|-------------------------------------|--|
| Joe Hall Elementary | 767 | 627 | 122% | 18 | 119% |
| | 770 * | | 123% | | 119% |
| Zelda Glazer Middle** | 368 | 500 | 74% | 0 | 74% |
| | 370 * | | 74% | | 74% |
| G. Holmes Braddock Senior High | 3,617 | 2,859 | 127% | 926 | 96% |
| | 3,619 * | | 127% | | 96% |

*Student population increase as a result of the proposed development.

**Only 6th grade opened.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, Joe Hall Elementary School meets the review threshold.

PLANNED RELIEF SCHOOLS

| <u>School</u> | <u>Status</u> | <u>Projected Occupancy Date</u> |
|--|---------------|---------------------------------|
| Classroom Addition G. Holmes Braddock Senior High (940 student stations) | Construction | 2009 |

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$13,098.

CAPITAL COSTS: Based on the State's November 2008 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

| | | | | | |
|-------------------------------------|-------------------------|---|--------|---|-----------------|
| ELEMENTARY | 3 | x | 20,270 | = | \$60,810 |
| MIDDLE | DOES NOT MEET THRESHOLD | | | | |
| SENIOR HIGH | DOES NOT MEET THRESHOLD | | | | |
| Total Potential Capital Cost | | | | | \$60,810 |

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

Memorandum



Date: 22-AUG-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000135

Fire Prevention Unit:

No plans submitted. Compliance with MDFR site requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2008000135 located at THE NORTHEAST CORNER OF SW 26 STREET AND S.W. 145 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1430 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: 6:24 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 61 - Trail - 15155 SW 10 Street
ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments:

Service impact analysis will be provided upon submission of the development plans for the proposed project.

TEAM METRO

ENFORCEMENT HISTORY

MILLOS THREE STARS
ENTERPRISES, INC.

THE NORTHEAST CORNER OF SW
26 STREET AND THEORETICAL
S.W. 145 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000135

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5-13-2009 Case #200912002684

No ONC violations observed at time of inspection.

Officer R. 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: Millos Three Stars Enterprises Inc.

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|--|----------------------------|
| <u>Hermilio Concepcion 1730 S.W. 137TH CT</u> | <u>33 1/3</u> |
| <u>David Concepcion 1730 S.W. 137TH CT</u> | <u>33 1/3</u> |
| <u>Alfredo Concepcion 1730 S.W. 137TH CT</u> | <u>33 1/3</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>Percent of Ownership</u> |
|-------------------------|-----------------------------|
| | |
| | |
| | |

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2013
JUL 22

ZONING DEPT
MIA-MI-DADE PLANNING
BY JW

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

NAME OF PURCHASER: _____

| NAME, ADDRESS AND OFFICE (if applicable) | Percentage of 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:

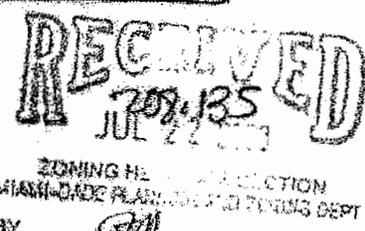
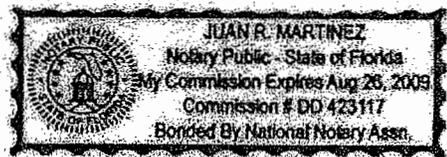
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Fernando Conception*
(Applicant)

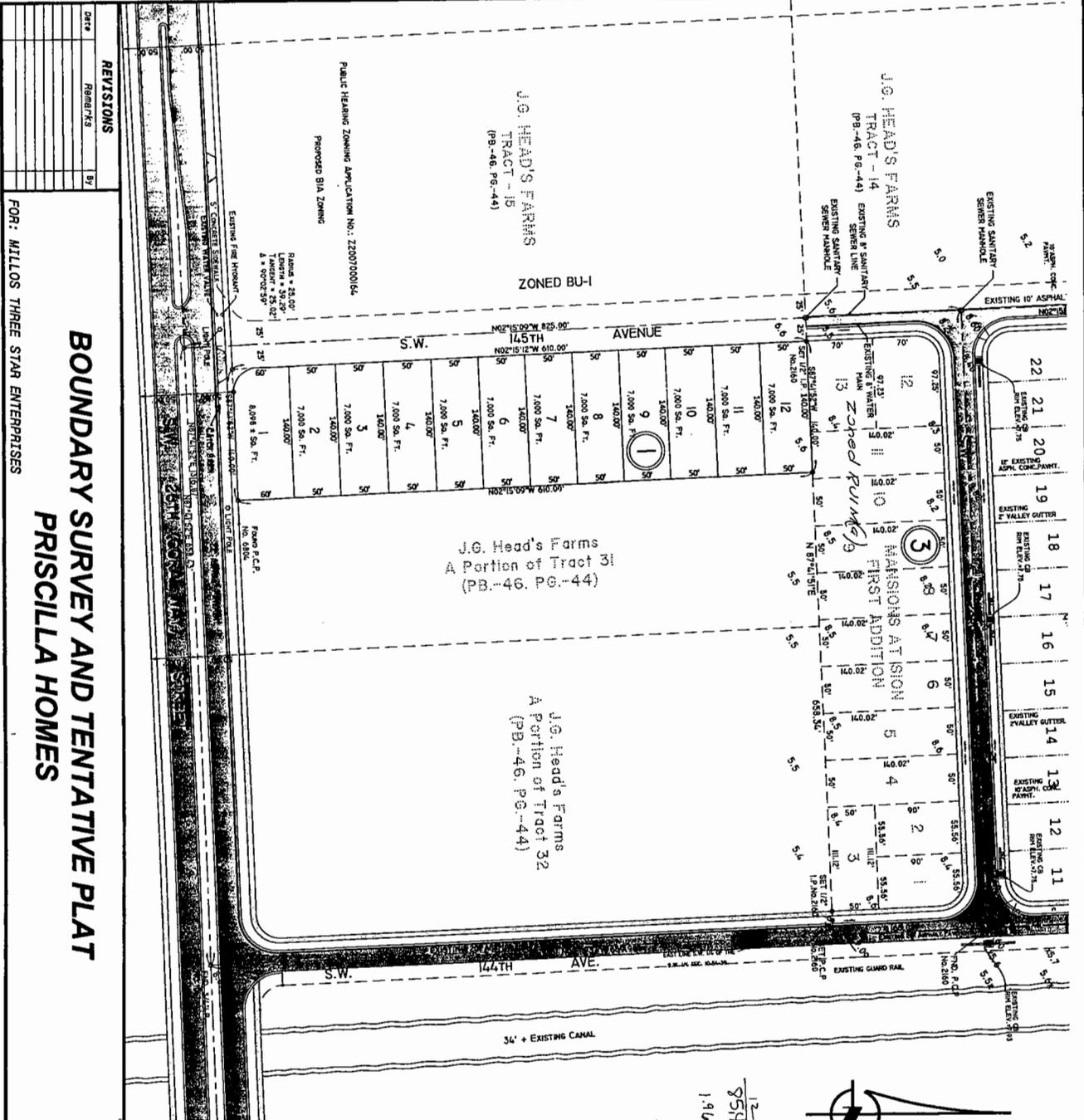
Sworn to and subscribed before me this 18 day of July 2005. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires _____

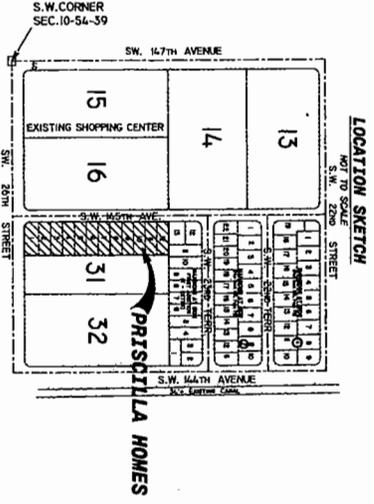
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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



BOUNDARY SURVEY AND TENTATIVE PLAT
PRISCILLA HOMES

FOR: MILLOS THREE STAR ENTERPRISES

| DATE | REVISIONS | BY |
|------|-----------|----|
| | | |
| | | |
| | | |
| | | |



LEGAL DESCRIPTION:
THE WEST 1/2 OF TRACT 31, "J. G. FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 48, AT PAGE 44 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 38 EAST.

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION:
FLOOD ZONE: **
BASE FLOOD ELEVATION: 9.5
AVERAGE LAND ELEVATION: 9.5
BENCHMARK USED: P-4057 ELEVATION = 9.12.

DEVELOPMENT INFORMATION:
ZONING DISTRICT: BU-1 (4)
PROPOSED LOT AREA: 2.91 ACRES.
PROPOSED NUMBER OF LOTS: 12
MINIMUM PROPOSED LOT AREA: 7,000 SQUARE FEET.
MIAMI DADE COUNTY FLOOD CRITERIA: 8.1.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT:
THE ARE NO EXISTING STRUCTURES OR IMPROVEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON, AND THAT THIS BOUNDARY SURVEY HAS BEEN PREPARED AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 61017-9, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SURVEYOR'S NOTES:
• EXAMINATION OF ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS IF ANY, AFFECTING THIS PROPERTY.
• LOCATION AND IDENTIFICATION OF UTILITIES AND EASEMENTS ARE SHOWN IN ACCORDANCE WITH RECORDS IN THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.
• THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
• ALL RIGHTS-OF-WAYS SHOWN ARE PUBLIC UNLESS OTHERWISE NOTED.
• THIS SURVEY HAS A TRAVERSE CLOSURE OF NO LESS THAN 1.0 FOOT IN 7,500 FEET.
• THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

JUAN R. MARTINEZ & ASSOCIATES, INC.

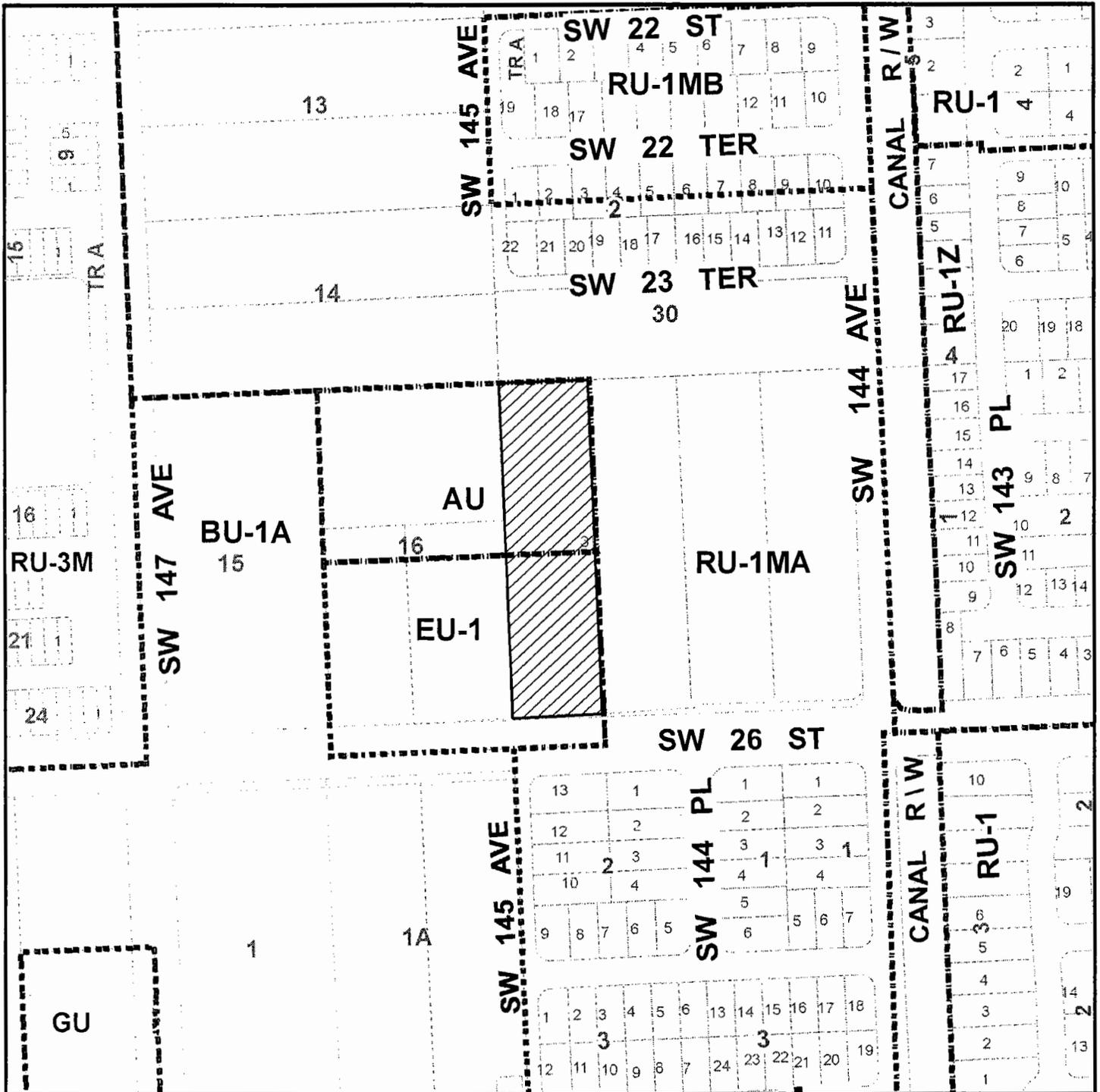
ENGINEERS LAND PLANNERS LAND SURVEYORS

4800 WEST BOKER STREET, SUITE 107, MIAMI, FLORIDA, 33144, PHONE (305) 491-7000 FAX (305) 491-7116

MIAMI, FLORIDA
JUAN R. MARTINEZ
PROFESSIONAL LAND SURVEYOR NO. 1318
CERTIFICATE NO. 131781

DATE OF SURVEY: 07-18-2008
DATE OF PLAT: 07-18-2008
SCALE: 1" = 30'

SHEET NO. 1 OF 1 SHEETS



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 10 Township: 54 Range: 39
 Applicant: MILLOS THREE STARS ENTERPRISES, INC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-135

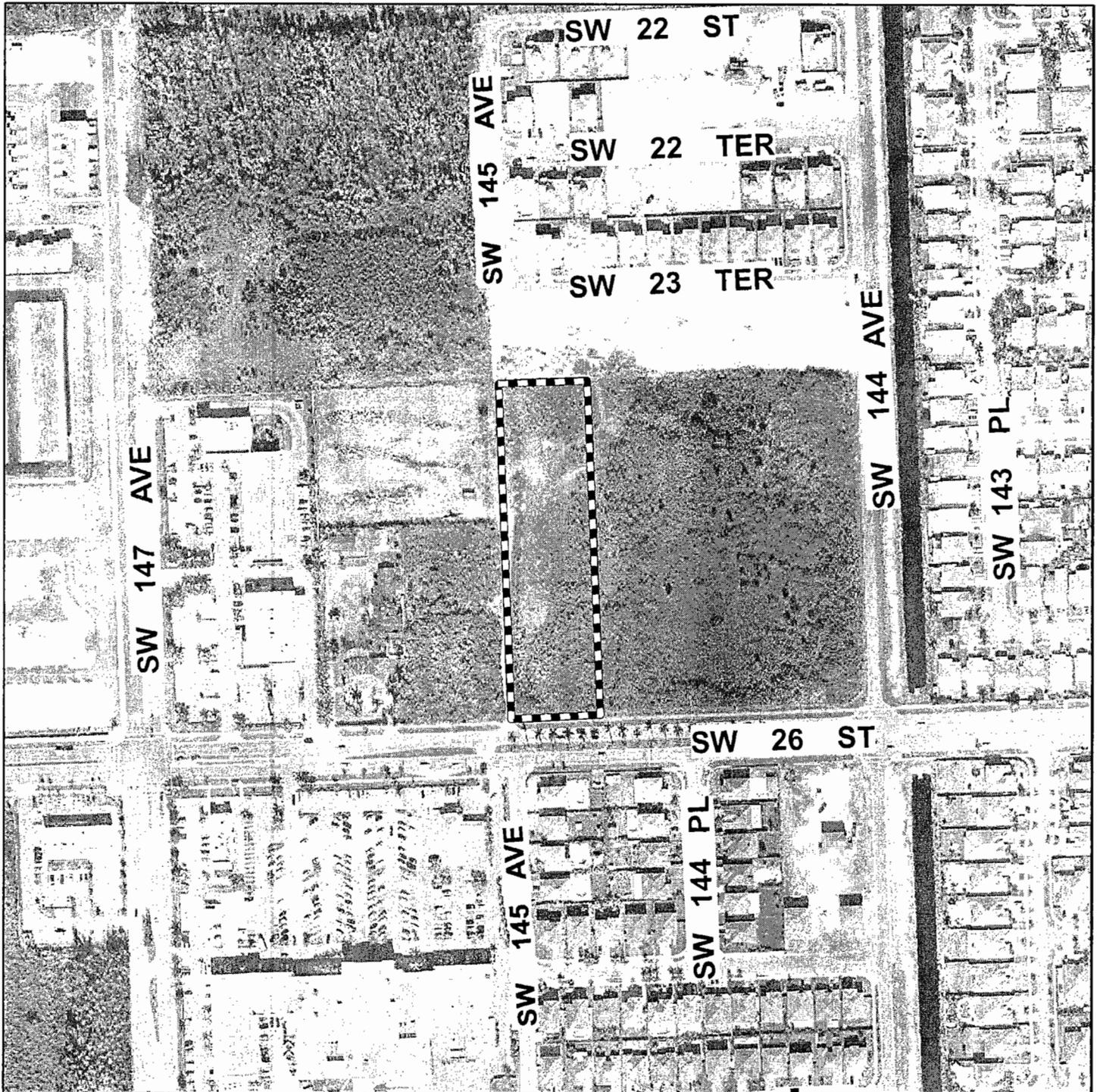


SUBJECT PROPERTY



SKETCH CREATED ON: 08/01/01

| REVISION | DATE | BY |
|----------|------|----|
| | | 20 |



MIAMI-DADE COUNTY

AERIAL YEAR 2008
 Section: 10 Township: 54 Range: 39
 Applicant: MILLOS THREE STARS ENTERPRISES, INC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-135



SUBJECT PROPERTY



SKETCH CREATED ON: 08/01/01

| REVISION | DATE | BY |
|----------|------|----|
| | | |

2. LAZARO & MARIBEL LEZCANO
(Applicant)

09-5-CZ10-2 (08-167)
Area 10/District 12
Hearing Date: 5/20/09

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: Lazaro and Maribel Lezcano

PH: Z08-167 (09-5-CZ10-2)

SECTION: 2-54-39

DATE: May 20, 2009

COMMISSION DISTRICT: 12

ITEM NO.: 2

A. INTRODUCTION

o **REQUESTS:**

- (1) Applicants are requesting to permit a covered terrace addition to a single-family residence setback 6' (25' required) from the rear (north) property line.
- (2) Applicants are requesting to permit a lot coverage of 40.3% (35% allowed).

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 "Public Hearing Lazaro Livan Lezcano & W Maribel," as prepared by Jose Martinez, P.E. and dated stamped received 3/3/09 and consisting of 3 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit the construction of a proposed covered terrace addition to a single-family residence to encroach into the rear setback area. An additional request to permit a greater lot coverage than that allowed is also being sought.
- o **LOCATION:** 13451 S.W. 2 Street, Miami-Dade County, Florida.
- o **SIZE:** 75' x 118'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

EAST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

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:

Acceptable

*On a modified basis and subject to conditions

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

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 comment |
| Fire Rescue | No objection |
| Police | No objection |
| Schools | No comment |

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is a corner lot located at 13451 S.W. 2 Street in an area zoned RU-1, Single-Family Residential District, developed with single-family residences. The applicants are seeking to construct a proposed covered terrace addition to a single-family residence to setback 6' from the rear (north) property line (request #1). Additionally, the applicants are also seeking to permit a lot coverage of 40.3% (request #2). The RU-1 zoning district requires single-family residences and their additions to be setback a minimum of 25' from the rear property line. The maximum lot coverage allowed in the RU-1 zone is 35%. The applicants have submitted a site plan depicting the aforementioned requests. The submitted site plan also illustrates an existing metal shed located on the northeast corner of the subject property, which staff will recommend as a condition of the approval of this application, be removed.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicants will have to comply with all conditions as set forth in their memorandum. The Miami-Dade Fire Rescue Department (**MDFR**) and the **Public Works Department (PWD)** have **no objections** to this application. The MDFR Department indicates that the estimated average travel response time is **6:18**.

Approval of this application will allow the applicants to construct a proposed covered terrace addition to a single-family residence which will encroach 19' into the rear setback area and will result in greater lot coverage than that allowed for this RU-1 zoned site.

The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of this application on a modified basis would be **compatible** with the surrounding area but opines that requests #1 and #2 as requested are excessive. Approval of these requests would result in a development that would be out of character with and detrimental to the neighborhood and would, therefore, negatively affect the appearance of the community. Approval of request #1 will permit the construction of a proposed covered terrace addition to a single-family residence to setback 6' from the rear (north) property line. However, staff opines that the requested encroachment of 19' into the rear (north) setback area is too intense and would be out of character with the surrounding area. Moreover, staff opines that the proposed site plan can be redesigned to reduce the severity of the encroachment of the covered terrace into the rear (north) setback area. Specifically, staff notes that the existing residence contains an existing terrace and that the proposed covered terrace will be a second covered terrace attached to the rear portion of the residence. Notwithstanding the foregoing, staff opines that the proposed covered terrace setback should be maintained at 15' from the rear property line in order to achieve compatibility with similar approvals in the area. As such, staff recommends modified approval of request #1 to permit a rear setback of 15' in lieu of the requested 6'.

Although staff acknowledges that property located at 211 SW 136 Court, approximately 459' to the west of the subject site was granted approval of requests to permit a carport setback 4' (25' required) from the rear property line and to permit a lot coverage of 40% (35% permitted), pursuant to Resolution No. 4-ZAB-90-92, staff's research reveals that the majority of approvals in the surrounding area for relief of rear setback and lot coverage requirements are less intensive. Specifically, staff's research revealed that the property located at 331 SW 136 Avenue, approximately 543' to the south of the subject property, was granted approval to permit a storage room addition to a single-family residence setback 13' from the rear property line and to permit a lot coverage of 37%, pursuant to Administrative Variance No. V199700234. Moreover, property located at 13385 SW 1 Terrace, approximately 499' to the northeast of the subject site was granted approval of a request to permit a family room addition setback 11'3" from the rear property line, pursuant to Resolution No. 4-ZAB-247-90. Furthermore, staff's research revealed that property located at 350 SW 133 Court, approximately 340' to the northeast of the subject property, was granted approval of a request to permit a lot coverage of 38.4%, pursuant to Administrative Variance No. V1993000760. As such, staff notes that request #2, to permit a lot coverage of 40.3%, which is 5.3% more than that allowed by the Code (35%), is excessive and is germane to request #1, which staff does not wholly support on the basis that the requested covered terrace addition setback is excessive and would adversely affect the aesthetic character of the area. Specifically, staff opines that the submitted plans can be redesigned in order to shift the proposed covered terrace 9' further away from the rear (north) property line. Therefore, staff recommends a modified approval of request #2 to permit a lot coverage of 38.7%, in lieu of the requested 40.3%. In conclusion, staff opines that a modified approval of requests #1 and #2, subject to conditions, would not result in an obvious departure from the aesthetic

character of the surrounding area. Therefore, staff recommends modified approval of requests #1 and #2, subject to conditions, under the NUV Standards.

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

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

Based on all of the aforementioned, staff opines that requests #1 and #2 are excessive and the approval of same would be out of character with and detrimental to the neighborhood and would negatively affect the appearance of the community. Accordingly, staff opines that a modified approval of requests #1 and #2, as mentioned above, is **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP. As such, staff recommends modified approval, subject to conditions, of request #1 to permit the single-family residence setback a minimum of 15' from the rear (north) property line, in lieu of the requested 6'. Further, staff recommends modified approval with conditions of request #2 to permit a lot coverage of 38.7%, in lieu of the requested 40.3%.

I. RECOMMENDATION:

Modified approval with conditions of request #1, to permit the covered terrace addition to the single-family residence setback 15' from the rear (north) property line, in lieu of the requested 6' and modified approval with conditions of request #2, to permit a lot coverage of 38.7% in lieu of the requested 40.3% under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #1 and #2 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, but not 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 "Public Hearing Lazaro Livan Lezcano & W Maribel," as prepared by Jose Martinez, P.E. and dated stamped received 3/3/09 and consisting of 3 sheets, except as amended to show the covered terrace setback

a minimum of 15' from the rear (north) property line and to show a maximum lot coverage of 38.7%. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.
4. That the covered terrace addition remain an open-sided structure and not be enclosed in any manner except for approved insect screening materials.
5. That the existing metal shed located on the northeast corner of the site, illustrated in the submitted survey, be removed.

DATE INSPECTED: 03/10/09
DATE TYPED: 03/24/09
DATE REVISED: 04/01/09; 04/09/09
DATE FINALIZED: 04/09/09
MCL:MTF:MW:NN:TA:NC



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

NDN

Memorandum



Date: September 16, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-10 #Z2008000167
Lazaro and Maribel Lezcano
13451 S.W. 2nd Street
Request to Permit an Open Terrace that Would Exceed Lot Coverage Requirements
Request to Permit Less Setback than Required
(RU-1) (0.20 Acres)
02-54-39

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.

Tree Preservation

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

Enforcement History

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMF 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: 23-SEP-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000167

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2008000167
 located at 13451 S.W. 2 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1342 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: 6:18 minutes

Existing services:

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

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

LAZARO & MARIBEL LEZCANO

13451 SW 2 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000167

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS FOUND

LAZARO AND MARIBEL LEZCANO

JOSE MARTINEZ

SW 135TH AVENUE

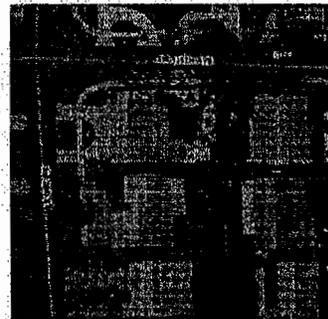
SW 2ND STREET

1 STORY C.B.S.
RES No 13451

LOT 24 BLOCK 1

N 0° 14' 17" W

TO BE REMOVED



LEGAL DESCRIPTION:
UNIV PARK EAST SEC 1 PB 104-99
LOT 25 BLK 1 LOT SIZE 75.15 X 118
CP 19128-2162-0502000 1

ZONING LEGEND

| ZONE | PERMITTED | PROPOSED |
|--------------------------------|-------------------|---------------------|
| RU-1 | | |
| LOT AREA 75X118' (8,687 SQ FT) | | 40.3' / 3,590.55 |
| LOT COVERAGE | 35% (3,033 SQ FT) | 30.7% (2,650.90 FT) |
| SETBACKS | | |
| FRONT | 25.0 R | 29.5 ft |
| REAR | 25.0 R | 6.0 ft * |
| INTERIOR | 7.5 R | 7.5 ft |
| SIDE STREET | 15.0 R | 16.0 ft |

* VARIANCE REQUIRED

3580.85 / 386.7 = 48.3' Over Setback

RECEIVED
MAY 15 2008

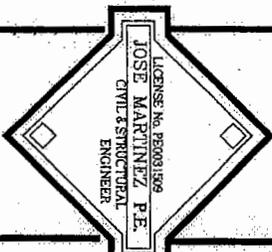
RECEIVED
MAY 15 2008

PROPOSED SITE PLAN

ZONING DEPARTMENT SECTION
MAY 15 2008
SCALE 1/8" = 1'-0"

BY: *[Signature]*

DATE: 08-15-2008
PROJECT: PUBLIC HEARING
OWNER: LAZARO LIVAN LEZCANO & W MARIBEL
ADDRESS: 13451 SW 2 ST
MIAMI FL 33184
REVISIONS:



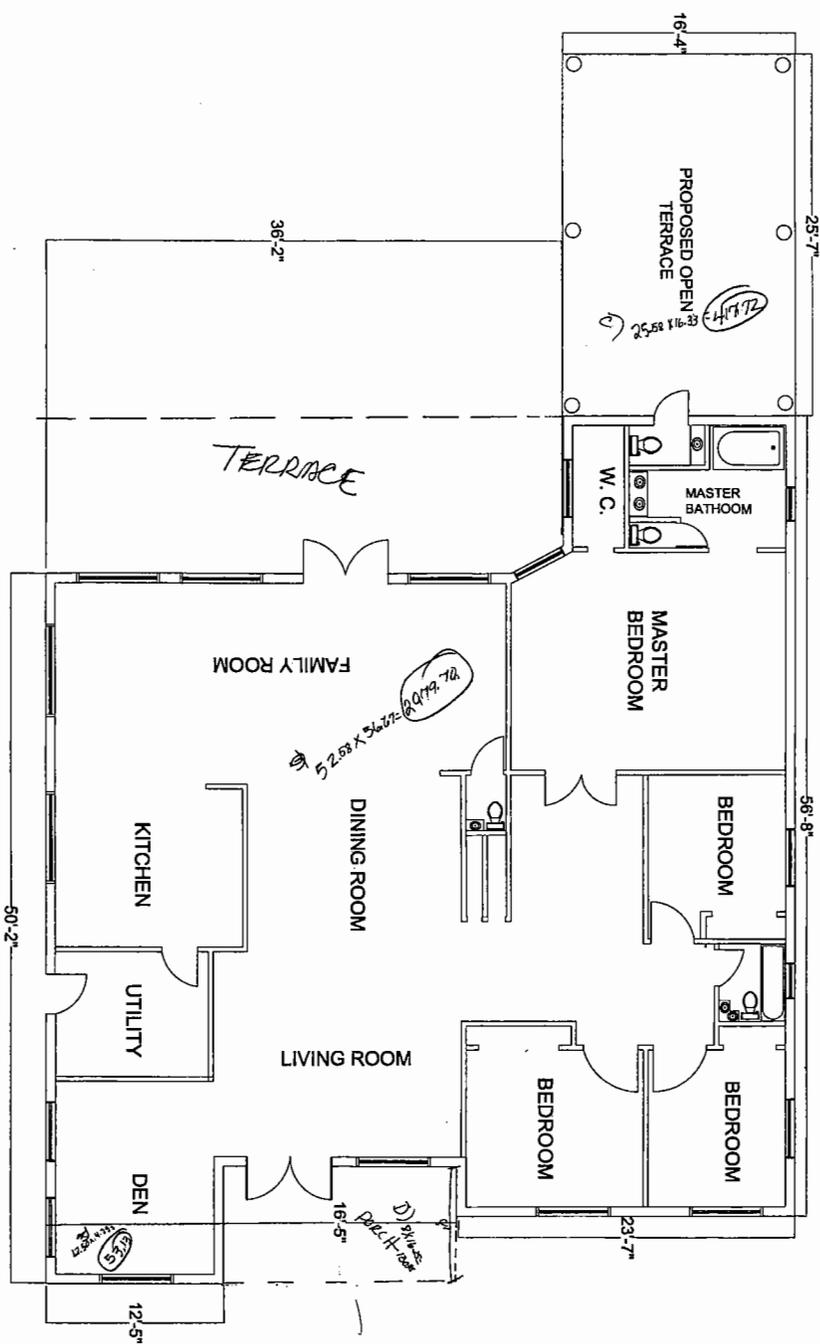
OFFICE: (305)867-4417
FAX: (305)884-3967
EMAIL: JOSE.MARTINEZ@INZINC.COM
24 EAST 5th STREET
SUITE 1-D
HALEAH, FL 33010

ENGINEERS
SIGN AND SEAL



FLOOR PLAN

Scale 1/4"=1'-0"



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MAR 03 2009

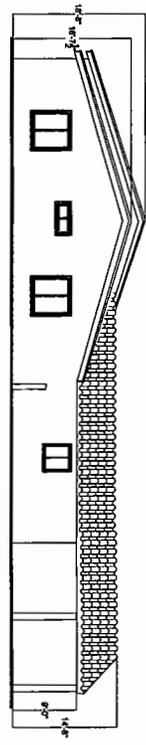
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

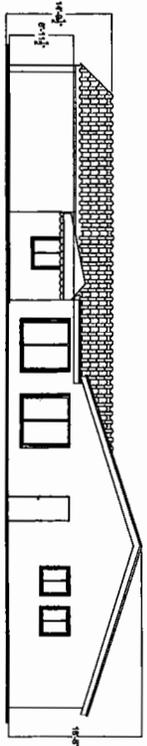
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 B) 5.21 x 4.17 = 21.72
 C) 2.91 x 4.17 = 12.15
 D) 1.85 x 1.50 = 2.78
 358055

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 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

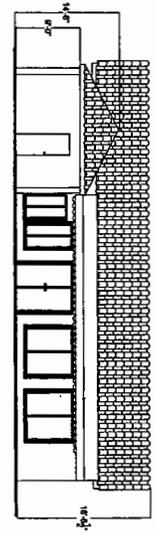
| | | |
|---|---|---|
| <p>OFFICE: (305)887-4417 FAX: (305)884-3967 EMAIL: JOSE.MARTINEZ@AOL.COM JOSE.MARTINEZ@ZINC.AOL.COM 24 EAST 5th STREET SUITE 1-D HIALEAH, FL 33010</p> <p>ENGINEERS</p> | <p>LICENSE NO. REG00199 JOSE MARTINEZ, P.E. CIVIL & STRUCTURAL ENGINEER</p> | <p>DATE: 08-15-2008 PROJECT: PUBLIC HEARING OWNER: LAZARO LIVAN LEZCANO & W MARIBEL ADDRESS: 13451 SW 2 ST MIAMI FL 33184</p> <p>REVISIONS:</p> |
|---|---|---|



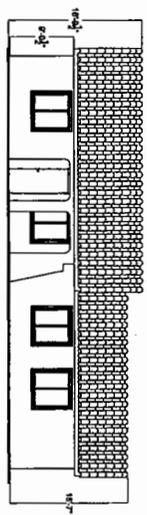
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Scale 1/8" = 1'-0"



✓ WEST ELEVATION
Scale 1/8" = 1'-0"



✓ NORTH ELEVATION
Scale 1/8" = 1'-0"



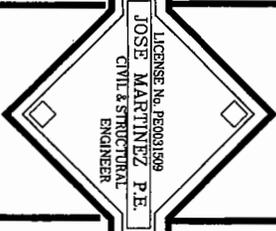
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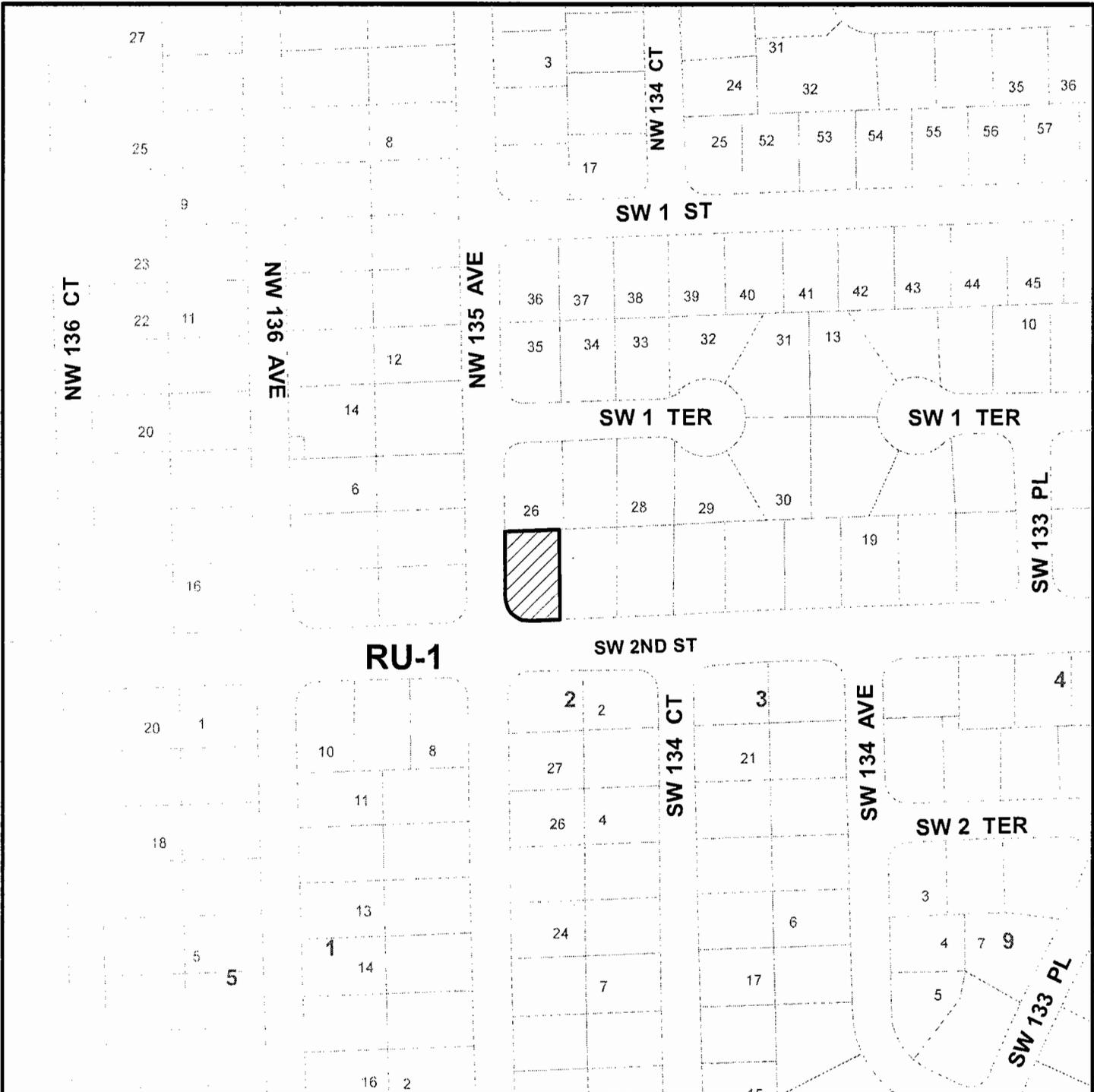
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

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MAR 03 2009
ZONING HEARINGS SECTION

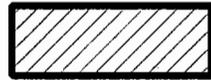
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|  | <p>DATE: 08-15-2008 PROJECT: PUBLIC HEARING OWNER: LAZARO LIVAN LEZCANO & W MARIBEL ADDRESS: 13451 SW 2 ST MIAMI FL 33184</p> |
| | <p>REVISIONS:</p> |
| <p>OFFICE: (305)887-4417 FAX: (305)884-3967</p> | <p>EMAIL: JOSEMARTINEZINC@AOL.COM</p> |
| <p>24 EAST 5th STREET SUITE 1-D HALEAH FL. 33010</p> | <p>ENGINEERS</p> |
| <p>SIGN AND SEAL</p> | |



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-167

Section: 02 Township: 54 Range: 39
 Applicant: LAZARO LIVAN LEZCANO & W. MARIBEL
 Zoning Board: C10
 Commission District: 12
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 09/08/08

| REVISION | DATE | BY |
|--------------------------------|----------|-----|
| REVISED BOARD & COMM. DIST NO. | 03/19/09 | KWS |
| | | 20 |



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 02 Township: 54 Range: 39

Applicant: LAZARO LIVAN LEZCANO & W. MARIBEL

Zoning Board: C10

Commission District: 12

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

08-167



SUBJECT PROPERTY



SKETCH CREATED ON: 09/08/08

| REVISION | DATE | BY |
|--------------------------------|----------|-----|
| REVISED BOARD & COMM. DIST NO. | 03/19/09 | KWS |

3. LOURDES & RENE PICANES JR.
(Applicant)

09-5-CZ10-3 (08-227)
Area 10/District 10
Hearing Date: 5/20/09

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**

APPLICANT: Lourdes and Rene Picanes, Jr.

PH: Z08-227 (09-5-CZ10-3)

SECTION: 13-54-39

DATE: May 20, 2009

COMMISSION DISTRICT: 10

ITEM NO.: 3

A. INTRODUCTION

o **REQUESTS:**

- (1) Applicants are requesting to permit a covered terrace, utility room & BBQ addition to a single-family residence setback a minimum of 5'3" (7' 6" required) from the interior side (east) property line and setback 20' (25' required) from the rear (north) property line.
- (2) Applicants are requesting to permit a lot coverage of 37.2% (35% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) 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 "Terrace Addition to the Picanes Residence," as prepared by Palenzuela & Hevia Design Group, Inc., dated stamped received 1/13/09 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants seek to permit a covered terrace, a utility shed and barbecue addition to a single-family residence with reduced interior side and rear setbacks and to permit a single-family residence with more than the permitted lot coverage.

o **LOCATION:**

12241 S.W. 28 Street, Miami-Dade County, Florida.

o **SIZE:** 75' x 120'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

SURROUNDING PROPERTY:

NORTH: GU; canal

Low Density Residential, 2.5 to 6 dua

SOUTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

EAST: RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

WEST: RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

This property is located at 12241 S.W. 28 Street. The surrounding area is predominately 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:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable*

Access:

Acceptable

Visibility/Visual Screening:

Acceptable

Energy Considerations:

N/A

Roof Installations:

N/A

Urban Design:

N/A

* Subject to conditions

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 after public hearing upon demonstration of the following:
1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and

2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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

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

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

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development,

including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;

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

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 12241 S.W. 28 Street in an established RU-1, Single Family Residential District. The applicants are requesting to permit an existing covered terrace, utility room and barbecue addition to a single-family residence setback 5' 3"

from the interior side (east) property line and 20' from the rear (north) property line (request #1). The applicant is also requesting to permit the single-family residence with a lot coverage of 37.2% (request #2). The RU-1 zoning district requires a minimum rear setback of 25' for single-family residences, a minimum interior side setback of 7' 6" and allows a maximum lot coverage of 35%. The surrounding area is predominately developed with single-family residences. Plans submitted by the applicant depict the three bedroom single-family residence with the aforementioned terrace, utility room and barbecue addition encroaching into the interior side and rear setback areas. The subject property is surrounded by single-family residences to the south, east and west. However, to the north, the subject property abuts a 100' wide canal. Staff of the Department of Planning and Zoning is supportive of this application for the reasons stated below.

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. The **Public Works Department** also has **no objections** to this application and indicates in their memorandum that the applicants must secure a written statement from the owner of the easement that the proposed use will not interfere with the owner's reasonable use of the easement.

Approval of this application will allow the applicants the maintenance and continued use of an existing residence with an addition into the setback areas and increased lot coverage. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low-Density Residential** use, which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Because the requests will not add additional units to the site, the RU-1 zoned subject property is **consistent** with the Low-Density Residential designation as shown in the LUP map of the CDMP.

In analyzing request #1, to permit an existing covered terrace, utility room and barbecue addition to a single-family residence setback 5' 3" from the interior side (east) property line and 20' from the rear (north) property line and request #2, to permit a single-family residence with a lot coverage of 37.2%, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that these requests will not affect the stability and appearance of the area, nor are they intensive or burdensome to the area. These requests, individually or combined, would not in staff's opinion generate a negative impact on the aesthetic character of the surrounding properties nor would approval of these requests be out of character with the surrounding area. In addition, the non-conforming additions have been designed to match the architectural style of the single-family residence. Research indicates that there have been similar approvals within a ¼ mile radius of the subject property. For example, a property two blocks south of the subject property located at 12305 SW 29 Terrace was approved for a variance for a rear setback of 23.3' for a bathroom addition and an interior side (east) setback of 4' to permit a metal shed, pursuant to Administrative Variance #V92000227, in June 1992. Similarly, in November 1980, a property located to the southeast of the subject property at 12110 SW 31 Terrace, was approved for a rear setback variance of 12.5' pursuant to Administrative Variance #V1980000211. Further, staff's research of the surrounding area located a property at 12020 SW 31 Street that was approved for a more intensive rear setback variance of 11.45' in addition to a lot coverage of 36.3% pursuant to

Resolution #4-ZAB-182-93, in 1993. Furthermore, in staff's opinion, the fact that the subject property abuts a 100' wide canal to the rear (north) of the property mitigates the visual impact of the encroachment to the rear on the properties to the north. Staff notes that the subject property is surrounded by a chain link fence and hedges along the interior side (west) property line. Staff however, will recommend as a condition of approval that the applicants provide a 6' tall opaque fence or hedge along the interior side (east) property line to mitigate the negative visual impact of the encroachment on the abutting property to the east and that the covered terrace addition remain open sided and thus, not enclosed in any manner except for approved insect screen materials. Based on the aforementioned, staff opines that approval of requests #1 and #2 will not affect the appearance and stability of the area, would be **compatible** with the surrounding area, and should be approved with conditions under the NUV Standards.

When requests #1 and #2 are analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that this application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of the application under the Alternative Non-use Variance (ANUV) Standards.

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

Accordingly, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

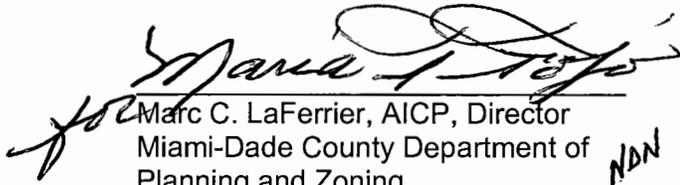
J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to,

location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Terrace Addition to the Picanes Residence," as prepared by Palenzuela & Hevia Design Group, Inc., dated stamped received 1/13/09 and consisting of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the applicants applicant install a 6' tall hedge or fence along the interior side (east) property line; said hedge shall be 3' high at the time of planting, which shall grow to and be maintained at a height of 6'.
4. That the use be established and maintained in accordance with the approved plan.
5. That the covered terrace addition remain open sided on 3 sides and thus, not enclosed in any manner except for approved insect screen materials.
6. That the applicants apply for and secure building permits for all non-permitted structures on the property from the Building Department within 120 days of the expiration of the appeal period for this public hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.

DATE INSPECTED: 12/11/08
DATE TYPED: 03/24/09
DATE REVISED: 03/26/09; 04/10/09
DATE FINALIZED: 04/10/09
MCL:MTF:MW:NN:AA:CH


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

Memorandum

Date: December 23, 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 #Z2008000227
Rene and Lourdes Picanes
12241 S.W. 28 Street
Request to Permit an Addition to a Single Family Residence that would
Exceed Lot Coverage and Setback Requirement
(RU-1) (0.20 Acres)
13-54-39

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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.

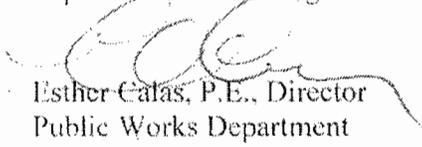
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 11-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000227

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000227
 located at 12241 S.W. 28 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1477 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: 7:01 minutes

Existing services:

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

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 Station 78 - Bird Road Loop - SW 40 Street & 127 Avenue.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

LOURDES & RENE PICANES JR.

12241 SW 28 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000227

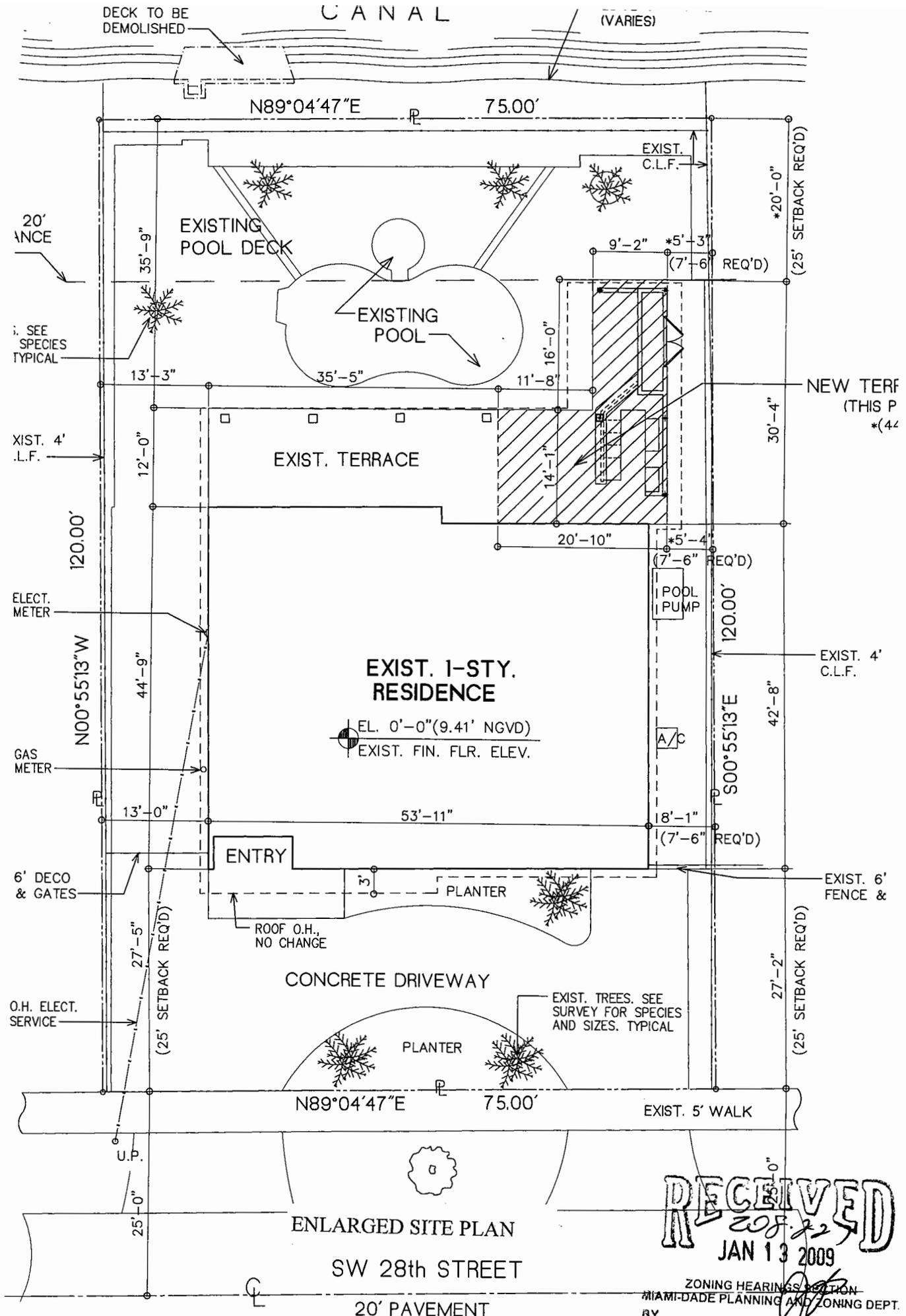
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5/13/2009 - Case #200912001721

No ONC violations observed at time of inspection.

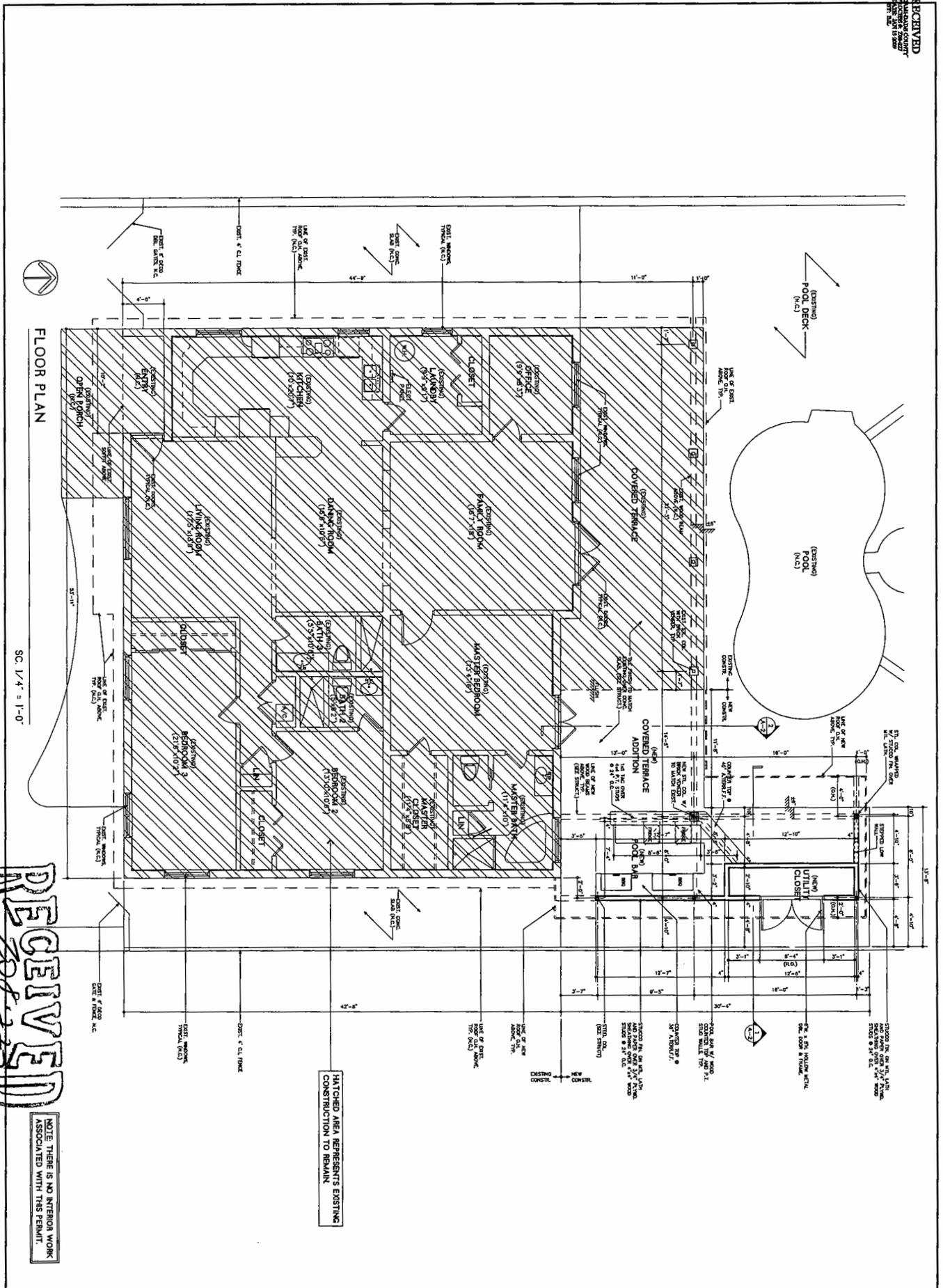
J. M. Martinez



RECEIVED
 2009 JAN 13 2009

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

16



FLOOR PLAN

SC. 1/4" = 1'-0"

HATCHED AREA REPRESENTS EXISTING CONSTRUCTION TO REMAIN

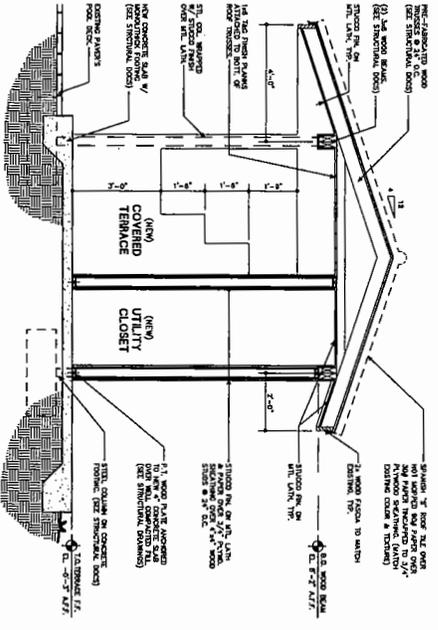
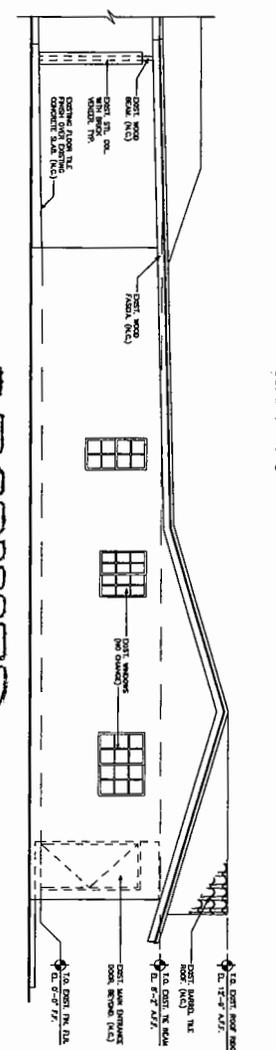
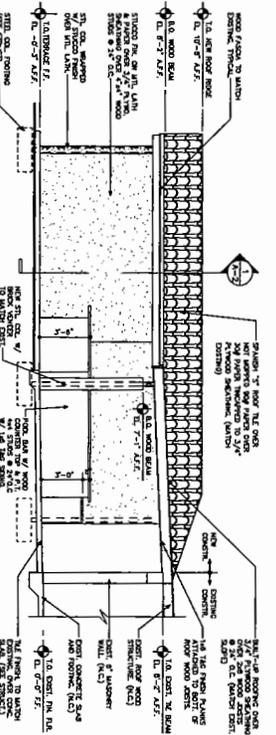
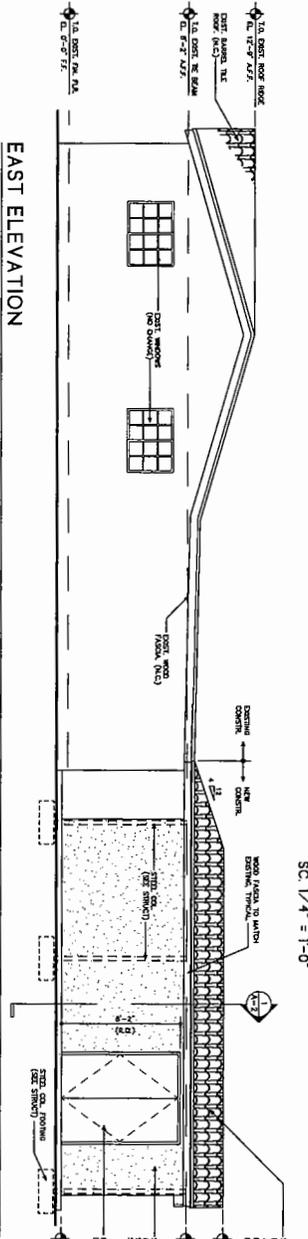
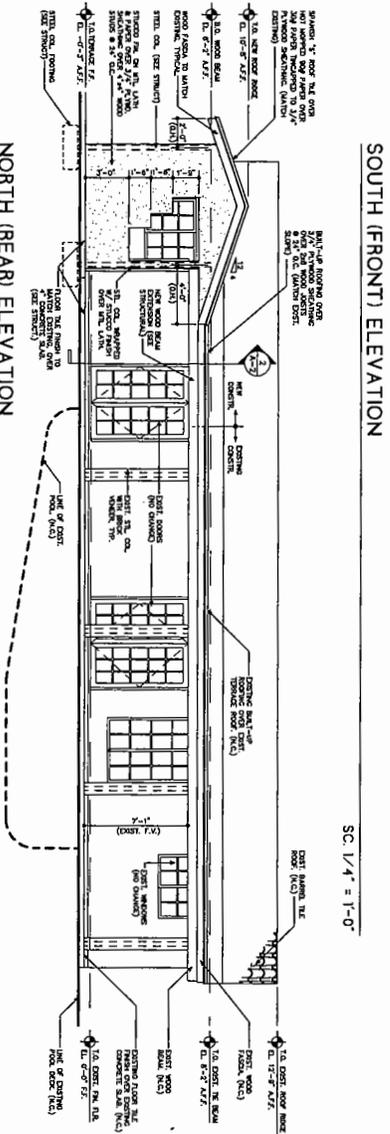
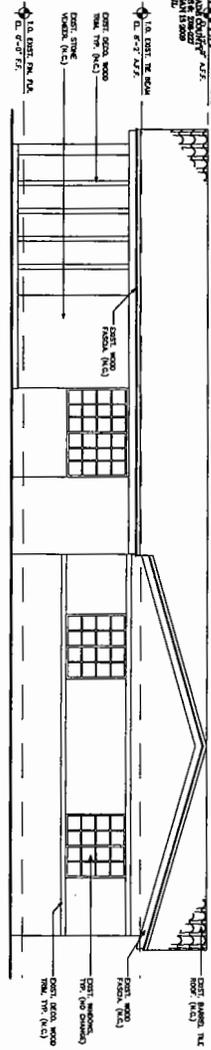
NOTE: THERE IS NO INTERIOR WORK ASSOCIATED WITH THIS PERMIT.

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

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 JAN 13 2009

| | | | | |
|--|---|--|---|---|
| | 1201 S.W. 13th COURT MIAMI, FLORIDA 33130 PHONE: (305) 349-3000 FAX: (305) 349-3000 WWW.HENNINGARCH.COM | PROJECT: FLOOR PLAN TERRACE ADDITION TO THE PICANES RESIDENCE 12241 S.W. 28th STREET, MIAMI, FLORIDA 33175. | DRAWN BY: E.P. CHECKED BY: A.M.H. & E.P. DATE: 12-20-2008 PERMIT NO.: 2003 | SHEET NO.: A-1 OF TOTAL SHEETS: |
| | ARCHITECTURE INTERIOR DESIGN PLANNING | | | DATE: |

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 MIAMI-DADE COUNTY
 PLANNING DEPT
 JAN 13 2009



RECEIVED
 2008-22-29
 JAN 13 2009

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

| | | | |
|--|--|--------------------------------------|---|
| SHEET NO. A-2 OF 2 DATE: 01/08/09 DRAWN BY: [blank] CHECKED BY: [blank] | EXTERIOR ELEVATIONS & SECTIONS TERRACE ADDITION TO THE PICANES RESIDENCE 12241 S.W. 28th STREET, MIAMI, FLORIDA 33175. | CONSULTANT: [blank] REAL: [blank] | 12201 S.W. 133 CORNER ARCHITECTURE INTERIOR DESIGN PLANNING PHONE: (305) 898-5002 FAX: (305) 898-5002 AIA-0001113 B-0001002 |
|--|--|--------------------------------------|---|

19



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 13 Township: 54 Range:39
 Applicant:RENE PICANES JR. & LOURDES MARIA
 Zoning Board: C10
 Commission District: 10
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number

08-227



SUBJECT PROPERTY



SKETCH CREATED ON: 12/04/08

| REVISION | DATE | BY |
|----------|------|----|
| | | |

4. KATHERINE VALVERDE, ET AL
(Applicant)

09-5-CZ10-4 (08-229)
Area 10/District 10
Hearing Date: 5/20/09

Property Owner (if different from applicant) **Alvaro Zumarta & Katherine Valverde**
& Irmina Rodriguez & Juvenal Valverde

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: Katherine Valverde, et al.

PH: Z08-229 (09-5-CZ10-4)

SECTION: 10-54-40

DATE: May 20, 2009

COMMISSION DISTRICT: 10

ITEM NO.: 4

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit a covered addition to a single-family residence setback 13.7' (25' required) from the rear (east) property line.
- (2) Applicants are requesting to permit a shed spaced 9.5' (10' required) from the residence.

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 "Re-Zoning Plan for Alvaro Zumaeta," as prepared by Eduardo A. Vazquez, consisting of 3 sheets and dated stamped received 2/2/09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing covered terrace addition to a single-family residence setback closer to the rear property line than permitted and to permit an existing shed spaced closer to the principal residence than permitted by the Zoning Code.
- o **LOCATION:** 2025 S.W. 85 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 100' X 101.57'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

| <u>ZONING</u> | <u>LAND USE PLAN DESIGNATION</u> |
|---|---------------------------------------|
| <u>Subject Property:</u> | |
| RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| <u>Surrounding Properties:</u> | |
| <u>NORTH:</u> RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| <u>SOUTH:</u> RU-1; Single-family residences | Low Density Residential, 2.5 to 6 dua |
| <u>EAST:</u> RU-1; Single-family residences | Low Density Residential, 2.5 to 6 dua |
| <u>WEST:</u> RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |

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.

(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
Public Works
Parks
MDT

No objection*
No objection
No objection
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 a corner lot located at 2025 S.W. 85 Avenue and is improved with a single-family residence in an established area zoned RU-1, Single-Family Residential District. The applicants are requesting to permit an existing covered terrace addition to a single-family residence setback 13.7' from the rear (east) property line (request #1) and to permit an existing shed spaced 9.5' from the principal residence (request #2). The RU-1 zoning district requires a minimum rear setback of 25' for the principal residence and any additions. In addition, the RU-1 zoning district requires accessory structures to be spaced a minimum of 10' from the principal residence. The applicants have submitted plans depicting the aforementioned requests.

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. 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 **5:24** minutes.

Approval of the requests would allow the applicants the maintenance and continued use of the existing covered terrace addition to the single-family residence as well as the maintenance and continued use of the existing shed in its current location. 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 covered terrace addition and existing shed do not add additional dwelling units to the property, the RU-1 zoned subject property is **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 the requests 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 an existing covered terrace addition to the single-family residence setback 13.7' (25' required) from the rear (east) property line, which will provide shelter from the elements to the residents while enjoying the rear yard area. Staff acknowledges that said addition results in an encroachment of 11.3' into the rear setback area, but notes that said encroachment is adequately buffered by an existing 6' high wood fence that runs along the rear (east) property line. However, staff notes that said fence is located on the abutting property located immediately to the east of the site. As such, staff recommends as a condition of the approval of request #1 that the applicants provide a hedge along the rear (east) property line in order to provide additional buffering for the covered terrace addition. It should be noted that a similar approval of a request to permit a single-family residence setback varying from 5' to 15' (25' required) from the

rear property line was granted on property located at 8400 SW 21 Street, approximately 412' to the southeast of the subject site, pursuant to Resolution No. 5-ZAB-49-96. As such, staff opines that approval of request #1 would not be out of character with the surrounding area. Furthermore, staff opines that the approval of request #2, to permit an existing shed spaced 9.5' (10' required) from the principal residence, would not be out of character with the surrounding area as similar requests for relief of accessory structure spacing requirements have been granted in the area. Specifically, staff notes that a property located at 1712 SW 84 Court, approximately 850' to the north of the subject site, was granted a request to permit a shed spaced 7.58' from the principal residence, pursuant to Administrative Variance No. V1992000493. Moreover, staff notes that property located at 8600 SW 20 Terrace, approximately 578' to the west of the subject site, was granted a request to permit a shed spaced 8.5' from the principal residence, pursuant to Administrative Variance No. V1993000334. As such, staff opines that the approval of requests #1 and #2 would not be out of character with the surrounding area and recommends approval with conditions of the requests under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to an unnecessary hardship and that, should the request 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, this application cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

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).

Based on all of the foregoing, staff opines that the approval of requests #1 and #2 would not be out of character with the area and are **compatible** with same. Accordingly, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:**

Approval with conditions of requests #1 and #2 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 "Re-Zoning Plan for Alvaro Zumaeta," as prepared by Eduardo A. Vazquez, consisting of 3 sheets and dated stamped received 2/2/09. 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 applicants apply for and secure a building permit for all of the existing non-permitted additions to the single-family residence from the Building Department within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.
5. That the covered terrace addition remain an open-sided structure and not be enclosed in any manner except for approved insect screening materials.
6. That buffering be provided along the rear (east) property line, in the form of a 6' high hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'. Said buffering shall be installed prior to final zoning inspection for the covered terrace addition and shed.

DATE INSPECTED: 12/11/08
DATE TYPED: 03/18/09
DATE REVISED: 03/19/09; 03/23/09; 04/10/09
DATE FINALIZED: 04/20/09
MCL:MTF:MW:NN:CH:NC


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

NDN

Memorandum



Date: January 15, 2009

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

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

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

Subject: C-10 #Z2008000229
Katherine Valverde
2025 S.W. 85th Avenue
Request to Permit an Addition to a Single-Family Residence that
Exceeds Setback Requirement
(RU-1) (0.23 Acres)
10-54-40

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

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

Enforcement History

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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.

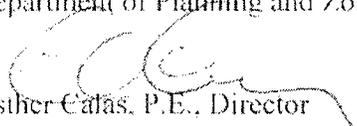
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 16-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000229

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000229
 located at 2025 S.W. 85 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1440 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: 5:24 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 47 - Westchester - 9361 Coral Way
 Rescue, ALS Engine

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 2nd request updated version

NAME:

KATHERINE VALVERDE, ET AL

ADDRESS:

2025 SW 85 AVENUE
MIAMI, FL.
3040100210390

DATE: 05/13/09**ZONING HEARING#:**

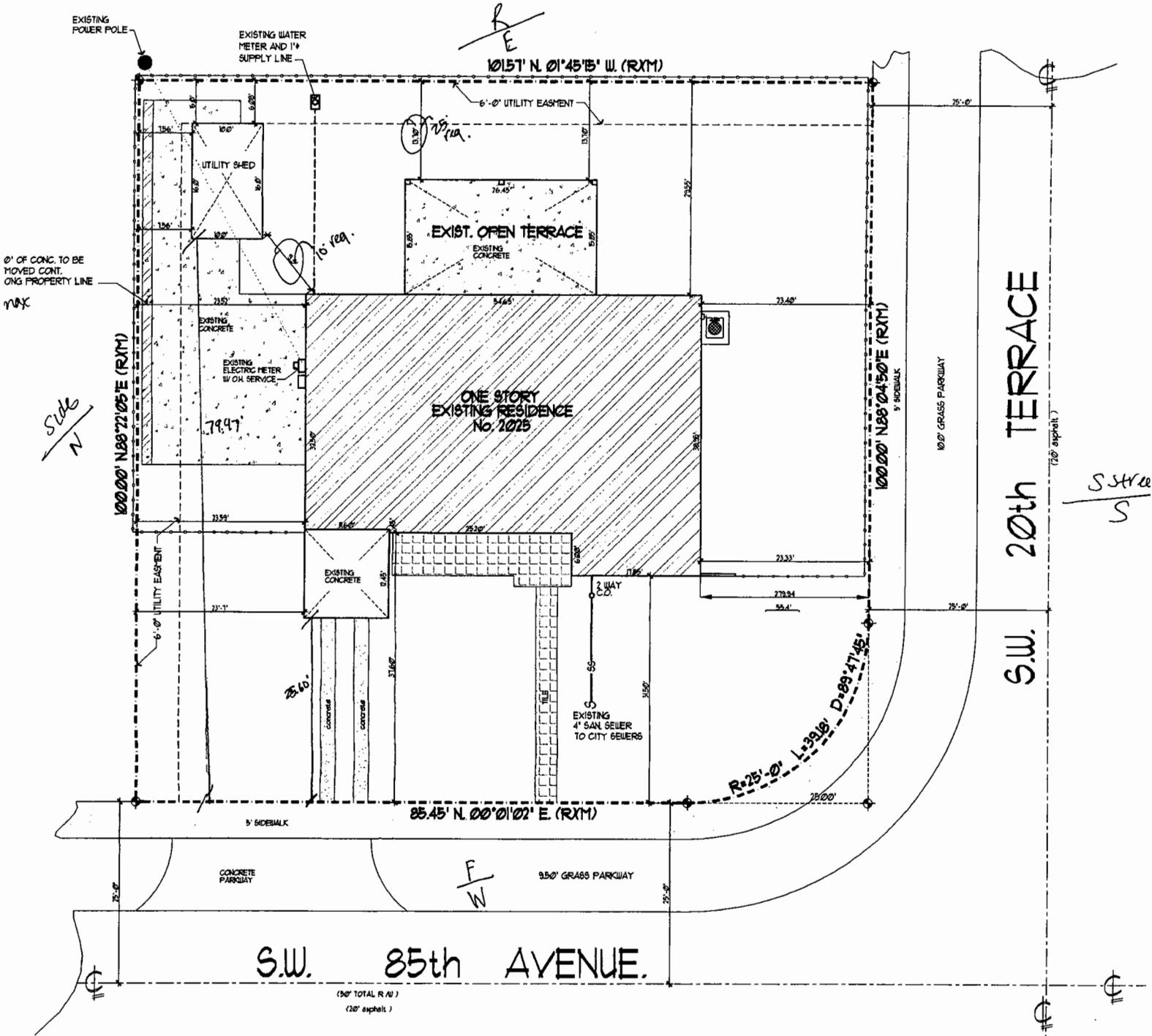
08-229

CURRENT ENFORCEMENT HISTORY:

CMS case number 200903003834. Overgrown hedge. Issued a warning letter 05/14/09. Re-inspection scheduled 05/30/09.

PRIOR CASES:

No prior cases.



NORTH SITE PLAN SCALE: 1" = 10'

NOTE: REFER TO ATTACHED SURVEY FOR ADDITIONAL

RECEIVED
207-229
FEB 02 2009

ENLARGED SITE PLAN

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

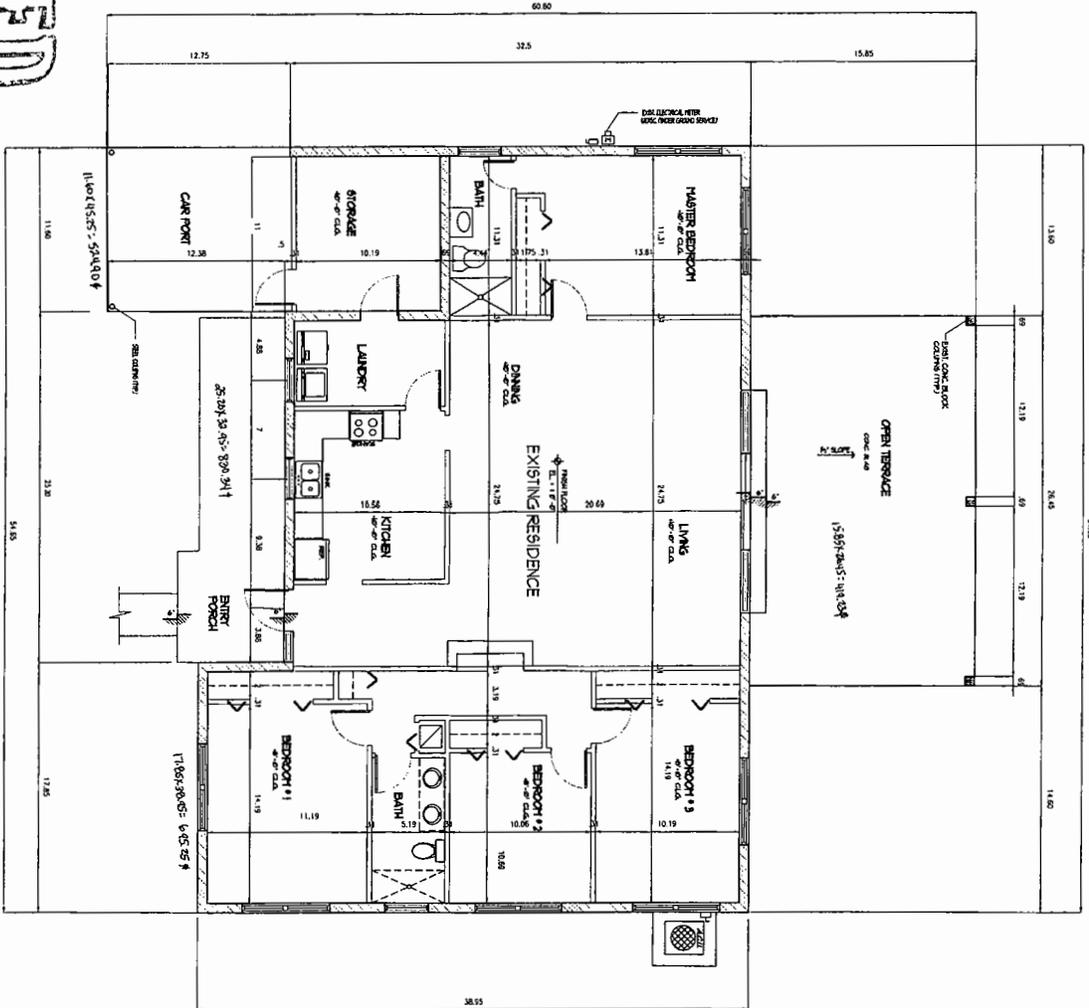
[Signature]

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 PLANNING AND ZONING DEPT.
 FEB 02 2009

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 FEB 02 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY AK



NORTH
 FLOOR PLAN
 LEGEND:

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

evarchitect
 Eduardo A. Velazquez, R.A.
 ARCHITECT

12201 NW 12th Street, Unit 301
 Miami, Florida 33187
 Phone: (305) 252-1200
 Fax: (305) 252-1200
 www.evarchitect.com

RE-ZONING PLAN
 FOR:
 ALVARO ZUMAETA

3028 S.W. 88th Ave.
 Miami, FL 33155
 P.O. Box 30-0701-0300
 PROJECT No. 08-11-02

RECEIVED
 PLANNING AND ZONING DEPT.
 FEB 02 2009

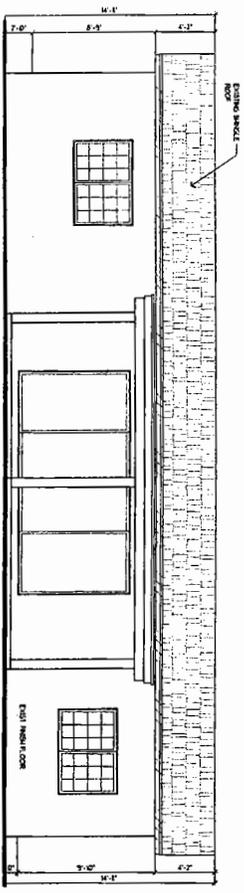
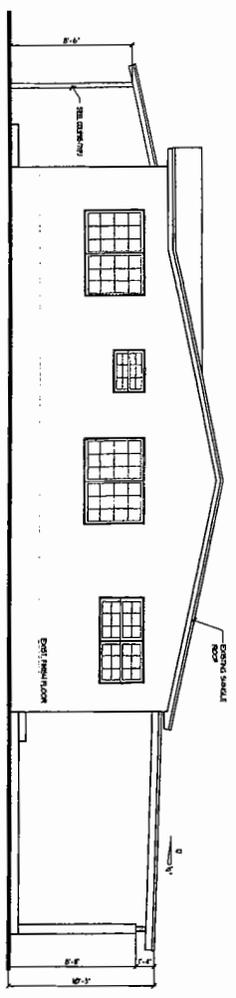
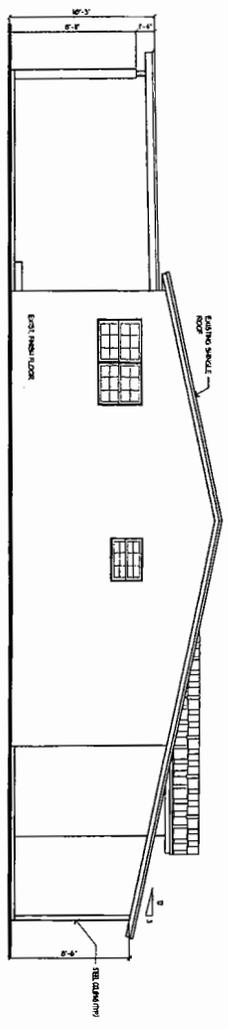
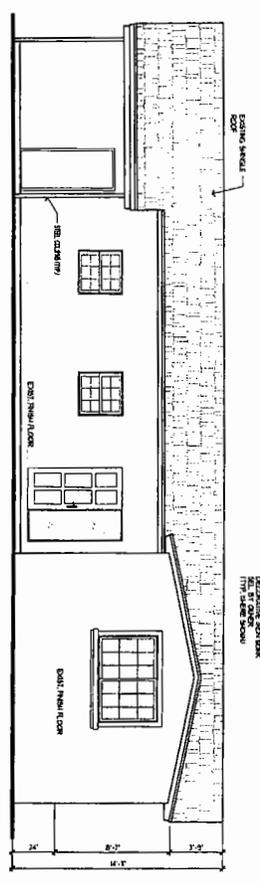
SCALE: AS SHOWN
 DATE: JUNE 2008

A-2

OF SHEETS

17

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 208-229
 FEB 02 2009
 ZONING HEARINGS
 PLANNING AND ZONING
 DEPARTMENT



edvarchitect
 Eduardo A. Vargas, RA
 AN 15028

13251 SW 12th Street, Unit 301
 Miami, Florida 33186
 Tel: (305) 551-2822
 Fax: (305) 551-2822
 eedv@edvarchitect.com

RE-ZONING PLAN
 FOR:
ALVARO ZUMETA

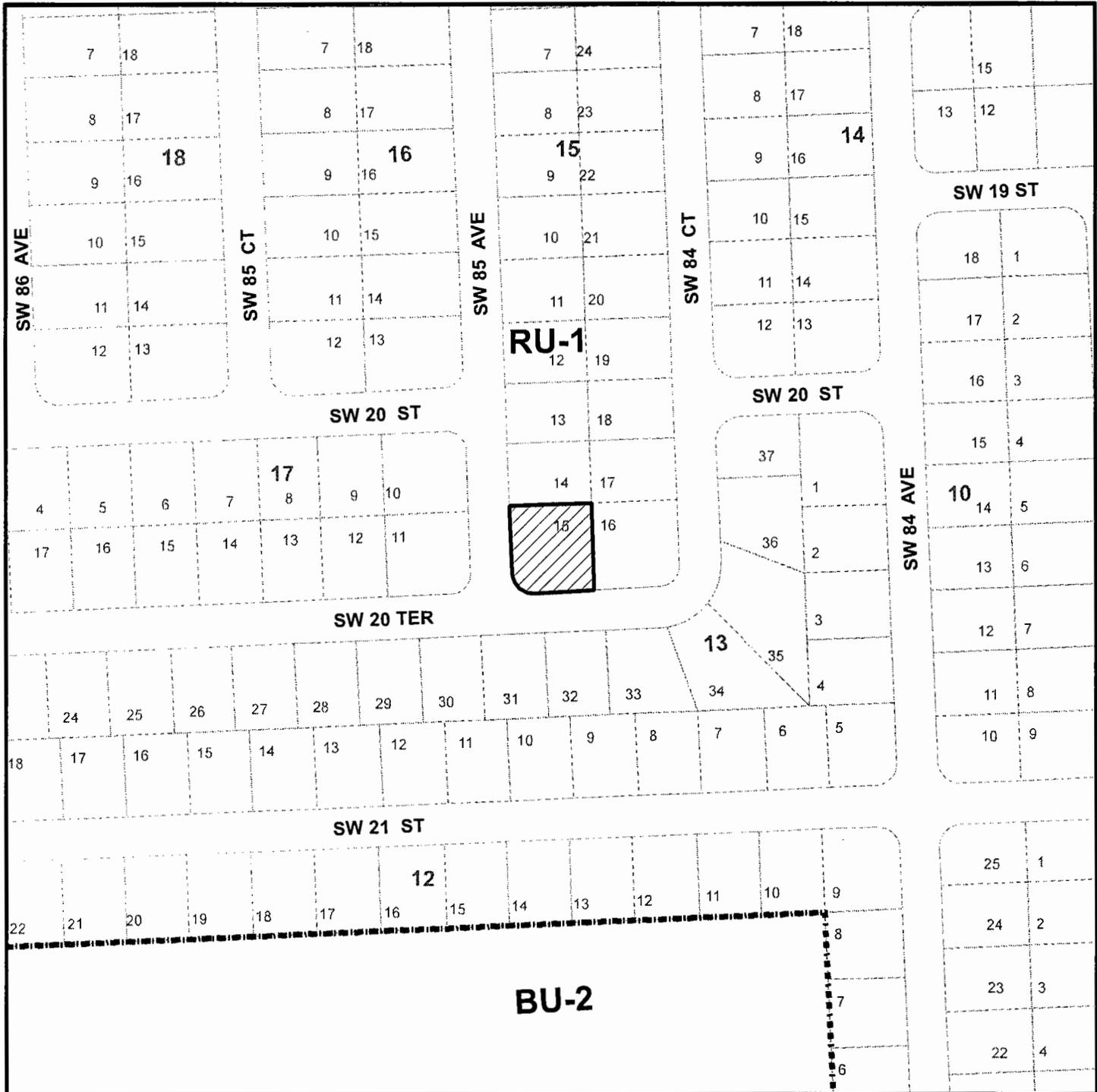
2028 S.W. 88 AVE.
 MIAMI, FL 33155
 305 866-0900
 PROJECT No. 08-11-043

REVISIONS

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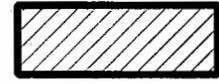
SCALE: AS SHOWN
 DATE: APRIL 2008
 1st Draft

A-3
 SHEETS



MIAMI-DADE COUNTY
HEARING MAP
 Section: 10 Township: 54 Range: 40
 Applicant: KATHERINE VALVERDE, ET AL
 Zoning Board: C10
 Commission District: 10
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
08-229



SUBJECT PROPERTY



SKETCH CREATED ON: 12/08/08

| REVISION | DATE | BY |
|----------|------|----|
| | | 19 |



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 10 Township: 54 Range: 40
 Applicant: KATHERINE VALVERDE, ET AL
 Zoning Board: C10
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Process Number
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SUBJECT PROPERTY



SKETCH CREATED ON: 12/08/08

| REVISION | DATE | BY |
|----------|------|----|
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