

# KITS

5-28-2009 Version # 2



**COMMUNITY ZONING APPEALS BOARD 10**  
**JORGE MAS CANOSA YOUTH CENTER**  
**250 SW 114 Avenue, City of Sweetwater**  
**Wednesday, June 17, 2009 at 6:30 p.m.**

**PREVIOUSLY DEFERRED**

A.	09-3-CZ10-1	I & D ASSOCIATES INVESTMENTS CORP.	08-184	15-54-39	N
B.	09-4-CZ10-2	LINDMARC DEVELOPMENT, LLC	08-202	15-54-40	

**CURRENT**

1.	09-6-CZ10-1	LITTLE SEEDS ACADEMY	07-59 (Old #06-102)	20-54-40	N
2.	09-6-CZ10-2	GEORGE AND MARIA D. TERUEL	09-29	14-54-40	N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, JUNE 17, 2009

JORGE MAS CANOSA YOUTH CENTER

250 SW 114 AVENUE, CITY OF SWEETWATER, 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

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**A. I & D ASSOCIATES INVESTMENTS CORP. (09-3-CZ10-1/08-184)**

**15-54-39  
Area 10/Dist. 11**

- (1) UNUSUAL USE to permit a day care center, preschool and after school care facility and kindergarten.
- (2) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (3) Applicant is requesting to permit a 7' high pre-cast masonry wall (maximum 6' high permitted) and an 8' high hedge (maximum 7' high permitted) along the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets with Sheet "S-1" dated last revised 5/1/09. Plans may be modified at public hearing.

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

SIZE OF PROPERTY: 225' x 152.23'

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1 under Section 33-311(a)(3); approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 5

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 04-22-2009

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

**15-54-40  
Area 10/Dist. 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 SW 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 05-20-2009

**1. LITTLE SEEDS ACADEMY (09-6-CZ10-1/07-059)**

**20-54-40  
Area 10/Dist. 10**

- (1) UNUSUAL USE to permit a day care center.
- (2) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Little Seed Academy," as prepared by PM2 Drafting Services and dated stamped received 3/6/07 and consisting of 2 pages and 1 page prepared by L.R.M. dated stamped received 6/9/07 for a total of 3 pages. Plans may be modified at public hearing.

LOCATION: 10470 SW 40 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.495 Acre

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 same under Section 33-311 (A)(4)(c) (ANUV).

Protests: 2

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**2. GEORGE AND MARIA D. TERUEL (09-6-CZ10-2/09-029)**

**14-54-40  
Area 10/Dist. 6**

Applicants are requesting to permit additions to a single-family residence setback 21.2' (25' required) from the front (north) property line and setback 5' (6.5' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex 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 "Remodelation," as prepared by Golaville K Rao, dated stamped received 3/2/09 and consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 7380 SW 34 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 65' x 100'

Department of Planning and  
Zoning Recommendation:

Approval with conditions of the application 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).

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.  
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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](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

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

**09-3-CZ10-1 (08-184)**  
**Area 10/District 11**  
**Hearing Date: 6/17/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
2005	Jorge Ruiloba	- Zone change from EU-1 to RU-1MA.	CZAB-10	Approved

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

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

**A**

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

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-3-CZ10-1 (08-184)	April 22, 2009	CZAB10	09

**REC: Approval with conditions of request #1 under Section 33-311(a)(3); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: June 17, 2009       W/LEAVE TO AMEND  
 DENY:       WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.  
                                   WITH CONDITIONS  
 OTHER: At applicant's request to meet with the neighbors to work on a settlement agreement.  


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Also to revise the covenant. With leave to amend at applicant's expense.

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

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DAVID HOPE

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

**APPLICANT:** I & D Associates Investments Corporation

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

**SECTION:** 15-54-39

**DATE:** June 17, 2009

**COMMISSION DISTRICT:** 11

**ITEM NO.:** A

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) UNUSUAL USE to permit a day care center, preschool and after school care facility and kindergarten.
- (2) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (3) Applicant is requesting to permit a 7' high pre-cast masonry wall (maximum 6' high permitted) and an 8' high hedge (maximum 7' high permitted) along the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets with Sheet "S-1" dated last revised May 1, 2009. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow an unusual use to establish a day care center with after-school care and a kindergarten on the subject property. Additional requests are being sought to allow parking within 25' of the right-of-way and to allow a 7' high wall and 8' high hedge along the interior side property line where a maximum of 6' and 7' in height are permitted respectively.

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

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

**B. ZONING HEARINGS HISTORY:**

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

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. This site is located 1 miles east of and ½ mile south of and inside of the Urban Development Boundary (UDB).
2. **Residential Communities.** The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, **day care centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationships.
3. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. The intensity of use that may be approved for "daytime service uses" such as **day care facilities** shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

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

4. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
5. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

6. **Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement:

- 6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.
- 7. Sites located near the center of the section at or near the intersection of half-section roads may be utilized for neighborhood-serving community facilities such as elementary schools, **day care**, recreational uses, and open spaces.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

RU-1M(a); Single-family residence

Low Density Residential, 2.5 to 6 du

**Surrounding Properties:**

**NORTH:** RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du

**SOUTH:** RU-1M(a); Vacant

Low Density Residential, 2.5 to 6 du

**EAST:** RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

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

Low Density Residential, 2.5 to 6 du

The subject property is located at the southwest corner of SW 26 Street and SW 144 Avenue. The surrounding area is characterized by single-family residences and vacant lots.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable**

Compatibility:

**Acceptable**

Landscape Treatment:

**Acceptable\***

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:

**Acceptable\***

Parking Layout/Circulation:

**Acceptable\***

Visibility/Visual Screening:

**Acceptable**

Urban Design:

**N/A**

\*Subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>

6

Police  
Schools

**No objection**  
**No comment**

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

This item was deferred from the March 17, 2009 meeting at the applicant's request to April 22, 2009 in order to meet with the neighbors and address the Board's concern. On April 22, 2009 this item was deferred to June 17, 2009, at the applicant's request in order to meet with the neighbors and include an additional non-use variance of wall and hedge height requirements. The subject property, zoned RU-1M(a), Modified Single-Family Residential District, consists of four lots; one lot containing one single-family residence and three vacant lots with an overall dimension of 225' by 152.23'. The site is composed of four platted lots located at the southwest corner of SW 26 Street (Coral Way) and SW 144 Avenue. The applicant is seeking an unusual use to establish a day care center, pre-school, after-school care and kindergarten (request #1) on the subject site. Additionally, the applicant is seeking the approval to permit parking and drives within 25' of the right-of-way where none is permitted. The applicant indicates in the Child Care Checklist that the proposed day care center with after-school care and kindergarten will have 10 teachers and 4 operation staff for a total of 14. The proposed facility will provide service for 150 children ranging in ages from infants to 12 years, and will be operational Mondays through Fridays from the hours of 6:30 A.M. to 7:00 P.M. The submitted plans and Child Care Checklist indicate an existing two-story single-family residence which will become a part of a proposed 9,964 square foot facility. The proposed day care center, pre-school, after-school care and kindergarten will include a total of ten classrooms to accommodate the proposed enrollment. Access to the facility for ingress and egress to the parking area will be located on the north side of the site through a proposed 22' wide driveway. In addition, the child drop-off and pick-up area will be provided on the east side of the site through SW 144 Avenue. Landscaping in the form of Live Oaks, Florida Royal Palms and Montgomery Palm have been provided throughout the site and a continuous Coco Plum and Pink Ixora hedge is proposed along the south and west property lines. Such hedge will also be provided around the playground and dumpster area.

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

Approval of application will allow the applicant to establish a day care, preschool, after school care facility and kindergarten as an unusual use. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive

7

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

Within the interpretative text of the CDMP, **Policy LU-4A** provides that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. As indicated on the elevation plans, the proposed structure will maintain the same residential scale and character as the existing structures in the surrounding area. Also within the interpretative text of the CDMP, **Policy LU-4C** provides that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic. Staff notes, that the plans submitted by the applicant depict a proposed 7' high wall and an 8' high hedge along the interior side (west) property line and a proposed 6' high chain link fence and 6' high hedge along the rear (south) property line. In staff's opinion, the establishment of this facility with the proposed 7' high wall and 8' high hedge and existing 6' wood fence will mitigate any noise generated by the proposed use. The site will be highly accessible to its patrons due to its location on the southwest corner of a section line road, SW 26 Street (Coral Way) and SW 144 Avenue. Staff opines that said days and hours of operation are not excessive, coincide with regular work hours so as to not unduly disturb the surrounding residential areas for drop-off and pick-up of children and will provide services to working parents. As such, staff is of the opinion that the proposed facility is **consistent** with the LUP map designation and with the objectives of the CDMP. Additionally, staff opines that the proposed day care center, pre-school with after-school care and kindergarten will act as a transition between the lower density residentially zoned areas developed with single-family homes found to the south and a section line road SW 26 Street (Coral Way) and is therefore, **compatible** with the surrounding area.

When analyzing request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the day care center, pre-school with after-school care and kindergarten in relation to the present and future development of the area, staff is of the opinion that the proposed day care center, pre-school with after-school care and kindergarten will be **compatible** with the surrounding area, including the existing residential communities that surround the subject property. In staff's opinion, the introduction of this use into this residential area will not disrupt the overall

welfare and privacy of the neighborhood by generating excessive noise or traffic. The request to permit the day care center, pre-school with after-school care and kindergarten to serve 150 children is not, in staff's opinion, overly intensive and the noise generated by the students will be buffered by the proposed 7' high wall and an 8' high hedge running along the interior side (west) property line and the proposed 6' high chain link fence and 6' high hedge running along the rear (south) property line. Furthermore, in staff's opinion, the introduction of the day care center, pre-school with after-school care and kindergarten into this residential area will not generate excessive traffic in the area since the site is easily accessible from a section line roadway. Moreover, as previously mentioned, the Public Works Department's memorandum indicates that the application meets traffic concurrency. As such, the proposed use does not unduly burden or affect public transportation facilities. Furthermore, staff notes that the submitted plans indicate that the applicant has provided the required number of parking spaces on site as well as a surplus of 5 parking spaces yielding a total of 19 parking spaces for the facility. Additionally, the plans depict 6 auto-stacking spaces for drop-off and pick up of children, which staff opines, is more than sufficient and will not result in the queuing of vehicles in the abutting rights-of-way. Staff opines that the traffic flow generated as a result of the site configuration and the subject property's location on the southwest corner of a section line roadway SW 26 Street (Coral Way) and SW 144 Avenue will not be intrusive to the adjacent residential areas. Therefore, in staff's opinion, the introduction of the proposed facility into this residential area will not disrupt the neighborhood by generating excessive noise or traffic. Staff is of the opinion that the existing site is adequately sized to accommodate the proposed facility. According to the submitted plans, the applicant is providing adequate classroom area and outdoor recreational playground area to properly accommodate the proposed 150 children enrollment. The proposed use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). As such, staff recommends that request #1, be approved with conditions under Section 33-311(A)(3).

When requests #2 and #3 are analysed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that request #2 maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. The applicant is seeking the approval to permit parking and drives within 25' of the right-of-way where none is permitted. As depicted on the submitted plans, two of the proposed nineteen parking spaces are located within 25' right-of-way of SW 26 Street (Coral Way), and a drive which provides six stacking spaces is located within 25' of the right-of-way of SW 144 Avenue. Staff notes that the 8.5' encroachment of the two parking spaces within the 25' right-of way of SW 26 Street (Coral Way) are buffered from the single-family residences across SW 26 Street (Coral Way) by a proposed landscaped area consisting of trees, palms and shrubs. Additionally, staff also notes that SW 26 Street (Coral Way) is a section line arterial roadway with a 100' right-of-way dedication. Therefore, staff opines that with the proposed landscaping and the existing 100' right-of-way dedication the 8.5' encroachment of the two parking spaces into the required 25' setback area would not have a negative visual impact on the properties across SW 26 Street (Coral Way). Additionally, staff opines that the drive which provides six stacking parking spaces located within 25' of the right-of-way of SW 144 Avenue will only be utilized for drop off and pick purposes and will be free of vehicles during the rest of the day. As such, staff opines that the drive will not create a negative visual impact to the surrounding area. In addition, the Public Works Department has stated on

their memorandum that they do not object to this request. Additionally, the applicant is seeking the approval to allow a proposed 7' high wall and an 8' high hedge along the interior side (west) property line where a 6' high wall and 7' hedge are permitted by the Zoning Code (request #3). Staff opines that the proposed 7' high wall and an 8' high hedge will add to the privacy of the existing homes abutting the subject property to the west and the proposed 7' high wall and an 8' high hedge will provide an adequate visual and aural buffer from the proposed playground area to the neighboring properties to the west. Accordingly, staff recommends that requests #2 and #3 be approved with conditions under Section 33-311(A)(4)(b) (NUV).

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the zoning regulations, staff is of the opinion that requests #2 and #3 cannot be approved under the Alternative Non-Use Variance Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

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

**I. RECOMMENDATION:**

Approval with conditions of request #1 under Section 33-311(a)(3); approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

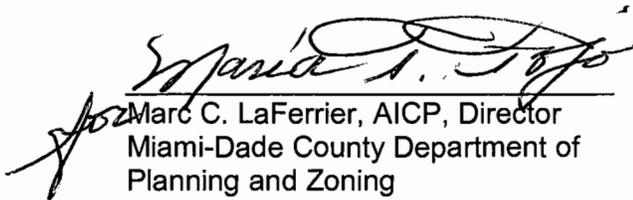
**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Higher Learning Educational Center," as prepared by Octavio A. Santurio, A.I.A., dated stamped received 1/13/09 and consisting of 4 sheets with Sheet "S-1" dated last revised 5/1/09., and more specifically that the proposed facility elevations be substantially in accordance with the elevation plans on page E-1.
3. That the use be established and maintained in accordance with the approved plan.

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

4. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of Public Health, and the State of Florida Department of Children and Families (Child Care Licensing Unit).
5. That the use shall be restricted to a maximum number of 150 children.
6. That the hours of operation shall be between 6:30 A.M. to 7:00 P.M
7. That the use may be conducted on the premises Monday through Friday.
8. That the applicant obtain a Certificate of Use from, and promptly renew the same annually with, the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
9. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
10. That the school shall assign staff to monitor and direct on-site vehicular traffic during drop-off and pick-up times to facilitate the flow of traffic and to prevent accumulation on the public rights-of-way of SW 26 Street and SW 144 Avenue.
11. That all signage be in compliance with the zoning regulations and that no caricatures be placed on the fences or walls of the structure.

**DATE INSPECTED:** 02/12/09  
**DATE TYPED:** 02/12/09  
**DATE REVISED:** 02/13/09; 02/23/09; 02/25/09; 03/18/09; 04/29/09; 05/01/09; 05/21/09  
**DATE FINALIZED:** 05/21/09  
MCL:MTF:NN:NC:AA

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

NDW

# Memorandum

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

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



**Subject:** C-10 #Z2008000184-Revised  
I & D Associates Investments Corporation  
2600 S.W. 144<sup>th</sup> Avenue, 2618 S.W. 144<sup>th</sup> Avenue,  
2636 S.W. 144<sup>th</sup> Avenue and 2654 S.W. 144<sup>th</sup> Avenue  
Unusual Use to Permit a Daycare Facility  
(RU-1(M)(a)) (0.79 Acres)  
15-54-39

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

#### Wellfield Protection

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

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

#### Potable Water Service

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

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

### Wastewater Disposal

The closest public sanitary sewer is located approximately 150 feet from the subject properties. Based on the proposed request, the subject properties are within feasible distance for connection to public sanitary sewers. Therefore, connection of the proposed development to the public sanitary sewer system shall be required in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

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

### Stormwater Management

A modification of Surface Water Management Individual Permit No. 13-02914-P, issued by the South Florida Water Management District (SFWMD), shall be required prior to the construction and operation of the required surface water management system.

### Operating Permits

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

### Wetlands

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

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

### Tree Preservation

There are no tree resources issues on the subject properties.

Enforcement History

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

Concurrency Review Summary

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: I & D ASSOC INVESTMENTS CORP

This Department has no objections to this application.

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

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

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

Additional improvements may be required at time of permitting.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 117 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9134	Coral Way w/o SW 137 Ave.	E	E
9112	Bird Dr. Ext. w/o SW 147 Ave.	C	C
9110	Bird Dr. Ext. w/o SW 137 Ave.	E	E

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

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

Raul A Pino, P.L.S.

26-JAN-09

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

School Name: "HIGHER LEARNING EDUCATIONAL CENTER"

School Address: 2600-2618-2626-2624 Tax Folio # 30 - 9915-081-0010  
S.W. 140 ST AVE MIAMI FL 33135 201 30 1 440

1. Is this an expansion to an existing school?  Yes  No If yes, indicated the number of students: N/A and age and grade ranges originally approved: \_\_\_\_\_

2. Total size of site: 153.23' x 225.0' = 34,340 + 43,560 sq. ft. = .79 acres

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLASSROOM SPACE: Calculated by grade levels.

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

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

b. Elementary Grades 1-6

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

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

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

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 5,250 SQ. FT.  
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 5,906 SQ. FT.

5174.78

OUTDOOR RECREATION SPACE:

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

45 sq. ft. x 75 (1/2 of children) = 3,375 SQ. FT.

b. Grades 1-6

500 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

c. Grades 7-12

800 sq. ft. x N/A (first 30 children) = \_\_\_\_\_

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 3,375 SQ. FT.  
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 5,493 SQ. FT.

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

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

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

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

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

School Address: 2600-2616-2626-2634 SW Code: 33175  
100 12 AVE MIAMI FL.

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

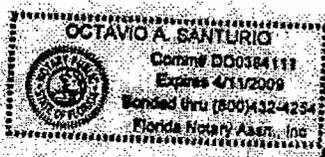
Signed, sealed, executed and acknowledged on this 9th day of JAN. 2009 at Miami-Dade County, Florida.

WITNESSES: \_\_\_\_\_ Signature \_\_\_\_\_  
Henry Rosendo John Diaz

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

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

MY COMMISSION EXPIRES:



OCTAVIO A. SANTURIO

# Memorandum



**Date:** 26-JAN-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000184

**Fire Prevention Unit:**

This memo supersedes MDFR memorandum dated January 14, 2009.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped January 9, 2009. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand:**

Development for the above Z2008000184 located at 2600 SW 144 AVE, 2618 SW 144 AVE, 2636 SW 144 AVE, 2654 SW 144 AVE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1473 is proposed as the following:

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

Based on this development information, estimated service impact is: 6.68 alarms-annually.  
 The estimated average travel time is: 6:10 minutes

**Existing services:**

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

Station 37 - West Bird - 4200 SW 142 Avenue  
 Rescue, Advanced Life Support Engine.

**Planned Service Expansions:**

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

None.

**Fire Planning Additional Comments:**

Current service impact calculated based on plan date stamped January 9, 2008. Substantial changes to the plan will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

I & D ASSOCIATES INVESTMENTS  
CORP.

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

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**APPLICANT**

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**ADDRESS**

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Z2008000184

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**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000184

#### CURRENT ENFORCEMENT HISTORY:

FEBRUARY 5, 2009

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

THE ONLY PREVIOUS VIOLATION WAS FOR: 2600 SW 144 AVE  
JULY 2, 2008

CMS#200812006172 was opened for boat storage (2600 SW 144 Ave). First inspection was conducted on 07/02/08, found in violation and W/L#R115784 was issued to PO. Re-inspection conducted on 07/03/08, found violation was corrected by owner. Case closed.

I & D Associates, Investments Corp.

C. Richard-Hire Miller

**DISCLOSURE OF INTEREST\***

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

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

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Ivan Vilalta, 14279 S.W. 20<sup>th</sup> Terrace, Miami, Florida 33175</u>	<u>50%</u>
<u>Susana Vilalta, 14279 S.W. 20<sup>th</sup> Terrace, Miami, Florida 33175</u>	<u>50%</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>
_____	_____
_____	_____

**RECEIVED**  
2008124  
SEP 16 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

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

NAME OF PURCHASER: \_\_\_\_\_

NAME AND ADDRESS (if applicable) \_\_\_\_\_ Percentage of Interest \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of contract: \_\_\_\_\_

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

\_\_\_\_\_

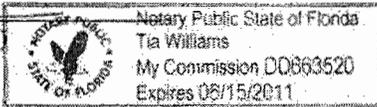
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: \_\_\_\_\_ (Applicant)

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

T. Williams  
(Notary Public)



My commission expires \_\_\_\_\_

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

RECEIVED  
2008  
SEP 16 2008

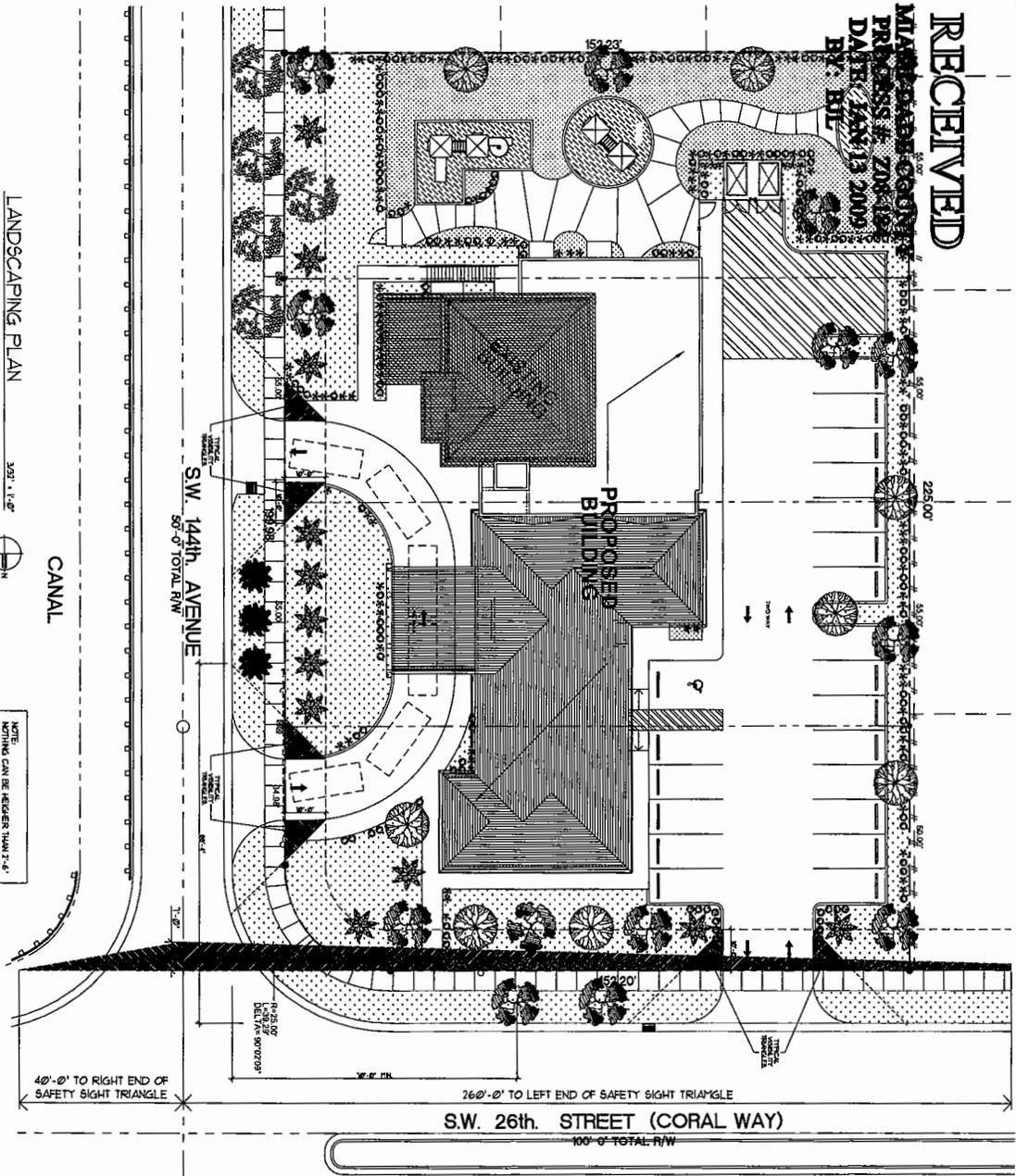
TRAINING SERVICES SECTION  
INFLUENCE PLANNING AND TRAINING DEPT





# RECEIVED

MANUSCRIPT FOR REVIEW  
 PROJECT # 2001-10  
 DATE: MAY 13 2001  
 BY: BIL



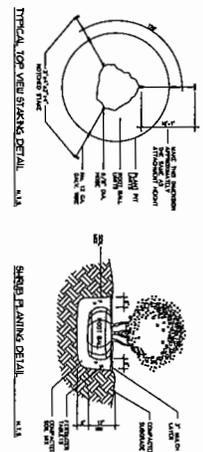
## LANDSCAPING PLAN

3/27' x 1'-0"

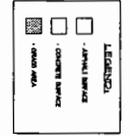


## CANAL

NOTE: NOTHING CAN BE DEEPER THAN 7'-6"



PLANT	SYMBOL	LOCATION	PLANT NAME	PLANT SIZE	PLANT	SYMBOL	LOCATION	PLANT NAME	PLANT SIZE	PLANT	SYMBOL	LOCATION	PLANT NAME	PLANT SIZE	PLANT	SYMBOL	LOCATION	PLANT NAME	PLANT SIZE
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
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10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10



**LANDSCAPE LEGEND**  
 INFORMATION REQUIRED TO BE PERMANENTLY RECORDED

1. TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN. (SEE SHEET 2001-10 FOR TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN.)

2. TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN. (SEE SHEET 2001-10 FOR TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN.)

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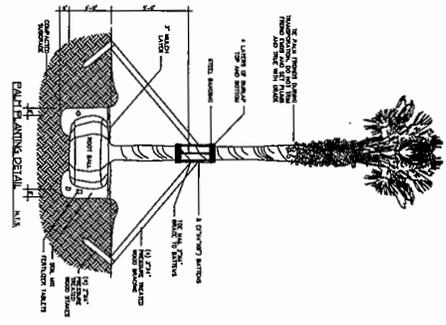
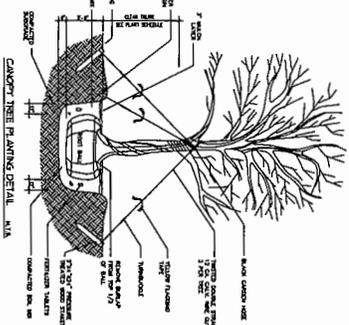
6. TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN. (SEE SHEET 2001-10 FOR TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN.)

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10. TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN. (SEE SHEET 2001-10 FOR TOTAL NUMBER OF PLANTS TO BE INSTALLED BY CONTRACTOR AS INDICATED BY THIS PLAN.)



2 of 4 SHEETS

DATE: SEPTEMBER 2001  
 AS SHOWN  
 SHEET

"HIGHER LEARNING EDUCATIONAL CENTER"  
 THE S.W. CORNER OF S.W. 144th AVENUE & S.W. 26th STREET (CORAL WAY)  
 2800 S.W. 144th AVE., 2010 S.W. 144th AVE & 2654 S.W. 14th AVE.  
 MIAMI, FLORIDA 33155

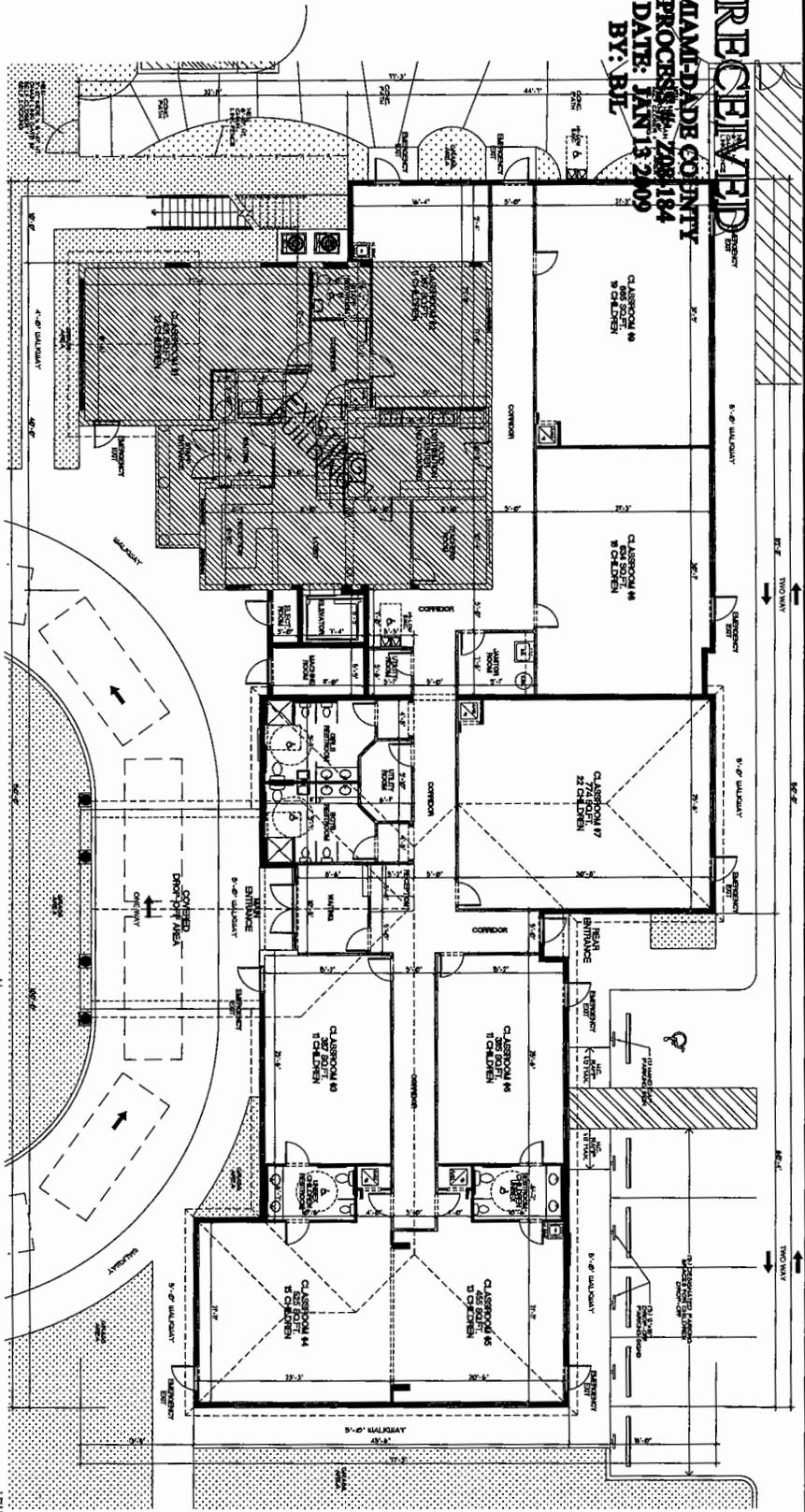
OWNER:  
 I & D ASSOCIATES INVESTMENTS CORPORATION  
 C/O MR. IVAN VILALTA, PRESIDENT  
 14714 S.W. 20th ST., SUITE 200  
 MIAMI, FLORIDA 33197  
 PHONE: (305) 299-2330

OCTAVIO A. SANTURIO A.I.A.  
 ARCHITECT  
 6262 Bird Road, Suite 3E - South Miami, Florida 33155  
 Tel: (305) 665-8644 / 665-8866 Fax: (305) 661-7415  
 FL AR 02001619

REVISIONS	BY

**RECEIVED**

**MIAMI-DADE COUNTY**  
**PROCESSING UNIT 184**  
**DATE: JAN 13 2009**  
**BY: BIT**



**PROPOSED GROUND FLOOR PLAN 3/8" = 1'-0"**

SEE ROOF PLAN ON SHEET LI

**LEGENDA**

[Symbol]	Actual Landscaping
[Symbol]	Concrete Slab
[Symbol]	Open Wall

**LEGEND**

[Symbol]	Existing Brick Wall
[Symbol]	Proposed Brick Wall
[Symbol]	Proposed CMU Wall
[Symbol]	Proposed Glass Wall
[Symbol]	Proposed Glass Door
[Symbol]	Proposed Glass Window
[Symbol]	Proposed Glass Partition
[Symbol]	Proposed Glass Wall
[Symbol]	Proposed Glass Partition
[Symbol]	Proposed Glass Wall
[Symbol]	Proposed Glass Partition

**BUILDING BREAKDOWN**

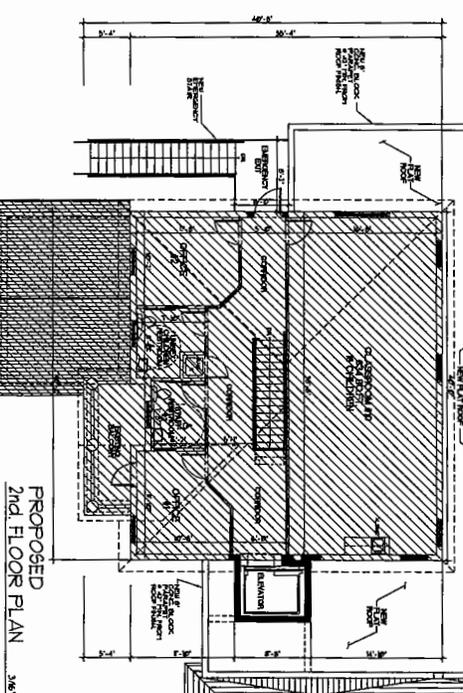
GROUND FLOOR	1,482,507 FT.
EXISTING INTERIOR AREA	971,520 FT.
EXISTING EXTERIOR AREA	1,783,507 FT.
NEW INTERIOR AREA	6,143,520 FT.
NEW EXTERIOR AREA	31,520 FT.
NEW COVERED RAMP AREA	4,897,507 FT.
NEW WALKWAY	8,889,507 FT.
TOTAL GROUND FLOOR AREA	14,872,507 FT.

**DATE CARE CALCULATION (TOTAL AREA 52,941 SQ. FT.)**

TOTAL CLASSROOM AREA	5,271 SQ. FT.
CLASSROOM AREA (1 CLASSROOM)	3,341 SQ. FT.
CLASSROOM AREA (2 CLASSROOMS)	6,682 SQ. FT.
TOTAL BUILDING AREA	14,872,507 FT.

**PERSONNEL COUNT**

PERSONNEL COUNT	1 PERSON
CLASSROOM / ADMINISTRATIVE STAFF	1 PERSON
GENERAL STAFF OFFICE	1 PERSON
RECEPTION	1 PERSON
NUMBER OF CHILDREN	48 CHILDREN
TOTAL NO. OF PERSONS	54 PERSONS



**PROPOSED 2nd FLOOR PLAN 3/8" = 1'-0"**

NO. OF SHEETS	3 OF 4 SHEETS
SHEET NO.	3
DATE	
DESIGNED BY	
CHECKED BY	
DATE	
SCALE	

**"HIGHER LEARNING EDUCATIONAL CENTER"**  
 THE S.W. CORNER OF S.W. 16416 AVENUE & S.W. 22416 STREET (CORAL WAY)  
 2400 S.W. 16416 AVE, 2018 S.W. 16416 AVE, 2102 S.W. 16416 AVE & 2254 S.W. 16416 AVE.  
 MIAMI, FLORIDA 33185

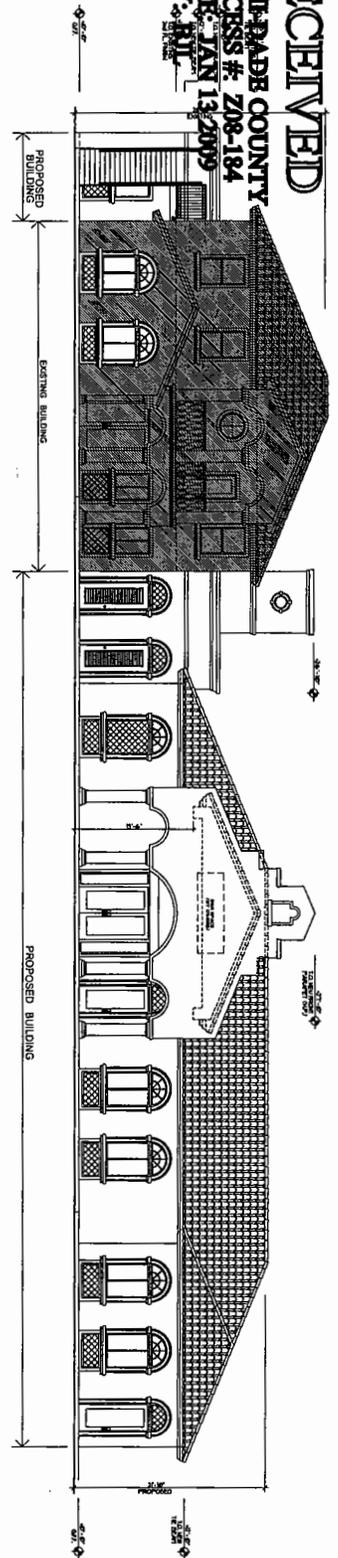
**OWNER:**  
 I & D ASSOCIATES INVESTMENTS CORPORATION  
 C/O MR. IVAN VILALTA, PRESIDENT  
 14775 S.W. 20th TERACE  
 MIAMI, FLORIDA 33187  
 PHONE: (305) 398-6350

**OCTAVIO A. SANTURIO A.I.A.**  
**ARCHITECT**  
 6262 Bird Road, Suite 3E - South Miami, Florida 33155  
 Tel: (305) 665-8644 / 665-8666 Fax: (305) 661-1413  
 FL ARCH. 000761675

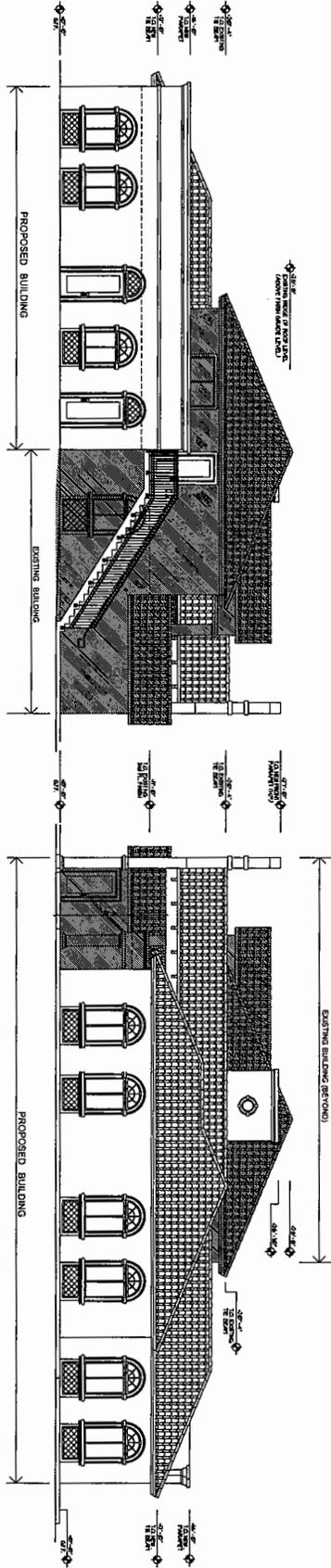
REVISIONS	BY

**RECEIVED**

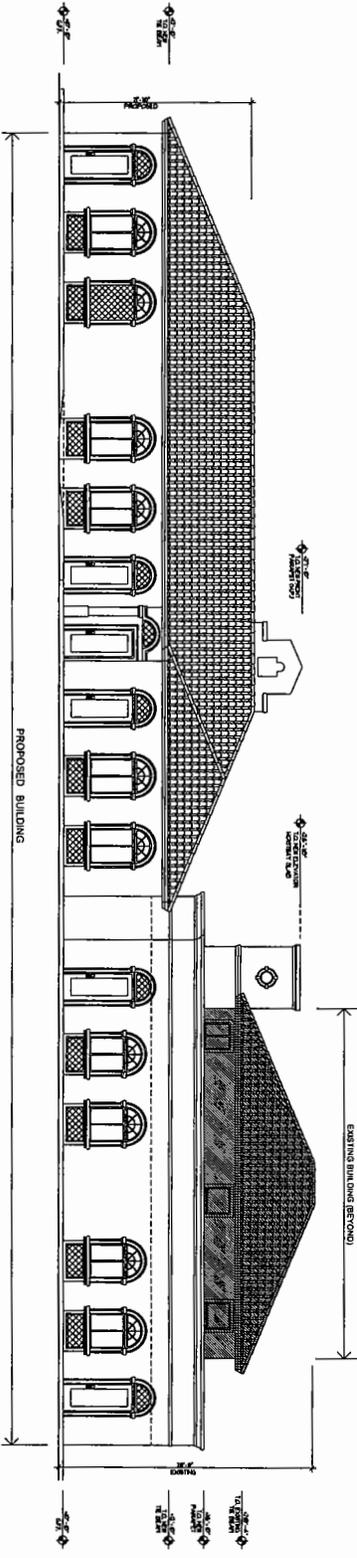
**MIAMI-DADE COUNTY**  
**PROCESS # Z08-184**  
**DATE: JAN 13 2009**  
**BY: RLL**



**EAST SIDE ELEVATION**



**NORTH SIDE ELEVATION**



**SOUTH SIDE ELEVATION**

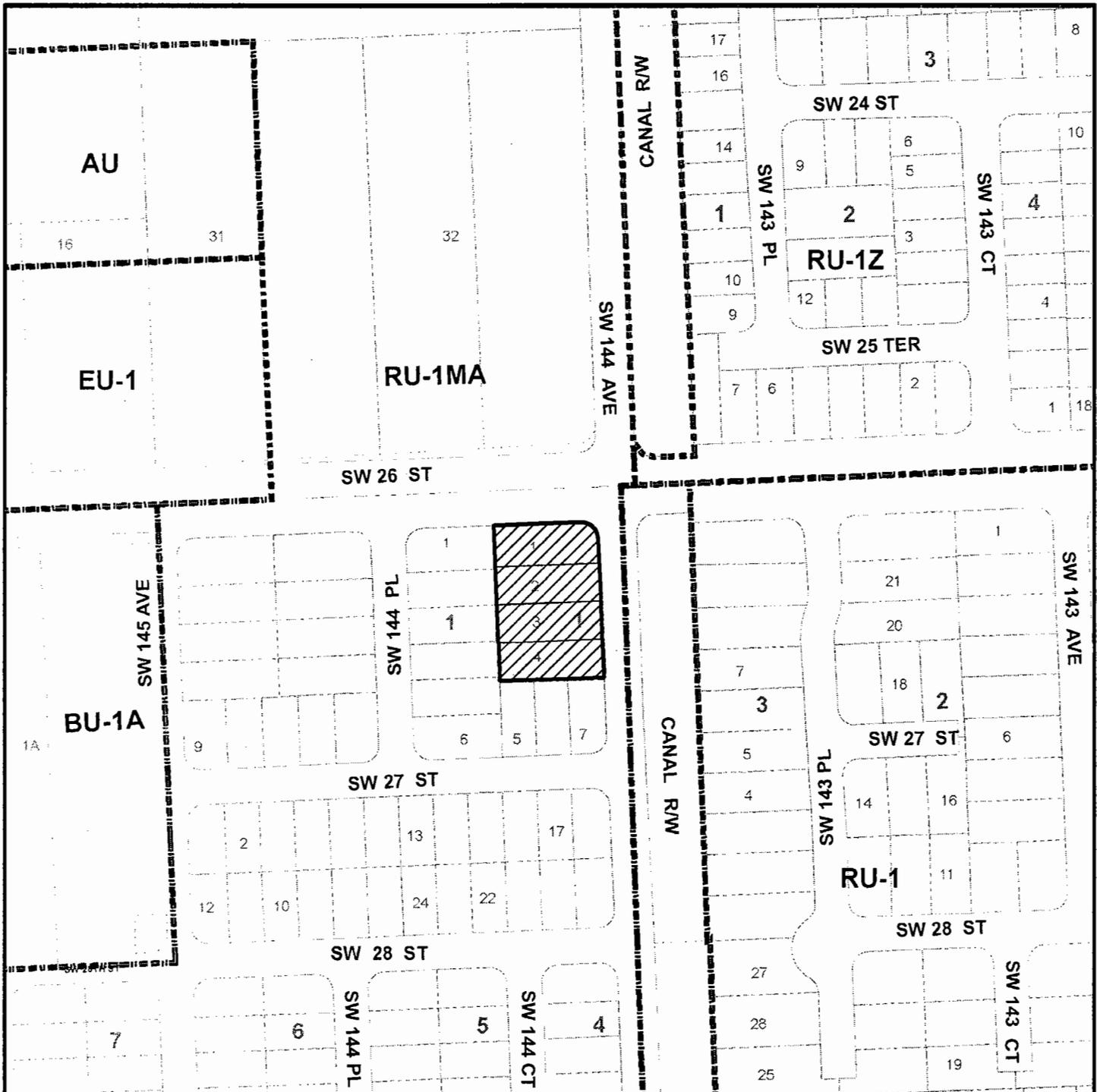
4 of 4 SHEETS
SHEET
DATE
BY
DESIGNED BY
CHECKED BY
DATE
SCALE
PROJECT

**"HIGHER LEARNING EDUCATIONAL CENTER"**  
 2400 S.W. 144th Ave, 2010 S.W. 144th Ave, 2010 S.W. 144th Ave, 2010 S.W. 144th Ave  
 MIAMI, FLORIDA 33155

**OWNER:**  
 I & D ASSOCIATES INVESTMENTS CORPORATION  
 C/O MR. IVAN VILALTA, PRESIDENT  
 1477 S.W. 20th STREET  
 MIAMI, FLORIDA 33135  
 PHONE: (305) 298-5530

**OCTAVIO A. SANTURIO A.I.A.**  
**ARCHITECT**  
 6262 Bird Road, Suite 3E - South Miami, Florida 33165  
 Tel: (305) 665-8644 / 665-8866 Fax: (305) 661-1413  
 FL. A.R. 0007679

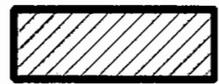
REVISIONS	BY



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**08-184**

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

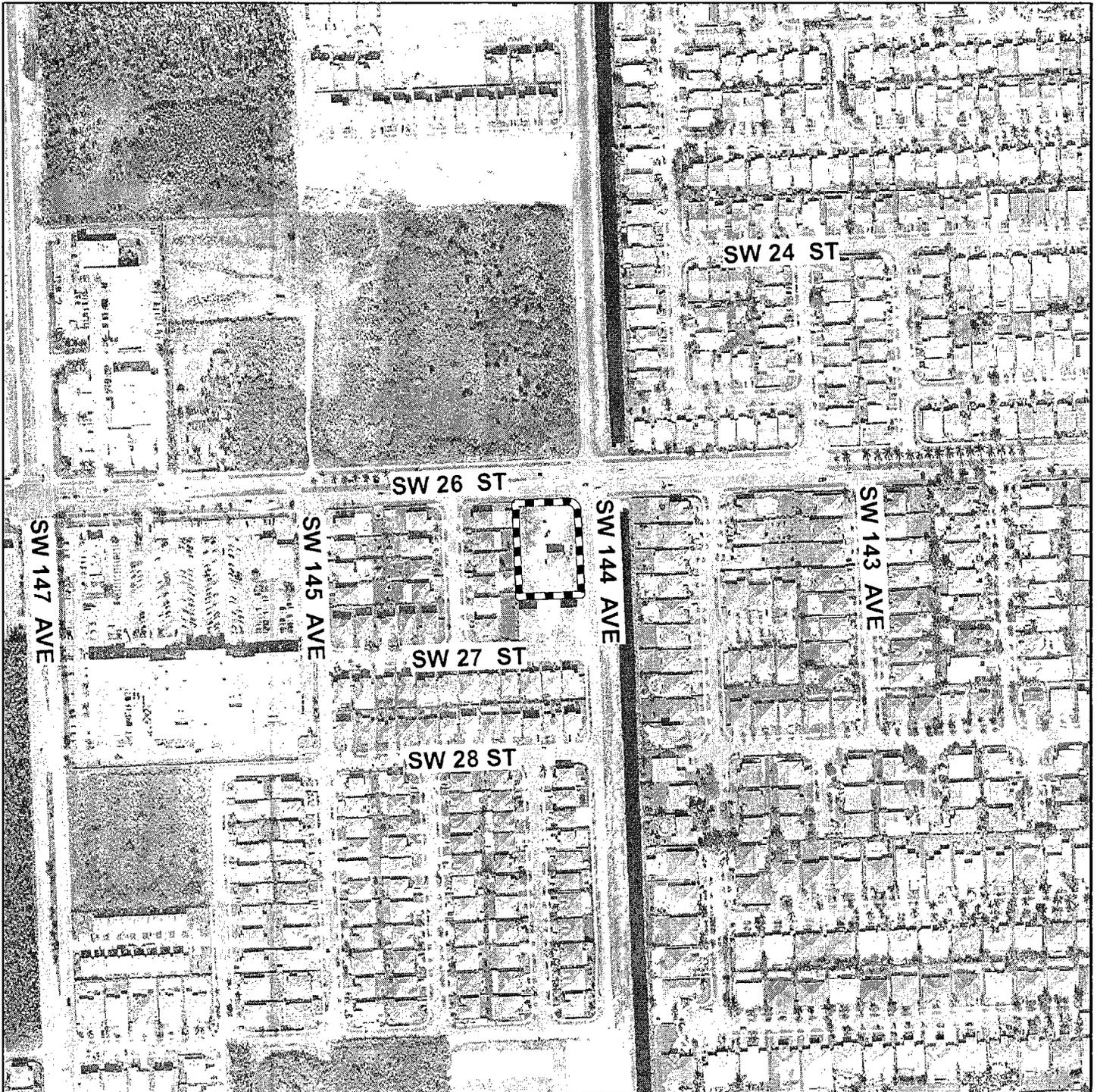


**SUBJECT PROPERTY**



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY
		29



**MIAMI-DADE COUNTY**

AERIAL YEAR 2008

Section: 15 Township: 54 Range: 39

Applicant: I & D ASSOC. INVESTMENTS CORP.

Zoning Board: C10

Commission District: 11

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

**08-184**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 09/25/08

REVISION	DATE	BY

**B. LINDMARC DEVELOPMENT, LLC**  
**(Applicant)**

**09-4-CZ10-2 (08-202)**  
**Area 10/District 10**  
**Hearing Date: 6/17/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

**C**

APPLICANT'S NAME: LINDMARC DEVELOPMENT, LLC

REPRESENTATIVE: Ines Marrero-Prigues

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
04-3-CZ10-2 (08-202)	May 20, 2009	CZAB10	09

**REC: Denial without prejudice.**

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>June 17, 2009</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	At the Board's request to revise the covenant.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		George A. ALVAREZ	X		
COUNCILMAN		Jorge BARBONTIN	X		
VICE-CHAIRMAN		Jose GARRIDO (C.A.)	X		
COUNCILMAN	<b>M</b>	Carlos A. Manrique	X		
COUNCILMAN	<b>S</b>	Ruben POL III	X		
CHAIRMAN		Julio R. CACERES	X		
VOTE:			<b>6</b>	<b>0</b>	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: BRIDGETT THORNTON

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	<b>S</b>	George A. ALVAREZ	X		
COUNCILMAN		Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES			X
COUNCILMAN		Jose GARRIDO (C.A.)	X		
COUNCILMAN	<b>M</b>	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:** June 17, 2009

**COMMISSION DISTRICT:** 10

**ITEM NO.:** B

=====

**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

6

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.

(l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:

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

(B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

H. **ANALYSIS:**

This application was deferred from the May 20, 2009 meeting by this Board to allow the applicant time to modify the proffered covenant. This application was also deferred from the April 22, 2009 meeting upon the request of the applicant to work with the neighbors. It should be noted that on May 8, 2009, the applicant submitted revised plans that illustrate a reduction in the height of the proposed storage facility from 8 stories (99' 6") to 6 stories (71' 6") and a reduction in the floor area ratio from 2.22 (1.17 maximum permitted) to 2.19 (0.95 maximum permitted). However, staff is not supportive of the revised plans for reasons to be outlined below.

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 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 revised plans reveals that the proposed self-storage facility will consist of 6 stories, will exceed the maximum floor area ratio permitted (F.A.R.) by 1.24, and will attain a maximum height of 71'6". 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 six-story self-storage facility with a maximum height of 71'6" and an F.A.R. of 2.19 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 71'6" 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 submitted revised plans on May 8, 2009 which show the proposed self-storage facility with a floor area ratio (F.A.R.) of 2.19 (0.95 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 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; 05/22/09  
**DATE FINALIZED:** 05/22/09  
MCL:MTF:NN:JV:NC

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

# Memorandum



Date: June 2, 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 #Z2008000202-2<sup>nd</sup> Revision  
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 this 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 plans 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.

#### 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 the failure to secure the required Industrial Waste (IW6) permit. In June 1990, the facility had 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.

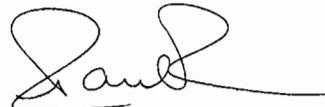
Driveways to SW 40th Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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:** 04-JUN-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000202

**Fire Prevention Unit:**

APPROVAL

- Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped May 8, 2009. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand**

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

N/A	dwelling units	99,711	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 4.37 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 site plan date stamped May 8, 2009. Substantial changes to the site plan will require additional service impact analysis.

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

# OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

## ENFORCEMENT HISTORY

**NAME:**  
LINDMARC DEVELOPMENT, LLC

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**ADDRESS:**  
8477 SW 40 ST.  
Folio# 3040150000070

---

**DATE:** 03/24/09

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**ZONING HEARING#:**  
08-202

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### CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

#### PRIOR CASES:

CMS# 200403005420. Sign Sweep. Case Closed.

CMS# 200403005964. Sign Sweep. Case Closed.

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

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

**DISCLOSURE OF INTEREST\***

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

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

CORPORATION NAME: LINDMARC DEVELOPMENT, I.L.C.

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

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

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

**RECEIVED**  
**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

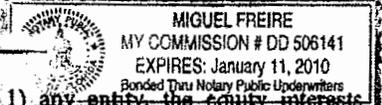
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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)

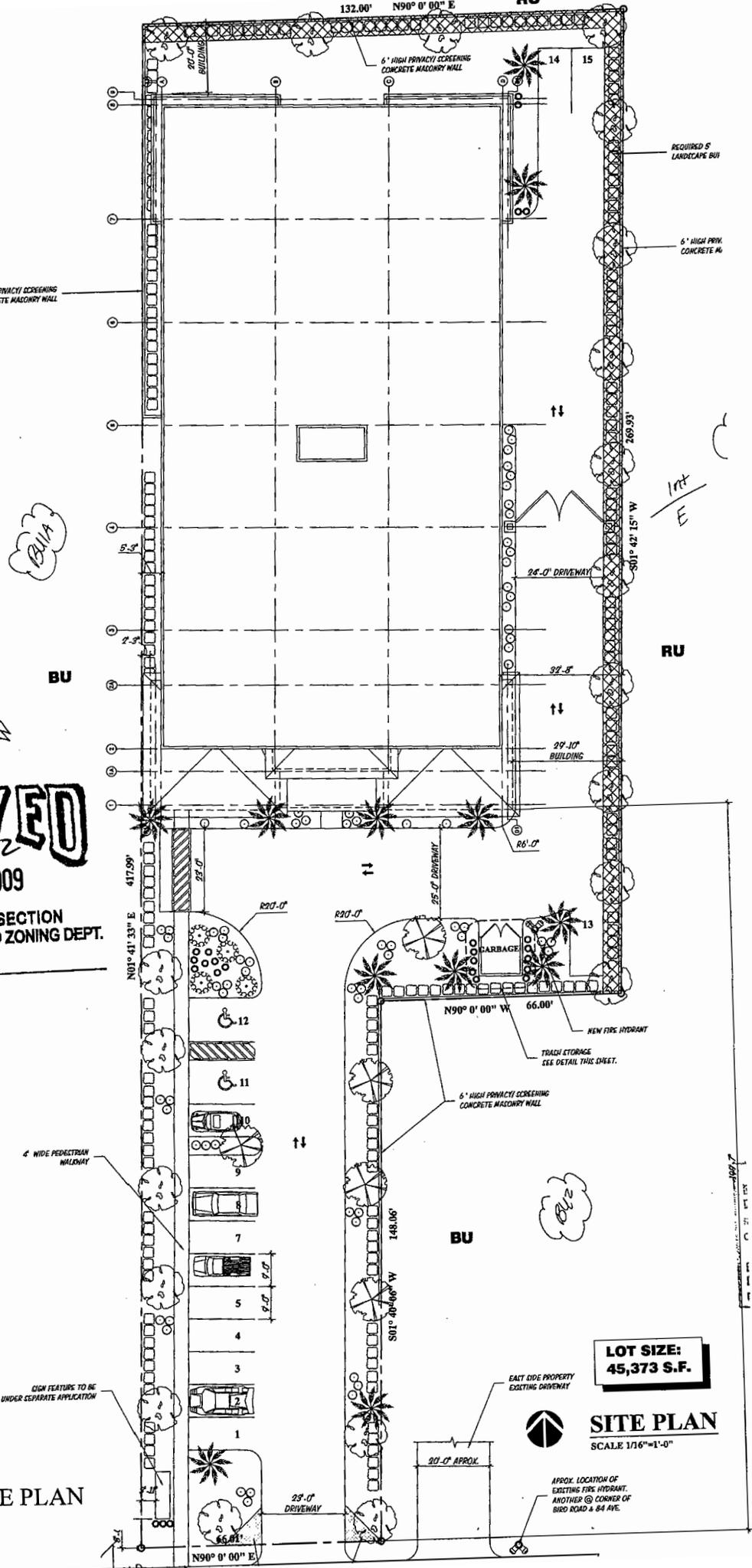
My commission expires \_\_\_\_\_  


\*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.

**RECEIVED**  
 209-202  
 MAY 08 2009

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

ENLARGED SITE PLAN



**LOT SIZE:**  
**45,373 S.F.**

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







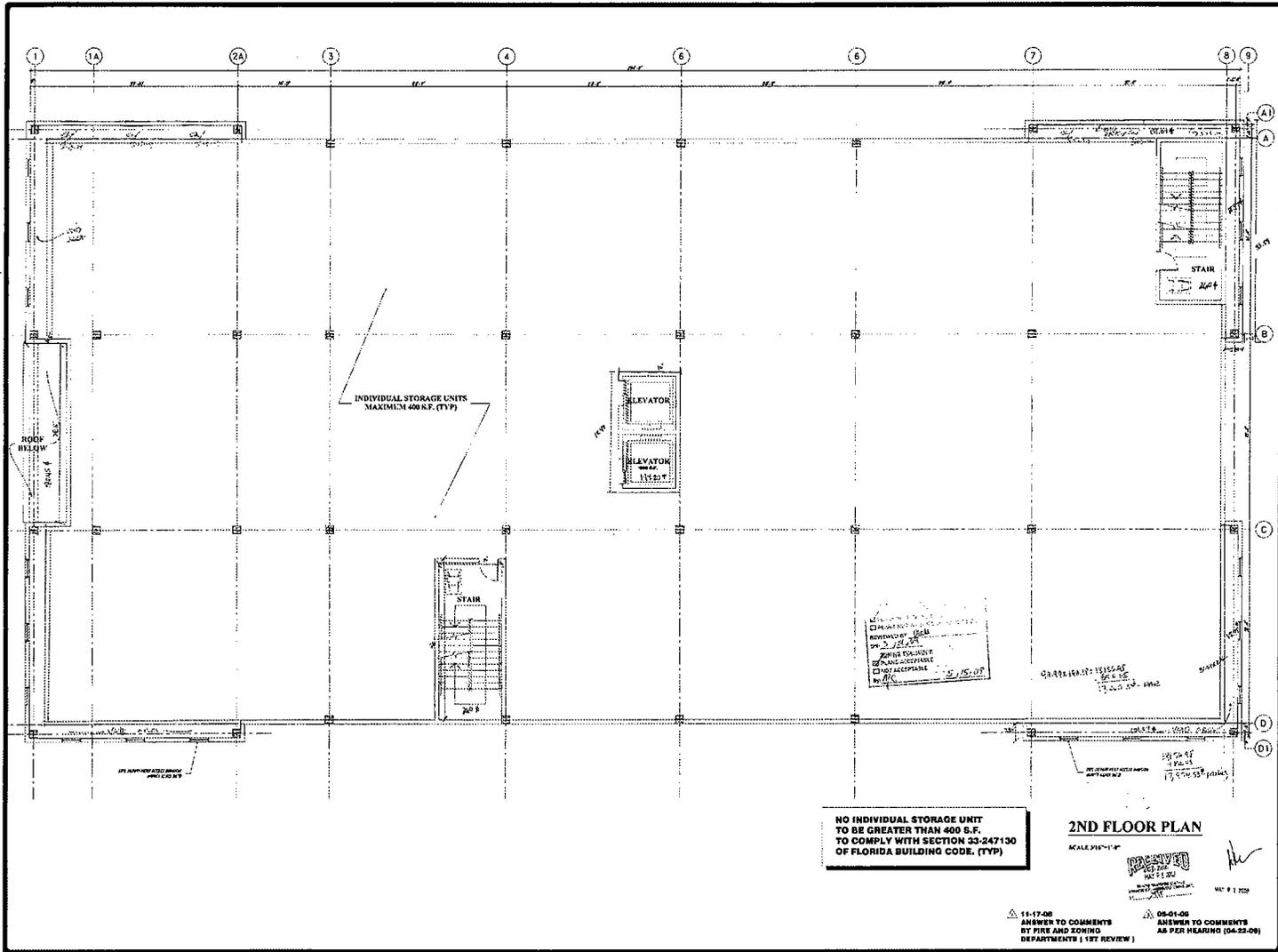


# RECEIVED

208-202  
MAY 08 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY PH



**ROBERT WADE AND ASSOCIATES, P.A.**  
ARCHITECTS  
INTERIOR DESIGNERS  
1000 S.W. 15th Ave., Suite 1000  
Miami, FL 33135  
Phone: (305) 371-3300 Fax: (305) 371-3302  
www.rwaarchitect.com

FLORIDA

STORAGE BUILDING FOR  
**LINDMARC DEV. LLC**  
1000 S.W. 15th Ave., Suite 1000  
Miami, FL 33135

MIAMI DADE

APPROVED	DATE

15-17-08 ANSWER TO COMMENTS BY FIRE AND ZONING DEPARTMENTS | 1ST REVIEW |

05-01-08 ANSWER TO COMMENTS AS PER HEARING (04-22-08)

DATE: 05-27-09

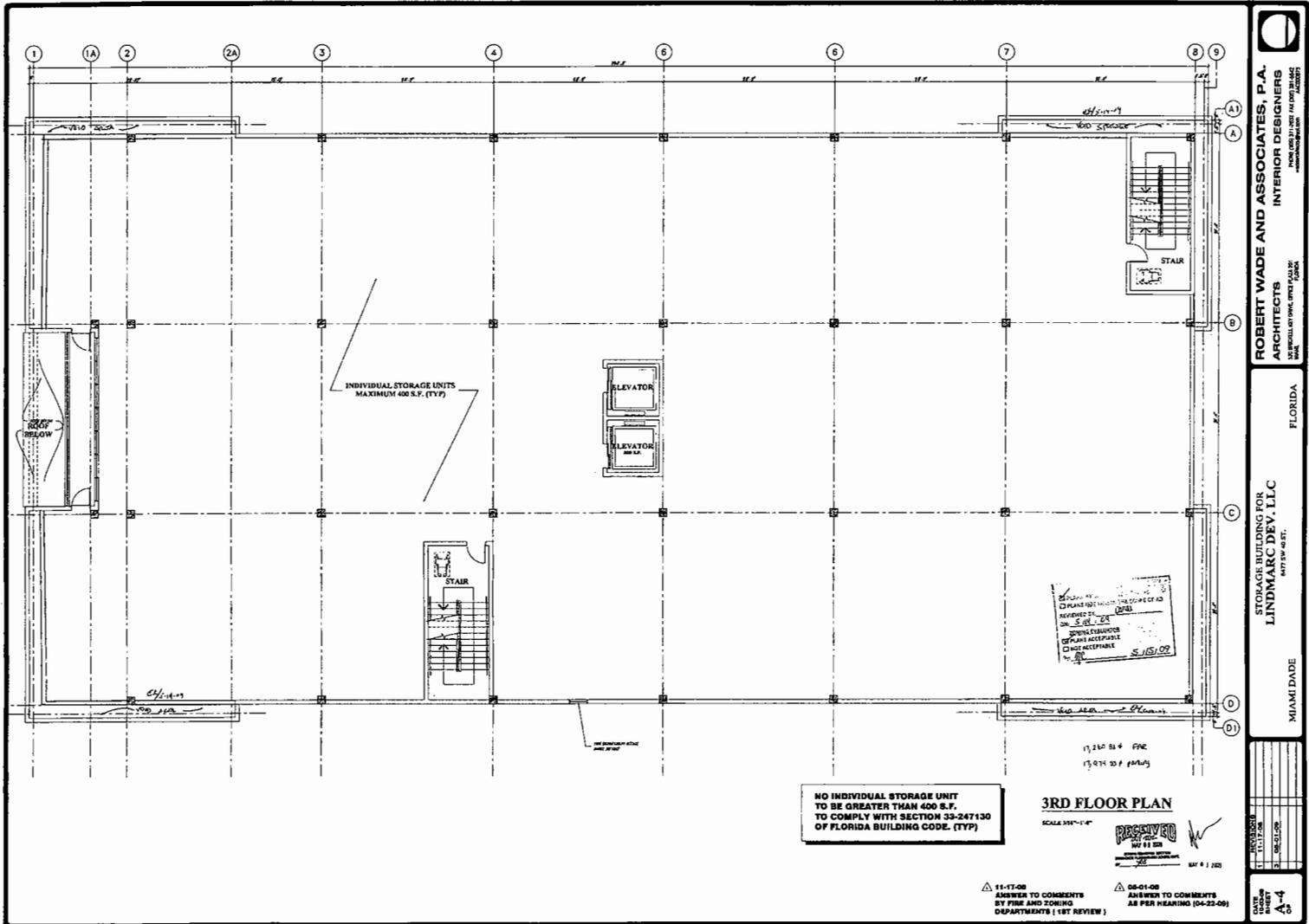
SCALE: A-3

# RECEIVED

208-202  
MAY 08 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AT



**ROBERT WADE AND ASSOCIATES, P.A.**  
ARCHITECTS  
INTERIOR DESIGNERS  
1000 BAYVIEW BLVD., SUITE 1400  
MIAMI, FLORIDA 33134  
TEL: 305.371.1100  
WWW.RWADESIGN.COM

FLORIDA

STORAGE BUILDING FOR  
LINDMARC DEV., LLC  
4017 SW 42 ST.

MIAMI DADE

REVISIONS

NO.	DATE	DESCRIPTION
1	5/11/09	ISSUED FOR PERMITS
2	05/21/09	ISSUED FOR PERMITS
3	05/21/09	ISSUED FOR PERMITS

DATE: 5/15/09

BY: [Signature]

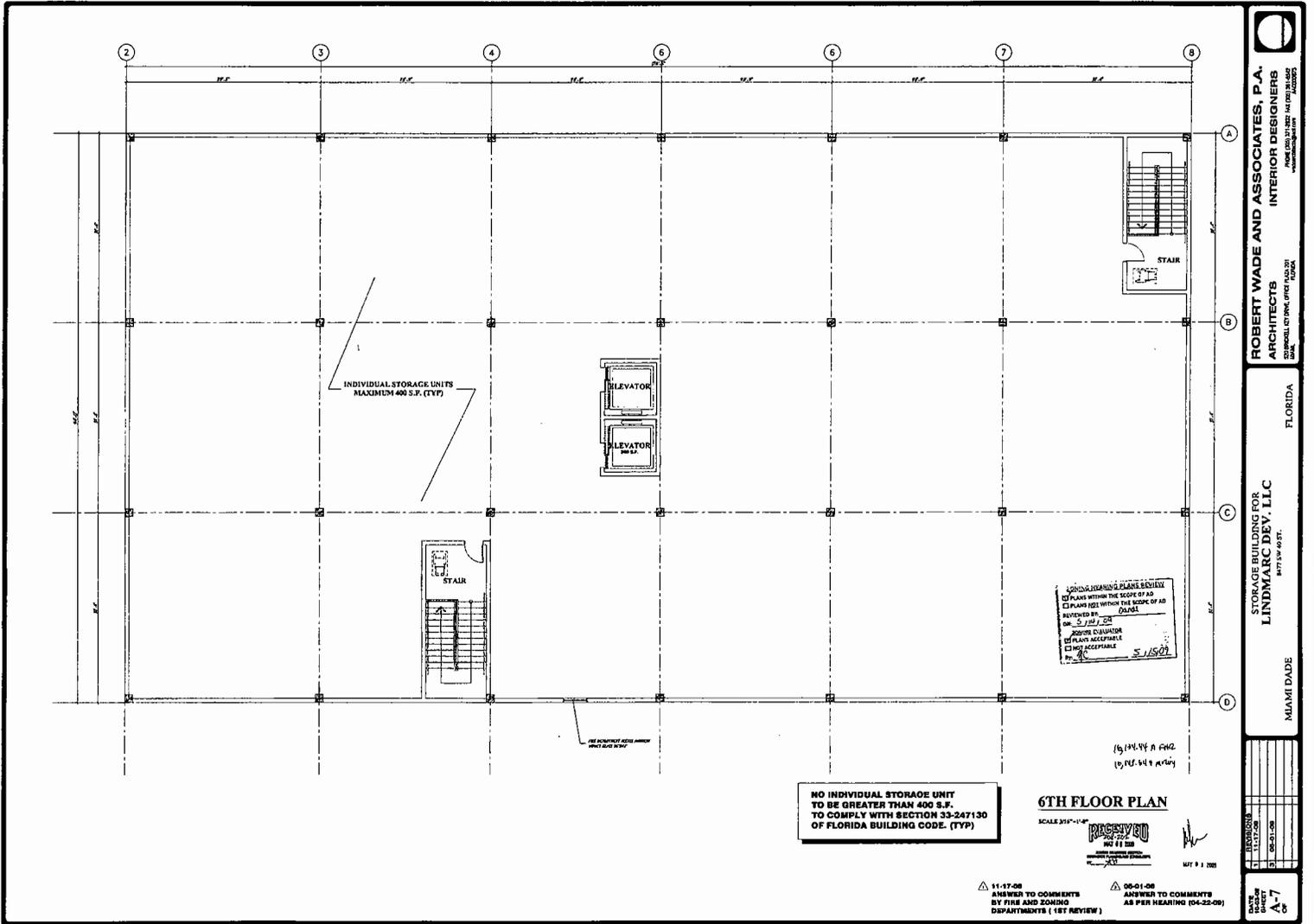




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MAY 08 2009

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



ROBERT WADE AND ASSOCIATES, P.A.  
ARCHITECTS  
INTERIOR DESIGNERS  
1000 S.W. 15TH AVENUE, SUITE 1000  
MIAMI, FLORIDA 33135  
TEL: 305.371.2222 FAX: 305.371.4622  
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FLORIDA

STORAGE BUILDING FOR  
LINDMARC DEV., LLC  
1519444 A FNAZ

MIAMI DADE

REVISIONS	DATE	BY
1	11-17-08	AT
2	05-01-09	AT

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

00-01-08 ANSWER TO COMMENTS AS PER HEARING (04-22-08)

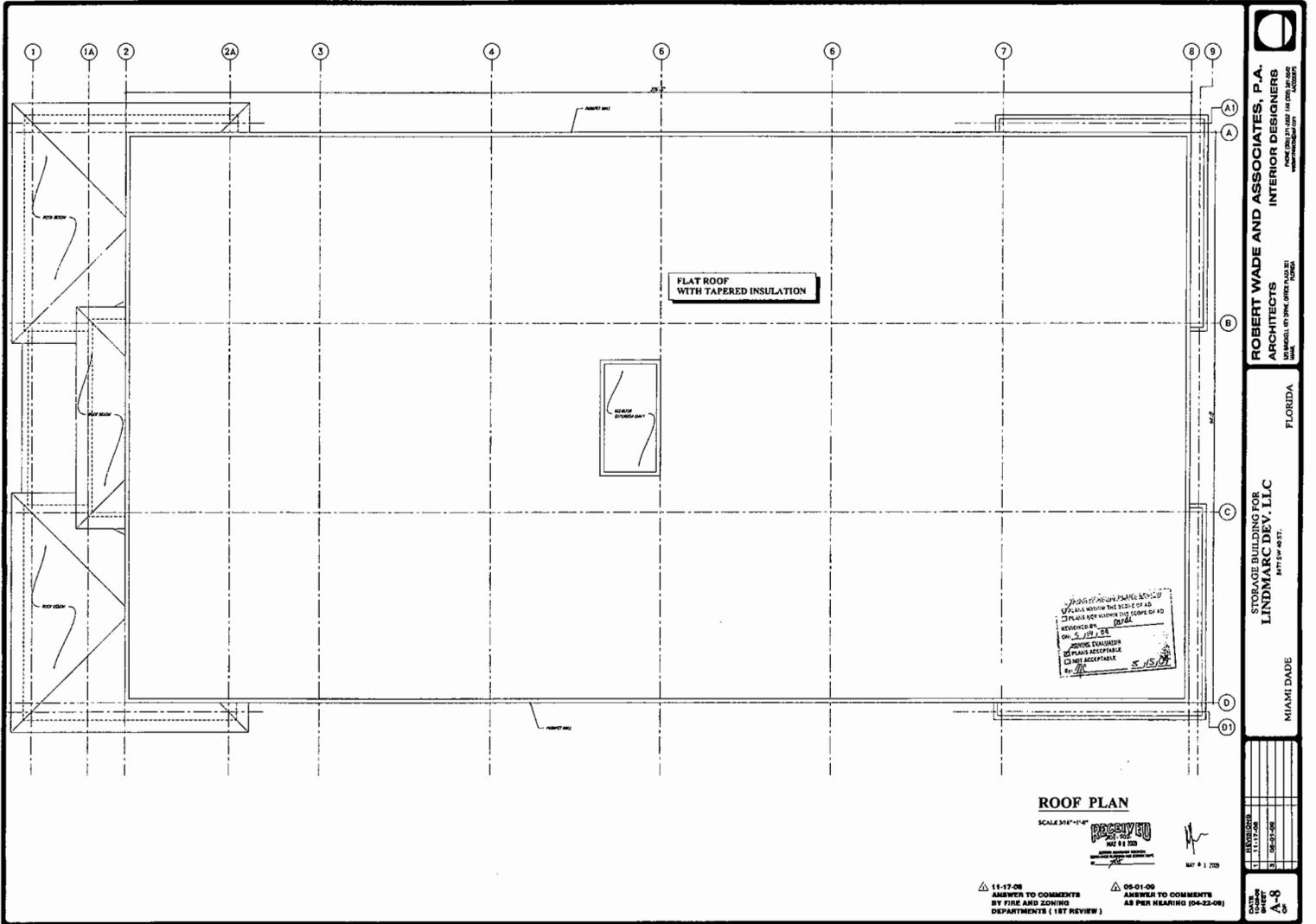
# RECEIVED

208.202

MAY 08 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AH



**ROBERT WADE AND ASSOCIATES, P.A.**  
ARCHITECTS  
INTERIOR DESIGNERS  
10000 BAYVIEW BLVD SUITE 200  
MIAMI BEACH, FL 33154  
PH: 305.673.1234  
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STORAGE BUILDING FOR  
**LINDMARC DEV. LLC**  
4011 SW 40 ST.  
MIAMI DADE  
FLORIDA

REVISIONS	DATE	BY
1	05-15-09	[Signature]
2	05-15-09	[Signature]
3	05-15-09	[Signature]
4	05-15-09	[Signature]
5	05-15-09	[Signature]
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20	05-15-09	[Signature]

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

06-01-06 ANSWER TO COMMENTS AS PER HEARING (06-25-08)

**RECEIVED**  
 208-202  
 MAY 08 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY At



**FRONT ELEVATION**  
 SCALE 3/8"=1'-0"

ZONING HEARING PLEASE REVIEW  
 PLANS WITHIN THE SCOPE OF AD  
 CHANGES WITHIN THE SCOPE OF AD  
 REVIEWED BY: DM41  
 ON: 5/15/09  
 ZONING DISTRICT:  
 PLANS ACCEPTABLE  
 NOT ACCEPTABLE  
 BY: MC

**RECEIVED**  
 MAY 11 2009

MAY 8 2009

11-17-08 ANSWER TO COMMENTS BY FIRE AND ZONING DEPARTMENTS (187 REVIEW)  
 08-21-08 ANSWER TO COMMENTS AS PER HEARING (04-22-08)

**ROBERT WADE AND ASSOCIATES, P.A.**  
 ARCHITECTS  
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 20100 N.W. 12th St., Suite 200  
 Fort Lauderdale, FL 33309  
 (954) 561-1234  
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FLORIDA

STORAGE BUILDING FOR  
 LINDMARC DEV. LLC  
 4975 SW 45 ST.

MIAMI DADE

REVISIONS

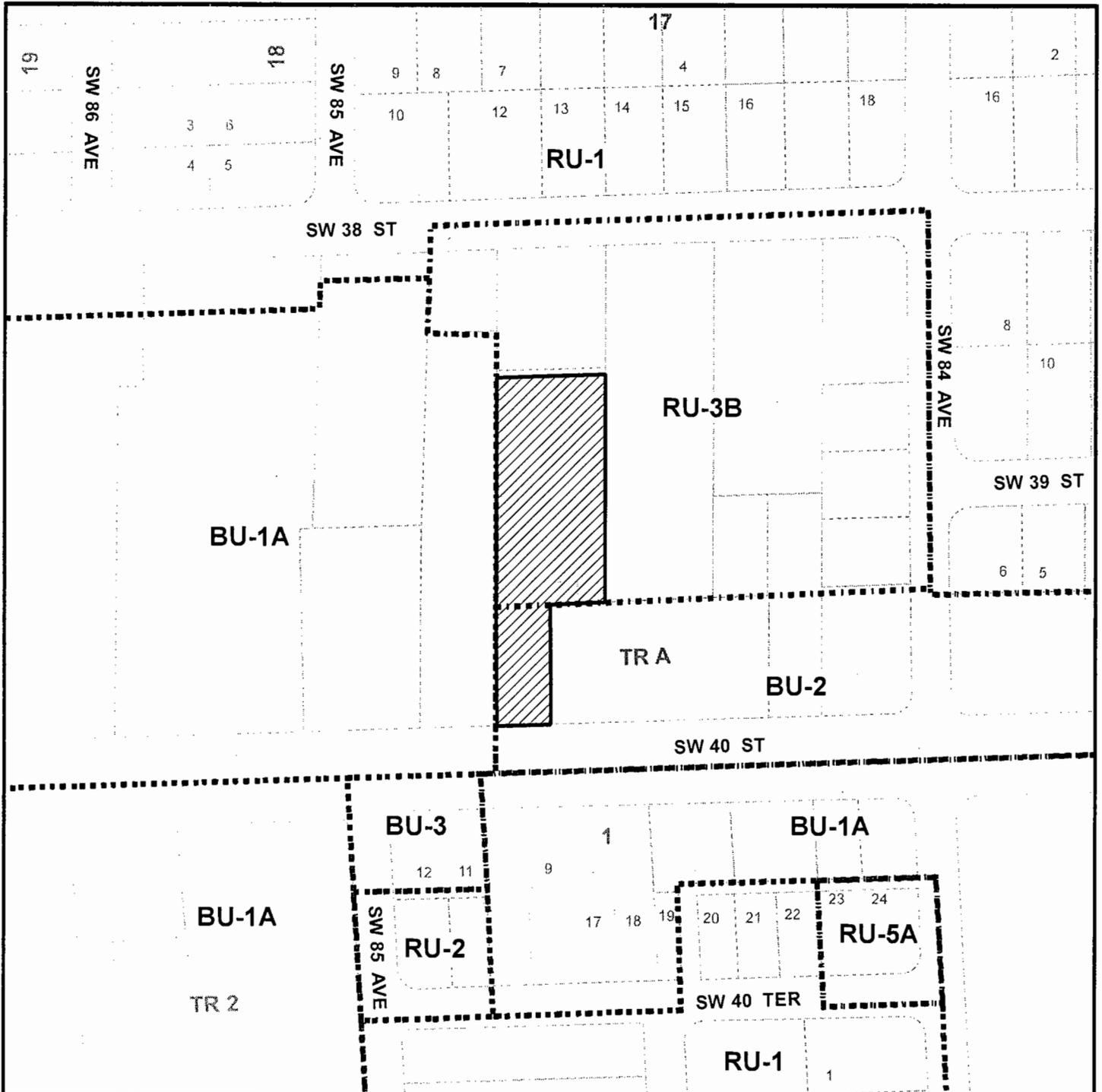
1	11-17-08	ANSWER TO COMMENTS BY FIRE AND ZONING DEPARTMENTS (187 REVIEW)
2	08-21-08	ANSWER TO COMMENTS AS PER HEARING (04-22-08)

APD









**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**

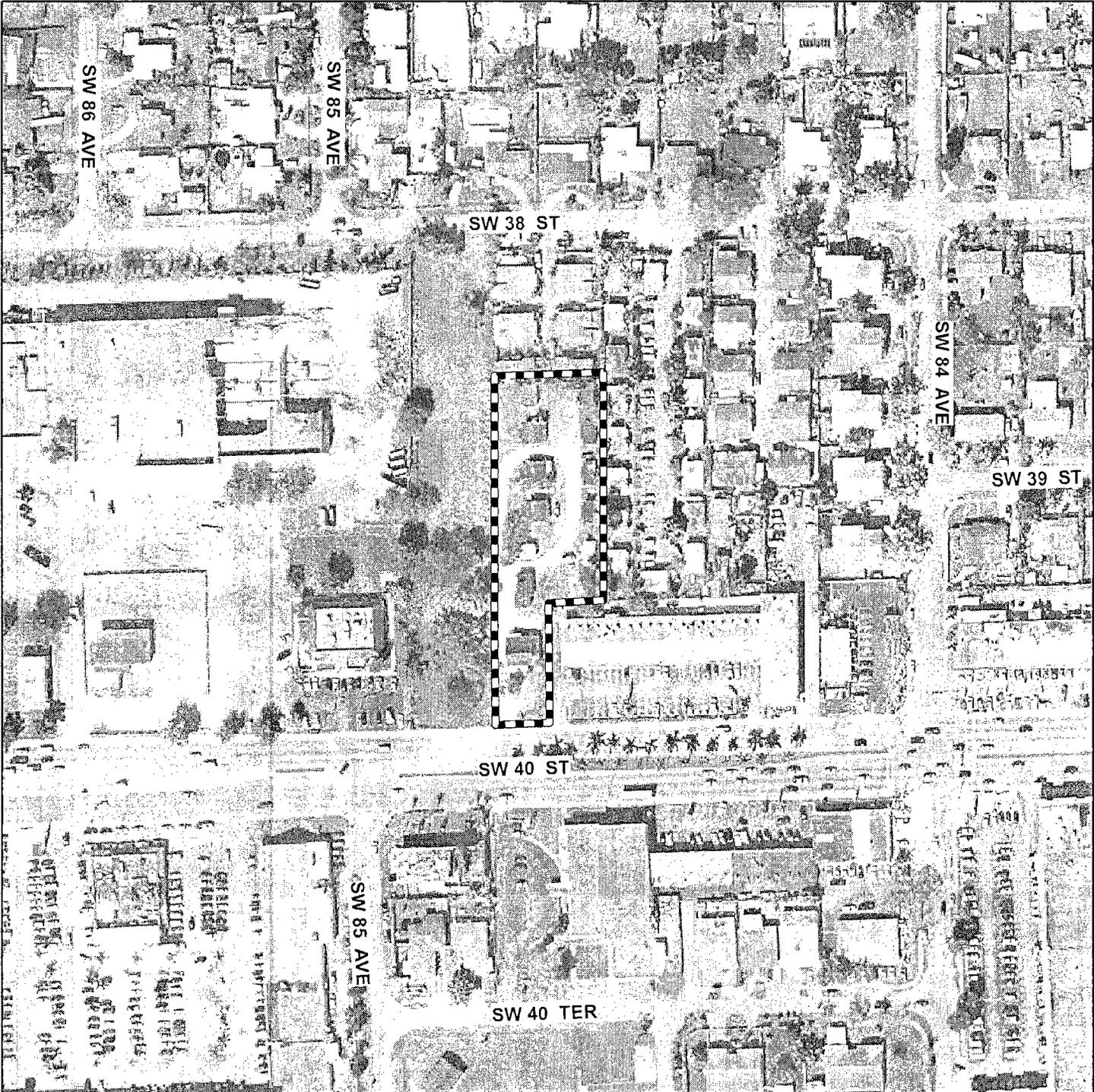


**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/23/08

REVISION	DATE	BY
		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

**1. LITTLE SEEDS ACADEMY**  
**(Applicant)**

**09-6-CZ10-1 (07-059)**  
**Area 10/District 10**  
**Hearing Date: 6/17/09**

Property Owner (if different from applicant) **PATRICIA ANCAROLA**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1999	Manuel Rivero, ET, AL	- Use Variance to permit office use in the RU-1as permitted in the RU-5A	CZAB-10	Denied with Prejudice

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:** Little Seeds Academy

**PH:** Z07-059 (09-6-CZ10-1)

**SECTION:** 20-54-40

**DATE:** June 17, 2009

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 1

**A. INTRODUCTION**

o **REQUESTS:**

- (1) UNUSUAL USE to permit a day care center.
- (2) Applicant is requesting to permit parking and drives within 25' of the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or §33-311(A)(4)(c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Little Seed Academy," as prepared by PM2 Drafting Services and dated stamped received 3/6/07 and consisting of 2 pages and 1 page dated stamped received 3/19/09 for a total of 3 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow an unusual use to permit the establishment of a day care facility on the subject property and allow parking and drives within 25' of the right-of-way.

o **LOCATION:** 10470 SW 40 Street, Miami-Dade County, Florida.

o **SIZE:** 0.495-acre

**B. ZONING HEARINGS HISTORY:**

In 1999, the subject property was part of a public hearing application that included the two additional parcels immediately to the west. Each of the parcels requested different uses. The prior application sought to permit all semi-professional office uses in the RU-1 district as would be permitted in the RU-5A district. Additional requests for reduced parking, setbacks, landscaping and two-way drive way requirements and to waive a required wall were also being sought on the subject property. The two other properties sought separate requests, which among other things, requested to permit a daycare use and semi-professional office uses and other variances from the code totaling twenty-one requests. Pursuant to Resolution No. CZAB10-23-99, the entire application was denied with prejudice.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

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

residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, **day care centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.
  
3. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. The intensity of use that may be approved for "daytime service uses" such as **day care facilities** shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

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

4. **Policy LU-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:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
RU-1; single-family residence	Low density residential, 2.5 to 6 dua
<b><u>Surrounding Properties:</u></b>	
<b>NORTH:</b> EU-1; parking for shopping center	Business and Office
<b>SOUTH:</b> RU-1; single-family residences	Low density residential, 2.5 to 6 dua
<b>EAST:</b> RU-1; single-family residence	Low density residential, 2.5 to 6 dua
<b>WEST:</b> RU-1; FP&L easement	Low density residential, 2.5 to 6 dua

The subject parcel is located at 10470 SW 40 Street. The surrounding area is characterized by single-family homes to the east and south, a utility easement to the west and parking for a shopping center to the north.

**E. SITE AND BUILDINGS:**

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

\*Subject to conditions .

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**Section 33-311(A)(4)(c) Alternative Non-Use 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	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to the conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject property is a 0.495-acre lot and is located at 10470 SW 40 Street. The applicant had previously applied for a similar request to permit a daycare center in 2006, under application #06-102, which was deferred indefinitely and was subsequently renumbered to include additional property. The surrounding area is comprised of single-family residences to the east and south and a utility easement and parking for commercial uses are located to the west and north respectively. The subject property is designated **Low Density Residential** Use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Staff notes that the current application is on a property that is almost twice the size of the previous application which enables the applicant to provide adequate parking which will not result in a negative impact on traffic in the surrounding residential neighborhood. Further the increased size of the property and the location of the parking and drives away from the residences to the south and west conform to the requirements of Policy LU-4C of the interpretative text of the CDMP, by effectively mitigating any likely negative impacts on the safety, noise, tranquility and traffic on the abutting residential properties. Additionally, the property is located in close proximity to a religious facility in the RU-5, Residential/Semi-Professional Office and Apartment District to the west, which is separated from the subject property by the Florida Power and Light (FPL) utility easement, which staff opines is transitional between the lower density residentially zoned areas found to the south for which it will provide a buffer from the section line road (SW 40 Street) and on the residentially zoned properties located to the east. In addition, the Department of Environmental Resources Management (**DERM**) does not object to the application. Therefore, staff opines, the proposed facility on the subject property is in keeping with the Guidelines for Urban Form, would be **compatible** with the residential community of the area and **consistent** with the LUP map and interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all DERM requirements as stated in their memorandum for this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets traffic concurrency and will generate **36** additional PM daily peak hour **vehicle trips**. The traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Level of Service (LOS) of the area roads, which are currently operating at LOS "C" and "D". Miami-Dade Fire Rescue (**MDFR**) has **no objections** to this application and indicates in their memorandum that the average travel response time is 7:24 minutes.

When analyzing request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the day care center in relation to the present and future development of the area, staff is of the opinion that the proposed day care center, would be **compatible** with the surrounding area, including the existing residential communities that surround the subject property. In staff's opinion, the introduction of this use into this residential area will not disrupt the overall welfare and privacy of the neighborhood by generating excessive noise or traffic. The request to permit the day care center to serve 43 children is not, in staff's opinion, overly intensive and will not generate excessive noise within the surrounding area. Furthermore, in staff's opinion, the introduction of the day care center into this residential area will not generate excessive traffic in the area. As previously mentioned, the Public Works Department's memorandum indicates that the application meets traffic concurrency and that the proposed use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). Furthermore, staff notes that the submitted plans indicate that in addition to the six required parking spaces, the applicant has provided one surplus parking space, yielding a total of seven parking spaces for the facility. Additionally, the plans depict three auto-stacking spaces for drop-off and pick up of children, which staff opines, is more than sufficient and will not result in the queuing of vehicles in the abutting right-of-way. Staff opines that the traffic flow generated as a result of the site configuration and the subject property's location will not be intrusive to the adjacent residential areas. Therefore, in staff's opinion, the introduction of the proposed facility into this residential area will not disrupt the neighborhood by generating excessive noise or traffic. Staff is of the opinion that the site is adequately sized to accommodate the proposed facility. According to the submitted plans, the applicant is providing ample classroom area and outdoor recreational playground space to properly accommodate the proposed 43 child enrollment. However, although the applicant has provided abundant buffering along the property lines to the north and west, staff opines that additional buffering is needed along the east and south property lines to reduce any negative visual or aural impacts from the location of the playground area on the abutting residences to the east and south. As such, staff recommends that request #1, be approved with conditions under Section 33-311(A)(3).

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. The applicant is seeking approval to permit parking within 25' of the right-of-way where none is permitted. As depicted on the plans submitted by the applicant, three of the proposed seven parking

spaces, inclusive of three stacking spaces, are located within 25' of the right-of-way of SW 40 Street. However, the applicant has provided adequate buffering in the form of a continuous Bottle Brush hedge interspersed with Silver Trumpet trees along the north property line, where the parking lot abuts SW 40 Street that will provide a visual buffer to the parking in this area. The submitted plans also indicate that the aforementioned hedge and trees will be planted within a 7' wide landscaped buffer. Therefore staff opines that the request will not have a negative visual impact on the surrounding area. Accordingly, staff recommends that request #2 be approved under Section 33-311(A)(4)(b) (NUV).

When request #2 is analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standard (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with RU-1 zoning regulations, staff is of the opinion that this request cannot be approved under Section 33-311(A)(c) (ANUV).

Based on all of the aforementioned, staff opines that approval of the daycare center, as currently designed on the submitted plans, would be **compatible** with the area and **consistent** with the LUP map and interpretative text of the CDMP. Staff therefore recommends approval with conditions of request #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).

**I. RECOMMENDATION:**

Approval with conditions of request #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).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Little Seed Academy," as prepared by PM2 Drafting Services and dated stamped received 3/6/07 and consisting of 2 pages and 1 page dated stamped received 3/19/09 for a total of 3 pages, except as herein amended to show a continuous hedge along the interior side (east) and rear (south) property lines.
3. That the use be established and maintained in accordance with the approved plan.
4. That prior to issuance of a building permit, the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material. Said landscaping shall be installed prior to final zoning inspection.
5. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of

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

6. That the use shall be restricted to a maximum number of 43 children.
7. That the hours of operation shall be between 7:00 A.M. to 7:00 P.M.
8. That the use may be conducted on the premises Monday through Friday.
9. That the applicant obtain a Certificate of Use from, and promptly renew the same annually with, the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
10. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
11. That all signage be in compliance with the zoning regulations and that no caricatures be placed on the fences or walls of the structure.
12. That the applicant provides additional buffering in the form of a continuous hedge along the interior side (east) and rear (south) property lines.

**DATE INSPECTED:** 09/08/06  
**DATE TYPED:** 05/06/09  
**DATE REVISED:** 05/06/09, 05/11/09, 05/20/09  
**DATE FINALIZED:** 05/20/09  
MCL:MTF:NN:NC:CH

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

**Date:** March 27, 2007  
**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning  
**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management  
**Subject:** C-10 #Z2007000059  
Little Seeds Academy  
10470 S.W. 40<sup>th</sup> Street  
Unusual Use to Permit a Day Care  
(RU-1) (0.5 Acres)  
20-54-40



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

Wellfield Protection

The subject property is located within the 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 nonresidential 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.

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

### Stormwater Management

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

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

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

### Wetlands

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

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

### Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

### Enforcement History

DERM has found 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.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LITTLE SEEDS ACADEMY

This Department has no objections to this application.

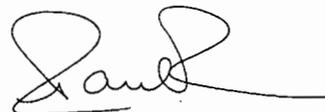
Additional improvements may be required at time of platting/permitting.

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 36 PM daily peak hour vehicle trips. The traffic distributions 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
9699	SW 97 Ave. s/o SW 24 St.	C	C
9700	SW 97 Ave. s/o SW 40 St.	D	D
F-74	SW 40 St. e/o SW 107 Ave.	C	C
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.

15-APR-09

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

School Name: LITTLE SED ACADEMY.

School Address: 10470 SW 40 Street Tax Folio # 30 - 4020-006-0010/30-4020-000-0050

1. Is this an expansion to an existing school?  Yes  No If yes, indicate the number of students: \_\_\_\_\_ and age and grade ranges originally approved: \_\_\_\_\_
2. Total size of site: \_\_\_\_\_ x \_\_\_\_\_ = 21.531 + 43,560 sq. ft. = 0.50 acres
3. Number of children or students requested: 43 Ages: 0-5 years
4. Number of teachers: 6 number of administrative & clerical personnel
5. Number of classrooms: 6 Total square footage of classroom area: 2006
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):  
650 SF
7. Amount of exterior recreation /play area in square footage: 8.251 SF.
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:  
N/A
9. Number of parking spaces provided for staff, visitors, and transportation vehicles:  
9 parking spaces provided 6 parking spaces required by Section 33-124 (L)
10. Indicate the number of auto stacking spaces: 3 provided 3 required
11. Proposed height for the structure(s): 12'-8" See Section 33-151.18(g)
12. Size of identification sign: 6 x 3 = 18. sq. ft. See Section 33-151.18 (c). Signage will require a separate permit. Contact the Permit Section at 786-315-2100.
13. Days and hours of operation: MONDAY-FRIDAY 7 AM - 7 PM.
14. Does the subject facility share the site with other facilities?  Yes  No (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to Section 33-151.16.)
15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17?  Yes  No (If yes, describe the residential uses and indicate same on the plans.)

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BY: [Signature]

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

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

**CLASSROOM SPACE:** Calculated by grade levels.

- a. Day Nursery / kindergarten, preschool and after school care  
35 sq. ft. x 43 (number of children) = 1505 sq. ft. of classroom area required.
- b. Elementary Grades 1 - 6  
30 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.
- c. Junior High and Senior High School (Grades 7-12)  
25 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 1,505 SF.  
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 2,006 SF.

**OUTDOOR RECREATION SPACE:**

- a. Day nursery/kindergarten, preschool and after school care  
45 sq. ft. x 21.5 (1/2 of children) = 967.5
- b. Grades 1 - 6  
500 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_  
300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_
- c. Grades 7 - 12  
800 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_  
300 sq. ft. x \_\_\_\_\_ (next 300 children) = \_\_\_\_\_  
150 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 967.5 SF.  
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 825 SF.

**TREES:** See Section 33-151.18(h), and the Planning Division for additional requirements (12th floor).

- a. 28 trees are required per net acre. Trees required: 14 Trees provided: 17
- b. Ten shrubs are required for each tree required. Shrubs required: 170 Shrubs provided: 240
- c. Grass area for organized sports/ play area in square feet: \_\_\_\_\_
- d. Lawn area in square feet (exclusive of organized sports/ play area): 340

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BY MA

School Address: 10470 SW 40ST MIAMI-FL Zip Code: 33165.

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

Signed, sealed, executed and acknowledged on this 06 day of MARCH/07 at Miami-Dade County, Florida.

WITNESSES:

*[Handwritten signature]*

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this 05 day of MARCH, 2007; before me personally appeared PATRICIA J. ANCAROLA, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: JAN 03, 2010.

*[Handwritten signature: Maria B. Perez]*

MARIA B. PEREZ  
Notary Public, State of Florida  
My comm. exp. Jan. 3, 2010  
Comm. No. DD 503790

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BY *[Signature]*

# Memorandum



**Date:** 06-JUL-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000059

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated March 27, 2007.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped June 9, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2007000059  
 located at 10470 S.W. 40 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1588 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	2,656	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 1.71 alarms-annually.  
 The estimated average travel time is: 7:24 minutes

**Existing services:**

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

Station 3 - Tropical Park - 3911 SW 82 Avenue  
 Rescue, ALS Engine

**Planned Service Expansions:**

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

Station 13 - East Kendall - 6000 SW 87th Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped June 9, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

LITTLE SEEDS ACADEMY

10470 S.W. 40 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2007000059

---

HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

THERE ARE NO CURRENT VIOLATION OBSERVED AT PROPERTY BY TEAM METRO DEPT.

LITTLE SEED ACADEMY

L .HERNANDEZ

**DISCLOSURE OF INTEREST\***

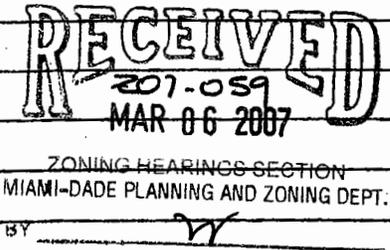
If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural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

CORPORATION NAME: Little Seeds Academy

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>PATRICIA I ANCAROLA 10470 SW 40ST MIA.</u>	<u>50%</u>
<u>LUIS A. ANCAROLA 10470 SW 40ST MIA</u>	<u>50%</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: N/A

<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: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>N/A</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].

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:

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BY:     *JF*    

**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:     *Patricia J. Aucarola*      
(Applicant)

Sworn to and subscribed before me this 15<sup>th</sup> day of MARCH, 2006. Affiant is personally known to me or has produced F.D.L. as identification.

    *Maria B. Perez*      
(Notary Public)

MARIA B. PEREZ  
Notary Public, State of Florida  
My comm. exp. Jan. 3, 2010  
Comm. No. DD 503790

My commission expires 01/03/2010

\*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.







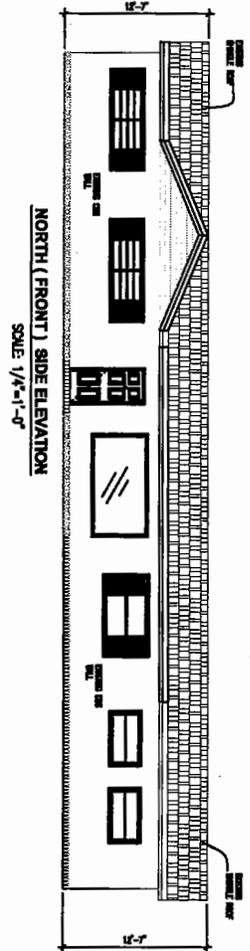
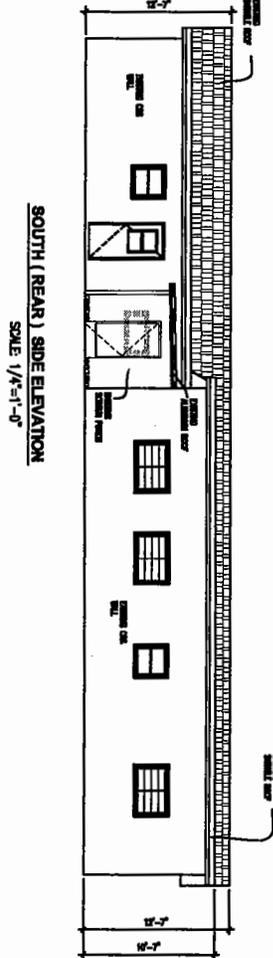
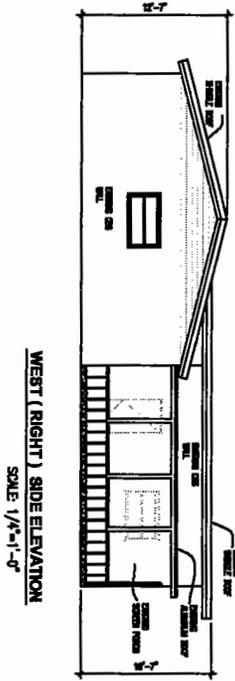
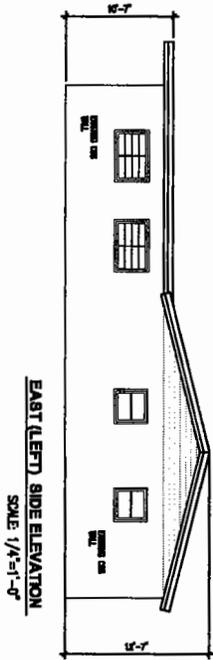
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MIAMI-DADE COUNTY

PROCESS #: Z07-059

DATE: MAR 06 2007

BY: VALDEZV



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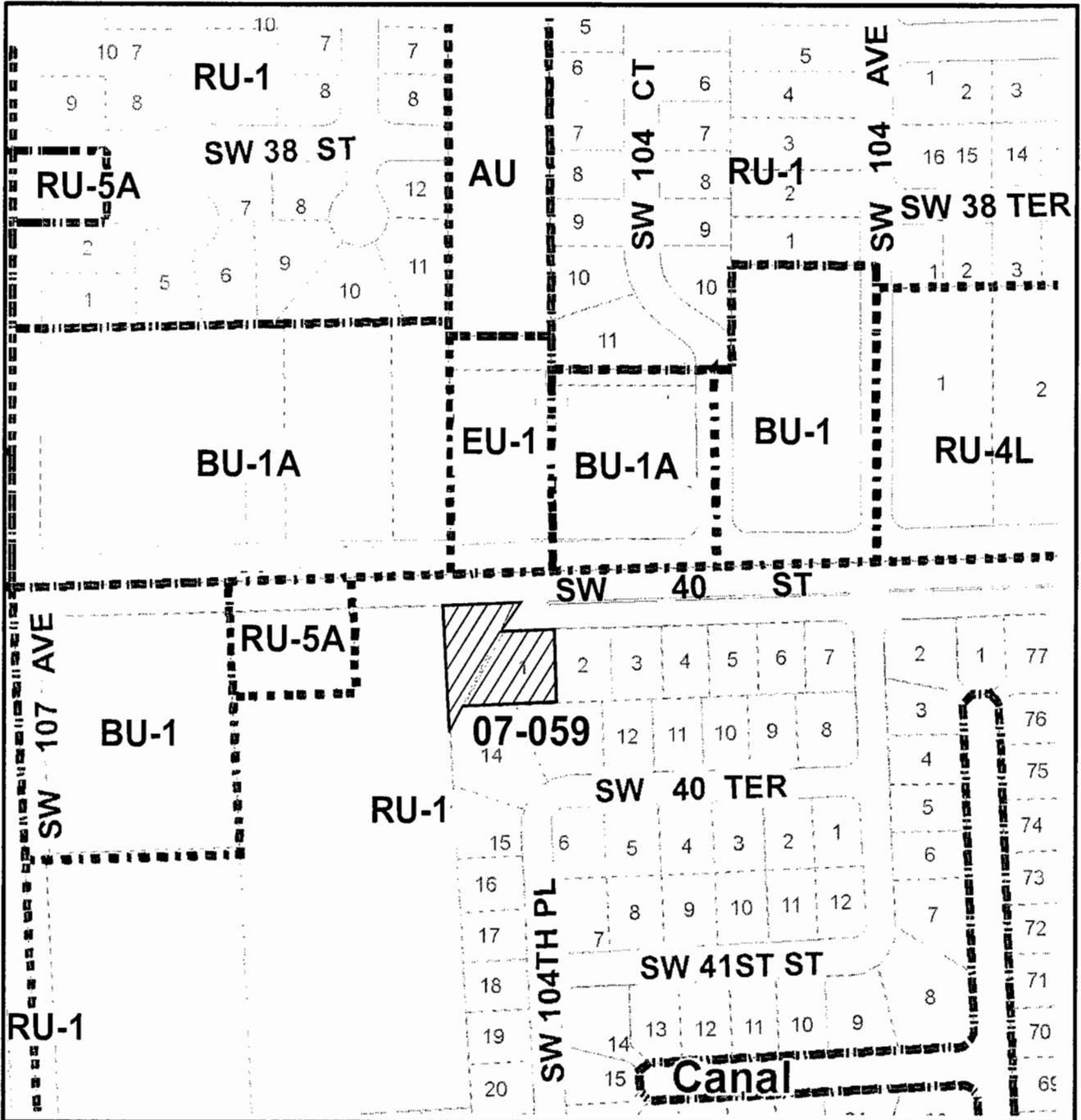
BY

*[Signature]*

SCALE 1/4"=1'-0"	DATE 03/06/07	SHEET NO. E1	PAGE 30 OF 30
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**LITTLE SEED ACADEMY**  
 Owner: Patricia I. Anzorola  
 10470 SW 40 St. Miami, Fla. 33165  
 Phone: (305) 552-5705

DRAWN BY: *[Signature]*  
 LITTLE SEEDS  
 3401 SW 13th Ave. Suite 1310  
 Miami, Florida 33135  
 Phone: (305) 222-2528  
 Fax: (305) 222-2534  
 Website: www.littleseeds.com



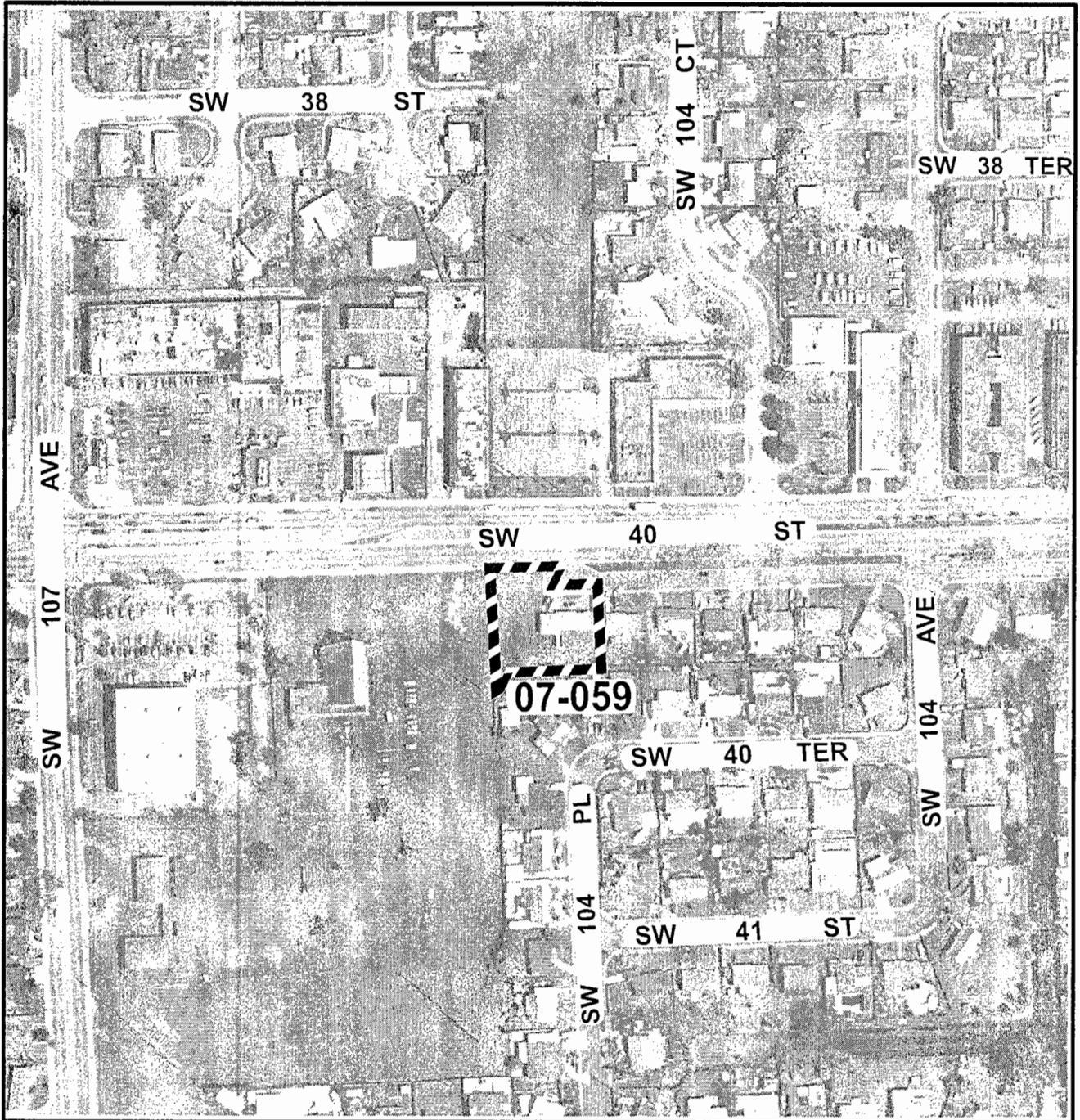
MIAMI-DADE COUNTY  
HEARING MAP

Section: 20 Township: 54 Range: 40  
 Process Number: 07-059  
 Applicant: LITTLE SEEDS ACADEMY  
 Zoning Board: C10  
 District Number: 10  
 Cadastral: ERIC  
 Scale: NTS



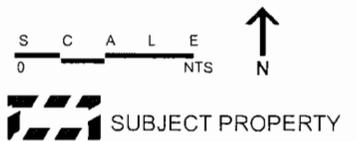
 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 20 Township: 54 Range: 40  
Process Number: 07-059  
Applicant: LITTLE SEEDS ACADEMY  
Zoning Board: C10  
District Number: 10  
Cadastral: ERIC  
Scale: NTS



**2. GEORGE AND MARIA D. TERUEL**  
**(Applicant)**

**09-6-CZ10-2 (09-029)**  
**Area 10/District 6**  
**Hearing Date: 6/17/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

No History

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

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

**APPLICANTS:** George and Maria D. Teruel

**PH:** Z09-29 (09-6-CZ10-2)

**SECTION:** 14-54-40

**DATE:** June 17, 2009

**COMMISSION DISTRICT:** 6

**ITEM NO.:** 2

=====

**A. INTRODUCTION**

o **REQUEST:**

Applicants are requesting to permit additions to a single-family residence setback 21.2' (25' required) from the front (north) property line and setback 5' (6.5' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex 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 "Remodelation," as prepared by Golaville K Rao, dated stamped received 3/2/09 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:** The applicants are requesting to permit the maintenance and continued use of an existing TV room, master bedroom, and bathroom addition to a single-family residence to encroach into the front (north) and interior side (west) setback areas.

o **LOCATION:** 7380 S.W. 34 Street, Miami-Dade County, Florida.

o **SIZE:** 65' x 100'

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. 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 residences

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**

\*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.

**(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	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

The subject site is located at 7380 S.W. 34 Street, in an area characterized by single-family residences developed under the RU-1 zoning district regulations. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFR**) and the **Public Works Department (PWD)** have **no objections** to this application. The MDFR Department indicates that the estimated average travel response time is **7:06**.

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 with conditions would be **compatible** with the surrounding area. Approval of this application will permit the maintenance and continued use of an existing TV room, master bedroom, and bathroom addition to a single-family residence to setback 21.2' (25' required) from the front (north) property line and setback 5' (6.5' required) from the interior side (west) property line.

Staff notes that similar approvals for relief of front and interior side setback requirements are prevalent in the surrounding area. Specifically, property located at 3301 SW 72 Court, approximately 648' to the east of the subject site was granted approval of a request to permit a covered porch and laundry room addition setback 17.07' (25' required) from the front property line, pursuant to Administrative Variance No. V1993000579. In addition, staff's research revealed that the property located at 7425 SW 33 Street, approximately 390' to the northwest of the subject property, was granted approval to permit a family room and utility room addition to a single-family residence setback 19.10' from the front property line and setback 4.7' (7.5' required) from the interior side property line, pursuant to Administrative Variance No. V1994000436. Furthermore, staff's research revealed that property located at 3525 SW 75 Court, approximately 809' to the southwest of the subject property, was granted approval of a request to permit an addition to a single-family residence setback a minimum of 2.83' (6.97' required) from the interior side property line, pursuant to Resolution No. CZAB10-70-07. In conclusion, staff opines that approval subject to conditions would not result in an obvious departure from the aesthetic character of the surrounding area. Therefore, staff recommends approval with conditions of the application 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 request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

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).

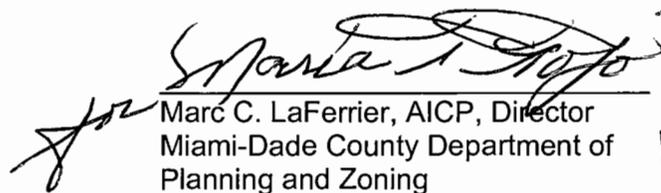
I. **RECOMMENDATION:**

Approval with conditions of the application 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).

**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 "Remodelation," as prepared by Golaville K Rao, dated stamped received 3/2/09 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 use be established and maintained in accordance with the approved plan.
4. That the applicants apply for and secure a permit for the existing TV room, master bedroom, and bathroom addition attached to the western portion of 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 existing shed located on the southwest corner of the site and the existing aluminum covered terrace and non-conforming addition attached to the rear of the residence, be removed as indicated on the submitted survey.

**DATE INSPECTED:** 04/09/09  
**DATE TYPED:** 04/16/09  
**DATE REVISED:** 04/17/09; 05/20/09  
**DATE FINALIZED:** 05/20/09  
MCL:MTF:MW:NN:TA:NC

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

# Memorandum



**Date:** March 17, 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 fluid and cursive, written over the printed name of the sender.

**Subject:** C-10 #Z2009000029  
George and Maria D. Teruel  
7380 S.W. 34 Street  
Request to Permit an Existing Single-Family Residence Setbacks Less  
than Required from Property Lines  
(RU-1) (.149 Acres)  
14-54-40

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

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

#### Concurrency Review Summary

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

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

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

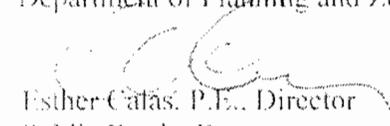
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

# Memorandum



**Date:** November 26, 2008

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

**From:**  Esther Calás, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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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 Rodríguez

# Memorandum



**Date:** 25-MAR-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000029

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2009000029  
 located at 7380 S.W. 34 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 3529 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 7:06 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 3 - Tropical Park - 3911 SW 82 Avenue  
 Rescue, ALS Engine

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

## ENFORCEMENT HISTORY

**NAME:**

GEORGE AND MARIA D. TERUEL

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**ADDRESS:**

7380 S.W. 34 STREET, MIAMI-  
DADE COUNTY, FLORIDA. MIAMI,  
FLORIDA 33155  
Folio# 3040140081770

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**DATE:** 03/06/09

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**ZONING HEARING#:**

Z2009000029

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**CURRENT ENFORCEMENT HISTORY:**

No open cases. No current violations.

PRIOR CASES:

No open cases.

SW 34th STREET

C/A

19.00' ASPHALT PAVEMENT

21' PARKWAY

65.00' (R)(M)

F.I.P. 1/2" Φ  
No I.D.

F.I.P. 1/2" Φ  
No I.D.

REMAINDER OF LOT 14  
BLOCK 100

100.00' (R)(M)

REMAINDER OF LOT 15  
BLOCK 100

100.00' (R)(M)

ONE STORY  
RESIDENCE  
# 7380

**RECEIVED**  
209-029  
MAR 02 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

F.I.P. 1/2" Φ  
No I.D.

65.00' (R)(M)

F.I.P. 1/2" Φ  
No I.D.

LOT 18  
BLOCK 100

LOT 17  
BLOCK 100  
*Proposed*  
**SITE PLAN**

Drawing No.  
**SP**  
of  
**1**

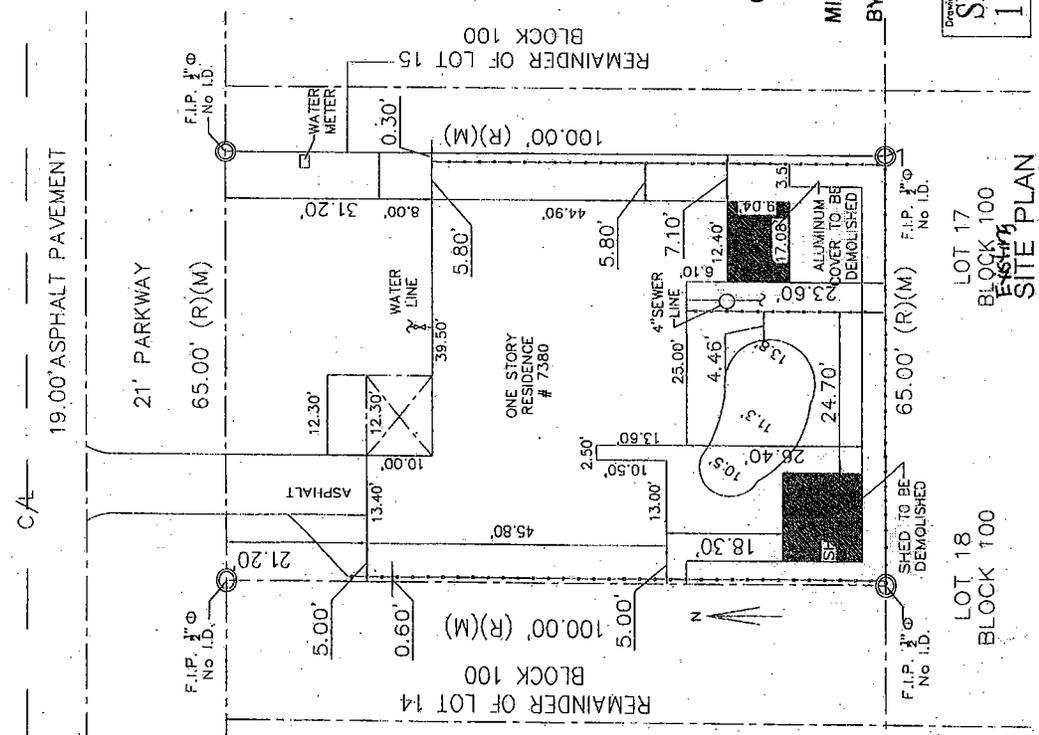
14

ENLARGED SITE PLAN

1/8"=1'-0" SCALE BASED ON 36" x 24" PRINT



SW 34th STREET



**LEGAL DESCRIPTION**

TRAC PARCELS: 85-45-1-200-1770  
 OWNER NAME: GEORGE TERRELL  
 FACTORY ADDRESS: 7380 SW 34th STREET, MIAMI, FL 33155  
 PROJECT NO.: 2009-024  
 DATE OF LOT: 14 JUL 1991 LOT SIZE: 55,000.00 SQ FT (1250.00 SQ YD)  
 ON 2009-024 CDD 2283 1-4877 OR 2007-3  
 RECORDS OF MIAMI-DADE COUNTY, FLORIDA

**COMPARITY NUMBER: UNINCORPORATED 130623**  
 COUNTY NAME: MIAMI-DADE STATE: FL  
 PARCEL NUMBER: 1306230230 SURFAC: DIST OF MIAMI-DADE 71771295  
 PLATT NAME: 1306230230-0230-046 FLOOD ZONING: 1306230230-0230-046  
 FLOOD ZONE: 1306230230-0230-046

**TOP OF BOTTOM FLOOR: 3.22**  
**TOP OF FIRST FLOOR FLOOR: 2.79**  
**LOWEST ELEVATION OF FINISHED FLOOR: 0.39**  
**HIGHEST FINISHED GRADE: 2.53**

**SUBJECT CERTIFICATION:**  
 I, MARGARET SPINOSA, LICENSE NUMBER: 5101  
 TITLE: PROFESSIONAL SURVEYOR & MAPPER  
 COMPANY NAME: MARGEL SURVEYING AND MAPPING, INC.  
 ADDRESS: 15331 SW 10th Street, Suite 100, Miami, FL 33184  
 TEL: (305) 862-2982

**REMARKS:**  
 NET LAND AREA: 6,200 SQ FT  
 FLOOR AREA: 12,500 SQ FT  
 ADDITION: 53 SQ FT  
 TOTAL: 2,085 SQ FT

**EMERGENCY REGULATIONS:**  
 LOT NET AREA: 6,200 SQ FT  
 MAX. BUILDING COVERAGE: 2,773.3%

**SCOPE OF WORK**

CONSTRUCTION:  
 REPAIR AND RECONSTRUCT EXISTING  
 STRUCTURE WITH SOME REINFORCING

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 7-09-024  
 MAR 02 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT

**RECEIVED**  
 MAR 02 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

OWNER: GEORGE TERRELL  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

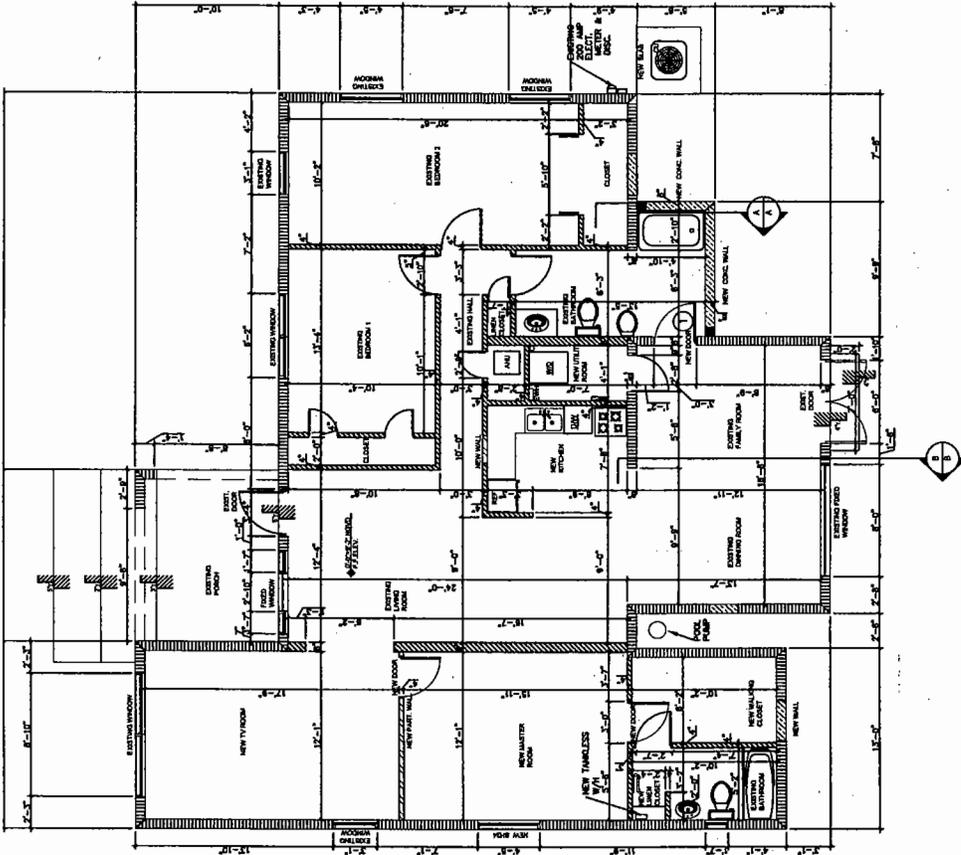
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 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

PROJECT: REMODELATION  
 ADDRESS: 7380 SW 34 STREET  
 MIAMI, FLORIDA 33155

SCALE BASED ON 28" x 28" PRINT



**GENERAL NOTES:**

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES AND ALL OTHER DATA PRIOR TO COMMENCING ANY WORK. CONTRACTOR TO ALSO VERIFY AND APPROVE ALL DIMENSIONS ON EXISTENCE BY CONTRACTOR'S MEASUREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES.
2. CONTRACTOR SHALL FURNISH AND BE SOLELY RESPONSIBLE FOR ALL MATERIALS AND LABOR REQUIRED FOR THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES CONCERNED WITH THE PROJECT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES CONCERNED WITH THE PROJECT.
3. THE CONTRACTOR SHALL OBTAIN FROM ALL AGENCIES CONCERNED WITH THE PROJECT THE NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING ANY WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES CONCERNED WITH THE PROJECT.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL OTHER APPLICABLE CODES AND REGULATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES CONCERNED WITH THE PROJECT.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL OTHER APPLICABLE CODES AND REGULATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES CONCERNED WITH THE PROJECT.
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 MIAMI-DADE PLANNING AND ZONING DEPT  
 BY *JAH*

**FLOOR PLAN**  
 3/4"=1'-0" SCALE BASED ON 36" x 24" PRINT

APPROVED:	DATE:
APPROVED:	DATE:

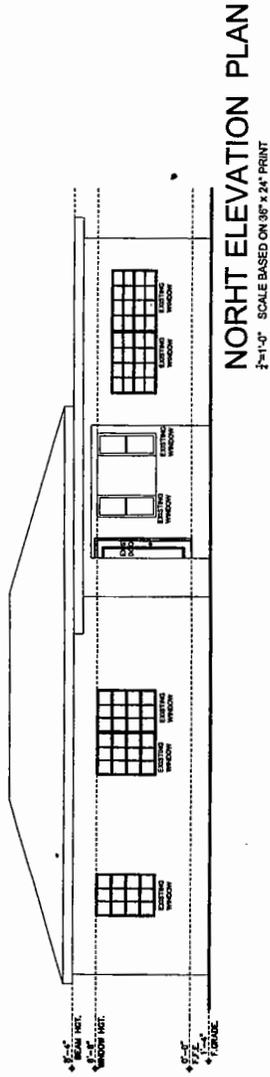
OWNER: GEORGE TRUBELL  
 ADDRESS: 7800 SW 24 STREET  
 MIAMI, FLORIDA, 33155

PROJECT: REMODELATION  
 ADDRESS: 7800 SW 24 STREET  
 MIAMI, FLORIDA, 33155

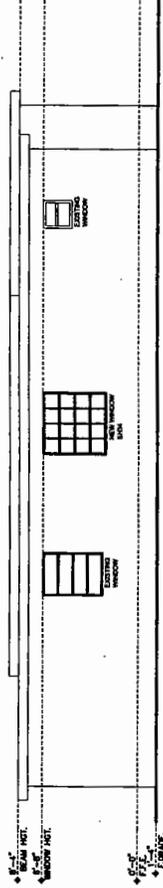
Project No.	DATE	DESIGNED BY

Drawing No. **A of 2**

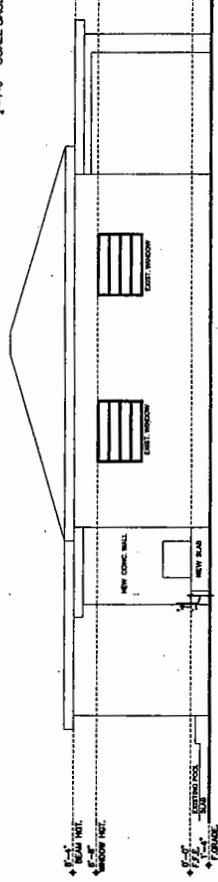
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 BY *JAH*



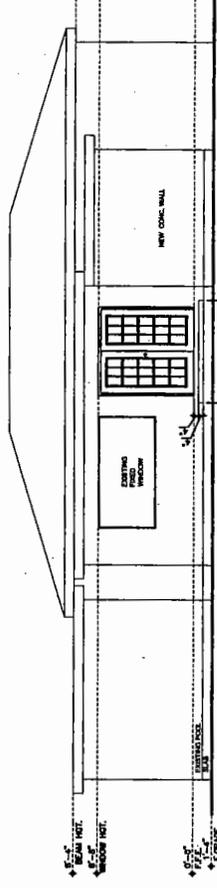
**NORHT ELEVATION PLAN**  
 1/2"=1'-0" SCALE BASED ON 36" X 24" PRINT



**WEST ELEVATION PLAN**  
 1/2"=1'-0" SCALE BASED ON 36" X 24" PRINT



**EAST ELEVATION PLAN**  
 1/2"=1'-0" SCALE BASED ON 36" X 24" PRINT

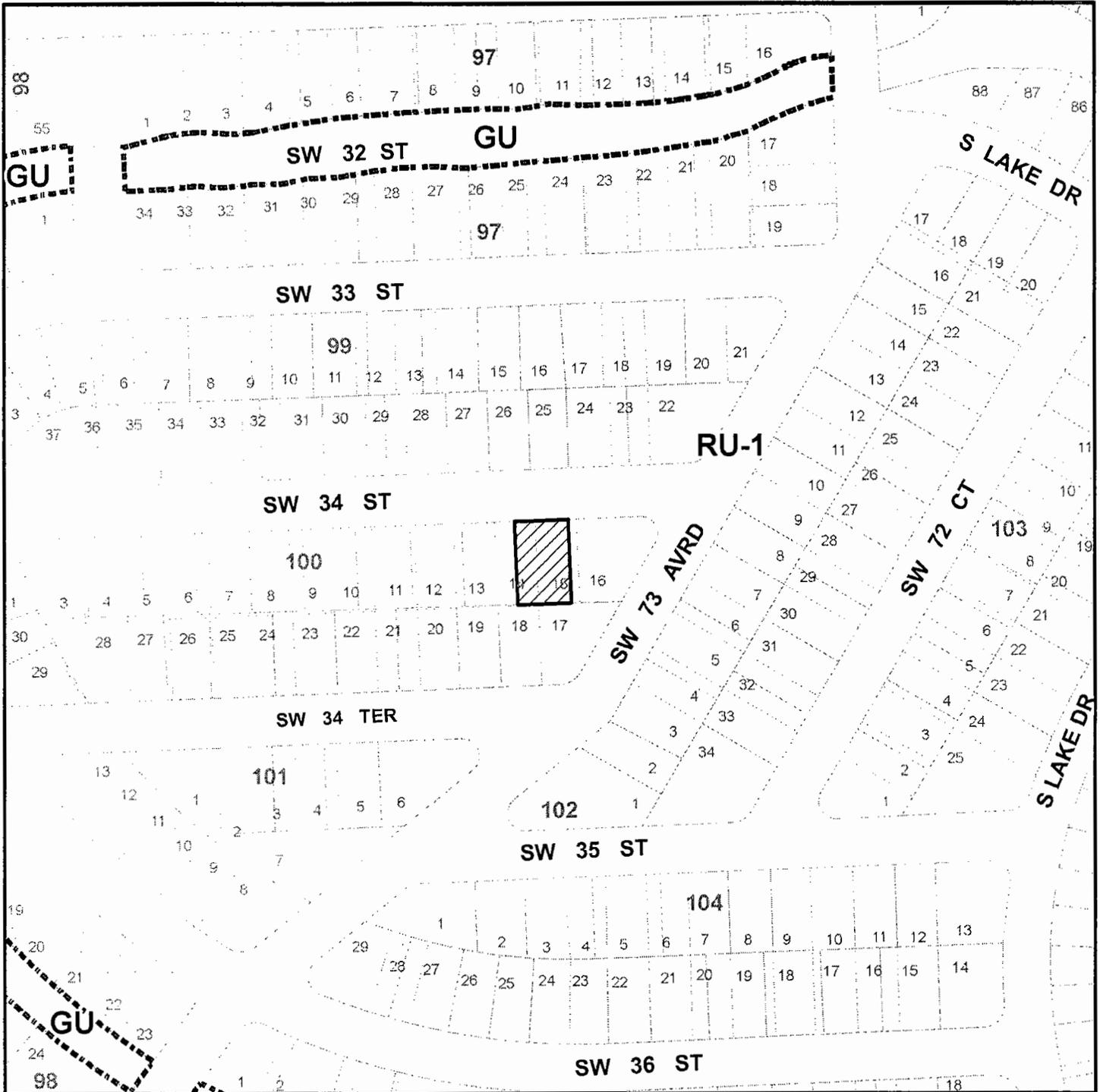


**SOUTH ELEVATION PLAN**  
 1/2"=1'-0" SCALE BASED ON 36" X 24" PRINT

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

Drawing No. <b>A</b> of <b>3</b>	Project No. DATE CHECKED BY: <i>[Signature]</i>	PROJECT: REMODELATION ADDRESS: 780 SW 14 STREET MIAMI, FLORIDA, 33135	OWNER: GEORGE TERUEL ADDRESS: 780 SW 14 STREET MIAMI, FLORIDA, 33135	APPROVED BY: <i>[Signature]</i>	APPROVED BY: <i>[Signature]</i>
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**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**09-029**

Section: 14 Township: 54 Range: 40  
 Applicant: GEORGE & MARIA D. TERUEL  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 03/11/09

REVISION	DATE	BY
		19



**MIAMI-DADE COUNTY**

AERIAL YEAR 2008

Section: 14 Township: 54 Range: 40

Applicant: GEORGE & MARIA D. TERUEL

Zoning Board: C10

Commission District: 6

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**09-029**



**SUBJECT PROPERTY**



REVISION	DATE	BY