KITS

9-16-2010 Version # 2

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, October 20, 2010 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	10-7-CZ10-2	NASEEM T. UDDIN	09-164	10-54-40	
B.	10-9-CZ10-4	FERNANDO RODRIGUEZ	10-56	15-54-40	

CURRENT

1.	10-10-CZ10-1	T-MOBILE SOUTH LLC & UNITED STATES DEVELOPMENT L.T.D.	08-171	12-54-39	N
2.	10-10-CZ10-2	EDWARD CABRERA/GRIZELLE ARENCIBIA	10-31	16-54-40	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

Revised Agenda #1- to update
Protests for item 1 & 2

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, OCTOBER 20, 2010

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. NASEEM T. UDDIN (10-7-CZ10-2/09-164) **10-54-40**
Area 10/District 10

(1) DELETION of Condition #2 of Resolution 4-ZAB-388-89, passed and adopted by the Zoning Appeals Board, reading as follows:

"2. That not more than one office use be permitted to occupy the structure at any time.

The purpose of request #1 is to allow the applicant to delete conditions that restricts the property to a single tenant office use.

(2) Applicant is requesting to permit 2 signs with a total area of 93.5 sq. ft. on the southwest wall elevation and 2 signs with a total area of 45 sq. ft. on the southeast wall elevation (one, 12 sq. ft. sign permitted for each street frontage.

Plans are on file and my be examined in the Department of Planning and Zoning entitled "Surgi-Staff & ISG Building Signs," as prepared by A & A Design Engineers, Inc., consisting of 2 sheets, dated stamped received 4/16/10 and a survey as prepared by Miguel Espinosa, consisting of 2 sheets, dated stamped received 11/18/09, for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 8281 SW 24 ST, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 105.74' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 1 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from: 9-15-10

B. FERNANDO RODRIGUEZ (10-9-CZ10-4/10-056) **15-54-40**
Area 10/District 10

Applicant is requesting to permit an existing addition to a single-family residence setback varying from 15.02' to 15.4' (25' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization for Fernando Rodriguez," as prepared by Ruben Pujol, Architect, dated stamped received 6/21/10 for a total of 2 sheets. Plans may be modified at public hearing.

LOCATION: 8250 S.W. 32 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 77' x 100'

Department of Planning and Zoning Recommendation: Approval with conditions.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from: 9-15-10

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1. T-MOBILE SOUTH LLC & (10-10-CZ10-1/08-171) 12-54-39
UNITED STATES DEVELOPMENT L.T.D. Area 10/District 11

(1) UNUSUAL USE to permit a 100' high camouflaged wireless supported service facility (cellular tower) designed as a flagpole and ancillary equipment.

OR IN THE ALTERNATIVE, TO REQUEST #1, REQUEST #2:

(2) SPECIAL EXCEPTION to permit a 100' high camouflaged wireless supported service facility (cellular tower) designed as a flagpole and ancillary equipment.

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

(3) MODIFICATION of Condition #2 of Resolution 4-ZAB-182-84, last modified by 4-ZAB-216-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets."

(4) MODIFICATION of the existing Declaration of Covenant Restrictions and Easements recorded under Official Record Book 12182, Pages 2805 through 2809 and Official Record Book 12223, Pages 1515 through 1520 and last modified by Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels (out parcels); and which site plan shall contain a landscape plan (hereinafter called landscape plan within the context of this covenant the term site plan shall mean the site plan, together with all exhibits attached thereto, including the landscape plan; and"

(1) SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza V,' as prepared by Luis Cruz, dated and received 4/23/92 on the site plan and dated received 1-15-92 on Landscaping Plan. No modification shall be effected in said site plan without the

written consent of the Building and Zoning Department of Metropolitan Dade County."

TO: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels (out parcels); and which site plan shall contain a landscape plan (hereinafter called landscape plan within the context of this covenant the term site plan shall mean the site plan, together with all exhibits attached thereto, including the landscape plan; and"

"1 SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza V,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets. No modification shall be effected in said site plan without the written consent of the Department of Planning and Zoning of Miami-Dade County."

(5) MODIFICATION of the existing Covenant Running With the Land recorded under Official Record Book 12182, Pages 2799 through 2802 and Official Record Book 12223, Pages 1508 through 1511 and last modified by Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels"

(1) SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1-15-92 on Landscaping Plan. No modification shall be effected in said site plan without the written consent of the Building and Zoning Department of Metropolitan Dade County."

TO: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels."

"1 SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets. No modification shall be effected in said site plan without the written consent of the Department of Planning and Zoning of Miami- Dade County."

(6) MODIFICATION of the existing Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: (4) "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan."

TO: (4) "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets."

The purpose of Requests #3 through #6 is to allow the applicant to submit a site plan showing a new camouflaged wireless support service facility located on a previously approved shopping center site.

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

LOCATION: 11865 S.W. 26 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 32.39 Acres

Department of Planning and Zoning Recommendation: Approval with conditions of request #2 through #6 and denial without prejudice of request #1.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. <u>EDWARD CABRERA/GRIZELLE ARENCIBIA (10-10-CZ10-2/10-031)</u> 16-54-40
Area 10/District 10

(1) Applicants are requesting to permit a duplex residence with a lot frontage of 51' (75' required) and a lot area of 7,138 sq. ft. (7,500 sq. ft. required).

(2) Applicants are requesting to permit an addition to the residence setback 17' (25' required) from the rear (south) property line.

(3) Applicants are requesting to permit the duplex residence with a lot coverage of 36.5% (30% permitted).

(4) Applicants are requesting to permit a "CBS utility" shed setback 2.6' (5' required) from the rear (south) property line, varying from 2.2' to 2.7' (5.1' required) from thee interior side (west) property line and spaced 4.93' (10' required).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Cabrera/Arencibia Residence," as prepared by Sol-Arch, dated stamped received 6/1/10 and consisting of 4 pages. Plans may be modified at public hearing.
LOCATION: 9440 S.W. 36 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 51' x 139.97'

Department of Planning and Zoning Recommendation: Approval with conditions.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from: 9-15-10

NOTICE

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

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

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

A. NASEEM T. UDDIN
(Applicant)

10-7-CZ10-2 (09-164)
Area 10/District 10
Hearing Date: 10/20/10

Property Owner (if different from applicant) **NE SUNRISE INVESTMENTS CORP.**

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1988	Enrique Pimentel ET AL	- Use Variance for mortgage office. - Non-Use Variance of parking.	BCC	Approved w/conds.
1989	Tasnim Uddin	- Use Variance for office uses. - Non-Use Variance of parking. - Modification of plans.	ZAB	Approved on a modified basis.

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

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

B

APPLICANT'S NAME: **NASEEM T. UDDIN**

REPRESENTATIVE: **Rolin Sanchez Mandina**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
10-7-CZ10-2 (09-164)	September 15, 2010	CZAB10	10

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: October20, 2010 ☐ 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: The applicant's attorney was not at the hearing. A second attorney asked for the deferral because the main attorney was away on a family emergency.

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

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

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

#2

APPLICANT'S NAME: **NASEEM T. UDDIN**

REPRESENTATIVE: Paul H. Freeman (Attorney)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-7-CZ10-2 (09-164)	July 21, 2010	CZAB10		10

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Sept 15, 2010 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: To submit a covenant limiting uses on the site and submit a floor plan showing layout of both office uses.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		George A. ALVAREZ			X
COUNCILMAN		Jorge BARBONTIN			X
VICE-CHAIRMAN	S	Jose GARRIDO (C.A.)	X		
COUNCILMAN	M	Carlos A. MANRIQUE	X		
COUNCILMAN		Rueben POL III	X		
CHAIRMAN		Julio R. CACERES	X		
		VOTE:	4	0	

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

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

APPLICANT: Naseem T. Uddin | **PH:** Z09-164 (10-7-CZ10-2)

SECTION: 10-54-40 | **DATE:** October 20, 2010

COMMISSION DISTRICT: 10 | **ITEM NO.:** A

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) DELETION of Condition #2 of Resolution 4-ZAB-388-89, passed and adopted by the Zoning Appeals Board, reading as follows:

  "2. That not more than one office use be permitted to occupy the structure at any time.

  The purpose of request #1 is to allow the applicant to delete a condition that restricts the property to a single office use.

  (2) Applicant is requesting to permit 2 signs with a total area of 93.5 sq. ft. on the southwest wall elevation and 2 signs with a total area of 45 sq. ft. on the southeast wall elevation (one, 12 sq. ft. sign permitted for each street frontage).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Surgi-Staff & ISG Building Signs," as prepared by A & A Design Engineers, Inc., consisting of 2 sheets, dated stamped received 4/16/10. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application will allow the applicant to delete a condition of a previously approved resolution that restricts the property to a single office use and permit 2 additional signs on the property that are larger than permitted by the zoning regulations on this site.

- **LOCATION:** 8281 S.W. 24 Street, Miami-Dade County, Florida.

- **SIZE:** 105.74' x 100'

B. ZONING HEARINGS HISTORY:

In 1988, the subject site was granted a use variance to permit a mortgage broker's office in the RU-1, Single-Family Residential District, as would be permitted in the RU-5A, Semi-Professional Office District, pursuant to Resolution #Z-140-88. Subsequently, pursuant to Resolution #4-ZAB-388-89, the subject property was granted a use variance to permit semi-professional office uses in the RU-1 District as would be permitted in the RU-5A zone along with variances to the parking regulations. The aforementioned resolution also restricted the structure to one office use at any time.

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 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise

apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

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

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

D. NEIGHBORHOOD CHARACTERISTICS:

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

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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.

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or **eliminate** any condition of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(c)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This item was deferred from the July 21, 2010 meeting of Community Zoning Appeals Board (CZAB) 10, to allow the applicant time to submit a covenant limiting the uses on the site and to submit a floor plan. Subsequently, the application was deferred from the September 15, 2010 meeting of CZAB 10 at the applicant's request. At the time of writing, the applicant has not submitted the site plan with a floor plan, therefore, staff has not yet reviewed the floor plan. 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. The subject property is currently developed with an office which was granted a use variance in 1989 to permit semi-professional office uses in the RU-1, Single-Family Residential District as would be permitted in the RU-5A, Semi-Professional Office District, along with variances from the parking regulations. The existing zoning clause of the interpretative text of the CDMP states that 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." As such, the existing office use is consistent with the LUP map and the interpretative text of the CDMP. However, staff opines that approval of the applicant's request to increase the number of office uses on this site would be overly intensive and would set a negative precedent for multiple office uses on single-family residential sites in this RU-1 zone. Additionally, staff notes that **Policy 9B vii** of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. Staff is of the opinion that the

proposed signage is excessive and therefore should be denied. As such, although the existing office use is **consistent** with the interpretative text and the LUP map designation of **Low Density Residential** use, staff opines that approval of this application, which would allow multiple office uses and signage, would be overly intensive and lead to a proliferation of signage on the property which would be **incompatible** with the surrounding area which is characterized by residential developments. Staff, therefore, recommends that the application be denied without prejudice.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department **(MDFRD)** has **no objections** to this application and has indicated that the average travel response time for this site is **6:09** minutes.

When request #1, to allow the applicant to delete a condition of a previously approved resolution that restricts the property to a single office use is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of the request would result in an overly intense use of the site and would therefore be **incompatible** with the predominant residential uses found to the north of SW 24 Street. Staff notes that based on memoranda from the Public Works Department, DERM and MDFRD, approval of this request would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance. However, staff opines that although a substantial amount of the residential properties that abut SW 24 Street and SW 84 Avenue were approved for use variances to allow offices in the RU-1 zone as would be permitted in the RU-5A zone, the majority of them were restricted to one (1) office use only. As such, staff opines that approval of this request to allow more than one (1) office use would set a precedent for more intensive use of these residential properties and result in a proliferation of office uses in this area. This would in staff's opinion likely result in additional traffic on the adjoining streets and would result in a negative impact on the residential uses to the north as well as the remaining residential uses along the north side of SW 24 Street in this area. Further, staff opines that since the zoning and any approvals for variances run with the land, approvals for a deletion of this condition would allow subsequent owners to establish multiple office uses on the subject property. Staff, therefore, recommends denial without prejudice of request #1 under Section 33-311(A)(7) Generalized Modification Standards.

When request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area and would negatively affect the appearance of the community. The plans submitted for this application indicate that the property currently has two (2) wall signs with a total of 93.5 sq. ft. on the south elevation of the building and two (2) wall signs on the east elevation with a total of 45 sq. ft., which identify the business of the occupant on the east and south facades of the building. Staff notes that the RU-5A District, regulations would allow the applicant a maximum of one (1) 12 sq. ft. sign for each street frontage, which staff opines would be adequate and would preclude the appearance of visual clutter due to excessive signage. Staff notes that the request for additional signage which exceeds the permitted square footage is in part germane to the applicant's request to allow an additional office use on the subject site. However, as previously mentioned, staff is not supportive of the applicant's request for an additional office use and therefore would not be supportive of two (2) additional wall signs in excess of the two (2) allowed by the RU-5 zoning regulations. In the case of the signs on the south elevation, combined they are almost seven (7) times larger than the square footage permitted by Code. Staff opines that the approval of these two (2) additional signs in the RU-1 zoning district would be excessive and could set a negative

precedent for the proliferation of signage in this area. Therefore, staff recommends denial without prejudice of #2 under Section 33-311(A)(4)(b) (NUV).

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

J. **CONDITIONS**: None.

DATE TYPED: 05/17/10
DATE REVISED: 05/18/10, 06/01/10, 06/09/10, 07/27/10, 09/16/10, 10/01/10
DATE FINALIZED: 10/01/10
MCL:MTF:NN:NC:CH

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

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2009

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

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

Subject: C10 #Z2009000164
Naseem Uddin
8281 S.W. 24th Street
Deletion of Conditions a Previous Approved Resolution to Allow a Medical Office Use and More than One Office
(RU-1) (0.24 Acres)
10-54-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Hazardous Materials Management

Due to the nature of activities inherent to some of the permitted land uses, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants. The applicant is advised to contact the Permitting Section of DERM's Pollution

Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices as related to the handling of hazardous materials.

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

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

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

Tree Preservation
The proposal of the deletion of conditions to a previous approved resolution will not impact tree resources. Therefore, DERM has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24.

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

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

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

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

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

PH# Z2009000164
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: NASEEM T. UDDIN

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
18-FEB-10

Memorandum

Date: 01-DEC-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000164

Fire Prevention Unit:

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

Service Impact/Demand

Development for the above Z2009000164
located at 8281 SW 24 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1440 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:09 minutes

Existing services

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

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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2010

To: Franklin Gutierrez, Zoning Services Coordinator
Agenda Coordinator's Office

From: James Byers, Zoning Permitting Division Chief
Department of Planning and Zoning

Subject: 09-164 Folio: 3040100011380

Enforcement History

An inspection On June 4, 2010, revealed two businesses operating from this location of 8281 SW 24 Street. In accordance with Resolution No. 4ZAB-388-89, only one office use is permitted at any one time. Surgi-Staff has a valid Certificate of Use. Insurance Solutions is the second tenant and this company is operating without a valid Certificate of Use. A Notice of Violation will be issued.

A review of Building Neighborhood Compliance Department's records showed that there is one open case for erecting a sign without a permit, 2009013406.

DATE: 28-DEC-09

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

NASEEM T. UDDIN

APPLICANT

8281 SW 24 ST, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000164

HEARING NUMBER

HISTORY:

Current case:
200903011229 -NOV issued in 12/09 for Two Canopies Without Permit.

Previous Case:

200803007589 -NOV issued in 7/08 for Overgrowth. Case closed as complied.

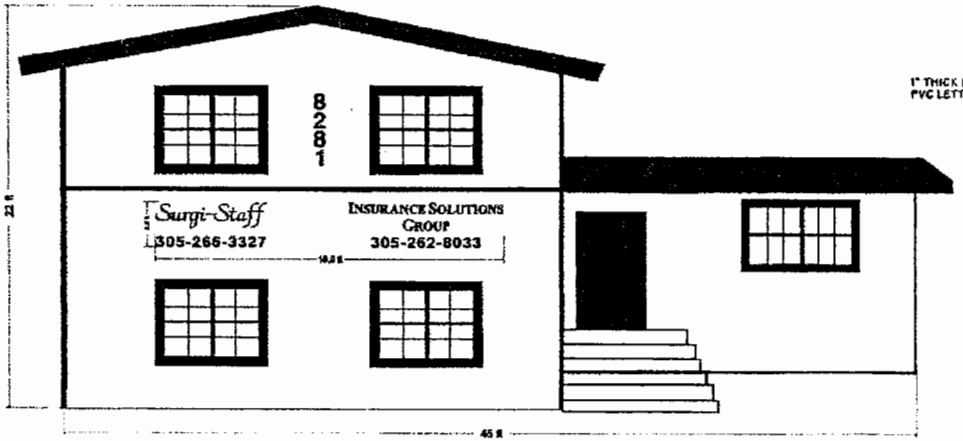
OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

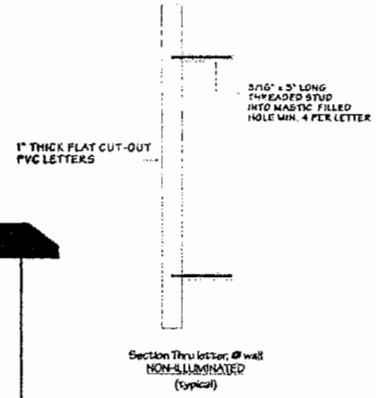
15

Z09-164

NON-ILLUMINATED SIGN



EAST ELEVATION



Surgi-Staff
305-266-3327

INSURANCE SOLUTIONS GROUP
305-262-8033

2.6 ft
18.0 ft

WALL AREA: 710 SQ. FT.
SIGN AREA: 45 SQ. FT.

Project: Surgi-Staff & ISG Building Signs
Address: 8281 SW 24tH Street
Miami, FL 33155
Prepared by: E.A. Suarez, P.E. #17591
Date: October 22, 2009

A&A DESIGN ENGINEERS, INC.
6050 SW 79th COURT
MIAMI, FL 33143

Angel 12/7/09

2.5 X 18 = 45 ✓
1.5 max permitted

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z09-164
DATE: APR 16 2010
BY: SDE

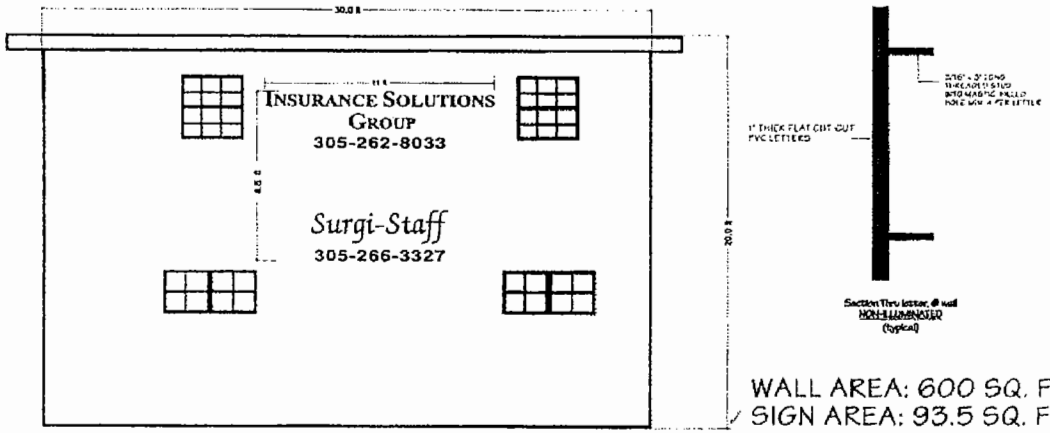
LSTRW

16

Z09-164

ZONING HEARINGS SECTION
DADE COUNTY PLANNING AND ZONING DEPT.
BY: AH

NON-ILLUMINATED SIGN



WALL AREA: 600 SQ. FT.
SIGN AREA: 93.5 SQ. FT.

SOUTH ELEVATION

Project: Surgi-Staff & ISG Building Signs
Address: 8281 SW 24th Street
Miami, FL 33155
Prepared by: E.A. Suarez, P.E. #17591
Date: October 22, 2009

A&A DESIGN ENGINEERS, INC
6050 SW 79th COURT
MIAMI, FL 33143

8.5x11 = 93.5 #

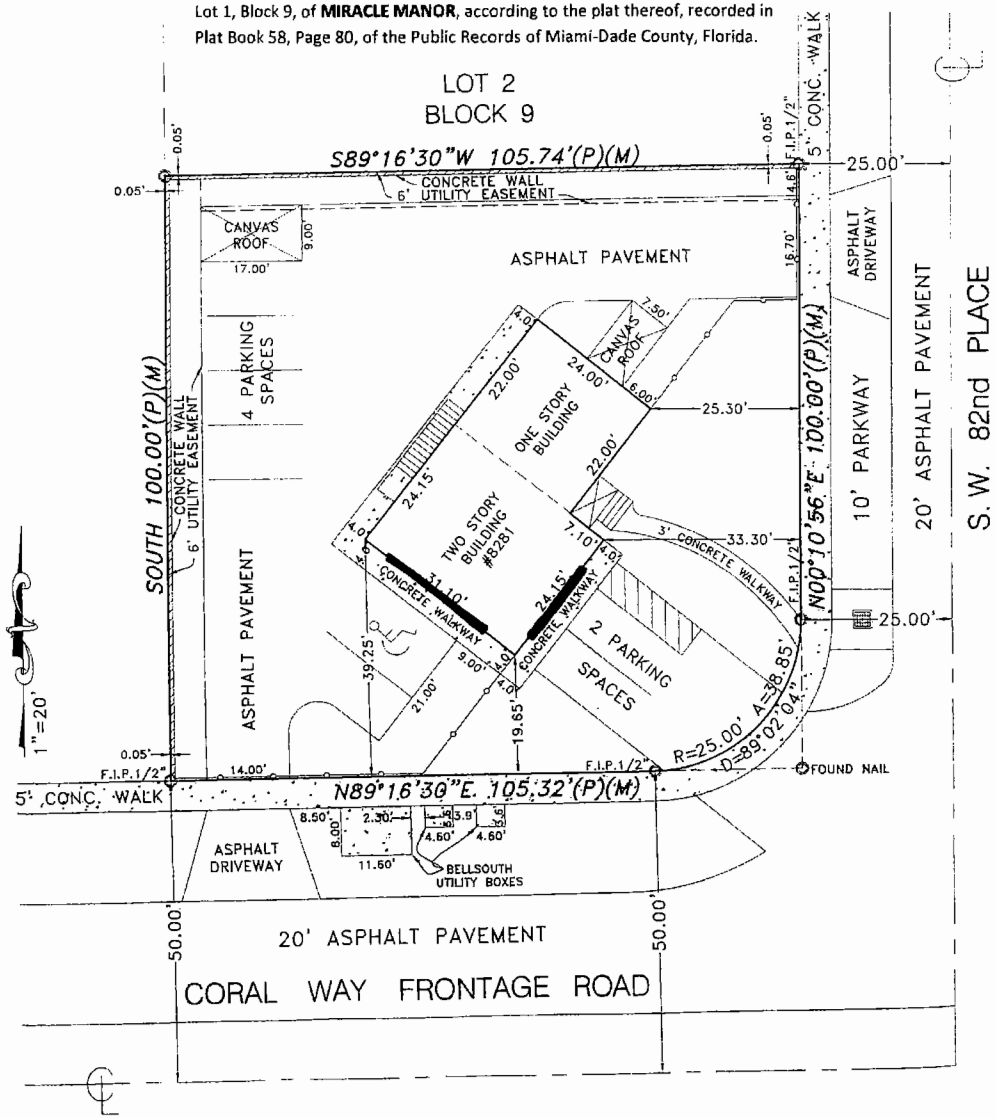
12/17/09

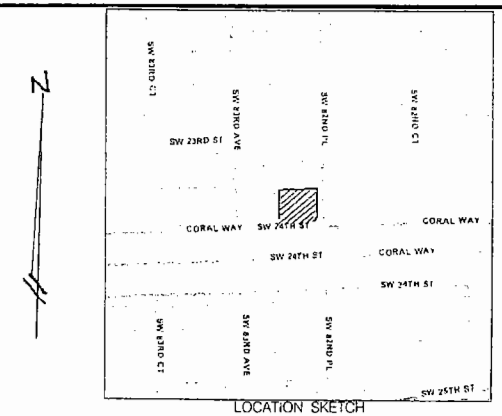
RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z09-164
DATE: APR 16 2010
BY: SDE

1st Rev.

Legal Description:

Lot 1, Block 9, of **MIRACLE MANOR**, according to the plat thereof, recorded in Plat Book 58, Page 80, of the Public Records of Miami-Dade County, Florida.





LOCATION SKETCH
NOT TO SCALE

Certified to:
TASNIM UDDIN & NASEEMT UDDIN

Flood Zone:
Community Number: 120635
Community Name: Miami-Dade County
Panel: 0452
Date of Firm Index: 9/11/2009
Suffix: L
Firm Zone: AH
Base Flood Elevation: 8.0

TOPOGRAPHIC SURVEY
Date of Completion: 10/05/2009
Date of Field Work: 10/01/2009

Property Address:
8281 S.W. 24 STREET
MIAMI, FLORIDA 33155

Survey: S-8532

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NOV 18 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS.
- EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECT THIS PROPERTY.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBERANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- ONLY VISIBLE AND ABOVE GROUND ENCROACHMENTS LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL
- FENCE OWNERSHIP NOT DETERMINED.
- BEARINGS REFERENCED TO LINE NOTED AS B.R.
- BOUNDARY SURVEY MEANS A DRAWING AND/OR GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE.
- NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYOR'S EMBOSSED SEAL.
- DIMENSIONS SHOW ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. 1929 UNLESS OTHERWISE NOTED.
- THIS IS A BOUNDARY SURVEY UNLESS OTHERWISE NOTED.
- THIS BOUNDARY SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATIONS DO NOT EXCEED TO ANY UNNAMED PARTIES.

SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. THIS COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL LAND SURVEYOR'S IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 427.027 FLORIDA STATUES.

SIGNED_____ FOR THE FIRM
MIGUEL ESPINOSA | P.S.M. No.5101 STATE OF FLORIDA
NOT VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL AND/OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

MIGUEL ESPINOSA
LAND SURVEYING, INC.
10665 S.W. 190th STREET – SUITE 3210
MIAMI, FLORIDA 33157
PHONE: (305) 262-2992
FAX: (305) 262-2995
www.espinosalandsurveying.com
L.B. 6463

8

LEGEND OF SURVEY ABBREVIATIONS

A	ARC LENGTH
A/C	AIR CONDITIONER
ADD	ADDITION
ADJ	ADJACENT OR ADJOINING
AE	ANCHOR EASEMENT
ALUM.	ALUMINUM
ASPH	ASPHALT
B/C	BUILDING CORNER
BCR	BROWARD COUNTY RECORDS
BLDG	BUILDING
BLK.	BLOCK
BM	BENCHMARK
BNDY	BOUNDARY
B/W	BACK OF WALK
C	CALCULATED
CB	CATCH BASIN
CBS	CONCRETE BLOCK STRUCTURE
CD	CHORD DIRECTION
CJB	CABLE JUNCTION BOX
CLF	CHAIN LINK FENCE
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
COR.	CORNER
COV.	COVERED
D	DEED
DB	DEED BOOK
DCR	DADE COUNTY RECORDS
D.E.	DRAINAGE EASEMENT
DOT	DEPARTMENT OF TRANSPORTATION
E/F	END OF FENCE
E/P	EDGE OF PAVEMENT
E/W	EDGE-OF WATER
ELEC.	ELECTRIC
ELEV.	ELEVATION
ENCL.	ENCLOSURE
EM	ELECTRIC METER
ESMT	EASEMENT
F/C	FENCE CORNER
F/L	FENCE LINE
FF	FINISHED FLOOR
FH	FIRE HYDRANT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
FN	FOUND NAIL
FND	FOUND
FN&D	FOUND NAIL & DISC
FN&T	FOUND NAIL & TAB
FP&L	FLORIDA POWER & LIGHT
GAR	GARAGE
GAW	GUY WIRE
HW	HEAD WALL
ID	IDENTIFY, IDENTITY
INV	INVERT
IR	IRON ROD
IP	IRON PIPE
L	LENGTH
LB	LICENSED BUSINESS
LC	CHORD DISTANCE
LD	LEGAL DESCRIPTION
LFF	LOWEST FINISHED FLOOR
LP	LIGHT POLE
LS	LAND SURVEYOR
M	MEASURED
MAINT	MAINTENANCE
MH	MANHOLE
NO.	NUMBER
N.T.S.	NOT TO SCALE
O/H	OVERHANG
O.P.	OPEN PORCH
O.R.B.	OFFICIAL RECORDS BOOK
O/S	OFFSET
O/W	OVERHEAD WIRES
P	PLAT
PAR	PARCEL
PB	PLAT BOOK
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PG	PAGE
PI	POINT OF INTERSECTION
PK	PARKER KALON
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PRM	PERMANENT REFERENCE MONUMENT
PRC	POINT OR REVERSE CURVE
PT	POINT OF TANGENCY
PVMT	PAVEMENT
R	RADIUS OR RECORD
REC	RECORD
RCP	REINFORCED CONCRETE PIPE
RES	RESIDENCE
RET	RETENTION / RETAINING
RNG	RANGE
R/W	RIGHT - OF - WAY
SAN	SANITARY
SBT	SOUTHERN BELL TELEPHONE
SCN	SCREEN
SE	SOUTHEAST
SEC	SECTION
SEW	SEWER
SN&D	SET NAIL & DISC LB #6463
SP	SCREEN PORCH
SP&C	SET 1/2" PIN & CAP LB #6463
SR	STATE ROAD
SRC	SET REFERENCE CORNER
STA	STATION
STM	STORM
STY	STORY
SUBD	SUBDIVISION
T	TANGENT
TB	TOP OF BANK
TBM	TEMPORARY BENCH MARK
TRANS	TRANSFORMER
TWP	TOWNSHIP
TYP	TYPICAL
UE	UTILITY EASEMENT
UGD	UNDERGROUND
WD	WOOD
WM	WATER METER
WV	WATER VALVE

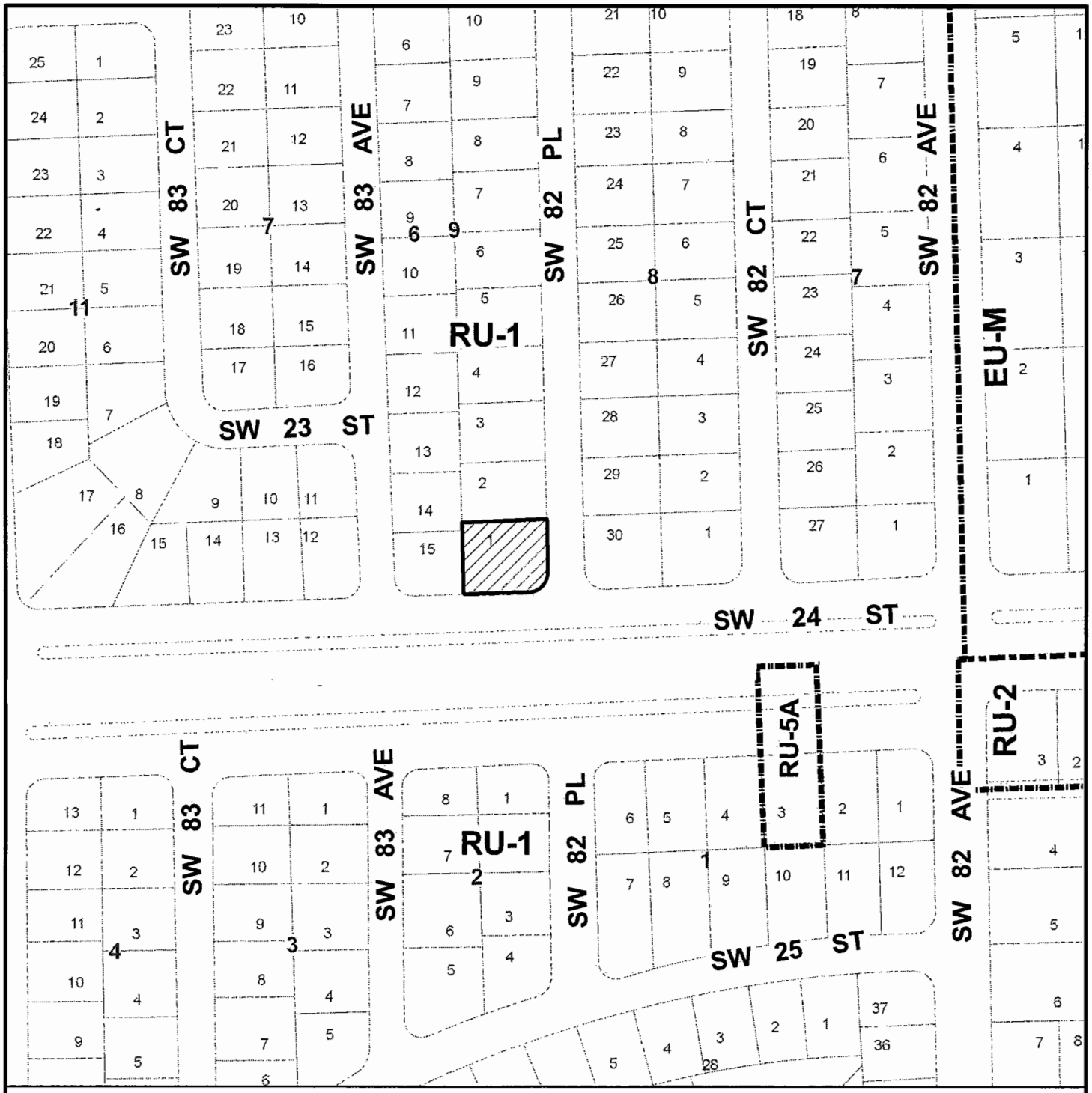
RECEIVED
209-164
NOV 18 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

MIGUEL ESPINOSA
LAND SURVEYING, INC.
LAND PLANNERS – SURVEYORS

10665 S.W. 190 STREET – SUITE 3210
MIAMI, FLORIDA 33157

Phone: (305) 262-2992

Fax: (305) 971-8383



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-164

Section: 10 Township: 54 Range: 40
Applicant: NASEEM T. UDDIN
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/20/09

REVISION	DATE	BY
Revision STR #	6/24/10	JGURD

19

MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-164

Section: 10 Township: 54 Range: 40
Applicant: NASEEM T, UDDIN
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/20/09

REVISION	DATE	BY

NASSEN T. UDDIN
09-164
ITEM A

This instrument was prepared by:
Name:
Paul H. Freeman, Esq.
1840 West 49th Street
Suite 410
Hialeah, FL 33012

Received by
Zoning Agenda Coordinator
SEP 0 2 2010

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 09-164 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) The Property may be used to operate two (2) businesses provided: (a) the businesses shall have common ownership; (b) one of the businesses is Surgi-Staff, Inc.; (c) the businesses shall both share a common entrance and waiting area; (d) no changes may be made to the interior configuration of the Property; (d) no additions shall be allowed to the building.

(2) All parking for patrons and staff shall be onsite.

Section-Township-Range: 10-54-40
Folio number 30-4010-001-1380

(Space reserved for Clerk)

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

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

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

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

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

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

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

(Space reserved for Clerk)

INDIVIDUAL

Signed, witnessed, executed and acknowledged on this 27 day of August, 2010.

WITNESSES:

Signature

SARAH UDDIN

Print Name

Signature

PAUL H. FREEMAN

Print Name

Individual Signature

NASEEM T. UDDIN

Print Name

Address: 7630 SW. 73rd PL

MIAMI, FL 33143

STATE OF PA **COUNTY OF** Philadelphia

The foregoing instrument was acknowledged before me by Naseem T. Uddin, who is personally known to me or has produced FL ID# U350-038-53-058 as identification.

Witness my signature and official seal this 27 day of August, 2010, in the County and State aforesaid.

Notary Public-State of PA

Kevin Kelly

Print Name

My Commission Expires: 4-30-11

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kevin Kelly, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires April 30, 2011
Member, Pennsylvania Association of Notaries

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

Lot 1, Block 9, MIRACLE MANOR, according to the Plat thereof, as recorded in Plat Book 58, Page 80, of the Public Records of Miami Dade County, Florida, more commonly known as 8281 S.W. 24th Street, Miami, Florida 33155.

B. FERNANDO RODRIGUEZ
(Applicant)

10-9-CZ10-4 (10-056)
Area 10/District 10
Hearing Date: 10/20/10

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
	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
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#4

APPLICANT'S NAME: **FERNANDO RODRIGUEZ**

REPRESENTATIVE: Applicant not present at the hearing.

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
10-9-CZ10-4 (10-056)	September 15, 2010	CZAB10	10

REC: Approval with conditions.

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

■ DEFER: ☐ INDEFINITELY ■ TO: October 20, 2010 ☐ 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 due to a death in his family. The request was made in an email from the applicant to staff. The email was read on the record to the Board.

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

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: _____

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

APPLICANT: Fernando Rodriguez **PH:** Z10-056 (10-9-CZ10-4)

SECTION: 15-54-40 **DATE:** October 20, 2010

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

==========

A. INTRODUCTION:

- **REQUEST:**

  Applicant is requesting to permit an existing addition to a single-family residence setback varying from 15.02' to 15.4' (25' required) from the rear (south) property line.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization for Fernando Rodriguez," as prepared by Ruben Pujol, Architect, dated stamped received 6/21/10 for a total of 2 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicant seeks to permit the continued use of an existing single-family residence setback less than the required distance from the rear (south) property line.

- **LOCATION:** 8250 SW 32 Street, Miami-Dade County, Florida

- **SIZE:** 77' x 100'

- **ZONING HEARINGS HISTORY:** None .

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property within the Urban Development Boundary (UDB) 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, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua

SURROUNDING PROPERTY:

NORTH:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua

E. SITE AND BUILDINGS:

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

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

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.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This item was deferred from the September 15, 2010, meeting at the applicant's request. The subject property is an interior lot located at 8250 SW 32 Street in an area zoned RU-1, Single-

Family Residential District, and developed with single-family residences. 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 density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP.

The Department of Environmental Resources Management **(DERM)** and the Public Works Department **(PWD)** have **no objections** to this application. The Miami-Dade Fire Rescue Department **(MDFRD)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time to this site is **4:07** minutes.

When the application is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval subject to conditions of this request would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. Approval of this request will allow the maintenance and continued use of the existing master bedroom and covered terrace addition to the residence which encroach into the rear (south) setback area. Staff notes that the applicant obtained a building permit in 1991 for a family room addition to the front of the existing residence. The submitted plans and the survey at that time depicted a portion of the residence which is now shown on the floor plan as a master bedroom and bathroom addition, setback 15.3' from the rear (south) property line. However, the covered terrace addition which is setback 15.4' from the rear (south) property line was constructed since then without the required permits. Therefore, the applicant is required to obtain the necessary permits for the covered terrace addition. Staff also notes that the survey and pictures submitted by the applicant depict an existing 6' high CBS and wood fence which runs along the rear (south) property line. As such, staff opines that the 9.96' to 9.98' encroachment into the rear setback area is adequately buffered by said 6' high CBS wall and wood fence and that the aforementioned encroachment is visually unobtrusive to the surrounding properties and, therefore, does not result in an obvious departure from the aesthetic character of the surrounding area.

Staff further notes that similar requests were approved through zoning hearings within the immediate vicinity of the subject property. For example, in 1996, a property located at 8331 SW 33 Terrace was approved for a request to permit an existing residence setback 10.7' from the rear (north) property line, pursuant to Resolution #5-ZAB-142-96. Additionally, a property located to the east of the subject property at 3200 SW 80 Avenue was approved pursuant to Resolution #CZAB10-66-05. However, staff opines that due to the configuration of the floor plans of the existing master bedroom addition, inclusive of two full bathrooms, and an entrance door along the east elevation, future owners could easily convert the addition into a second residential unit. Therefore, staff recommends as a condition for the approval of the application that the applicant submits a Declaration of Use agreement which restricts the use of the property to single-family use only, that the exterior entrance door depicted on the east elevation of the submitted plans be removed or replaced by a fire approved egress window, and that the covered terrace addition remains open-sided. Additionally, staff recommends that the door way between the master bedroom and bedroom #2 as depicted on the plans be sealed. As such, staff opines that the approval of this application subject to conditions under Section 33-311(A)(4)(b), NUV Standards would not have a negative visual impact on the surrounding community.

Based on all of the aforementioned, staff opines that, subject to the recommended conditions, the approval of the application is **compatible** with the surrounding properties and **consistent**

with the LUP map of the CDMP. Staff therefore recommends approval with conditions of the application under Section 33-311(A)(4)(b).

I. **RECOMMENDATION:** Approval with conditions.

J. **CONDITIONS:**

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing to the Department of Planning and Zoning entitled "Legalization for Fernando Rodriguez," as prepared by Ruben Pujol, Architect, dated stamped received 6/21/10 for a total of 2 sheets, except as amended herein to show the removal of the entrance door from the east elevation or that said opening be replaced with a fire approved egress window and the closure of the doorway between the master bedroom and bedroom #2. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the covered terrace remain open-sided and not enclosed in any manner except for approved insect screen materials.

5. That the applicant maintain the existing 6' high CBS wall and wood fence along the rear (south) property line.

6. That the applicant submit a Declaration of Use Agreement in recordable form which is acceptable to the Director that restricts this property to a single-family use only.

7. That the applicant apply for a building permit for the covered terrace addition from the Building Department within 90 days after final public hearing approval of this application.

DATE TYPED: 07/16/10
DATE REVISED: 07/16/10, 07/27/10, 08/04/10, 08/20/10, 09/16/10, 10/01/10
DATE FINALIZED: 10/01/10
MCL:GR:NN:NC:CH

for

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

NDN
GR

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2010

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

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

Subject: C-10 #Z2010000056
Fernando Rodriguez
8250 S.W. 32nd Street
To Permit a Single-Family Residence Setback Less than Required from Property Lines
(RU-1) (0.18 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.

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

Concurrency Review Summary

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum

Date: 09-JUN-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2010000056

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2010000056
located at 8250 S.W. 32 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1527 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: 4:07 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.

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

DATE: 03-SEP-10

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

FERNANDO RODRIGUEZ

APPLICANT

8250 SW 32 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000056

HEARING NUMBER

HISTORY:

Open Cases:

NEIGHBORHOOD COMPLIANCE

None

BUILDING

None

Previous Cases:

NEIGHBORHOOD COMPLIANCE

CMS#200303006768 ¿Complaint in 7/2003 for Abandoned Vehicle in right-of-way. Case closed as not in violation.

CMS#200303008309 ¿Complaint in 9/2003 for Overgrown Property. Case closed as not in violation.

CMS# 200703004789 ¿CVN issued in 5/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

CMS# 200703004954 ¿CVN issued in 5/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

CMS#200703004955 ¿CVN issued in 5/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

CMS#200703005671 ¿CVN issued in 6/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

CMS#200703005672 ¿CVN issued in 6/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

CMS#200903007409 ¿CVN issued in 8/2009 for Unauthorized Use- marijuana grow house. CVN paid. Case closed as complied.

CMS# 200903007410 ¿NOV issued in 8/2009 for Derelict Vehicles with expired or no tags. Case closed as complied.

CMS# 200903007411 ¿NOV issued in 8/2009 for Auto Repairs. Case closed as complied.

BUILDING

2006070306 -Natural Disaster Case Opened Using Damage Assessment Log for Working Without Permit. Case closed.

20090131793 ¿NOV issued in 8/2009 for Working Without Permit. Case closed. Case opened in error.

20090131850 ¿ CVNs issued for Working Without Permit ¿building, plumbing, mechanical, and electrical. Permits obtained. CVNs paid. Case closed as complied.

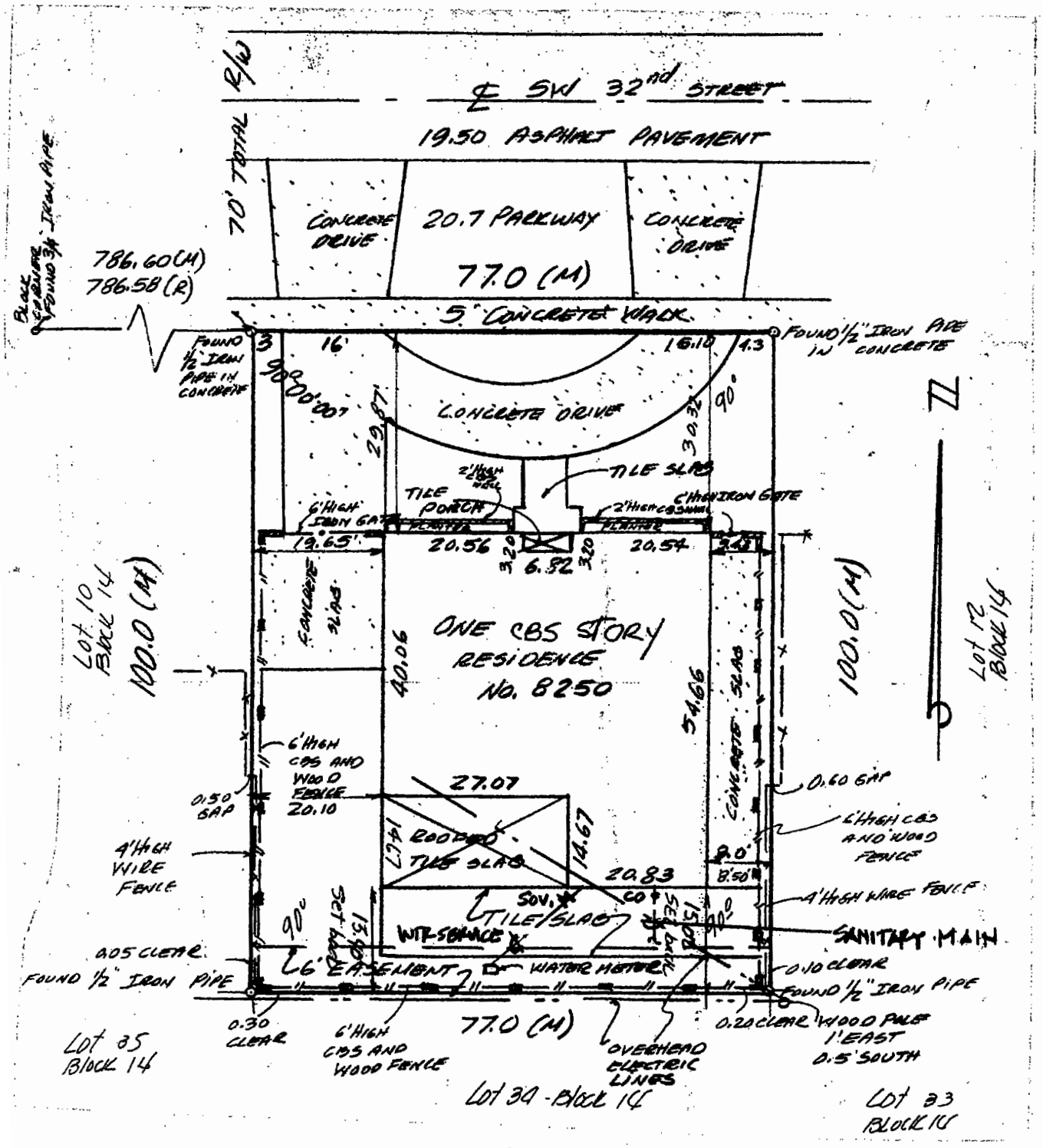
N/A

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

N/A

REPORTER NAME:

N/A



SITE PLAN **1"=20'**

ENLARGED SITE PLAN

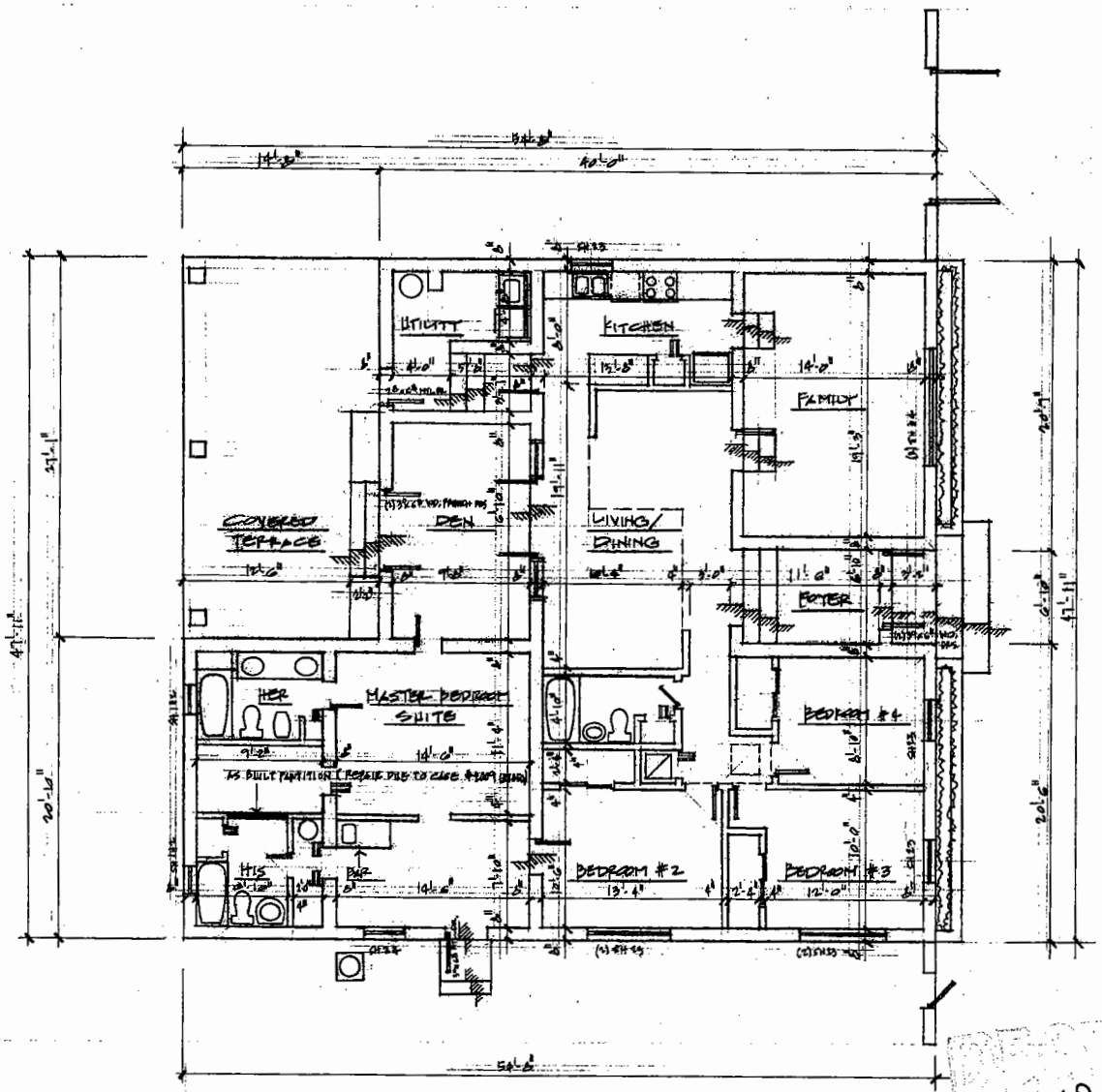
210-056

JUN 21 2010

RECEIVED
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

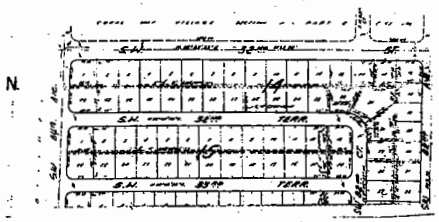
12

13



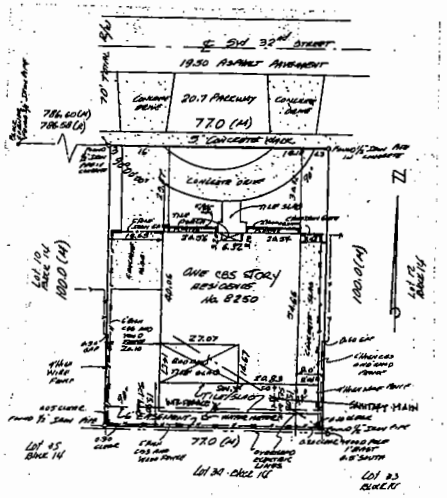
EXISTING FLOOR PLAN 1/4"

LOCATION MAP
SCALE = 1" = 200'



LEGAL DESCRIPTION

LOT 11, ~~BLOCK 16, CORAL WAY VILLAGE~~ SECTION A PART 3 PLAT BOOK 51, PAGE 55, DADE COUNTY, FLORIDA



SITE PLAN 1"=20'

210-056

210-056
JUN 21 2010

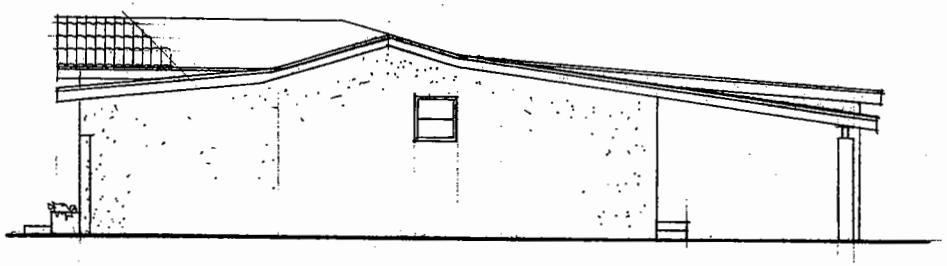
REVISIONS | BY
10/12/2010 SITE PLAN
CLIENT REQUEST DIMENSIONS

RUBEN J. PUJOL
ARCHITECT
A.I.A. AR # 0000488 N.C.A.
PHONE: (305) 1CGA-RIBB
2937 S.W. 27 AVE. TEL: 529-1177
MIAMI, FLORIDA 33133

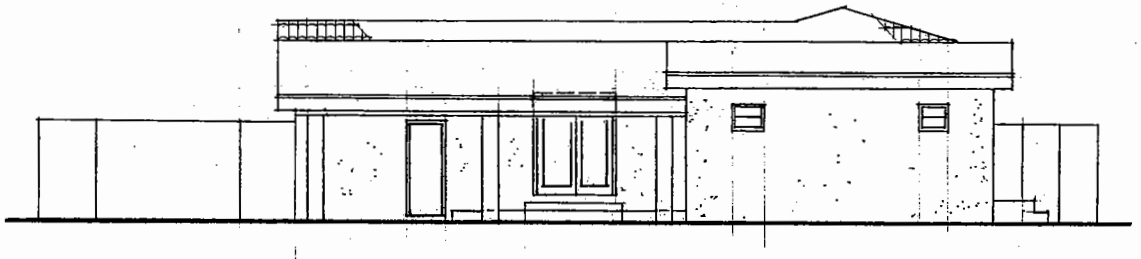
LEGALIZATION FOR
FERNANDO RODRIGUEZ
8250 S.W. 32 STREET, MIAMI, FLORIDA
PHONE: (786) 663-9517

Date 4/28/2010
Scale 1/4" = 1'-0"
Drawn F.R.P.
Job 2010-056
Sheet A-1.1

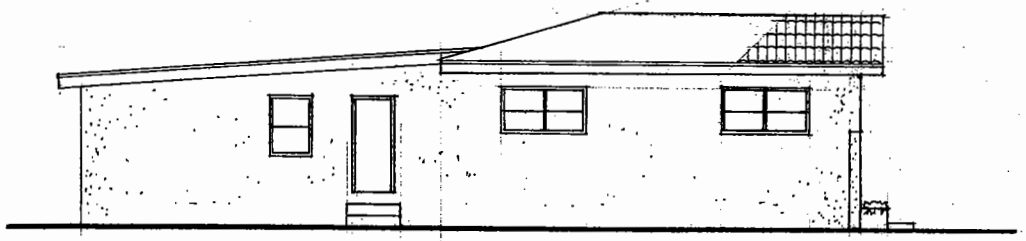
14



WEST ELEVATION ¼"

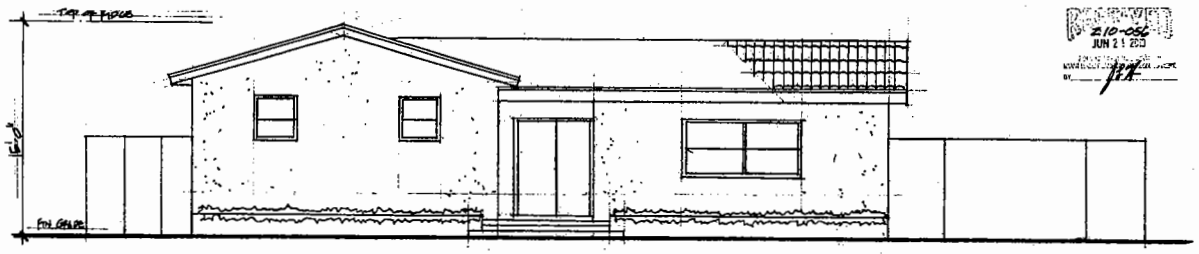


SOUTH ELEVATION ¼"



EAST ELEVATION ¼"

210-056



NORTH ELEVATION ¼"

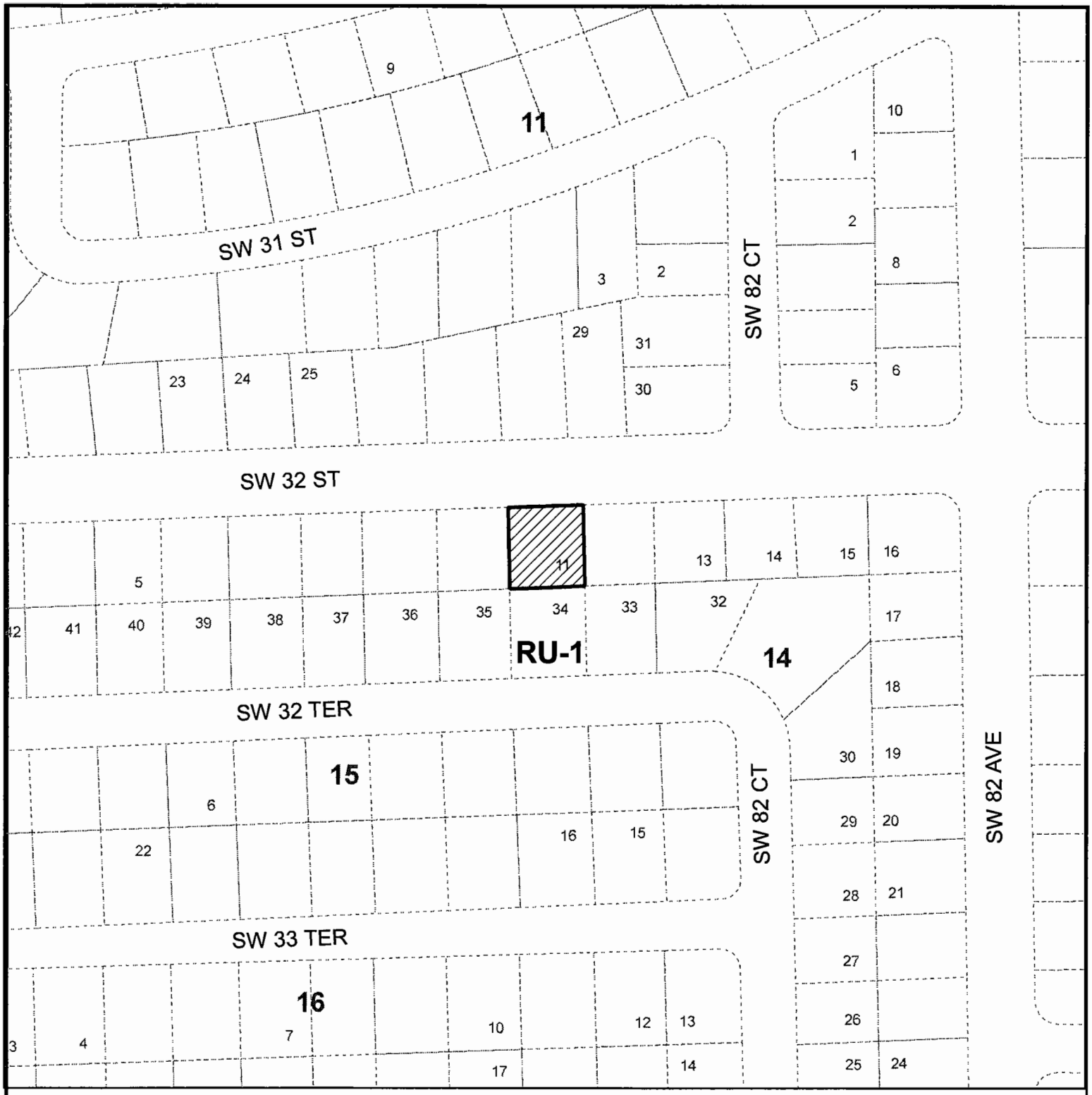
210-056
JUN 21 2010

REVISIONS	BY

RUBEN J. PUJOL
ARCHITECT
A.I.A. AIA # 0010488 N.C.A.
PHONE : (305) 948-8188
1428 BRICKELL AVE. TERRACE
MIAMI, FLORIDA 33131

LEGALIZATION FOR
FERNANDO RODRIGUEZ
8250 S.W. 32 STREET, MIAMI, FLORIDA
PHONE: (786) 663-9517

Date: 6/19/2010
Scale: SHOWN
Drawn: R.J.P.
Job: 2010-04
Sheet: A-2
Of Sheets



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000056

Legend
Zoning
Subject Property Case

N W E S

Section: 15 Township: 54 Range: 40
Applicant: FERNANDO RODRIGUEZ
Zoning Board: C10
Commission District: 10
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, May 24, 2010

REVISION	DATE	BY
		15

MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000056

Legend
Subject Property

N
W E
S

Section: 15 Township: 54 Range: 40
Applicant: FERNANDO RODRIGUEZ
Zoning Board: C10
Commission District: 10
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, May 24, 2010

REVISION	DATE	BY

1. T-MOBILE SOUTH LLC &
UNITED STATES DEVELOPMENT L.T.D.
(Applicant)

10-10-CZ10-1 (08-171)
Area 10/District 11
Hearing Date: 10/20/10

Property Owner (if different from applicant) **United States Development LTD.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1974	Southern Holding Corporation	- Zone change from GU to BU-2.	BCC	Approved w/conds.
1982	Marody, N.V.	- Zone change from RU-4M to BU-2. - Zone change from BU-2 to RU-4M.	BCC	Approved w/conds.
1984	Las Americas V Corp.	- Special Exception. - Non-Use Variance.	ZAB	Modified Approval
1986	Las Americas V Corp.	- Non-Use Variance of signage.	ZAB	Approved in part
1987	Concessionaries America Corp.	- Special Exception to permit a liquor store.	ZAB	Approved
1987	Dorody Jewelry, Inc.	- Use Variance for a pawn shop.	ZAB	Approved
1992	Las Americas #5 Corp.	- Modification of condition #2 of resolution 4-ZAB-182-84.	ZAB	Approved

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

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

APPLICANTS: T-Mobile South, LLC and United States Development Ltd.

PH: Z08-171 (10-10-CZ10-1)

SECTION: 12-54-39

DATE: October 20, 2010

COMMISSION DISTRICT: 11

ITEM NO.: 1

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A. INTRODUCTION

o **REQUESTS:**

(1) UNUSUAL USE to permit a 100' high camouflaged wireless supported service facility (cellular tower) designed as a flagpole and ancillary equipment.

OR IN THE ALTERNATIVE, REQUEST #2:

(2) SPECIAL EXCEPTION permit a 100' high camouflaged wireless supported service facility (cellular tower) designed as a flagpole and ancillary equipment.

(3) MODIFICATION of Condition #2 of Resolution 4-ZAB-182-84, last modified by 4-ZAB-216-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets."

(4) MODIFICATION of the existing Declaration of Covenant Restrictions and Easements recorded under Official Record Book 12182, Pages 2805 through 2809 and Official Record Book 12223, Pages 1515 through 1520 and last modified by Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main

shopping center area (main parcel) and separately platted individual out parcels (out parcels); and which site plan shall contain a landscape plan (hereinafter called landscape plan within the context of this covenant the term site plan shall mean the site plan, together with all exhibits attached thereto, including the landscape plan; and"

(1) SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza V,' as prepared by Miami Group 2, dated the 17th day of April, 1984. No modification shall be effected in said site plan without the written consent of the Building and Zoning Department of Metropolitan Dade County."

TO: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received on 4/23/92 and dated received 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels (out parcels); and which site plan shall contain a landscape plan (hereinafter called landscape plan within the context of this covenant the term site plan shall mean the site plan, together with all exhibits attached thereto, including the landscape plan; and"

"1 SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Central Plaza V,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets. No modification shall be effected on said site plan without the written consent of the Department of Planning and Zoning of Miami- Dade County."

(5) MODIFICATION of the existing Covenant Running With the Land recorded under Official Record Book 12182, Pages 2799 through 2802 and Official Record Book 12223, Pages 1508 through 1511 and last modified by Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels"

(1) SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1-15-92 on Landscaping Plan. No

modification shall be effected in said site plan without the written consent of the Building and Zoning Department of Metropolitan Dade County."

TO: "WHEREAS OWNER is desirous of developing the property as a shopping center site in accordance with the site plan dated received 4/23/92 on site plan and dated 1-15-92 on landscaping plan and prepared by Luis Cruz (hereinafter called site plan) containing a main shopping center area (main parcel) and separately platted individual out parcels."

"1 SITE PLAN COMPLIANCE: The property will be developed in substantial conformity with the site plan entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4/23/92 on the site plan and dated received 1/15/92 on the landscaping plan, and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets. No modification shall be allowed in said site plan without the written consent of the Department of Planning and Zoning of Miami- Dade County."

(6) MODIFICATION of the existing Declaration of Covenants Restrictions and Easements recorded under Official Record Book 27341, Pages 1906 through 1914, more particularly as it applies to the following paragraphs:

FROM: (4) "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan."

TO: (4) "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Las Americas Number 5,' as prepared by Luis Cruz, dated received 4-23-92 on the site plan and received Jan. 15, 1992 on the landscaping plan and plans entitled 'U.S. Development Ltd MD1312D,' as prepared by Mactec Engineering & Consulting, Inc., dated stamped received 12/7/09 for a total of 14 sheets."

The purpose of Requests #3 through #6 is to allow the applicant to submit a site plan showing a new camouflaged wireless support service facility located on a previously approved shopping center site.

- **SUMMARY OF REQUESTS:**

  The requests will allow the applicants to submit revised plans for a previously approved shopping center showing a new wireless facility with a 100' high monopole disguised as a flagpole.

- **LOCATION:** 11865 S.W. 26 Street, Miami-Dade County, Florida.

- **SIZE:** 25 Acres

B. ZONING HEARINGS HISTORY:

In June 1982, pursuant to Resolution No. Z-105-82, the subject property was rezoned from BU-2, Special Business District and RU-4M, Modified Apartment House District to BU-2. Subsequently, in 1984, pursuant to Resolution No. 4-ZAB-182-84, the subject property was approved to allow the development of a shopping center and a variance to permit openings in the wall along the interior side (north) property line. In 1992, pursuant to Resolution No. 4-ZAB-216-92, the subject property received approvals for modification of a condition of the previously mentioned 1984 Resolution and Declarations of Restrictions pertaining to said Resolution, specifically pertaining to the plans, in order to allow the applicant to enclose portions of the shopping center and increase the previously approved square footage of the shopping center.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the southern 229' of the subject property for **Business & Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as **cell towers** and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

Public Facilities. Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, **cell antenna**, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or **Business and Office** areas.

Uses and Zoning Not Specifically Depicted. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing 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 commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories and the objectives and policies of this plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-2; shopping center	Business and office
Surrounding Properties:	
NORTH: RU-4M; apartment buildings	High Density Residential, 60 to 125 dua
EAST: Florida Turnpike Extension	Transportation
SOUTH: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
BU-2; gas station, retail store	Business and Office
WEST: BU-2; gas station, retail, restaurants	Business and office
RU-4M; apartments, townhouses	High Density Residential, 60 to 125 dua
EU-1; church	Medium-High Density Residential, 25-60 dua

E. SITE AND BUILDINGS:

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

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.

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

Section 33-311(A)(18) Wireless Supported Service Facilities, including Antenna Support Structures. This subsection provides for the establishment of criteria, after public hearing, to hear and grant applications to allow a Wireless Supported Service Facility, including Antenna Support Structures. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(a) *Purpose.* The purpose of this subsection is to create objective standards to regulate Wireless Supported Service Facilities, including Antenna Support Structures. Upon demonstration at public hearing that a zoning application for a Wireless Supported Service Facility, including Antenna Support Structures is in compliance with the standards herein and the underlying district regulations in section 33-36.2 and does not contravene the enumerated public interest standards established herein, the Wireless Supported Service Facility, including any Antenna Support Structure, shall be approved.

1. General standards

    a. The approval of the Wireless Support Facility shall not cause the subject property to fail to comply with any portion of this code or the Comprehensive Development Master Plan.

    b. The proposed Antenna Support Structure and related equipment shall comply with the underlying zoning district standard lot coverage regulations.

    c. The proposed Antenna Support Structure shall not involve any outdoor lighting fixture that casts light on the adjoining parcel of land at an intensity greater than that permitted by Section 33-4.1 of this code, unless providing safety lighting as required by FCC or FAA regulations.

d. A non-camouflaged Antenna Support Structure 100 feet in height or less, shall be setback from the property line of any existing residential dwelling and the property line of the nearest residentially zoned property located on a contiguous or adjacent parcel of land under different ownership a distance equal to 110 percent of the height of the Antenna Support Structure.

A survey, site plan or line of sight analysis illustrating this condition shall be provided by the applicant.

e. The proposed Wireless Supported Service Facility shall provide adequate parking and loading and provide ingress and egress so that vehicles servicing the facility will not block vehicular and pedestrian traffic on abutting streets.

f. The applicant's proposed Antenna Support Structure associated with the proposed Wireless Supported Service Facility shall be designed in such a manner that in the event of a structural failure, the failed portion of the Antenna Support Structure shall be totally contained within the parent tract.

g. Proposed fences have the "unfinished" side, if any, directed inward toward the center of the leased parcel proposed for installation of the Antenna Support Structure and related equipment.

h. Proposed fences will be constructed of durable materials and will not be comprised of chain link or other wire mesh, unless located in an AU or GU zoning districts.

2. Health and safety standards

a. The proposed Wireless Support Service Facility shall not block vehicular or pedestrian traffic on adjacent uses or properties.

b. The proposed Wireless Supported Service Facility shall be accessible to permit entry onto the property by fire, police and emergency services.

c. The proposed Wireless Supported Service Facility shall comply with any applicable Miami-Dade County aviation requirements.

d. Safe sight distance triangles are maintained pursuant to section 33-11 of this code.

3. Environmental standards

a. The proposed Antenna Support Structure and related equipment shall not result in the destruction of trees that have a diameter at breast height (as defined in Section 18A-3.(J) of this code) of greater than 10 inches, unless the trees are among those listed in Section 24-60(4)(f) of this code.

b. The proposed Wireless Supported Service Facility shall not be located in an officially designated natural forest community.

c. The proposed Wireless Supported Service Facility shall not be located in an officially designated wildlife preserve.

d. The applicant shall submit an environmental impact study prepared by a licensed environmental firm that the proposed Wireless Supported Service Facility will not affect endangered or threatened species or designated critical habitats as determined by the Endangered Species Act of 1974; and that the facility will not have a substantial deleterious impact on wildlife or protected plant species.

e. The applicant shall submit a historical analysis prepared by a professional cultural specialist that the proposed Wireless Supported Service Facility shall not affect districts, sites, buildings, structures or objects of American history, architecture, archeology, engineering or culture, that are listed in the National Register of Historic Places or applicable Miami-Dade County or State of Florida historic preservation regulations.

f. The proposed Wireless Supported Service Facility shall not be located on an Indian Religious site.

4. Necessity standards

a. The applicant shall establish that there are no available existing Wireless Supported Service Facilities or buildings within the prospective provider's search area suitable for the installation of the provider's proposed Antennas due to one or more of the following circumstances:

(i) existing Wireless Supporting Service Facilities or buildings within the search area have insufficient structural capacity to support the proposed antennas and related equipment; or

(ii) existing Wireless Supported Service Facilities or buildings within the search area are not of sufficient height to resolve the lack of wireless service coverage or capacity in the area intended to be served by the proposed Wireless Supported Service Facility or to cure the signal interference problem in that area; or

(iii) the proposed Antenna would cause radio frequency interference or other signal interference problems with existing Wireless Supported Service Facilities or buildings, or the Antenna on the existing Wireless Supported Service Facilities or buildings may cause signal interference with the provider's proposed Wireless Supported Service Facility; or

(iv) the owner of an existing building or Wireless Supported Service Facility located within the provider's search area that has existing height and structural capacity and would otherwise resolve the lack of wireless service coverage, a deficiency in capacity or signal interference problems, has rejected the provider's reasonable attempts to locate its Wireless Supported Service Facility on its building or facility.

The applicant shall provide evidence of one or more criteria listed in 4(a)(i)--(iv) above with an affidavit from a radio frequency engineer, structural engineer, owner or authorized provider's representative acceptable to the Department, as applicable. For purposes of this section, search area shall mean the geographic area within which the provider can demonstrate that the Wireless Supported Service Facility must be located in order to resolve the lack of wireless service coverage, a deficiency in capacity or signal interference problems.

b. The applicant shall demonstrate that the proposed Wireless Supported Service Facility will cure:

i. signal interference problems; or

ii. a total lack of wireless service coverage or capacity among all providers in the area intended to be served by the proposed Wireless Supported Service Facility; and

iii. will allow its customers to make and maintain wireless calls on a reliable basis as defined by the provider's quality criteria; and

c. The applicant shall provide information to permit independent verification of factual data relied upon by the applicant to establish 4(b) above, including, but not limited to the following:

i. the purpose for the proposed Wireless Supported Service Facility; and

ii. the following technical data for the proposed Wireless Supported Service Facility and for each existing, authorized, pending and proposed adjacent facility:

a. site name or other reference;

b. facility latitude and longitude;

c. site elevation;

d. for each antenna at each of the included facilities:

i. height of antenna radiation center;

ii. antenna type and manufacturer;

iii. maximum effective radiated output power, including the maximum total power radiated from all channels;

iv. azimuth of main antenna lobe; and

v. beam tilt and null-fill of each antenna.

iii. a complete up- and down-link power budget for the proposed Wireless Supported Service Facility, including any differences that may exist with the

power budgets of the adjacent facilities, to ensure that all of the gain and loss factors used by the applicant are included in a verification analysis.

iv. complete descriptions of methodology, formulas, data presented in appropriate parameter data units (e.g., Erlangs, Watts, dBm, ft.), existing traffic studies and trend analyses if the proposed facility is intended to cure a lack of capacity, and any other information necessary for an independent engineer to verify statements concerning signal interference or lack of capacity or coverage; and

v. identification of any equipment that differs from industry standards.

d. The applicant shall reimburse the department for fees charged to the department for independent verification of factual data relied upon by the applicant, as required pursuant to paragraph 4c above.

5. Mitigation standards

a. A non-camouflaged Antenna Support Structure or equipment building shall be located so that it does not obscure, in whole or in part, an existing view to any historically designated landmark, natural area, or natural water body (i.e., river, lake, ocean) from any residentially zoned property under different ownership.

b. Existing landscaping, vegetation, trees, intervening buildings or permanent structures shall be utilized to the maximum extent possible to obscure the view of the non-camouflaged Antenna Support Structure from public right-of-way or residentially zoned property.

c. Any proposed Antenna Support Structure shall be designed to accommodate the collocation of at least two (2) Providers.

d. All new non-camouflaged Antenna Support Structures approved at public hearing after adoption of this Ordinance, when exceeding 125 feet in height, must be structurally designed to accommodate at least three (3) Providers.

e. To minimize visual impact in all cases, new or reconstructed Antenna Support Structures shall:

(i) if non-camouflaged, utilize non-reflective galvanized finish or coloration to blend in with the natural environment unless Federal Aviation Administration painting or markings are otherwise required. The part of the Antenna Support Structure that is viewed against the sky and all Antennas attached thereto shall be a single color, either light gray or similar neutral color; the part of the Antenna Support Structure and all Antennas not viewed against the sky shall also be colored to blend with its surrounding background and harmonize with the color of existing structures or vegetation, as applicable; and

(ii) be designed to preserve all vegetation to the maximum extent feasible to mitigate visual impact and create a buffer that harmonizes with the elements and

characteristics of the existing parcel on which the Wireless Support Service Facility is located and adjacent properties; and

(iii) shall be designed to be harmonious with the architectural elements of the surrounding structures, such as bulk, massing and scale of surrounding properties; or be designed to blend and be harmonious with the principal structure on the property on which the Antenna Support Structure is proposed to be constructed and installed.

f. A camouflaged Antenna Support Structure shall be designed as an artificial tree or to serve a purpose other than supporting antennas (i.e., lighting of sports facilities, transmission of electrical and/or telephone lines, **flag poles**).

g. To reduce the visual impact, an Antenna Support Structure readily observable from residentially zoned districts located within the immediate vicinity of the leased parcel shall be a camouflaged Antenna Support Structure, unless the provider can demonstrate that an Antenna Support Structure of a monopole type would be less visually obtrusive or would reduce proliferation of additional Antenna Support Structures within the immediate vicinity of the search area of the leased parcel and thus reduce the cumulative visual impact caused by future additional Antenna Support Structures in the immediate vicinity. In all cases, Antenna Support Structures of the guyed wire or self-supporting lattice type for the purposes of providing wireless telecommunications services only, shall be prohibited within the immediate vicinity of all existing residentially zoned districts and residential structures, except that the parent tract of the application property site may contain a residential structure.

h. If a non-camouflaged Antenna Support Structure cannot be readily observed from residentially zoned property located within the immediate vicinity of the leased parcel, strongest support shall be given in the following order from most preferred to least preferred Antenna Support Structure type: existing Antenna Support Structures, existing buildings or structures, monopole, lattice or self-supporting or, guyed wire.

i. The architectural design, scale, mass, color, texture and building materials of any proposed equipment building structure shall be aesthetically harmonious with that of other existing or proposed structures or buildings on the parent and leased tracts and in the immediate vicinity.

j. The accessory wireless equipment building used in conjunction with the proposed Wireless Supported Service Facility shall be designed to mitigate visual impact and be comparable with the scale and character of the existing structures on the subject property and in the immediate vicinity, or blend into natural surrounding vegetation or buildings through the use of color, building materials, textures, fencing or landscaping to minimize visibility from or otherwise make the appearance of the accessory wireless equipment building the least visually obtrusive to adjacent uses and properties, as well as pedestrian and vehicular traffic.

k. If an alternative site exists, or could be constructed, for the Antenna Support Structure, that would provide substantially lesser impact upon residentially zoned districts located within the immediate vicinity of the proposed site and that would provide for a substantially equivalent level of coverage, interference or capacity

mitigation as what the applicant demonstrated is necessary pursuant to 33-311(A)(18)(4)(b), then the applicant shall locate the proposed facility on the alternative site.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject 25-acre parcel of land is located at 11865 SW 26 Street and is developed with a shopping center surrounded primarily by multi-family apartment buildings, townhomes to the north and west and single-family residences to the south. The existing shopping center and a companion site plan were approved, pursuant to Resolution No. 4-ZAB-182-84 in 1984. Said site plan was subsequently modified in 1992, pursuant to Resolution No. 4-ZAB-216-92. The entire subject parcel is designated **Business and Office** on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Additionally, the interpretative text also states that small scale institutional uses or facilities such as cell towers are permitted on compatible sites in Residential Communities subject to adequate design and buffering or if designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or **Business and Office** areas. As such, the existing shopping center and the proposed monopole wireless facility designed as a flagpole are **consistent** with the LUP map and the 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 Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and indicates that this application does not generate any additional daily peak hour vehicle trips. Additionally, the **Aviation Department** and the **Miami-Dade Fire and Rescue Department** (**MDFRD)** have **no objection** to this application. The MDFRD has indicated that the estimated average travel time to this location is **7.03** minutes.

When request #1, to permit a camouflaged wireless supported service facility designed as a 100' high flagpole and ancillary equipment is analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff opines that approval of the request would be **compatible** with the surrounding area, when considering the necessity for and reasonableness of such applied for use and modification in relation to the present development of the area. Staff notes that the Public Works Department, MDFRD and DERM, do not object to the application. Additionally, staff notes that the wireless facility designed as a 100' high flagpole, although substantially taller than the apartments to the north, is located approximately 147' from the nearest buildings on these adjoining properties and will not likely have a negative visual impact on them. Further, the proposed flagpole mounted facility is located to the rear of the

shopping center on a 25 acre parcel of land and 116' from the interior side (north) property line. Additionally, staff notes that the abutting property to the north consists of a number of multiple story apartment buildings, each at least five (5) stories high. As such, staff opines that approval of the applicant's request for an unusual use to permit a camouflaged wireless supported service facility designed as flagpole and ancillary equipment (request #1) would be **compatible** with the surrounding commercial and residential developments and as such may be approved under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

Staff notes that the applicants have requested that in the alternative to request #1, that this application also be analyzed under Section 33-311(A)(18). In accordance with Section 33-311(A)(18) (Wireless Supported Service Facilities, including Antenna Support Structures), the applicants have to demonstrate that request #2, the Special Exception to permit a 100' high camouflaged wireless supported service facility and ancillary equipment, will comply with the general standards under this section. Staff supports this application and concurs with the applicants' submitted Letter of Intent which indicates that the proposed 100' high camouflaged wireless supported service facility and ancillary equipment are consistent with the Comprehensive Development Master Plan and with all provisions of the underlying BU-2, Special Business District requirements. Said development will comply with all FAA and FCC lighting requirements and any and all Federal and State regulations governing the up-lighting of the U.S. Flag. The applicant's Letter of Intent also indicates that the lighting has been designed in such a manner to insure that all lighting will not spillover onto any adjoining parcels of land in violation of Section 33-4.1. The subject site has adequate ingress, egress, parking and loading areas such that servicing the facility will not block vehicular or pedestrian traffic on abutting streets. The flagpole is designed in such a manner that that in the event of a structural failure, the flagpole will fail or bend on itself so that the structure will remain wholly contained within the property. The proposed wireless supported facility has been designed and located as an integral architectural element of the existing shopping center. Staff opines that the equipment compound is adequately buffered by the abutting commercial buildings on the subject property and as such, will have a minimal visual impact on the surrounding area. Furthermore, the applicants have submitted all the necessary documentation that, after being analyzed by staff, shows that the proposal complies with the Health and Safety, Environmental, Necessity and Mitigation standards under this section of the Miami-Dade Code. Among other things, the applicants submitted NEPA Report which concluded that the Wireless Supported Service Facility does not require an Environmental Assessment to be provided to the Federal Communications Commission (FCC). In summary, the applicant's Letter of Intent attested that the application meets all applicable Code requirements based on the aforementioned and the supporting documentation. Based on all of the aforementioned, staff is of the opinion that the proposed wireless supported service facility and ancillary equipment will be **compatible** with the immediate area; therefore, staff recommends approval of request #2 under Section 33-311(A)(18).

When requests #3 through #6, to modify Condition #2 of Resolution 4-ZAB-182-84, last modified by Resolution No. 4-ZAB-216-92, and to modify paragraphs of Covenants Restrictions and Easements pertaining to the site plan for the shopping center dated received, 4/23/92 and dated 1/15/92 on landscaping plan, to allow the applicant to submit a site plan showing a new camouflaged wireless support facility are analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the existing commercial development and the surrounding area. As previously mentioned, the Public Works Department, MDFRD and DERM, do not object to the application. Further, the submitted plans indicate that the proposed flagpole mounted facility will be located 116' from the interior side (north) property line and therefore will not pose a fall-factor risk to the nearest adjoining property

and therefore would not pose a safety risk to the surrounding community. Additionally, the applicant has provided staff with the necessary technical documentation that would substantiate the need for proposed flagpole mounted, wireless support facility. Therefore, when considering the necessity and reasonableness of the modifications listed in requests #3 through #6, staff opines that approval would be **compatible** with the present and future development of the surrounding area. Based on the aforementioned, staff recommends approval with conditions of request #3 through #6 under Section 33-311(A)(7) Generalized Modification Standards.

Accordingly, although the applicants have satisfied the general criteria for the approval of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff notes that the applicants have satisfied all applicable requirements for the approval of the alternative request, request #2, under Section 33-311(A)(18) (Wireless Supported Service Facilities, including Antenna Support Structures). Staff, therefore, recommends approval of request #2, with conditions, under Section 33-311(A)(18), and denial without prejudice of request #1.

I. RECOMMENDATION:

Approval with conditions of request #2 through #6 and denial without prejudice of request #1.

J. CONDITIONS:

1. That all the conditions of Resolution 4-ZAB-182-84, last modified by 4-ZAB-216-92 remain in full force and effect except as herein modified.

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

3. That the applicants obtain a Certificate of Use for the new wireless supported service facility from the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

4. That the monopole be designed to be camouflaged as a flagpole.

5. That the monopole be designed to allow collocation of other telecommunication service operators.

6. That the monopole comply with all FAA and FCC lighting requirements and any and all Federal and State regulations governing the up-lighting of the United States flag

DATE TYPED: 08/23/10
DATE REVISED: 08/25/10, 09/22/10
DATE FINALIZED: 09/22/10
MCL:GR:NN:NC:CH

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

Memorandum

MIAMI-DADE COUNTY

Date: September 15, 2008

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

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

Subject: C-10 #Z2008000171
T-Mobile South, LLC
11865 S.W. 26th Street
Unusual Use to Permit a Cell Tower within a Flagpole
(BU-2) (25 Acres)
12-54-39

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

Potable Water Supply and Wastewater Disposal

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

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

Notwithstanding the foregoing, 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.

Pollution Remediation

The applicant is advised that there are records of current petroleum contamination assessment or remediation issues abutting the subject property to the west (Las Americas Auto Service, Inc, 2201 S.W. 122nd Avenue, UT-2020/F- 8273). The contaminated site is in a state funded program awaiting allocation of funds for cleanup. Additionally, there are records of current petroleum contamination assessment or remediation issues abutting the subject property to the south (Amoco Food Stop, 12095

S.W. 26th Street, UT-1712/F- 8066). The contaminated site is in a state funded program awaiting allocation of funds for cleanup.

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

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

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

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

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

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

Enforcement History
DERM has found the following closed enforcement cases:

Ira's Drycleaners AP #1908
On September 20, 2001, a Notice of Violation (NOV) was issued to this facility for failure to maintain the required Department of Environmental Protection (DEP) maintenance logs. An inspection conducted on December 5, 2001 revealed that the logs were being kept and the case was closed due to compliance.

Regional Shopping IW6
On February 15, 1990, a NOV was issued to this facility for operating without required approval. The facility ceased operations and the case was subsequently closed.

Iggie's Pets IW6
On March 15, 1990, a NOV was issued to this facility for operating without required approval and permits for handling hazardous materials and liquid waste. The facility ceased operations and the case was subsequently closed.

Tazz Boutique IW6
On March 8, 1991, a Uniform Civil Violation Notice # 073312 was issued to this facility for failure to obtain the required permit. DERM inspections conducted on July 29, 1991 revealed that this facility no longer needed a permit and the case was subsequently closed.

Photo Rapid IW5 # 02379
On September 1, 1993, DERM inspections revealed effluent discharges of silver into the sanitary sewers which was above the permissible standards. On May 9, 1994, a UCVN # 110441 was issued for discharging prohibited waste into the sanitary sewers followed by the issuance of a Notice of Intent to Lien (NOITL) on August 11, 1994 for non-compliance with the UCVN. Additional inspections and sampling were conducted between November 1994 and August 1995 to verify compliance with sanitary sewers standards. The case was subsequently closed due to compliance in November 1996.

Jack of Miami Sub and Salad Place, Inc. GTO # 03224
On September 12, 2000, a UCVN# 767734 was issued to this facility for failure to secure the required operating permit. A Notice of Intended Court Action (NOICA) was issued on December 18, 2000 for non-compliance with the requirements of the UCVN. On February 27, 2000, the permit was secured and the case was subsequently closed due to compliance.

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: February 6, 2009

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: T-Mobile South, LLC (PH: 08-171)
MDAD DN-09-02-113

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for an unusual use to permit a cell tower within a flagpole to be located at 11865 SW 26 Street, Miami-Dade County, Florida.

Our review finds that a proposed cell tower/flagpole maximum height of 100' AGL at this location conforms to the Miami-Dade County Airport Zoning Ordinance. **Please note, a Federal Aviation Administration (FAA) Airspace Determination is required to coordinate frequency activation and verify that no interference is caused to FAA facilities prior to beginning any transmission from the site.**

In addition, any cranes for this project at this location reaching or exceeding 200 feet AMSL (Above Mean Sea Level) must be filed with the FAA using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. The form is available through this office or through the FAA website: https://oeaaa.faa.gov. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the applicant may "e-file" online at https://oeaaa.faa.gov.

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

Should you have any questions, please feel free to contact me at 305-876-8080.

JR/rb

C: M. Fajardo
S. Harman
R. Bergeron
File Zoning

PH# Z2008000171
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: T-MOBILE SOUTH LLC & UNITED STATES DEVELOPMENT L.T.D.

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
26-NOV-08

REVISION 2

Memorandum

Date: 16-DEC-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000171

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped December 7, 2009.

Service Impact/Demand

Development for the above Z2008000171
located at 11865 SW 26 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1435 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: 7:03 minutes

Existing services

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

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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 10-SEP-10

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

T-MOBILE SOUTH LLC & UNITED STATES DEVELOPMENT L.T.D.

APPLICANT

11865 SW 26 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000171

HEARING NUMBER

HISTORY:

NC: (2)Structure Maintenance Violations, (8)Parking Premises Violations, (4) Resolution Violations, (1) Commercial Vehicle Violations, (5) Unauthorized Use Violations, (4) Failure to obtain a Zoning Improvement Violations, (37) Sign on Private Property Violations, (4) Business Maintenance Violations, (9) Litter Violations, (1)Setback, (4)Outside Storage Violations. All cases have been closed.

BLDG: (61) Expired Permit Cases; (4) pending closure [A2003003730, A2010001437, A2009004210, and A20100038240]; (1) Accessibility Enforcement Case-The case has been closed; (37) Work Without Permit Cases; (4)pending closure [20080123188, 20080114553, 20080114432, and 20080117899].

T-MOBILE SOUTH LLC & UNITED STATES DEVELOPMENT L.T.D

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

UNKNOWN

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: U.S. DEVELOPMENT CORP.

NAME AND ADDRESS	Percentage of Stock
Luis Cruz 6965 Granada Blvd. Coral Gables, FL 33146	100%

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: UNITED STATES DEVELOPMENT, L.T.D

NAME AND ADDRESS	Percentage of Ownership
U.S. Development Corp. 6965 Granada Blvd. Coral Gables, FL 33146	100%

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208171
SEP - 2 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 26 day of Aug, 20 08. Affiant is personally know to me or has produced _____ as identification.

Vivian Ferrel
(Notary Public)

My commission expires: 9/24/10

Vivian Ferrel
Commission #DD598140
Expires: SEP. 24, 2010
www.AaronNotary.com
Seal

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

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MIAMI-DADE PLANNING AND ZONING DEPT

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: U.S. DEVELOPMENT CORP.

NAME AND ADDRESS	Percentage of Stock
Luis Cruz	100%
6965 Granada Blvd.	
Coral Gables, FL 33146	

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: UNITED STATES DEVELOPMENT, L.T.D

NAME AND ADDRESS	Percentage of Ownership
U.S. Development Corp	100%
6965 Granada Blvd	
Coral Gables, FL 33146	

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

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NAME OF PURCHASER: _____

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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 26 day of Aug, 20 08. Affiant is personally know to me or has produced _____ as identification.

Vivian Ferrel
(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
Vivian Ferrel
Commission #DD598140
Expires: SEP. 24, 2010
www.AaronNotary.com

My commission expires: 9/24/10 Seal

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

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MIAMI-DADE DEPT. OF PLANNING AND ZONING

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: T-mobile

NAME AND ADDRESS	Percentage of Stock
T-mobile is a publicly traded	
company as a subsidiary	
of Deutch Telecom (DT)	

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

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NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

Signature: _____
(Applicant)
Director Development Engineering Operations

Sworn to and subscribed before me this 8th day of August 2008. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)
Milana Meshenberg
My commission expires: _____

MILANA MESHENBERG
Comm# DD0561021
Expires 6/6/2010
Florida Notary Assn. Inc

*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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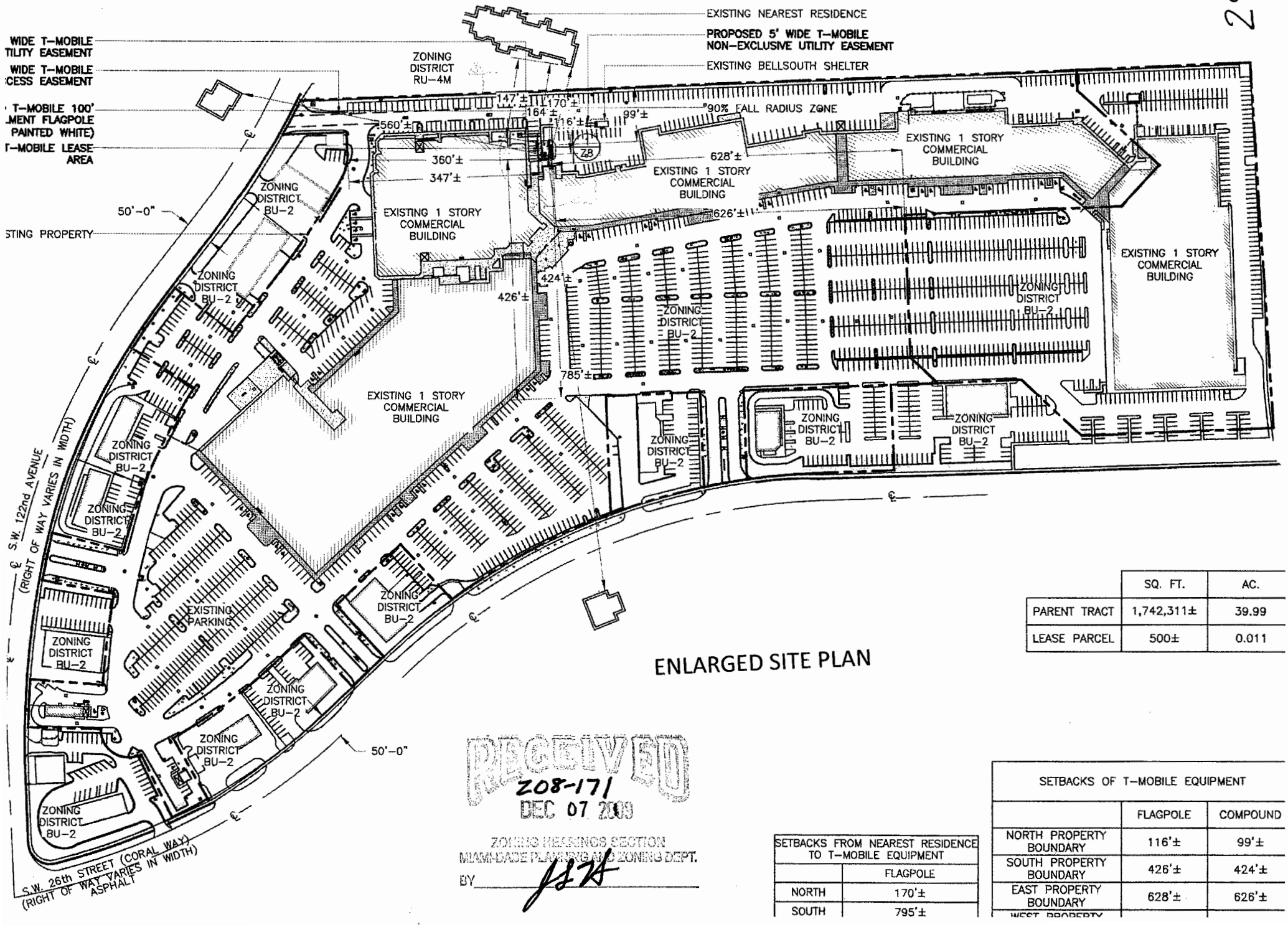

ENLARGED SITE PLAN

	SQ. FT.	AC.
PARENT TRACT	1,742,311±	39.99
LEASE PARCEL	500±	0.011

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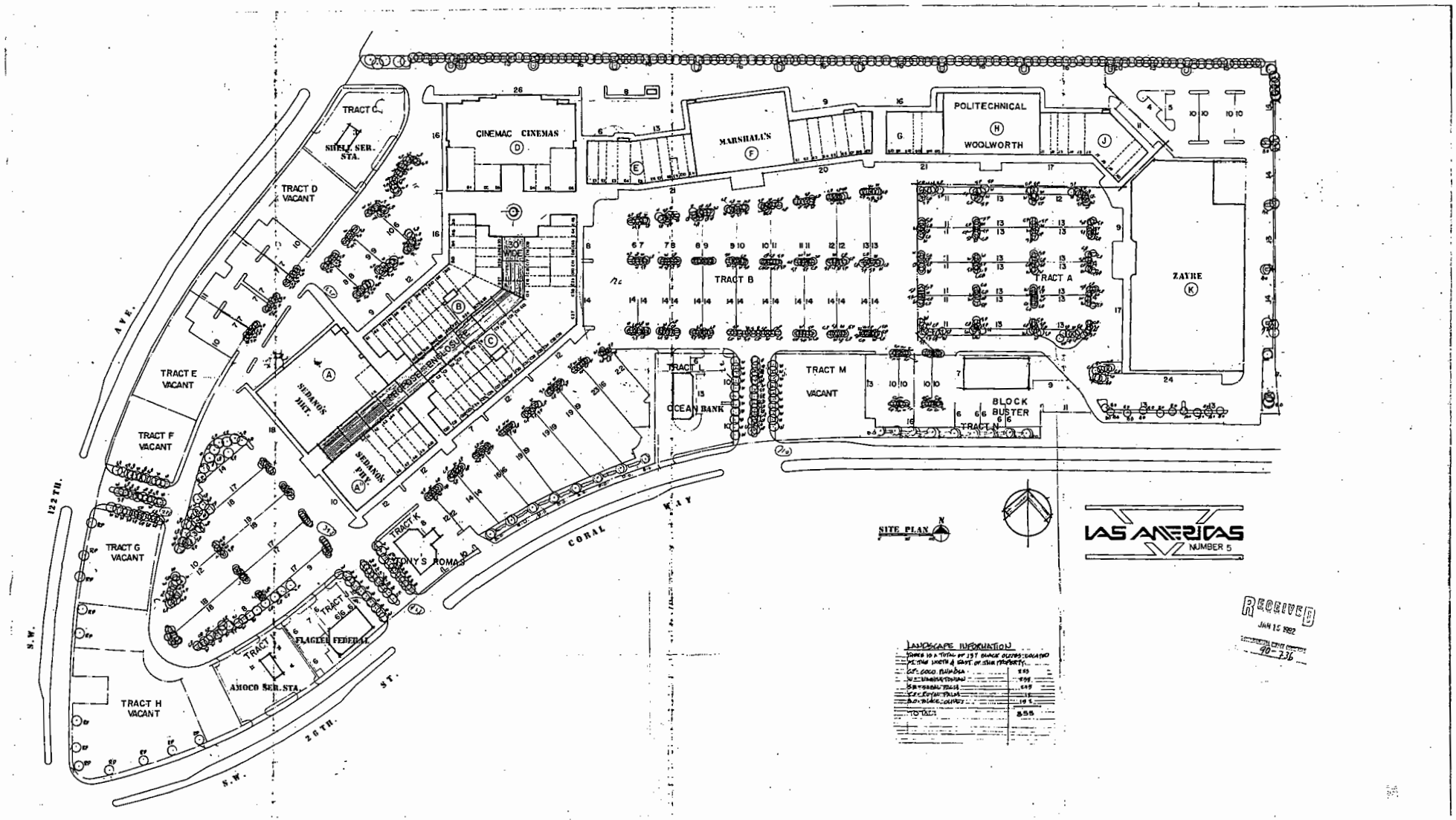
Z08-171
DEC 07 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

SETBACKS FROM NEAREST RESIDENCE TO T-MOBILE EQUIPMENT	
	FLAGPOLE
NORTH	170'±
SOUTH	795'±

SETBACKS OF T-MOBILE EQUIPMENT		
	FLAGPOLE	COMPOUND
NORTH PROPERTY BOUNDARY	116'±	99'±
SOUTH PROPERTY BOUNDARY	426'±	424'±
EAST PROPERTY BOUNDARY	628'±	626'±
WEST PROPERTY		

30



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DEPARTMENTAL CENTER COMPUTER
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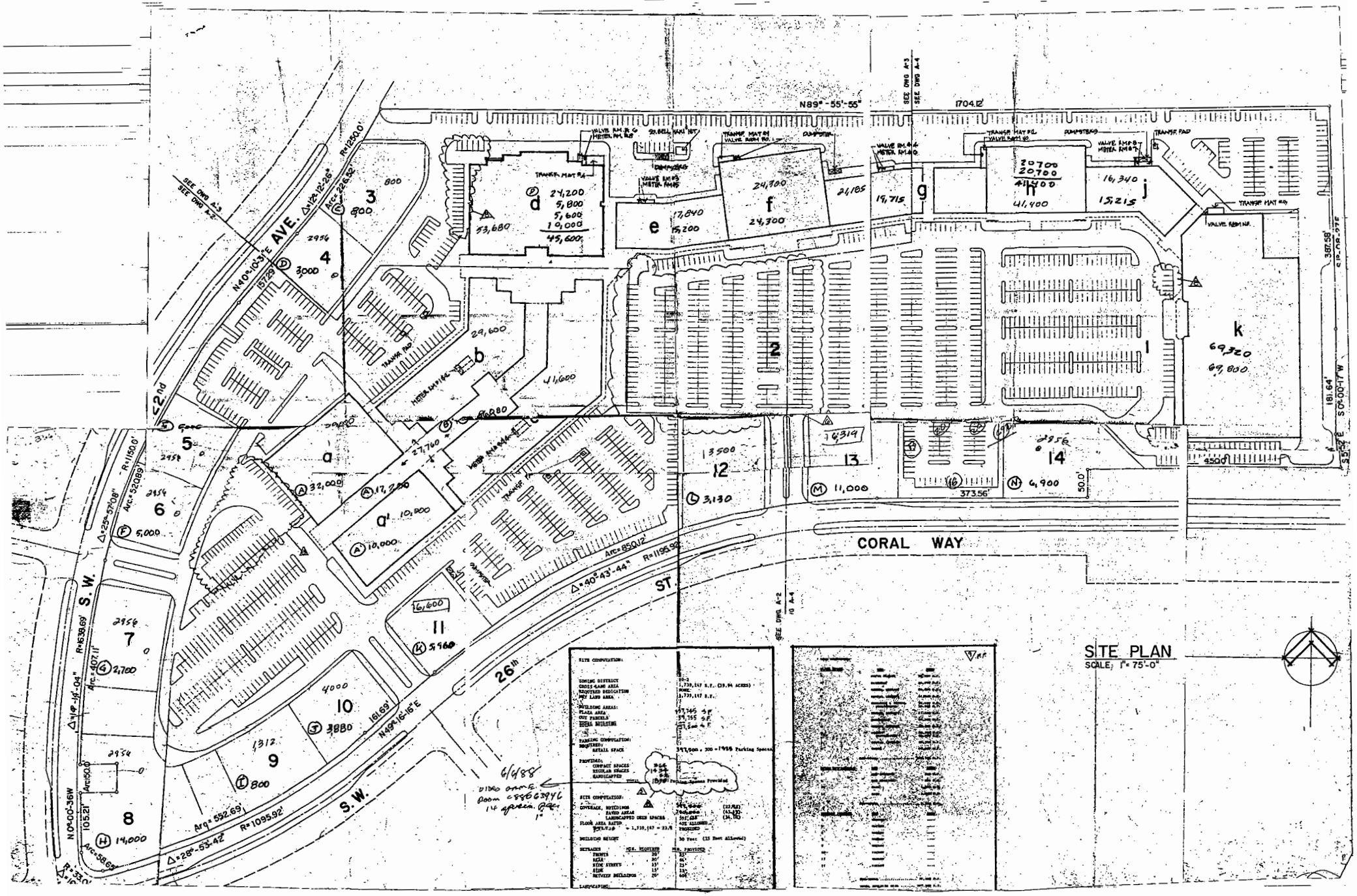
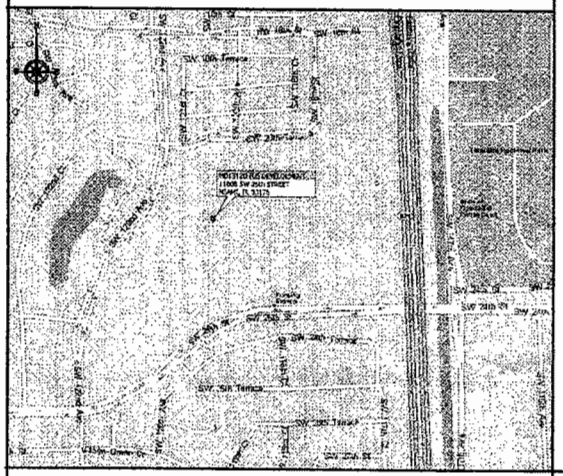

CORAL WAY
S.W. 26th ST
S.W. 2nd AVE.
N89°-55'-55"
1704.12
SEE DWG A-3
SEE DWG A-4
SEE DWG A-2
N40°-06'-31"E
Arc=226.62'
R=1250.0'
Δ=124°-12'-26"
Arc=52.089'
R=1150.0'
Δ=25°-57'-08"
Arc=407.11'
R=1638.69'
Δ=14°-18'-04"
Arc=552.69'
R=1095.92'
Δ=28°-53'-42"
Arc=58.63'
R=330.0'
Arc=850.12'
R=1193.92'
Δ=40°-43'-44"
N49°-16'-18"E
161.69'
N0°-00'-36W
105.21'
Arc=50.0'
373.56'
50.0'
387.58'
181.64'
S0°-00'-17"W
S5°-53'E
a
a'
b
c
d
e
f
g
h
i
j
k
1
2
3
4
5
6
7
8
9
10
11
12
13
14
TRANSFER MAT
TRANSFER PAD
VALVE ROOM
METER ROOM
DUMPSTER
METER CABINET
SITE COMPUTATION:
ZONING DISTRICT
GROSS LAND AREA
MODIFIED DEDICATION
NET LAND AREA
BUILDING AREAS:
PLAZA AREA
OUT PARCELS
TOTAL BUILDING
PARKING COMPUTATION:
REQUIRED:
RETAIL SPACE
PROVIDED:
COMPACT SPACES
REGULAR SPACES
HANDICAPPED
TOTAL
SITE COMPUTATION:
COVERAGE, BUILDINGS
PAVED AREAS
LANDSCAPED OPEN SPACES
FLOOR AREA RATIO
BUILDING HEIGHT
SETBACKS
FRONTS
SIDE
SIDE STREETS
REAR
BETWEEN BUILDINGS
LANDSCAPING
6/6/88
Video owner
Room 8886 3946
14 spaces
SITE PLAN
SCALE: 1"= 75'-0"

32

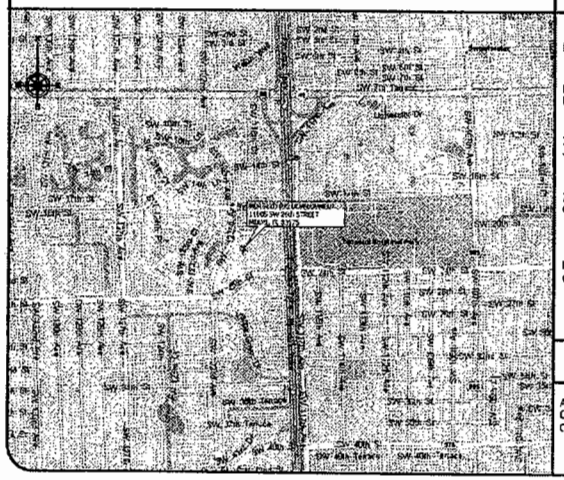
DRIVING DIRECTIONS

FROM T-MOBILE'S OFFICE, HEAD EAST ON I-595 TO FLORIDA'S TURNPIKE, HEAD SOUTH ON TURNPIKE FOR 29.4 MILES TO EXIT 25 (US-41), HEAD WEST ON US-41 FOR 0.3 MILES TO SW 122nd AVE, TURN LEFT AND HEAD SOUTH FOR 1.0 MILES TO SITE ON LEFT SIDE OF ROAD.

LOCAL MAP



VICINITY MAP



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11805 SW 26th STREET
MIAMI, FL 33175

MD1312D

PROPOSED INSTALLATION OF NEW 100' TELECOMMUNICATIONS CONCEALMENT FLAGPOLE

SITE DATA

FOLIO #:	30-4912-068-0020
LATITUDE:	25° 44' 52.61" N
LONGITUDE:	80° 23' 21.14" W
ZONING JURISDICTION:	MIAMI-DADE COUNTY
ZONING CLASSIFICATION:	6400 COMMERCIAL, MEDIUM INTENSITY
PROPERTY OWNER(S):	US DEVELOPMENT, LTD. 815 NW 57th AVENUE SUITE 202 MIAMI, FL 33126

LEGAL DESCRIPTION

AMEND PLAT OF LAS AMERICAS PB 134-53 CENTRAL PLAZA V TR B LOT SIZE 25.681 AC OR 16196-1244 1293 5 (12)

APPROVALS

PROPERTY OWNER _____
RF ENGINEER _____
CONSTRUCTION _____
SITE ACQUISITION _____
ZONING _____
NETWORK _____
OPERATIONS _____
CONTRACTOR _____

CONSTRUCTION NOTES

1. ALL NEW BUILDINGS AND STRUCTURES HAVE BEEN DESIGNED IN ACCORDANCE WITH THE 2004 EDITION OF THE FLORIDA BUILDING CODE, WITH ALL SUBSEQUENT ADOPTED AMENDMENTS, FOR DESIGN PRESSURES GENERATED BY NOMINAL DESIGN 3-SECOND GUST WIND VELOCITY OF 146 MPH.
2. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
3. CONTRACTOR SHALL NOTIFY OWNER FOR ACCESS TO SITE.

PROJECT INFORMATION

1. THIS IS AN UNMANNED FACILITY AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE.
2. T-MOBILE CERTIFIES THAT THIS EQUIPMENT FACILITY WILL BE SERVICED ONLY BY T-MOBILE EMPLOYEES AND SUBCONTRACTORS AND THE WORK ASSOCIATED WITH ANY EQUIPMENT CANNOT BE PERFORMED BY HANDICAPPED PERSONS. THIS FACILITY WILL BE FREQUENTED ONLY BY SERVICE PERSONNEL FOR REPAIR PURPOSES ONLY.
3. NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION.
4. NO WASTEWATER WILL BE GENERATED AT THIS LOCATION.
5. NO SOLID WASTE WILL BE GENERATED AT THIS LOCATION.

INDEX OF DRAWINGS

SHT. NO.	DESCRIPTION	REV. NO.
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Z9	NORTH AND EAST ELEVATION	2
Z10	SOUTH AND WEST ELEVATION	2
Z11	LINE OF SIGHT	1
Z12	PARKING CALCULATIONS	1
S1	SURVEY	

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CORPORATE OFFICE
3900 LAKEWOOD PARKWAY
ALPHARETTA, GA 30004
LOCAL OFFICE
5842 NW 151st STREET
MIAMI LAKES, FL 33014
TEL: (305) 826-9666
FAX: (305) 826-1789
CERTIFICATE OF AUTHORIZATION #: 8000

PROJECT NO.: 6788-08-1593 (127)

REV	DATE	DESCRIPTION
4	11/16/09	REVISED
3	2/16/09	REVISED
2	1/15/09	REVISED
1	11/18/08	REVISED
0	8/18/08	FOR PERMIT

DRAWN BY: R. DIAZ
CHECKED BY: M. ABBEY

PROFESSIONAL ENGINEER
SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
DATE: 11/16/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

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SHEET NAME
TITLE SHEET

SHEET NUMBER
Z1

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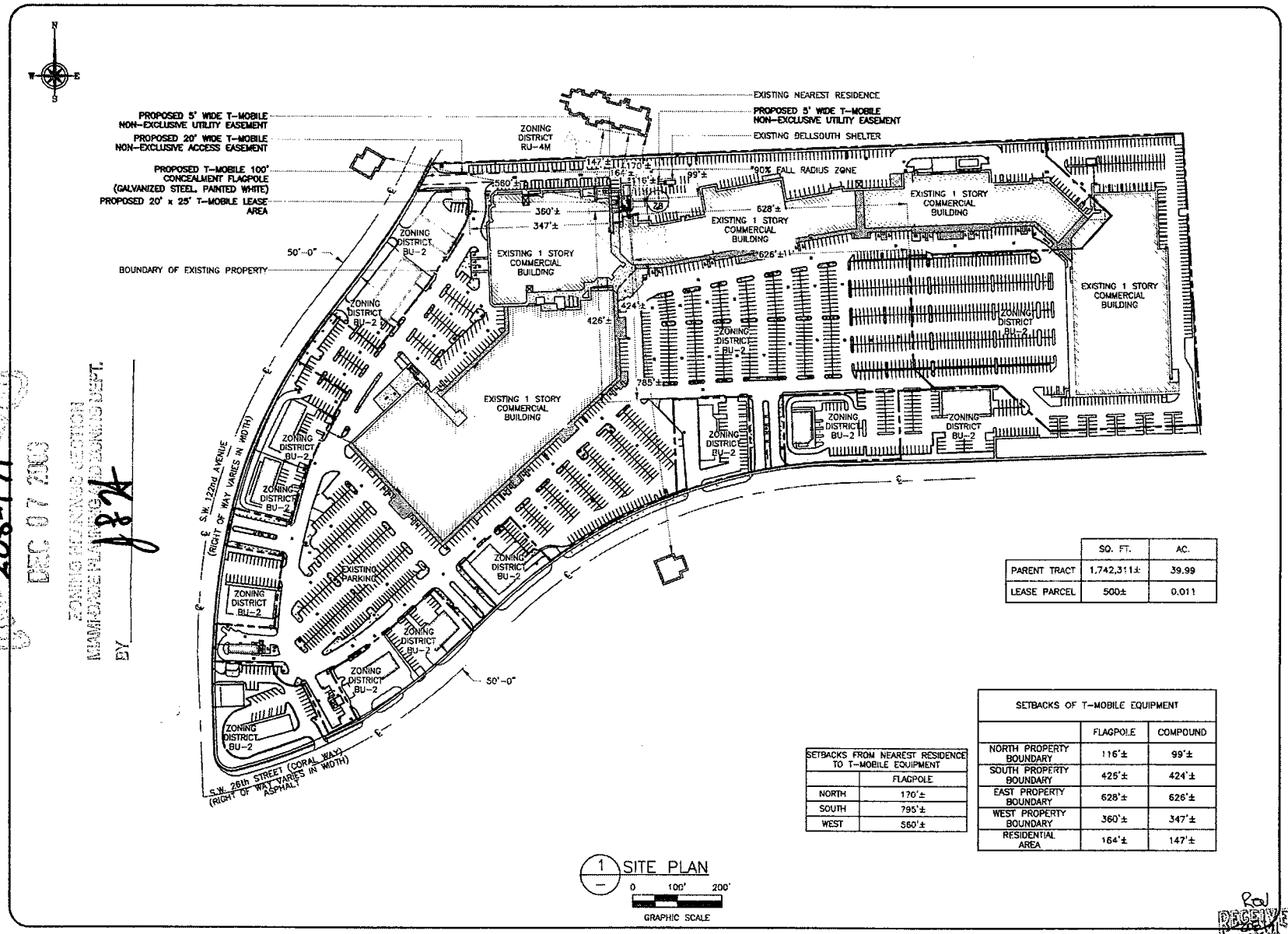

1 SITE PLAN

0 100' 200'

GRAPHIC SCALE

	SQ. FT.	AC.
PARENT TRACT	1,742,311±	39.99
LEASE PARCEL	500±	0.011

SETBACKS FROM NEAREST RESIDENCE TO T-MOBILE EQUIPMENT	
	FLAGPOLE
NORTH	170'±
SOUTH	795'±
WEST	560'±

SETBACKS OF T-MOBILE EQUIPMENT		
	FLAGPOLE	COMPOUND
NORTH PROPERTY BOUNDARY	116'±	99'±
SOUTH PROPERTY BOUNDARY	425'±	424'±
EAST PROPERTY BOUNDARY	628'±	626'±
WEST PROPERTY BOUNDARY	360'±	347'±
RESIDENTIAL AREA	164'±	147'±

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REV	DATE	DESCRIPTION
3	11/16/09	REVISED
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1	1/15/09	REVISED
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DRAWN BY: R. DIAZ

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PROFESSIONAL ENGINEER

SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)

DATE: 11/16/09

NAME: MARTIN H. SAHN

STATE: FLORIDA

LICENSE No.: 22787

EXP. DATE: 02/28/11

US DEVELOPMENT LTD
MD1312D

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SHEET NAME
SITE PLAN

SHEET NUMBER
Z2

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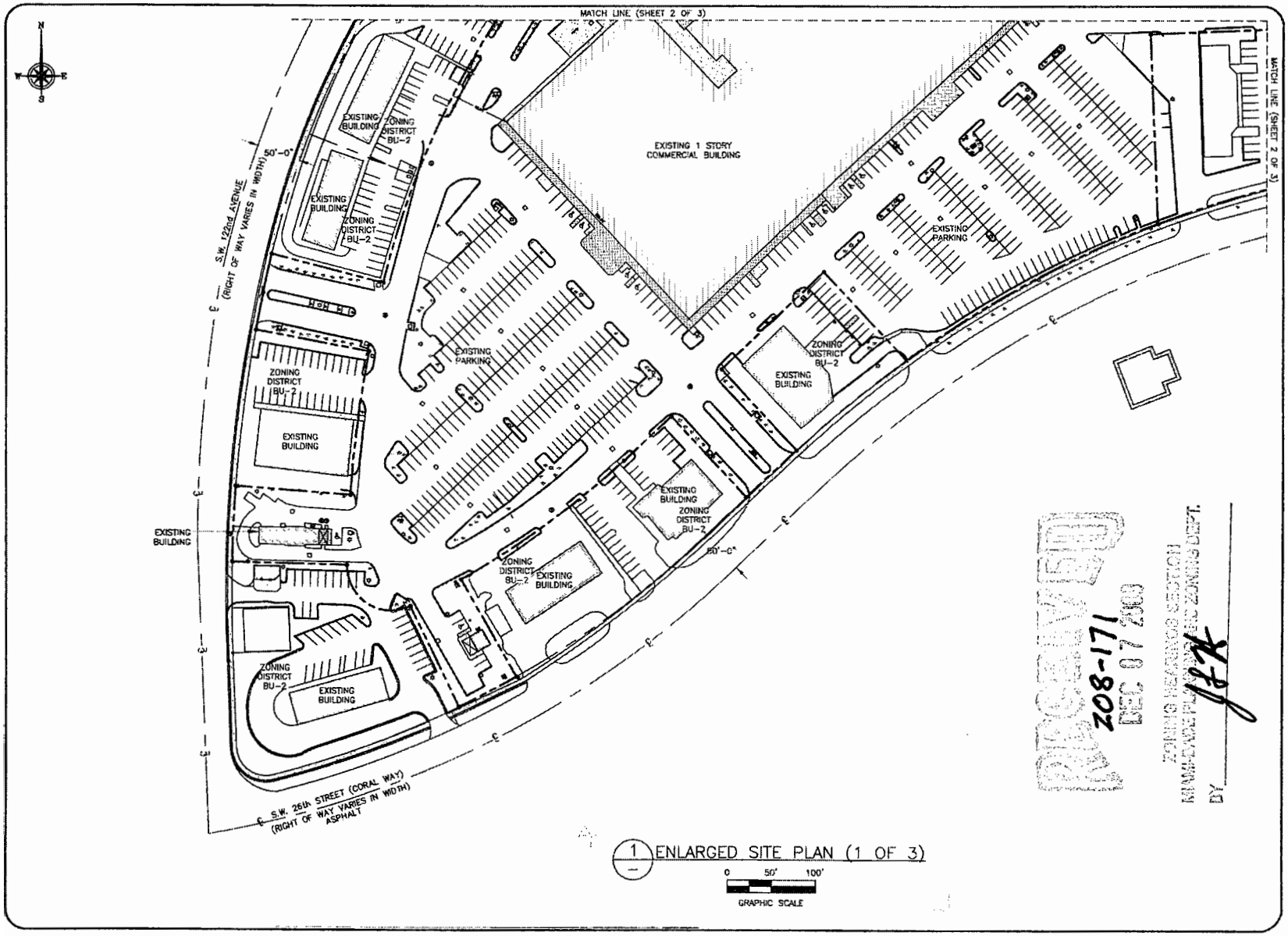

1 ENLARGED SITE PLAN (1 OF 3)

0 50' 100'

GRAPHIC SCALE

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REV	DATE	DESCRIPTION
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NAME: MARTIN H. SAHN

STATE: FLORIDA

LICENSE No.: 22787

EXP. DATE: 02/28/11

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SHEET NAME
ENLARGED SITE PLAN (1 OF 3)

SHEET NUMBER
Z3

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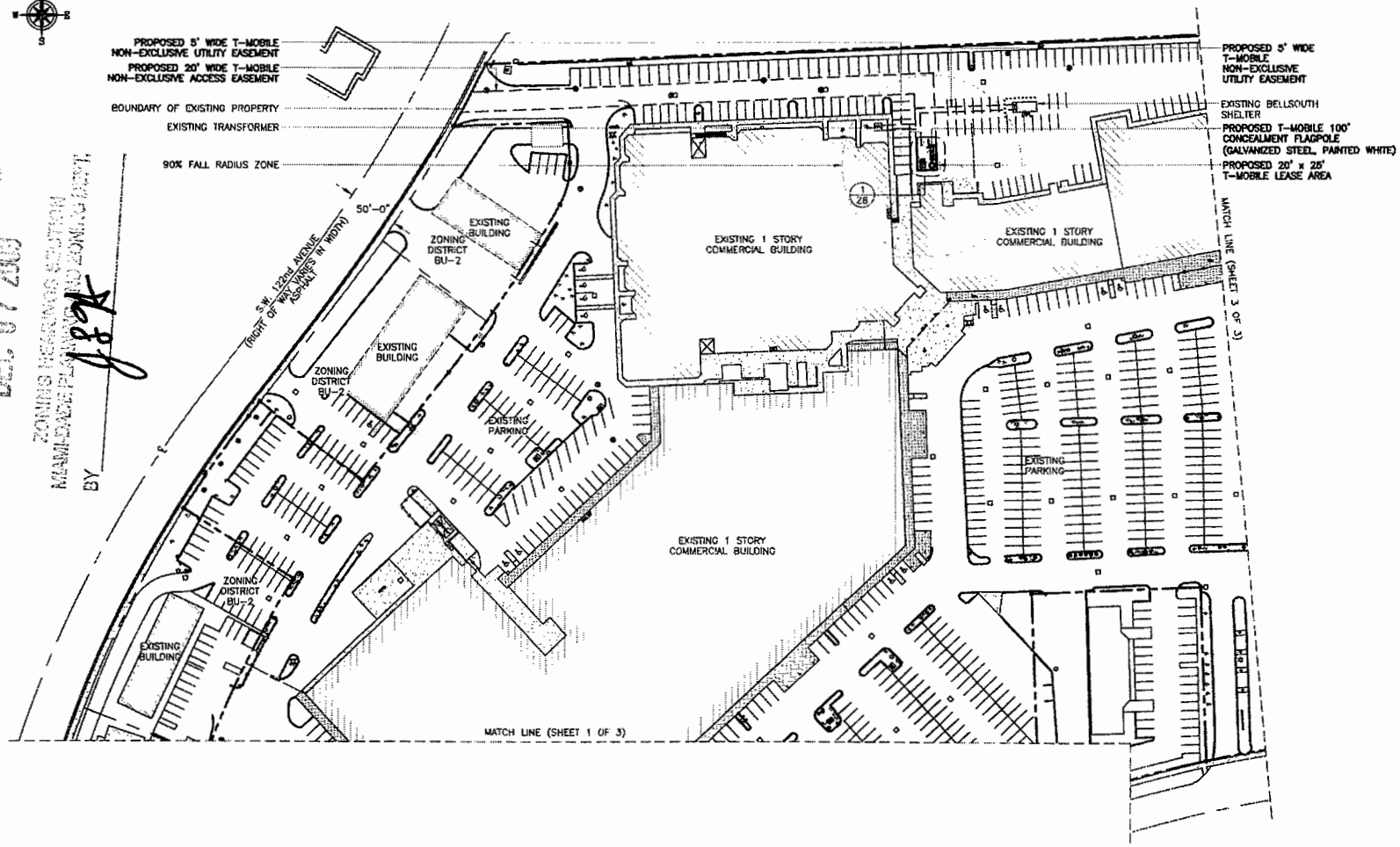

1 ENLARGED SITE PLAN (2 OF 3)

0 50' 100'

GRAPHIC SCALE

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PROJECT NO.: 6788-08-1203 (127

REV	DATE	DESCRIPTION
3	11/16/09	REVISED
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DRAWN BY: R. DIAZ

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PROFESSIONAL ENGINEER

SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)

DATE: 11/16/09

NAME: MARTIN H. SAHN

STATE: FLORIDA

LICENSE No.: 22787

EXP. DATE: 02/28/11

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MIAMI, FL 33175

SHEET NAME
ENLARGED SITE PLAN (2 OF 3)

SHEET NUMBER
Z4

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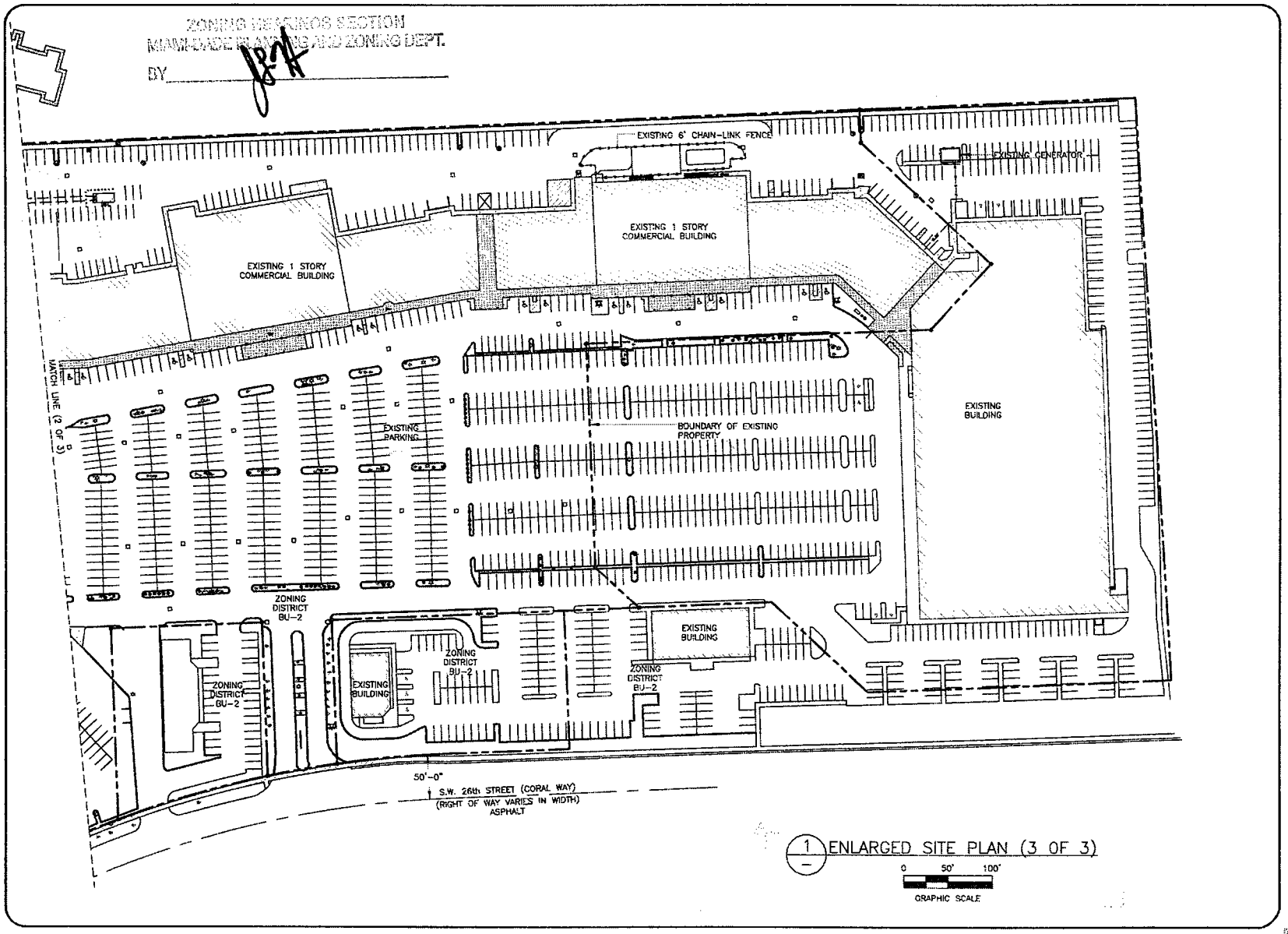

1 ENLARGED SITE PLAN (3 OF 3)

0 50' 100'
GRAPHIC SCALE

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PROJECT NO.: 6786-08-1593 (127

REV	DATE	DESCRIPTION
2	2/16/09	REVISED
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0	8/18/08	FOR PERMIT

DRAWN BY: R. DIAZ

CHECKED BY: M. ABBEY

PROFESSIONAL ENGINEER

SIGNATURE (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)

DATE: 11/16/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE NO.: 22787
EXP. DATE: 02/28/11

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MIAMI, FL 33175

SHEET NAME
ENLARGED SITE PLAN (3 OF 3)

SHEET NUMBER
Z5

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BU – ZONING LEGEND

Legend data to be incorporated onto the plan

ZONING DISTRICT: BU-X

See Zoning Art. XXIV, XXV, XXVI, XXVII for BU-1, BU-1A, BU-2, & BU-3 criteria. Parking structure not counted as floor area but used to count # of stories. Mall area not counted in lot coverage, floor area, nor FAR. Height measured from finished floor (F.F.) to top of pitch (roof ridge)

MINIMUM REQUIREMENTS	REQUIRED	PROVIDED
Frontage for interior lot	50'	427
Lot area for interior lot	5,000 s.f.	407,888
75' frontage for corner lot (50' if PLAT prior to PB 40-16)	–	–
7,500 s.f. lot area for corner lot (5,000 s.f. if play prior to PB 40-16)	–	–

GROSS AREA (acres)	39.99	
Less r-o-w	–	
Less Water	–	
Less Other	–	
NET AREA (sq. ft.)	1,742,311	100 %
Lot Coverage (40% max)	407,888	23 % Provided
Paved Area	1,191,402	69 % Provided
Landscaped Open Space	143,021	8 % Provided

SETBACK REQUIREMENTS		
SETBACK TYPE	REQUIRED	PROVIDED
FRONT	20'	427'
SIDE STREET (15' or 25')	25'	117'
INTERIOR (0', 5', 10' or 15')	0	628'
rear (0', 5' or 20')	20'	360'
BETWEEN BUILDINGS	20'	–
Some setbacks as above for accessory buildings		

SIDE ST.: 15', except 25' on any part of bldg. within 25' of RU or EU property.

INTERIOR: 0' if adjacent property is BU or IU & bldg. used only for business or industry. 5' if wall has openings & 4-hr. fire rated. 10' for portions of bldg. with residential use. 15' when adjacent property is RU or EU.

REAR: 5' to BU/IU if opening on rear bldg wall; 0' if no opening. 20' from res. (inc. width of alley).

ZONING DISTRICT	MAX. HEIGHT	MAX. STORIES
BU-1 (Business – Neighborhood)	35'	2 stories
BU-1A (Business – Limited)	45'	4 stories
BU-2 (Business – Special)	no max.	no max.
BU-3 (Business – Liberal)	no max.	no max.

NOTE: Portion of bldg. in BU-2, BU-3 from 35' – 40' height to setback a minimum of 25' from the street; thereafter 1' for each additional 5' of height. (see 33-55 for exemptions)

Maximum Floor Area Ratio (F.A.R.) per No. of Bldg. Stories		
1 story	2 thru 8 stories	9th story and up
0.4	0.11 per additional floor permitted up to 8 stories	0.06 per each additional story above 8th floor
MAX. HEIGHT OF PROPOSED BLDGS.		52 ft.
MAX. NUMBER OF STORIES PERMITTED		1
MAX. NUMBER OF STORIES PROPOSED		1
F.A.R. PERMITTED		397,500
F.A.R. PROPOSED		407,888

PARKING REQUIREMENTS		Total Sq. Ft. per Use	(Sq. Ft. / space ratio)	Spaces Required
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
Use type:	Retail uses (1 space per 250 s.f. or fraction thereof)	•	•	•
NOTE: See Zoning Code Article VII, Off-Street Parking Sec. 33-122 thru 33-132 for parking standards. See Article VIII, Sec33-133 thru 33-137 for rights-of-way requirements.		TOTAL PARKING SPACES REQUIRED:		•
		TOTAL PARKING SPACES PROVIDED:		•

• SEE SHEET Z7 FOR PAVING REQUIREMENTS

LEGAL DESCRIPTION: (PREPARED BY: SURVEYOR)

PARENT TRACT LEGAL DESCRIPTION:
TRACTS "A" AND "B" AMENDED PLAT OF LAS AMERICAS CENTRAL PLAZA V, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BDOK 134, PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID DESCRIBED PARCEL CONTAINING 25.68 ACRES, MORE OR LESS.

T-MOBILE LEASE AREA:
A PORTION OF TRACT "B" AMENDED PLAT OF LAS AMERICAS CENTRAL PLAZA V, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BDOK 134, PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED TRACT "B"; THENCE NORTH 89°55'55" EAST (BEARING BASE) ALONG THE NORTH LINE OF TRACT "B", A DISTANCE OF 400 FEET; THENCE SOUTH 15°14'35" EAST, A DISTANCE OF 102.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 25.00 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 500 SQUARE FEET MORE OR LESS.

20 FOOT T-MOBILE ACCESS EASEMENT:
A PORTION OF TRACT "B" AMENDED PLAT OF LAS AMERICAS CENTRAL PLAZA V, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. IN WHICH THE CENTERLINE IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED TRACT "B"; THENCE SOUTH 28°56'43" WEST (BEARING SHOWN HEREON ARE BASED ON A BEARING ON NORTH 89°55'55" EAST ALONG THE NORTH LINE OF TRACT "B"), A DISTANCE OF 42.64 FEET TO THE POINT OF BEGINNING OF THE AFOREMENTIONED CENTERLINE BEING ON THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 122ND AVENUE; THENCE NORTH 89°55'55" EAST, A DISTANCE OF 457.62 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 61.76 FEET TO THE POINT OF TERMINUS BEING ON THE NORTH LINE OF THE T-MOBILE LEASE AREA. SAID DESCRIBED PARCEL CONTAINING 9,837 SQUARE FEET, MORE OR LESS.

5 FOOT T-MOBILE UTILITY EASEMENT:
A PORTION OF TRACT "B" AMENDED PLAT OF LAS AMERICAS CENTRAL PLAZA V, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. IN WHICH THE CENTERLINE IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED TRACT "B"; THENCE NORTH 89°55'55" EAST (BEARING BASE) ALONG THE NORTH LINE OF TRACT "B", A DISTANCE OF 400 FEET; THENCE SOUTH 20°13'45" EAST, A DISTANCE OF 85.25 FEET TO THE POINT OF BEGINNING OF THE AFOREMENTIONED CENTERLINE HEREINAFTER REFERRED TO AS REFERENCE POINT "A"; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 36.35 FEET TO THE POINT OF TERMINUS BEING ON THE EASTERLY FACE OF A FLORIDA POWER AND LIGHT BOX. THENCE BEGINNING AT REFERENCE POINT "A"; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 19.01 FEET TO THE POINT OF TERMINUS BEING ON THE NORTH LINE OF THE T-MOBILE LEASE AREA. THENCE BEGINNING AT REFERENCE POINT "A"; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 15.56 FEET; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 99.41 FEET TO THE POINT OF TERMINUS BEING ON THE WESTERLY FACE OF AN EXISTING BUILDING. SAID DESCRIBED PARCEL CONTAINING 839 SQUARE FEET, MORE OR LESS.

LANDSCAPING LEGEND

(This information is required to be permanently affixed to the plan.)

Zoning District: BU-2 | Net Lot Area: 39.99 acres | 1,742,311 square feet

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by chapter 33, as indicated on site plan: Net lot area: 1,742,311 square feet x 16% = 278,769 square feet:	278,769	143,021
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 2,361 x 10 square feet per parking space:	23,610	23,610
C. Total square feet of landscaped open space required by Chapter 33 = A + B:	302,379	166,631

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. Total square feet of landscape open space required by Chapter 33:	302,379	166,631
B. Maximum lawn area (St. Augustine sod) permitted = 20% x 302,379 square feet:	60,475	33,326

TREES	REQUIRED	PROVIDED
A. The number of trees required per net lot acre:	22	
Less the existing number of trees that meet minimum requirements: (minus)	–	
= xxxxx trees x net lot acreage:	–	
B. 30% palm trees allowed (two palms = one tree) Palms provided:	6	346
C. Percentage of native trees required = the number of trees provided x 30%:	50	103
D. Street trees (max. average spacing of 35' o.c.): 35 linear feet along street/35:	–	61
Palms as street trees (max. average spacing of 25' o.c.): – linear feet along street/25:	–	–
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): – linear feet along street/25:	–	–
F. Total number of trees provided:	22	509

SHRUBS	REQUIRED	PROVIDED
A. The total number of trees required x 10 = the number of shrubs required:	5,090	7,721
B. The number of shrubs required x 30% = the number of native shrubs required:	1,527	2,316

IRRIGATION PLAN

Required by Chapter 33: | Auto irrigation: | X | Hose bib: | 10

SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES		CALIPER	HEIGHT		CANOPY DIAMETER		QUANTITY
Symbol	New	Existing	Scientific	Common	Yes	No	Installed	Installed	Estimated at maturity	Estimated at maturity		
		X	BURSERA SIMARUBA	GUMBO LIMBO	X		N/A	N/A	50'	35'		41
		X	QUERCUS VIRGINIANA	LIVE OAK	X		N/A	N/A	50'	60'		65
		X	SABAL PALMETTO	SABAL PALM	X		N/A	N/A	50'	20'		308
		X	SWIETENIA MAHOGONI	MAHOGANY	X		N/A	N/A	80'	134'		6
		X	COCOS PLUMOSA	QUEEN PALM	X		N/A	N/A	50'	20'		18
		X	CONOCARPUS ERECTUS	SILVER BUTTONWOOD	X		N/A	N/A	20'	30'		2
		X	PHOENIX DACTYLIFERA	DATE PALM	X		N/A	N/A	30'	20'		7
		X	ROYSTONEA	ROYAL PALMS	X		N/A	N/A	30'	20'		10
		X	DICTYOSPERMA ALBUN	HURRICANE PALM	X		N/A	N/A	30'	20'		3
		X	PHOENIX ROEBELENII	ROEBELENII	X		N/A	N/A	12'	15'		17
		X	DYPSIS CABADAE	CABADA PALM	X		N/A	N/A	35'	20'		24
		X	WODYETIA BIFURCATA	FOXTAIL PALM	X		N/A	N/A	30'	20'		8

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TEL: (954) 693-7100
FAX: (954) 693-7200

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1105 LAKEWOOD PARKWAY
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LOCAL OFFICE
5845 NW 158th STREET
MIAMI LAKES, FL 33014
TEL: (305) 826-3588
FAX: (305) 826-1799
CERTIFICATE OF AUTHORIZATION #: 8090

PROJECT NO.: 6788-08-1593 (127

REV	DATE	DESCRIPTION
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0	8/18/08	FOR PERMIT

DRAWN BY: R. DIAZ

CHECKED BY: M. ABBEY

PROFESSIONAL ENGINEER
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NAME: MARTIN H. SAHN
STATE: FLORIDA
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11805 SW 26th STREET
MIAMI, FL 33175

SHEET NAME
SITE DATA

SHEET NUMBER
Z6

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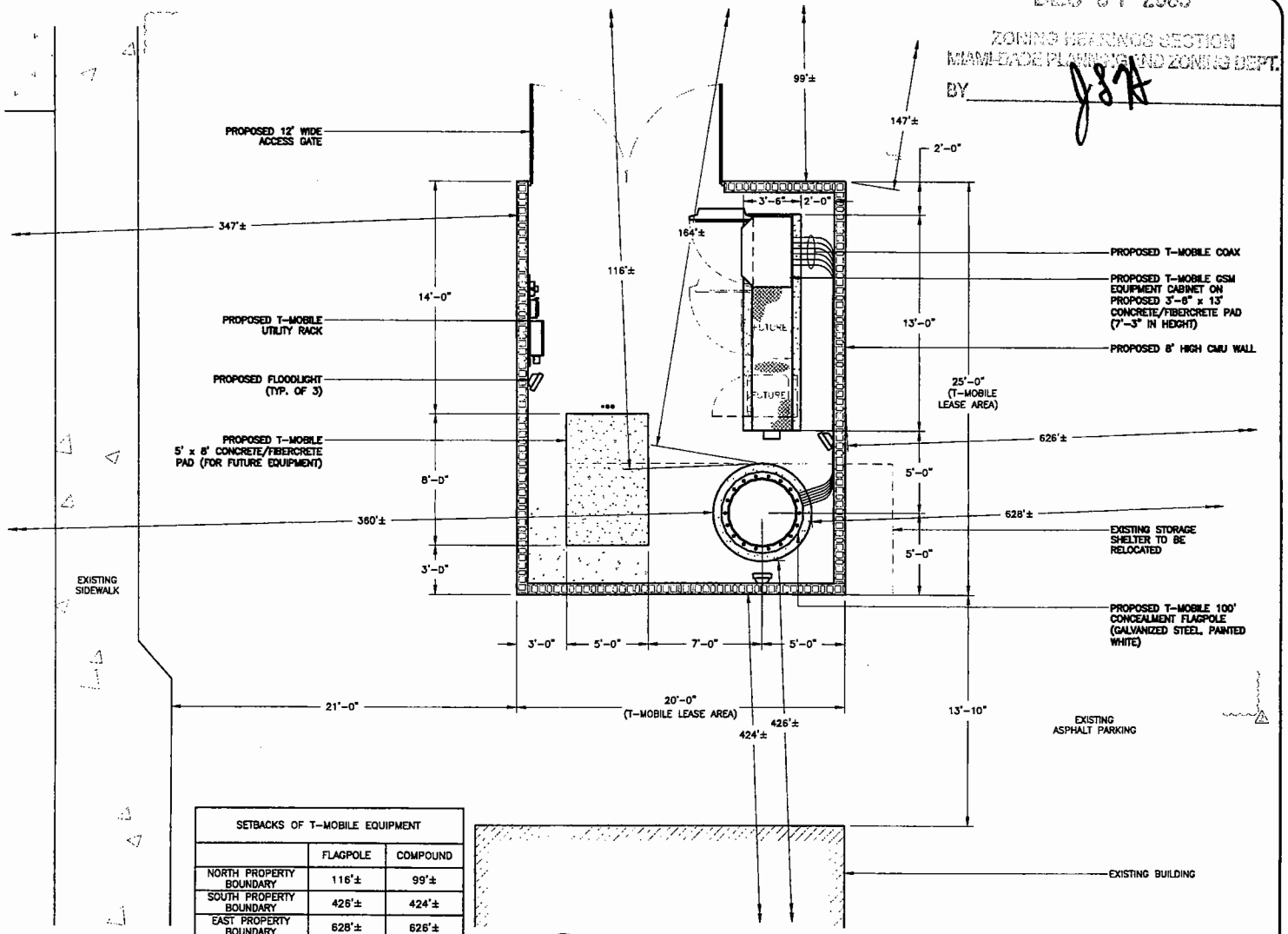

SETBACKS OF T-MOBILE EQUIPMENT		
	FLAGPOLE	COMPOUND
NORTH PROPERTY BOUNDARY	116'±	99'±
SOUTH PROPERTY BOUNDARY	426'±	424'±
EAST PROPERTY BOUNDARY	628'±	626'±
WEST PROPERTY BOUNDARY	360'±	347'±
RESIDENTIAL AREA	164'±	147'±

1 COMPOUND PLAN

0 2' 4' 6'
GRAPHIC SCALE

NOTE:
NO PARKING SPACE OR LANDSCAPING IS BEING DISTURBED.

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FAX: (305) 826-1729

CERTIFICATE OF AUTHORIZATION #: 6090

PROJECT NO.: 6788-08-1593 (127

REV	DATE	DESCRIPTION
2	11/16/09	REVISED
1	11/16/08	REVISED
0	8/18/08	FOR PERMIT

DRAWN BY: R. DIAZ
CHECKED BY: M. ABBEY

PROFESSIONAL ENGINEER
SIGNATURE (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
DATE: 11/16/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

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MD1312D
11805 SW 26th STREET
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SHEET NAME
COMPOUND PLAN

SHEET NUMBER
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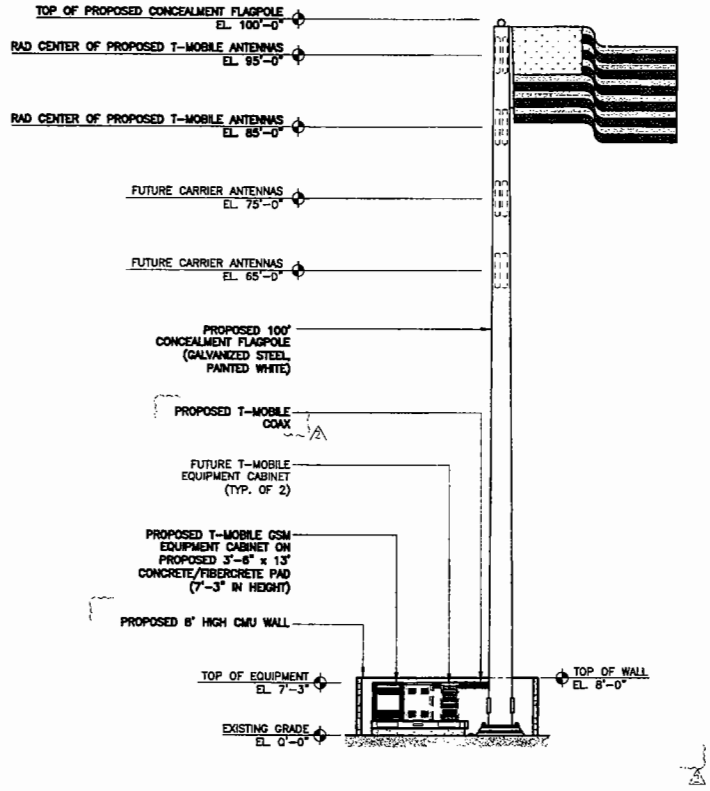
NOTES:

1. THE FLAGPOLE SHALL BE ILLUMINATED IN ACCORDANCE WITH FEDERAL LAW, PBC CODE, AND THE UNITED STATES FLAG SHALL BE FLOWN AT ALL TIMES.
2. A NEW FLAG SHALL BE INSTALLED EVERY 6 MONTHS, DURING THE MONTHS OF APRIL AND OCTOBER.
4. THERE SHALL BE A GOLD BALL AT THE TOP OF THE FLAGPOLE, WITH A MINIMUM DIAMETER OF 12".
5. THE FLAGPOLE SHALL BE CONFIGURED SUCH THAT IT CANNOT BE ACCESSED/CLIMBED.
6. FLAG DIMENSIONS SHALL BE A MINIMUM OF 10' x 15'



1 TOWER ELEVATION

0 8' 16'

GRAPHIC SCALE

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FAX: (305) 826-1799

CERTIFICATE OF AUTHORIZATION #: 6090

PROJECT NO.: 6788-08-1593 (127)

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DRAWN BY: R. DIAZ

CHECKED BY: M. ABBEY

PROFESSIONAL ENGINEER

SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)

DOB: 11/16/09

NAME: MARTIN H. SAHN

STATE: FLORIDA

LICENSE No.: 22787

EXP. DATE: 02/28/11

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11805 SW 26th STREET
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SHEET NAME

ELEVATION

SHEET NUMBER

Z8

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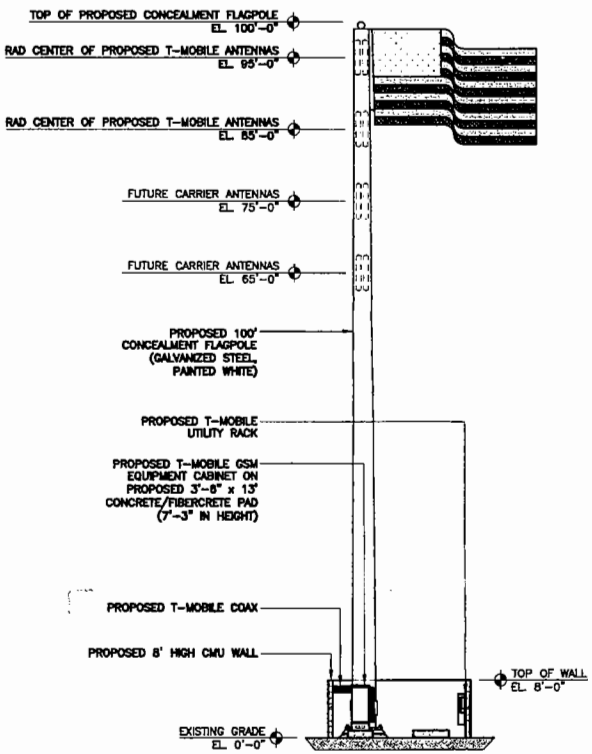
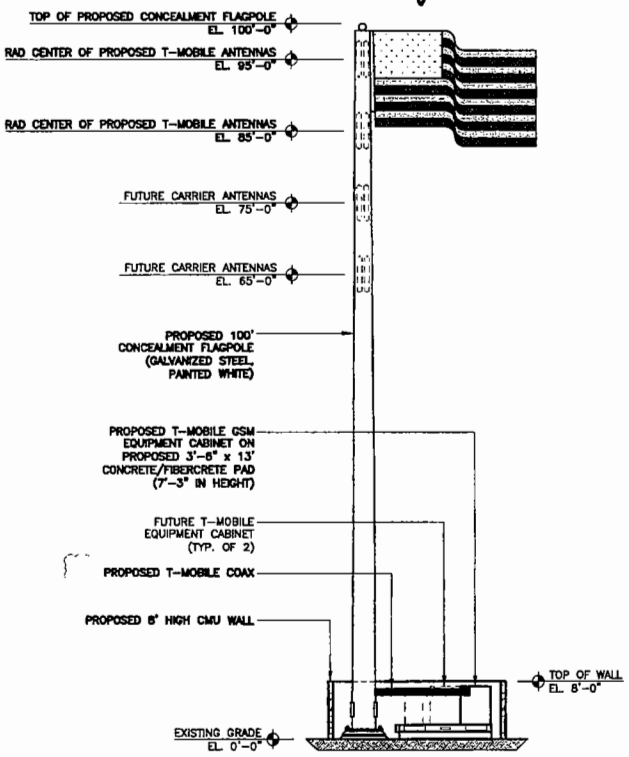


1 NORTH ELEVATION

0 8' 16'
GRAPHIC SCALE



2 EAST ELEVATION

0 8' 16'
GRAPHIC SCALE

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NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

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SHEET NAME
NORTH AND EAST ELEVATIONS

SHEET NUMBER
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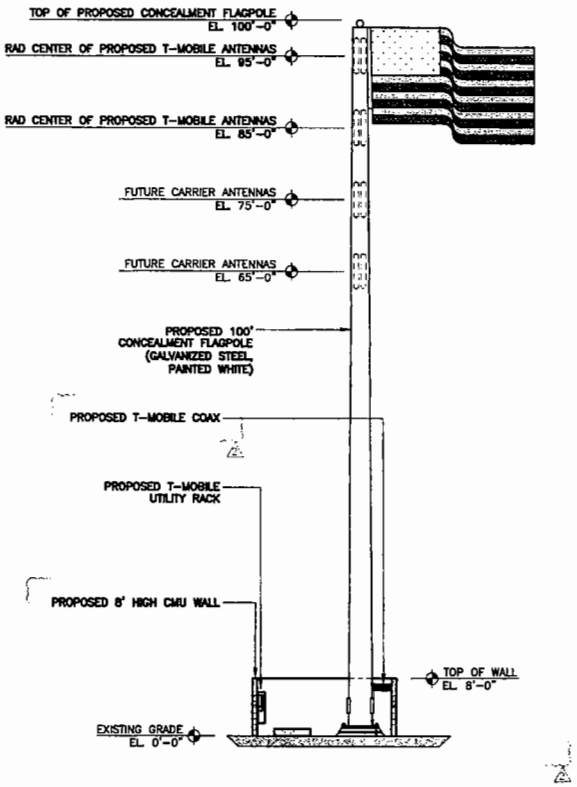
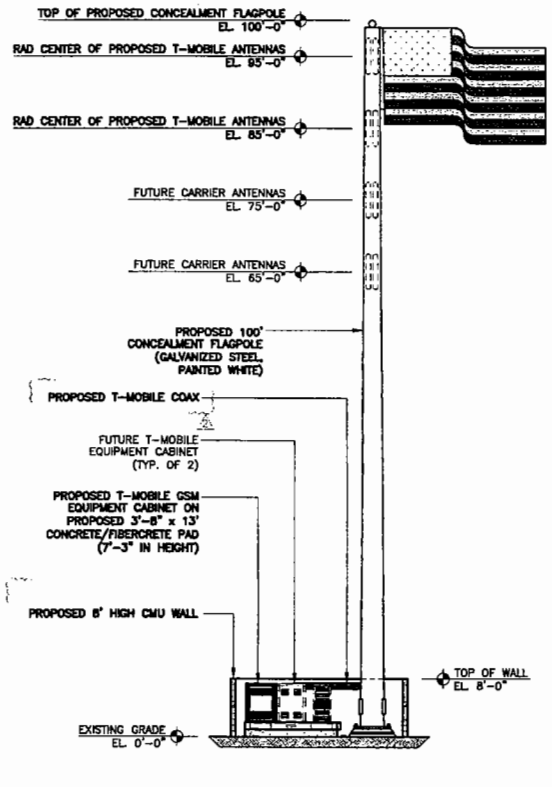


1 SOUTH ELEVATION

0 8' 16'
GRAPHIC SCALE



2 WEST ELEVATION

0 8' 16'
GRAPHIC SCALE

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SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)

DATE: 11/18/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE NO.: 22787
EXP. DATE: 02/28/11

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MIAMI, FL 33175

SHEET NAME
SOUTH AND WEST ELEVATIONS

SHEET NUMBER
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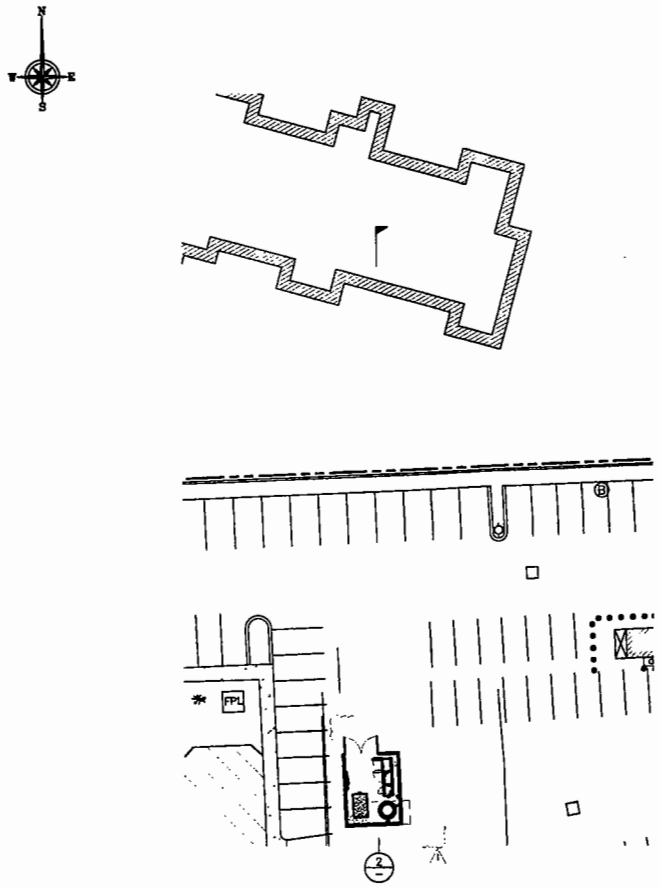

1 LINE OF SIGHT KEY PLAN
NTS

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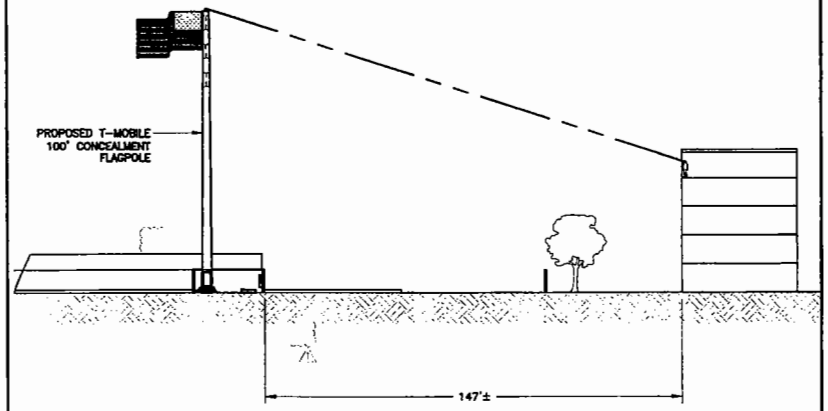

2 LINE OF SIGHT FROM CLOSEST RESIDENTIAL STRUCTURE

0 20' 40'
GRAPHIC SCALE

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STATE: FLORIDA

LICENSE No.: 22787

EXP. DATE: 02/28/11

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SHEET NAME

LINE OF SIGHT

SHEET NUMBER

Z11

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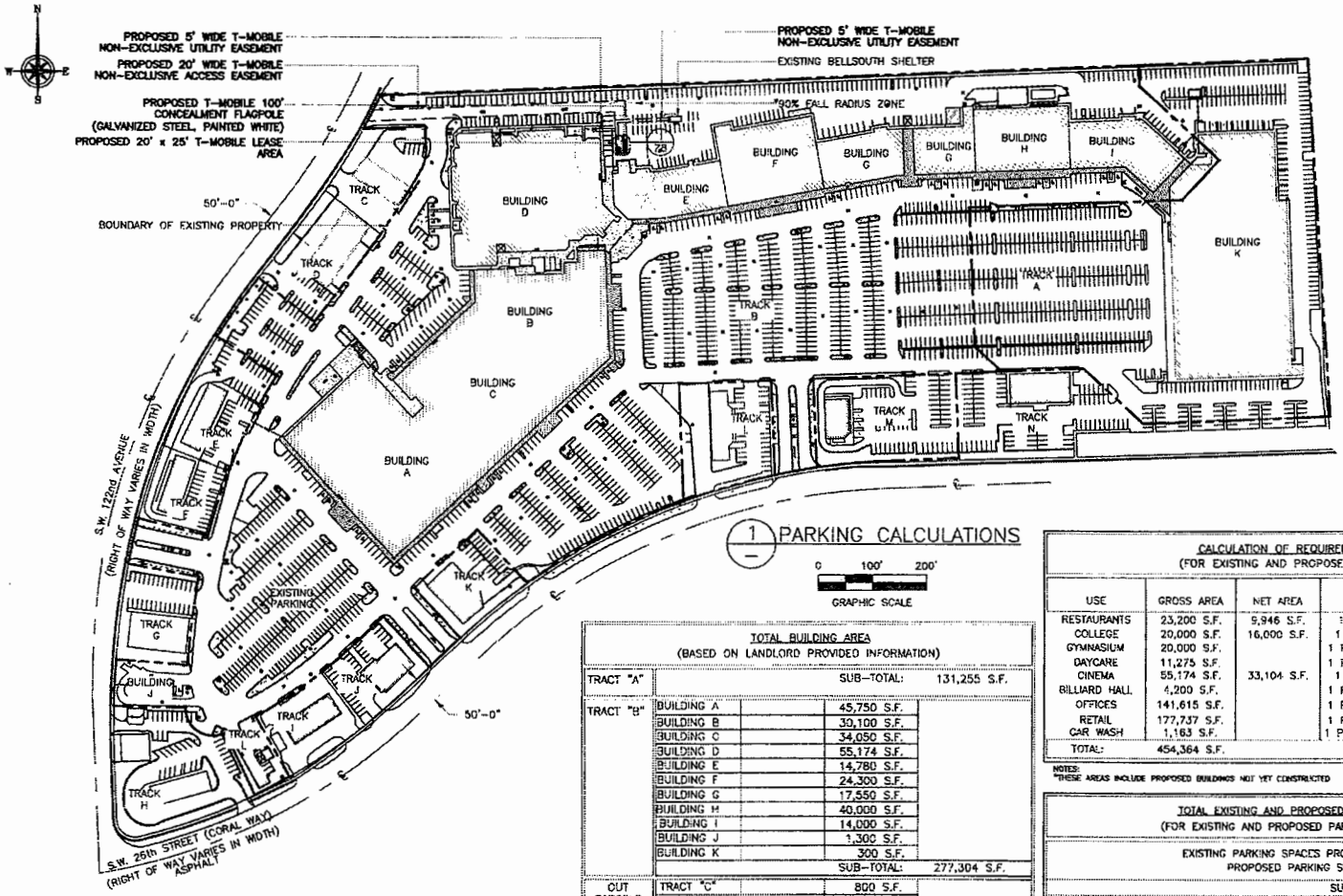

1 PARKING CALCULATIONS

0 100' 200'

GRAPHIC SCALE

TOTAL BUILDING AREA
(BASED ON LANDLORD PROVIDED INFORMATION)

TRACT "A"		SUB-TOTAL:	131,255 S.F.
TRACT "B"	BUILDING A	45,750 S.F.	
	BUILDING B	30,100 S.F.	
	BUILDING C	34,050 S.F.	
	BUILDING D	55,174 S.F.	
	BUILDING E	14,780 S.F.	
	BUILDING F	24,300 S.F.	
	BUILDING G	17,550 S.F.	
	BUILDING H	40,000 S.F.	
	BUILDING I	14,000 S.F.	
	BUILDING J	1,300 S.F.	
	BUILDING K	300 S.F.	
		SUB-TOTAL:	277,304 S.F.
OUT PARCELS	TRACT "C"	800 S.F.	
	TRACT "D"	6,832 S.F.	
	TRACT "E"	3,050 S.F.	
	TRACT "F"	3,000 S.F.	
	TRACT "G"	4,300 S.F.	
	TRACT "H"	4,200 S.F.	
	TRACT "I"	800 S.F	
	TRACT "J"	4,000 S.F.	
	TRACT "K"	5,400 S.F.	
	TRACT "L"	3,900 S.F.	
	TRACT "M"	3,300 S.F.	
	TRACT "N"	6,100 S.F.	
		SUB-TOTAL:	45,682 S.F.
COMBINED TOTAL:			454,364 S.F.

CALCULATION OF REQUIRED PARKING
(FOR EXISTING AND PROPOSED BUILDINGS)

USE	GROSS AREA	NET AREA	PARKING RATIO	REQUIRED PARKING
RESTAURANTS	23,200 S.F.	9,946 S.F.	1 PER 50 NET	199 SPACES
COLLEGE	20,000 S.F.	16,000 S.F.	1 PER 200 NET	80 SPACES
GYMNASIUM	20,000 S.F.		1 PER 100 GROSS	200 SPACES
DAYCARE	11,275 S.F.		1 PER PERSONNEL	13 SPACES
CINEMA	55,174 S.F.	33,104 S.F.	1 PER 100 NET	331 SPACES
BILLIARD HALL	4,200 S.F.		1 PER 100 GROSS	42 SPACES
OFFICES	141,615 S.F.		1 PER 300 GROSS	472 SPACES
RETAIL	177,737 S.F.		1 PER 250 GROSS	711 SPACES
CAR WASH	1,163 S.F.		1 PER 1000 GROSS	2 SPACES
TOTAL:	454,364 S.F.		TOTAL:	2,050 SPACES *

NOTES:
*THESE AREAS INCLUDE PROPOSED BUILDINGS NOT YET CONSTRUCTED

TOTAL EXISTING AND PROPOSED PARKING
(FOR EXISTING AND PROPOSED PARKING AREAS)

EXISTING PARKING SPACES PROVIDED:	2,361 SPACES
PROPOSED PARKING SPACES:	+ 0 SPACES
SUBTOTAL:	2,361 SPACES
ELIMINATED PARKING SPACES DUE TO TELECOMMUNICATION FACILITY	- 4 SPACES
TOTAL:	2,357 SPACES

NOTES:
*THIS TOTAL INCLUDES PARKING AREAS NOT YET CONSTRUCTED

CALCULATION OF EXCESS PARKING:

TOTAL EXISTING AND PROPOSED PARKING:	2,361 SPACES
TOTAL REQUIRED PARKING:	2,050 SPACES
EXCESS PARKING SPACES:	311 SPACES

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SIGNATURE (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
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NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22767
EXP. DATE: 02/28/11

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SHEET NAME
PARKING CALCULATIONS

SHEET NUMBER
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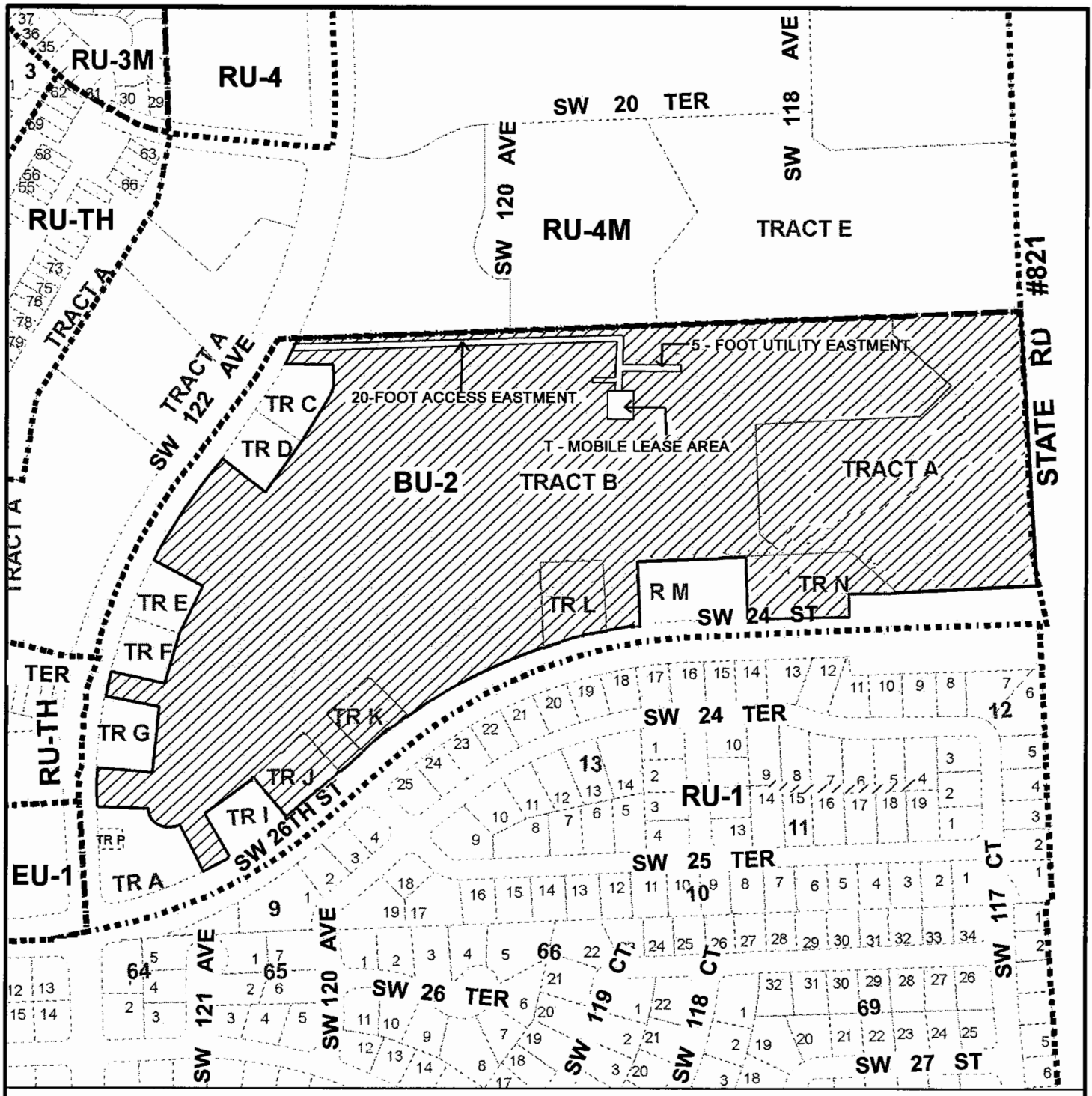


MIAMI-DADE COUNTY
HEARING MAP

Section: 12 Township: 54 Range: 39
Applicant: T-MOBILE SOUTH LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-171

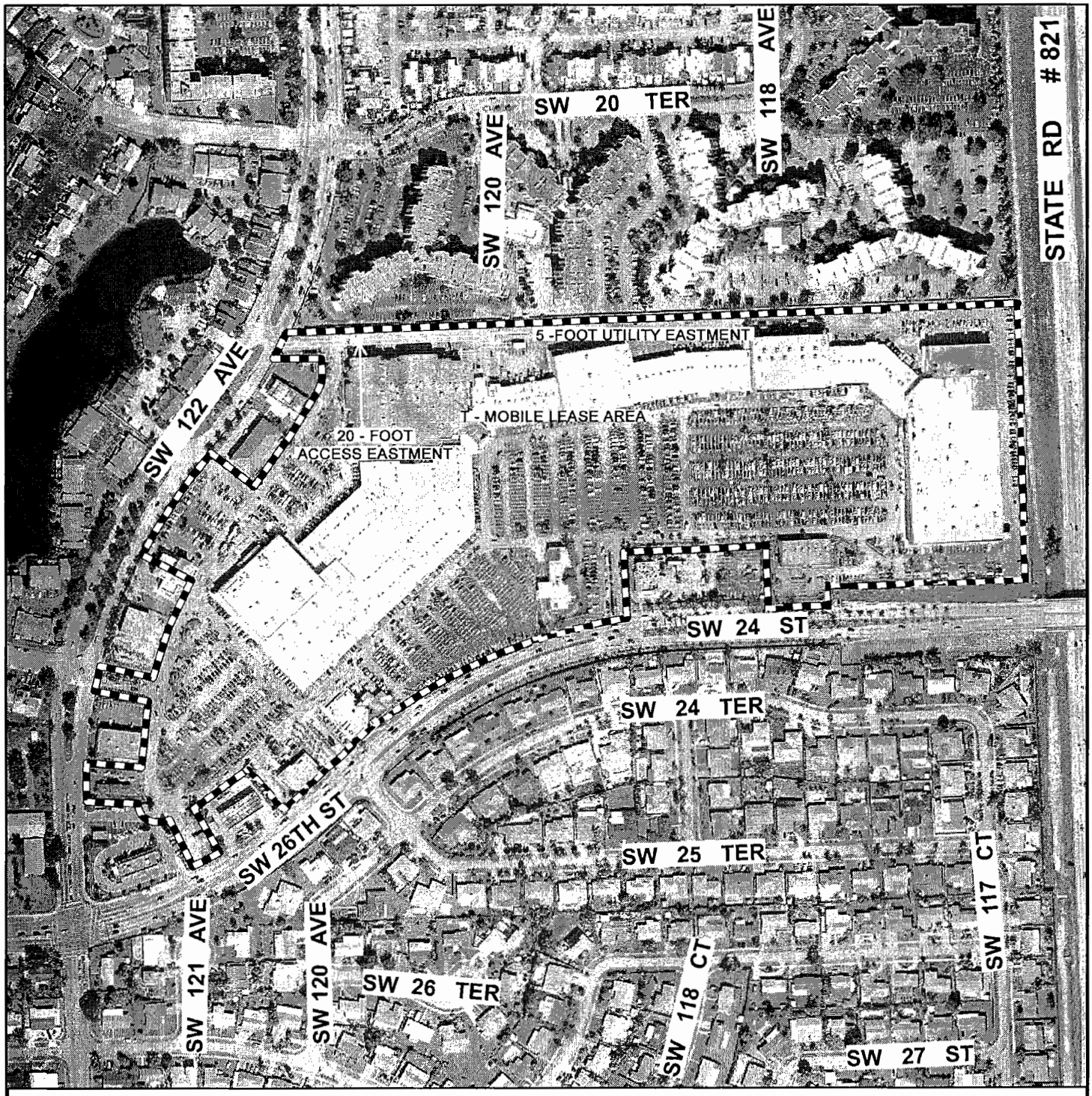
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/03/09

REVISION	DATE	BY
		44



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 12 Township: 54 Range: 39
Applicant: T-MOBILE SOUTH LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-171

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/09/08

REVISION	DATE	BY

2. EDWARD CABRERA/GRIZELLE ARENCIBIA
(Applicant)

10-10-CZ10-2 (10-031)
Area 10/District 10
Hearing Date: 10/20/10

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1947	Dade-County Zoning Dept.	- Zone change from RU-3B,AU, and GU to RU-2.	BCC	Approved

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

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

APPLICANTS: Edward Cabrera and Grizelle Arencibia **PH:** Z10-31 (10-10-CZ10-2)

SECTION: 16-54-40 **DATE:** October 20, 2010

COMMISSION DISTRICT: 10 **ITEM NO.:** 2

==========

A. INTRODUCTION:

o REQUESTS:

(1) Applicants are requesting to permit a duplex residence with a lot frontage of 51' (75' required) and a lot area of 7,138 sq. ft. (7,500 sq. ft. required).

(2) Applicants are requesting to permit an addition to the residence setback 17' (25' required) from the rear (south) property line.

(3) Applicants are requesting to permit the duplex residence with lot coverage of 36.5% (30% permitted).

(4) Applicants are requesting to permit a "CBS utility" shed setback 2.6' (5' required) from the rear (south) property line, varying from 2.2' to 2.7' (5.1' required) from thee interior side (west) property line and spaced 4.93' (10' required).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Cabrera/Arencibia Residence," as prepared by Sol-Arch, dated stamped received 6/1/10 and consisting of 4 pages. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicants are seeking approval to permit a duplex residence on a parcel of land with less lot area and lot frontage than that required by the Zoning Code. The applicants are also seeking approval to permit an existing addition to a duplex residence setback less than the required distance from the rear property line, to permit an existing CBS utility shed setback less than the required distance from the rear and interior side property lines and spaced closer to the principal residence than allowed by the Zoning Code, and to permit a lot coverage which exceeds the permitted lot coverage in the RU-2 zoning district.

o LOCATION:

9440 S.W. 36 Street, Miami-Dade County, Florida.

o SIZE: 51' x 139.97'

B. ZONING HEARINGS HISTORY: None that is specific to the subject site.

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-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-2; Duplex residence	Low-Medium Density Residential, 6 to 13 dua
SURROUNDING PROPERTY:	
NORTH: RU-2; Duplex residence	Low-Medium Density Residential, 6 to 13 dua
SOUTH: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
EAST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua

This property is an interior lot located at 9440 S.W. 36 Street. The surrounding area is developed with duplex residences and single-family residences.

E. SITE AND BUILDINGS:

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

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The 7,138 sq. ft. subject property is located at 9440 S.W. 36 Street in an established RU-2, Two-Family Residential Zoning District. The subject property is designated for **Low-Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 6 to a maximum of 13 dwelling units per gross acre. Since the requests will not add additional dwelling units to the community, the RU-2 zoned, duplex residence is **consistent** with the Low-Medium Density Residential designation as shown in the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department does not object** to this application. The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application and has indicated that the average response travel time for this site is **5:30** minutes.

The plans submitted by the applicants depict an existing duplex residence on a substandard sized parcel of land, which encroaches into the rear setback area, with a total lot coverage of 36.5% and includes an existing CBS utility shed which does not meet the required setbacks and spacing from the principal residence.

When requests #1, #2, #3 and #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood.

The approval of request #1, to permit a duplex residence with a lot frontage of 51' (75' required) and a lot area of 7,138 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes that although the subject property was platted prior to August 2, 1938, the original 50' X 139.97' lot now includes the west 1' of Lot 5 and therefore, is precluded from the grandfathering provision under Section 33-7. Additionally, staff notes that most of the lots located on the same block as the subject property are substandard in size and are part of a subdivision legally established and non-conforming having been platted and recorded prior to August 2, 1938, as is the case with the subject property. The surrounding area consists of sites with the similar lot frontage and area as the subject property, including properties located to the west and east of the subject site, which each consist of a lot frontage of 51' and a lot area of 7,140 sq. ft. Staff notes that the existing bedroom and living room additions provide additional living space for the residents of the dwelling unit located on the rear (southern) portion of the site. In addition, staff notes that the existing CBS utility shed provides additional storage area for the residents of the property. Further, as shown on the submitted elevations, the existing bedroom and living room additions as well as the existing CBS utility shed have been architecturally designed to match the scale and character of the existing residence. Additionally, staff notes that the survey submitted by the applicants depicts an existing 6' high wood fence along the interior side (west) and rear (south) property lines which, in staff's opinion, diminish any negative visual impact the existing addition and CBS utility shed may have on the abutting properties. Staff opines that the requested 5.07' reduction in the spacing between the existing CBS utility shed and the residence is internal to the site and will not have a negative visual impact on the surrounding area. Overall, staff is supportive of the application and notes that approval of same would not be out of character with the surrounding area as evidenced by similar approvals in the area. Specifically, staff notes that in 2009, property located at 9645 SW 37 Street was granted approval of requests to permit an addition to a duplex residence setback 16' from the rear property line and to permit a lot coverage of 40.7%, pursuant to Resolution No. CZAB10-36-09. Moreover, staff notes that property located at 9396 SW 37 Street was granted approval of a request to permit a duplex residence setback 15.5' from the rear property line, pursuant to Administrative Variance No. V1992000179. Notwithstanding the foregoing, after reviewing the submitted floor plans, staff opines that a future owner could easily convert the existing duplex into a three unit structure, which is not a permitted use in the RU-2 zoning district. As such, staff recommends as conditions for the approval of this application, that the applicants submit a Declaration of Use limiting the site to duplex use only and that the passageway connecting the foyer and kitchen remain open as illustrated on the submitted plan.

Accordingly, staff opines that approval of the application would be **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and, therefore, recommends approval with conditions of requests #1 through #3 under Section 33-311 (A)(4)(b) (Non-Use Variance).

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Cabrera/Arencibia Residence," as prepared by Sol-Arch, dated stamped received 6/1/10 and consisting of 4 pages, except as herein modified to show the removal of the wood roof structures located along the east property line. 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 a Declaration of Use agreement, in recordable form, limiting the property to duplex use only be submitted to and meet with the approval of the Director of the Department of Planning and Zoning prior to permit issuance.

5. That in order to maintain internal connectivity and preclude a future triplex use within the residence, the passageway between the foyer and kitchen must remain open (as shown on plans).

6. That the applicants apply for a building permit for the addition to the duplex residence as well as the existing CBS utility shed from the Building Department within 90 days after final public hearing approval of this application.

DATE TYPED: 07/08/10
DATE REVISED: 08/19/10; 09/13/10; 09/23/10; 10/01/10
DATE FINALIZED: 10/01/10
MCL:GR:NN:TA:NC

for

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: April 20, 2010

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

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

Subject: C-10 #Z2010000031
Edward and Grizelle Arencibia
9440 S.W. 36th Street
Request to Permit a Duplex Addition Setback less than Required from Property Lines, to Permit a Shed Setback less than Required from Property Lines and to Permit a Greater Lot Coverage than Permitted (RU-2) (.163 Acres)
16-54-40

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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 Christine Velazquez, at (305) 372-6764.

PH# Z2010000031
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EDWARD CABRERA/GRIZELLE ARENCIBIA

This Department has no objections to this application.

This land may require 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 not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
29-APR-10

Memorandum

Date: 23-APR-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2010000031

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2010000031
located at 9440 S.W. 36 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1525 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:30 minutes

Existing services

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

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

Planned Service Expansions:

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

None

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 07-SEP-10

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

EDWARD CABRERA/GRIZELLE ARENCIBIA

APPLICANT

9440 S.W. 36 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000031

HEARING NUMBER

HISTORY:

Open Cases:

Neighborhood Compliance

None

Building

20090132581 ¿NOV issued in 9/2009 for Working Without Permit (all trades). Extension granted in 12/2009. No compliance and CVNs issued in 5/2010. CVNs paid. Compliance pending. Case ongoing.

A2010003318 ¿CVN issued in 7/2010 for Expired Permit. Case ongoing.

Previous Cases:

Neighborhood Compliance

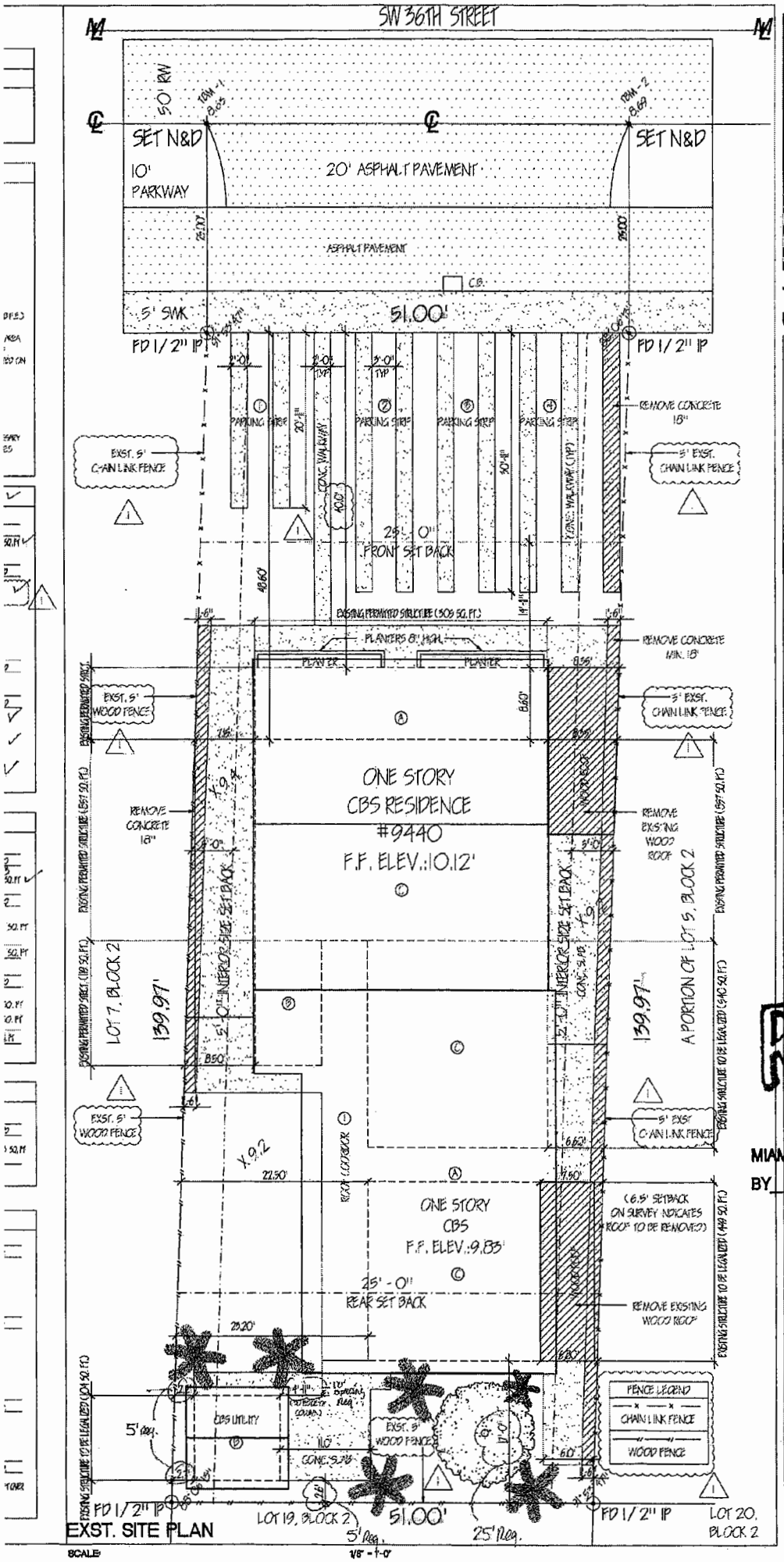
CMS#200703012621 ¿CVN issued in 12/2007 for Sign in the right-of-way. CVN paid. Case closed as complied.

Building

None

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:



Sol-ARCH

RESIDENTIAL REMODEL / VARIANCE FOR:

REVISION NO.	DATE	COMMENTS

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DE
BY

SHEET 11

ENLARGED SITE PLAN

LANDSCAPE LEGEND

(Only those areas required to be permanent, affected by permit)
Zoning District: RU-2 Net Land Area: 1.64 Acre 71,358.47 Sq.ft.

OPEN SPACE REQUIRED PROVIDED

	Required	Provided
A. Total square feet of open space required by Chapter 33, as indicated on site plan: Net land area = 71,358.47 square feet x 0.75 = 0.75 square feet	n/a	n/a
B. Square feet of parking lot open space required by Chapter 18A, as provided or less other: the number of parking spaces n/a x 10 square feet per parking space =	n/a	n/a
C. Total square feet of landscaped open space required by Chapter 18 = A + B =	n/a	n/a

LANDSCAPE AREA CALCULATIONS

A. Total square feet of all landscaped open space required by Chapter 33 =	n/a	
B. Minimum lawn area (Accessible and commercial) = 50% x 71,358.47 square feet =	35,679.24	

TREES

A. The number of trees required per acre =	12	
less the existing number of trees that meet or exceed requirements (native)	2	
= ... trees not on average	10	7
B. 30% palm trees allowed (max palm trees = ... trees) Palms provided =		
C. Percentage of palm trees required = the number of trees provided x 30% =	n/a	n/a
D. Shrubs trees (min. average size of 50" o.a.): n/a linear feet shrubs / 30 (Shrubs) =	n/a	n/a
Palms or palm trees (min. average size of 20' o.a.) n/a linear feet shrubs / 20 (Shrubs) =	n/a	n/a
E. Shrub trees located directly beneath power lines (max. mature spacing of 25' o.c.) n/a linear feet shrubs / 25 (Shrubs) =	n/a	n/a
F. Total number of trees provided =	n/a	n/a

SHRUBS

A. The total number of trees required x 10 = the number of shrubs required =	n/a	n/a
B. The number of shrubs required x 50% = the number of native shrubs required =	n/a	n/a

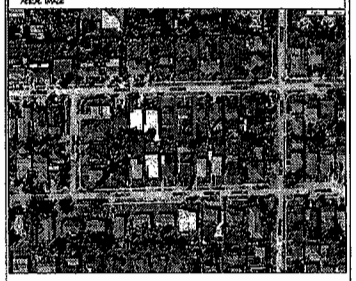
IRRIGATION PLAN: Required by Chapter 33. Automatic ... provided.

* Required for trees bearing underwater ... and palms are not included.
ADDITIONAL INFORMATION MAY BE REQUIRED BY CHAPTER 18A.

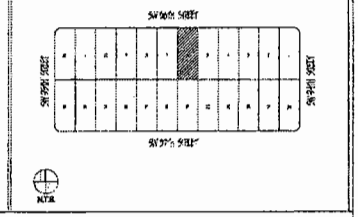
LEGAL DESCRIPTION

LOT 6 AND THE WEST HALF OF LOT 7, BLOCK 2, OF CHARLES ISLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, AT PAGE 23, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

AERIAL IMAGE



LOCATION MAP



SYMBOL LEGEND

SYMBOL	DESCRIPTION
	5' CLR. TOILET VENT
	24" SQ. SUPPLY DUCT (3 METAL VENT - NEW)

FLOOD LEGEND

PROPERTY: 9440 SW 36th Street, Miami, Florida, 33165
LOT: 6
FLOOD ZONE OF SITE: X
COMMUNITY NO. 120651 - 0394 G
FIRM PANEL NO. 12086C0394 G
B.F.E. = ELEVATION OF FLOOD + 2' = 9.50

	LOWEST FLOOR ELEVATION	GARAGE ELEVATION	ADJACENT GRADE ELEV. (AVERAGE)	CROWN NGVD ELEVATION
PROPOSED ELEVATION	N/A	N/A	N/A	N/A
EXISTING	10.12 (EXISTING)	N/A	9.29 (AVERAGE)	N/A

ALL ELECTRICAL, MECHANICAL & PLUMBING WILL BE PLACED AT OR ABOVE THE NEW FLOOD ELEVATION (B.F.E.)

ZONING DATA

ZONING DISTRICT		RU-2 ✓
MIN. LOT AREA		7,500 SQ.FT. ✓
MAIN BUILDING SETBACKS (S.F.D.)	REQUIRED	PROVIDED
FRONT	25'-0"	42'-0" ✓
SIDE (NEXT TO ST.)	15'-0"	8'-0"
REAR	25'-0"	17'-0"
ACCESSORY BUILDING SETBACKS	REQUIRED	PROVIDED
FRONT	-	-
ACCESSORY BUILDING - (S.F.D.)	REQUIRED	PROVIDED
FRONT	25'-0"	27'-1" ✓
SIDE	5'-0"	7'-2" ✓
REAR	5'-0"	7'-0" ✓

BUILDING DATA

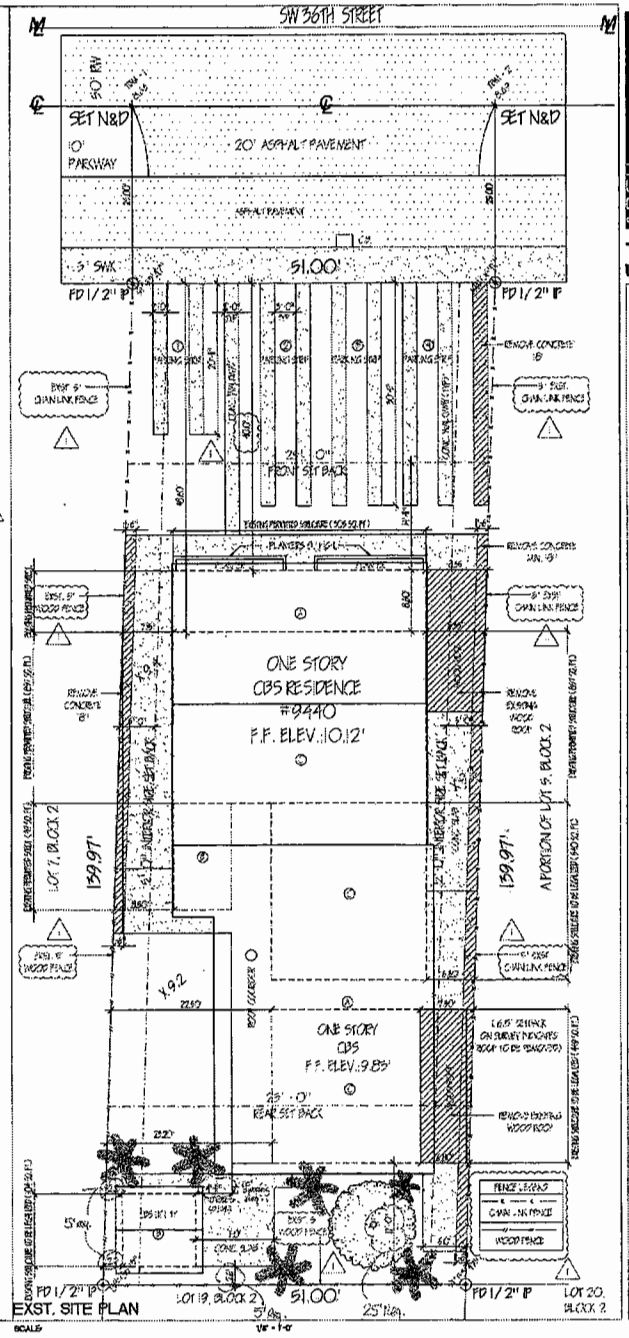
	REQUIRED	PROVIDED
MAXIMUM COVERAGE		
30% (ONE STORY OR 30% OF GROSS FLOOR AREA)	2142 SQ.FT.	2,604.59 SQ.FT. ✓
FLOOR AREA (GROSS FLOOR AREA)	REQUIRED	PROVIDED
ONE STORY (GROSS AREA - 1 STORY)	-	1,642.52 SF
TOTAL AREA		1,642.52 SF
NON-AIR CONDITIONED AREA	REQUIRED	PROVIDED
GARAGE/OPEN FLOOR COVERED PORCH / WALKWAYS	-	576.92 SF
PATIO	-	725.20 SF
TOTAL NON-A.C.		1,302.12 SF

GREEN SPACE

	REQUIRED	PROVIDED
	-	23,019.50 SF

VARIANCES REQUIRED

	REQUIRED	PROVIDED	VARIANCE REQ.
FRONT SETBACK (S.F.D.)	25'-0"	17'-0"	8'-0"
ACCESSORY BUILDING SETBACKS	REQUIRED	PROVIDED	VARIANCE REQ.
FRONT	25'-0"	2'-0"	23'-0"
SIDE (NEXT TO ST.)	7'-6"	2'-0"	5'-6"
REAR (ACCESSORY)	7'-6"	2'-0"	5'-6"
FENCE & RETAINING WALL	REQUIRED	PROVIDED	VARIANCE REQ.
FRONT	12'-0"	7'-0"	5'-0"
	REQUIRED	PROVIDED	VARIANCE REQ.
	30% = 2142 SQ.FT.	35% = 2,547.10 SQ.FT. (W/ VARIANCE)	405 SQ.FT. OVER



ZONING LEGEND
Single Family & Duplex

ZONE NO: RU-2
Height (to ridge of roof) 15'
Net Land Area 71,358.47
Lot Coverage (everything under roof) Required max 30% = 2142 sq. ft. / Provided = 2,604.59 sq. ft.
SETBACKS: REQUIRED / PROVIDED
FRONT 25' / 42'
SIDE 5'-2" / 8'-10" east / 7'-2" west
SIDE STREET 15' / N/A
REAR 25' / 17'-0" (under by 8'-0") ASBO

Area adjacent to lake or canal to be graded so as to prevent direct overland discharge of stormwater into lake or canal.
Lot will be graded so as to prevent direct overland discharge of stormwater onto adjacent property. Applicant will provide certification prior to final inspection.
ANY APPLICABLE RESOLUTIONS: NO

NOTICE:
In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County. Section 33-3 79(10), Florida Statutes, effective 7 / 10 / 87
Applicants: Must comply with Section 15 - 13.1 of the Miami - Dade County Code: (notice of rock mining operations where blasting is permitted) - prior to starting construction.
A separate permit will be required for all driveway approaches onto public right-of-way. Contact Public Works Department at (305) 375 - 2142.
The height of fences, walls and hedges shall not exceed 2.5 feet in height within 10 feet of the edge of any driveway leading to a right-of-way.
The height of fences is measured from grade. Grade = Elevation of public sidewalk or crown of road

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9370 SW 72ND STREET, MIAMI, FL 33173
T: 305.740.1978 F: 305.740.1979
info@sol-arch.com
AR93788

REVISION NO.	DATE	COMMENTS
1	05-25-2010	Review Comments

RESIDENTIAL REMODEL / VARIANCE FOR:

CABRERA / ARENCIBIA RESIDENCE

9440 SW 36TH ST, MIAMI, FL

PROJ. NO.
ISSUE DATE: 02-12-2002
PLOT DATE:
SCALE:
DRAWN BY:
CHECKED BY:

SHEET A1.1

LANDSCAPE LEGEND

(For information is required to be permanently affixed to the plan)

Zoning District: BU-2 Net lot area: 1/4 Acres 7,359.47 Sq. Ft.

OPEN SPACE REQUIRED/PROVIDED

	Required	Provided
A. Total square feet of open space required in Chapter 33, as indicated on site plan		
Net lot area = 7359.47 square feet x n/a % = n/a square feet	n/a	n/a
B. Square feet of parking area open space required by Chapter 18A, as indicated on site plan		
The number of parking spaces n/a x 10 square feet per parking space =	n/a	n/a
C. Total square feet of landscaped open space required by Chapter 33 = A + B =	n/a	n/a

LAWN AREA CALCULATION

A. Total square feet of landscaped open space required by Chapter 33 =	n/a	
B. Maximum lawn area (Not more than 50% of open space) = 50% x 7,359.47 square feet =	3,679.74	3652

TREES

A. The number of trees required per net lot	2	
less the maximum number of trees that may be used to meet requirements (none)	0	
= ___ trees x net lot acreage	2	6 Palms
B. 50% palm trees allowed (two palm trees = 1 tree) Palms provided =		
C. Percentage of native trees required = the number of trees provided x 50% =	n/a	n/a
D. Shade trees (min. average caliper of 3½ in.): n/a trees for every planted / 35 (shade) =	n/a	n/a
Palms as shade trees (min. average spacing 25 o.c.) n/a trees for every planted / 25 (shade) =	n/a	n/a
E. Shade trees located under overhead power line (maximum average spacing of 25' o.c.):		
n/a trees for every planted / 25 (shade) =	n/a	n/a
F. Total number of trees provided =	n/a	n/a

SHRUBS

A. The total number of trees required x 10 = the number of shrubs required =	n/a	n/a
B. The number of shrubs required x 50% = the number of native shrubs required =	n/a	n/a

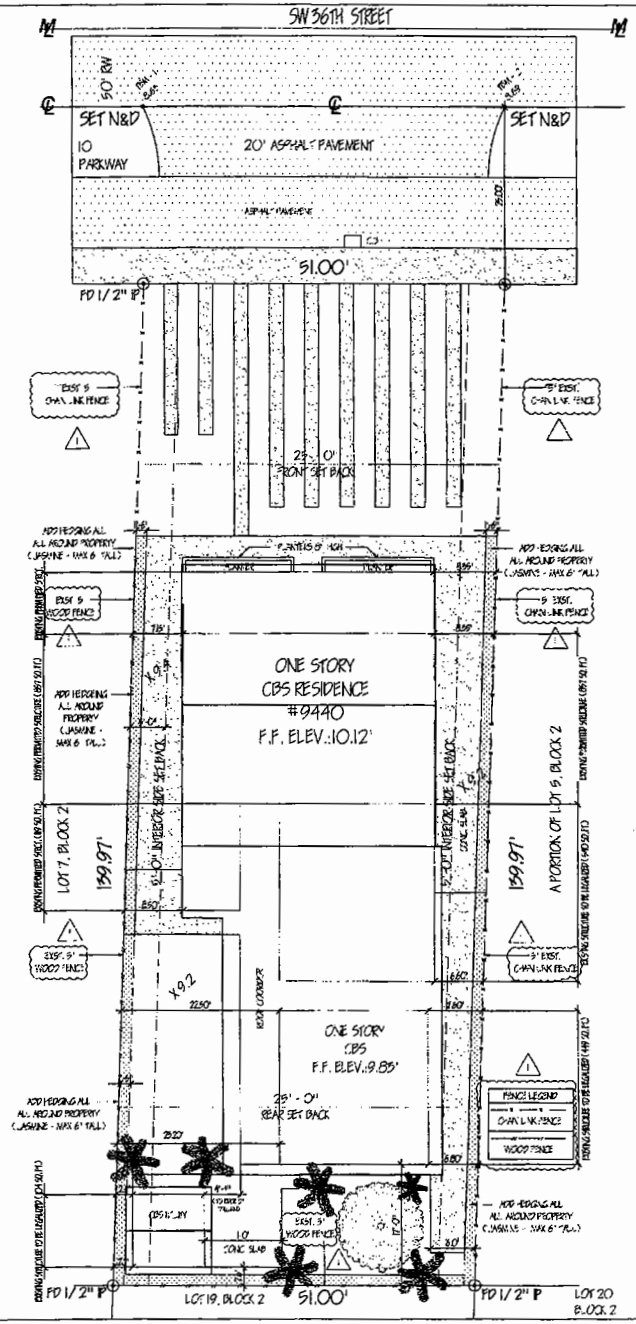
DESIGN PLAN: Required by Chapter 33. As indicated ... or not ... X ... provided

* Required or trees located under overhead or adjacent to sidewalks and plants small at 3 feet

ADDITIONAL INFORMATION MAY BE REQUIRED BY CHAPTER 18A

LEGEND

- NEW JASMINE HEDGE - MAX 6' TALL
- EXISTING PALM TREES
- EXISTING TREE



NEW LANDSCAPE PLAN

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

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PH: 305.551.0000 FAX: 305.551.0000
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5-24-10
ELIAS CABRERA, AIA, ARCHITECT
AA26001

REVISION NO.	DATE	COMMENTS
1	05-25-2010	Review Comments

RESIDENTIAL REMODEL / VARIANCE FOR:

CABRERA / ARENCIBIA RESIDENCE

9440 SW 36TH ST, MIAMI, FL

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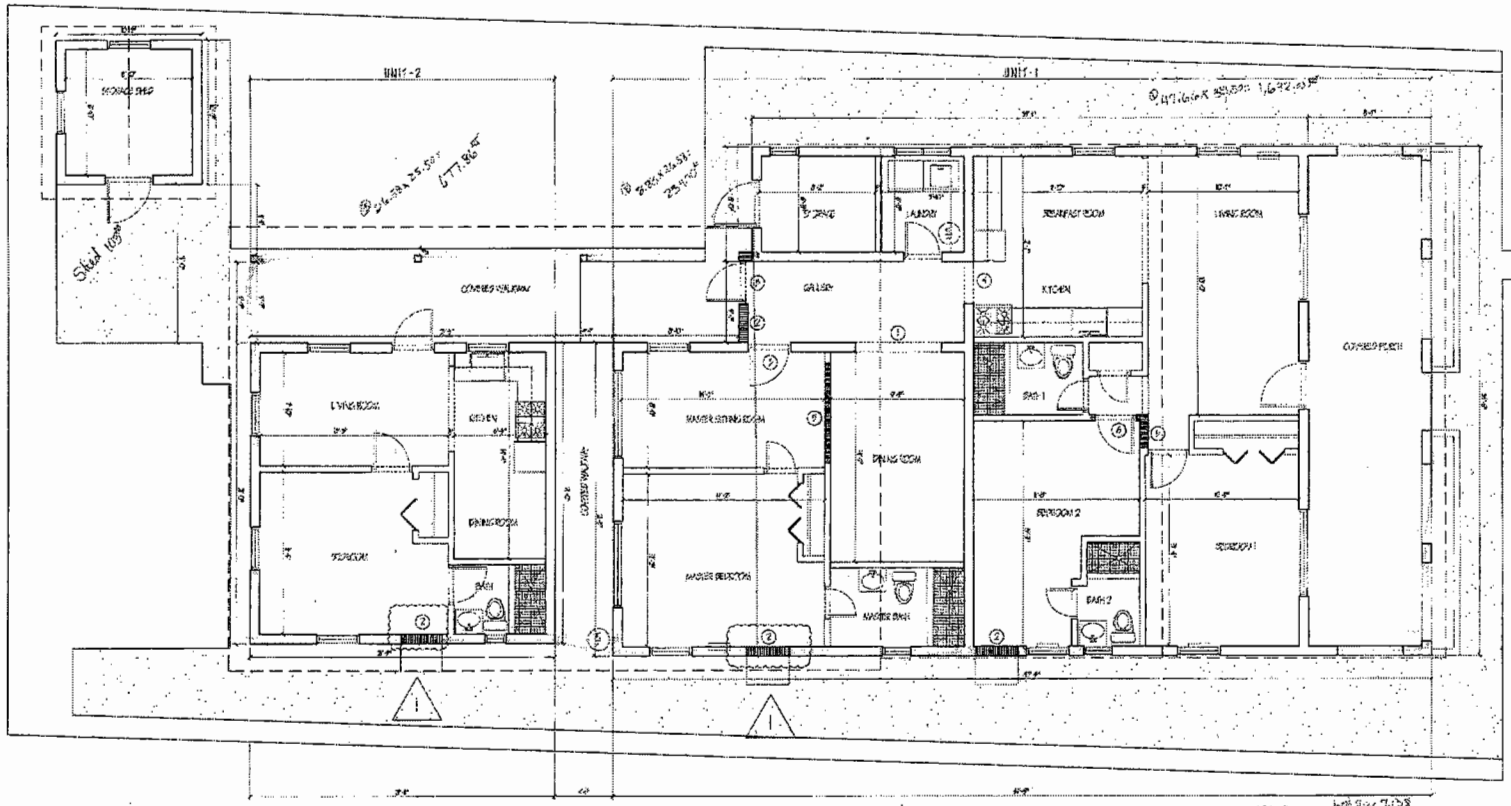
PROJ. NO.:
ISSUE DATE: 02-12-2002
PLOT DATE:
SCALE:
DRAWN BY:
CHECKED BY:

New Landscape Plan

SHEET A1.11

14



NEW FLOOR PLAN

SCALE 1/4" = 1'-0"

Plan Notes:

Note:

1. New opening
2. New 5" CBS wall - refer to structural
3. New door
4. New doorway
5. New interior partition
6. Relocated door

Legend:

1. Existing walls to remain
2. New walls

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5-27-10
Rodolfo
LICENSED & CERTIFIED ARCHITECT

REVISION NO.	DATE	COMMENTS
1	05-26-2010	Review Comments

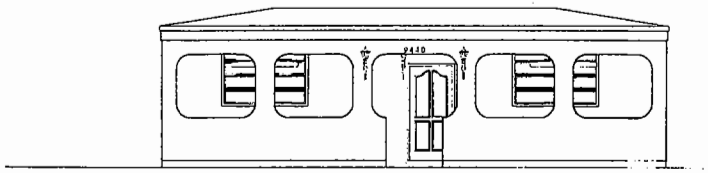
RESIDENTIAL REMODEL / VARIANCE FOR:

CABRERA / ARENCIBIA RESIDENCE

9440 SW 36TH ST, MIAMI, FL

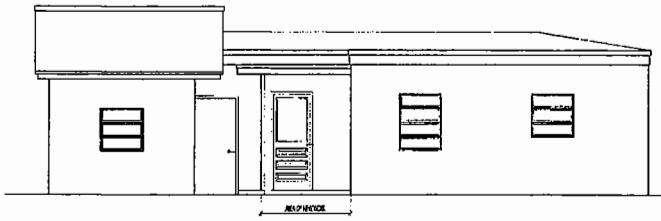
PROJ. NO.:
ISSUE DATE: 02-12-2002
REV. DATE:
SCALE:
DRAWN BY:
CHECKED BY:

SHEET A2.2



NEW NORTH ELEVATION (FRONT)

SCALE 1/4" = 1'-0"



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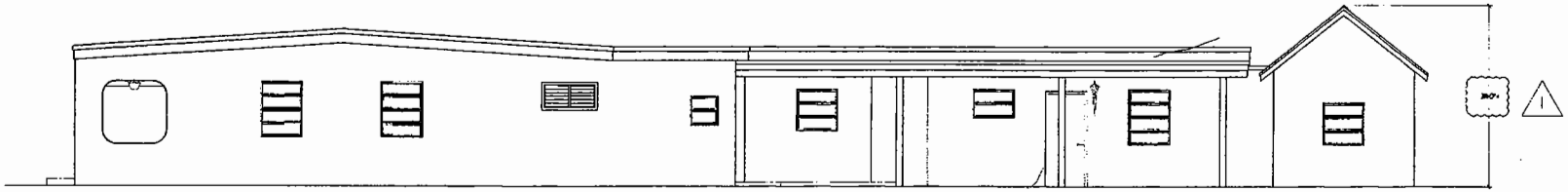
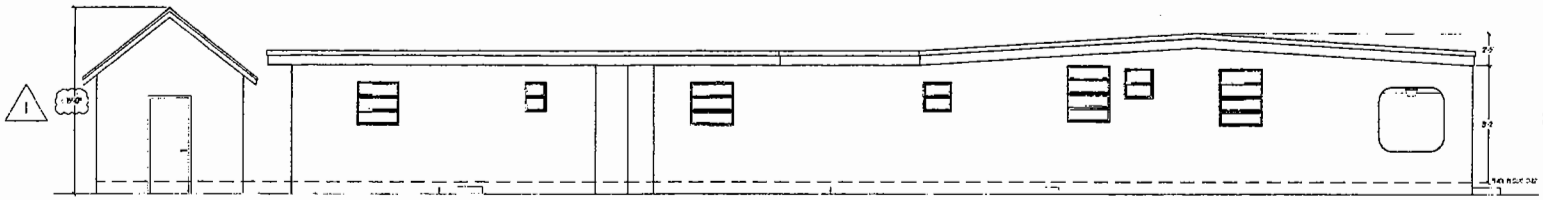
NEW SOUTH ELEVATION (REAR)

SCALE 1/4" = 1'-0"



NEW WEST ELEVATION (RIGHT)

SCALE 1/4" = 1'-0"



RECEIVED
2.10.03
JUN 01 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NEW EAST ELEVATION (LEFT)

SCALE 1/4" = 1'-0"

501-ARCH
ARCHITECTURE · INTERIORS · PLANNING · SUSTAINABLE DESIGN · VISUALIZATION
5-27-10

REVISION NO.	DATE	COMMENTS
1	06-25-2010	Review Comments

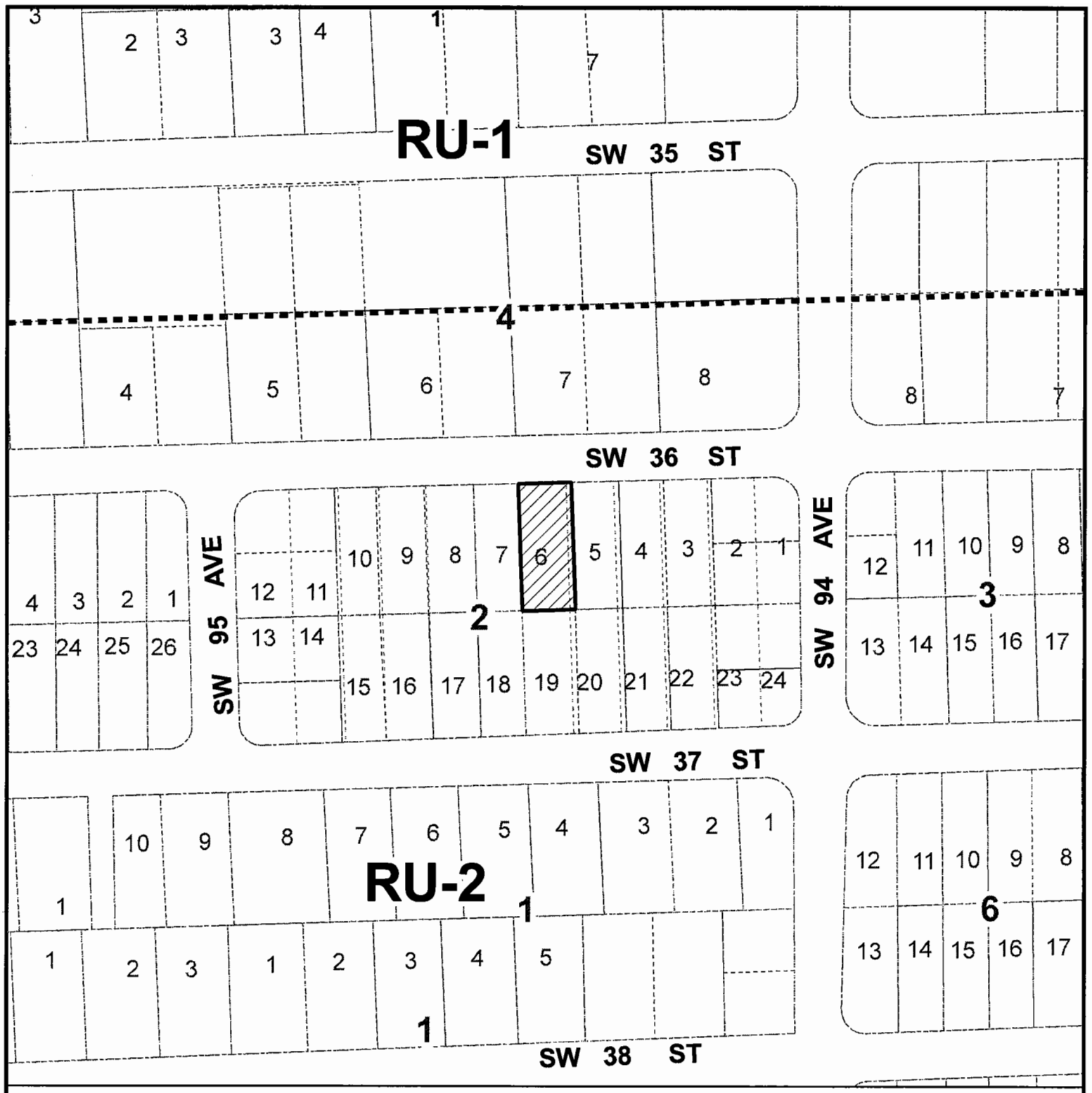
RESIDENTIAL REMODEL / VARIANCE FOR:

CABRERA / ARENCIBIA RESIDENCE

9440 SW 36TH ST, MIAMI, FL

PROJ. NO.:
ISSUE DATE: 02-12-2002
REVISION DATE:
SCALE:
DRAWN BY:
CHECKED BY:

SHEET A3.2



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000031

Section: 16 Township: 54 Range: 40
Applicant: EDWARD CABRERA/GRIZELLE ARENCIBIA
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, April 8, 2010

REVISION	DATE	BY
		16

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000031

N
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S

Legend

Subject Property

Section: 16 Township: 54 Range: 40
Applicant: EDWARD CABRERA/GRIZELLE ARENCIBIA
Zoning Board: C10
Commission District: 10
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MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, April 8, 2010

REVISION	DATE	BY