2-25-2009 Version # 1

KITS

COMMUNITY ZONING APPEALS BOARD 11

ARVIDA MIDDLE SCHOOL

10900 SW 127 Avenue, Miami

Thursday, April 2, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	09-2-CZ11-2	MINISTERIO INTERNACIONAL EL REY JESUS, INC.	08-72	22-55-39	

CURRENT

1.	09-4-CZ11-1	VANGUARDIAN VILLAGE, LLP	08-44	01-55-39	N
2.	09-4-CZ11-2	EDUARDO LOBATO	08-130	28-54-39	N
3.	09-4-CZ11-3	CAROLINA SANCHEZ	08-139	03-55-39	N
4.	09-4-CZ11-4	WALMART STORES EAST, LP	08-183	32-54-39	N
5.	09-4-CZ11-5	SOUTHERN BUILDERS AT LAKESIDE II	08-189	14-55-39	N
6.	09-4-CZ11-6	ERNESTO & VIVIAN ELESPPE	09-11	28-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, APRIL 2, 2009

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 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. MINISTERIO INTERNACIONAL EL REY JESUS, INC. (09-2-CZ11-2/08-72) **22-55-39 Area 11/District 11**

(1) Applicant is requesting to waive the zoning regulations requiring a Class "B" Point of Sale Sign to be located on the same premises whereon the use is situated; to permit the sign on a parcel without the principal building.

(2) Applicant is requesting to permit 3 detached signs (2 detached signs maximum permitted) and to permit the signs to be spaced 19' (894' required) from each other.

(3) Applicant is requesting to permit one detached lateral sign setback a minimum of 2.17' from the side street (east) property line and the 2nd detached lateral sign setback a minimum of 2.25' from the front (north) property line (7.28' required for each).

(4) Applicant is requesting to permit a decorative fountain in conjunction with one of the three detached signs setback 15' (20' required) from the front (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and requests #1-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Proposed Monument Sign," as prepared by G & A Architect, P.A., consisting of 1 sheet dated stamped received 10/3/08. Plans may be modified at public hearing.

LOCATION: 14100 S.W. 144 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 31.4 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from 2/4/09

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1. VANGUARDIAN WILLAGE, LLP (09-4-CZ11-1/08-44) **01-55-39 Area 11/District 10**

(1) UNUSUAL USE to permit a home for the aged in conjunction with a senior residential facility.

(2) MODIFICATION of Conditions #2 and #9 of Resolution No. CZAB 11-50-07, passed and adopted by the Community Zoning Appeals Board #11, 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 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez, RA, Sheet A-1 dated stamped received 9/19/07, the remaining 5 sheets dated stamped received 7/23/07, and a landscape plan entitled 'Vanguardian,' as prepared by Ivette Gatell Estefani,

Landscape Architect, consisting of Sheets L-1 and L-2 all dated stamped received 9/19/07 and consisting of 2 sheets for a total of 8 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez Jomolca, dated stamped received 10/14/08, with Sheet 'A-2.1' dated last revised 1/16/09, consisting of 8 sheets and a landscape plan entitled 'Vanguardian,' as prepared by Ivette Gatell Estefani, Landscape Architect, dated stamped received 10/14/08 and consisting of 2 sheets, for a total of 10 sheets."

FROM: "9. The maximum number of units permitted within the proposed senior residential facility shall be 174."

TO: "9. The maximum number of units permitted within the proposed senior residential facility shall be 87 and the number of beds for the home for the aged shall be limited to a maximum 166 beds."

3) MODIFICATION of Paragraph #1(c) and #2 of a Declaration of Restrictions, recorded in Official Record Book 26217, Pages 1578-1592, reading as follows:

FROM: "1(c) The maximum number of units permitted within the proposed senior residential facility shall be 176."

TO: "1(c) The maximum number of units permitted within the proposed senior residential facility shall be 87 and the number of beds for the home for the aged shall be limited to a maximum 166 beds."

FROM: "2. Controlling Site Plan. The Property shall be substantially in accordance with that certain plan entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez, RA, Sheet A-1 dated stamped received 9/19/07, the remaining 5 sheets dated stamped received July 23, 2007, and a landscape plan entitled "Vanguardian" as prepared by Ivette Gatell Estefani, Landscape Architect, consisting of Sheets L-1 and L-2 all dated stamped received Sept. 19, 2007 and consisting of 2 sheets for a total of 8 sheets."

TO: "2. Controlling Site Plan. The Property shall be substantially in accordance with that certain plan entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez Jomolca, dated stamped received 10/14/08, with Sheet 'A-2.1' dated last revised 1/16/09, consisting of 8 sheets and a landscape plan entitled 'Vanguardian' as prepared by Ivette Gatell Estefani, Landscape Architect, dated stamped received 10/14/08 and consisting of 2 sheets, for a total of 10 sheets."

The purpose for requests #2 and #3 is to allow the owner to submit new site plans showing a home for the aged with 166 beds in lieu of one of the senior residential buildings and to reduce the total number of senior residential units on the subject site.

(4) Applicant is requesting to permit an 8' high wall (6' high permitted) along the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #4 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family use) or under section §33-311(A)(4(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: Lying on the northeast corner of S.W. 127 Avenue and S.W. 104 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4 Acres

Department of Planning and Zoning Recommendation: Indefinite deferral.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. EDUARDO LOBATO (09-4-CZ11-2/08-130) **28-54-39**
Area 11/District 11

Applicant is requesting to waive the zoning regulations prohibiting accessory buildings to extend above the height of the wall enclosing the patio area of the townhouse; to permit a shed to be higher than the wall.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Remediation of Rear Yard Improvements," as prepared by Steven Ross Luria, R. A., dated stamped received 7/21/08. Plans may be modified at public hearing.

LOCATION: 15284 S.W. 69 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 36' x 85'

Department of Planning and Zoning Recommendation: Approval with conditions of the application under Section 33-311(A)(40(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. CAROLINA SANCHEZ (09-4-CZ11-3/08-139) **03-55-39**
Area 11/District 11

(1) MODIFICATION of Condition #2 of Resolution 4-ZAB-165-83, passed and adopted by the Zoning Appeals Board last modified by Resolution 4-ZAB-415-87, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that for the hearing entitled 'Munne Subdivision No. 1,' as prepared by Juan R. Martinez and Associates, Inc., dated 6-29-87, consisting of 2 pages."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that for the hearing entitled 'As-Built Plan for Legalization for Carolina H. Sanchez,' as prepared by Maria Lopez, consisting of 2 sheets, dated stamped received 12/16/08."

The purpose of Request #1 is to allow the applicant to submit a revised site plan showing an addition to an existing zero lot line residence setback less than previously approved and showing a detached pool cabana.

(2) Applicant is requesting to permit a pool cabana setback a minimum of 26.21' (75' required) from the front (north) property line.

(3) Applicant is requesting to permit a shed setback 51.5' (75' required) from the front (north) property line.

(4) Applicant is requesting to permit a rear yard area coverage of 162% (30% maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of the requests #2 and #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and requests #2-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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: 14318 S.W. 100 Lane, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.27 Gross Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

4. <u>WALMART STORES EAST, LP (09-4-CZ11-4/08-183)</u> **32-54-39**
Area 11/District 11

(1) MODIFICATION of Condition #2 of Resolution Z-124-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Wal-Mart Kendall Drive & S.W. 157 Ave.,' as prepared by Post, Buckley, Schuh and Jernigan, Inc., dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90."

TO: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc., consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, dated stamped received 12/11/08 for a total of 6 sheets."

(2) MODIFICATION of Paragraph #1 of Declaration of Restrictions, recorded in Official Records Book 14630, Pages 1633-1640, reading as follows:

FROM: "1. <u>Specification of Site Plan</u>: That said property be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Post, Buckley, Schuh and Jernigan, Inc., entitled 'Wal-Mart Kendall Drive and S.W. 157th Avenue, dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90. Said plans being on file with the Dade County Building and Zoning Department and by reference made a part of this declaration."

TO: "1. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc. consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, dated stamped received 12/11/08 for a total of 6 sheets."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area.

(3) Applicant is requesting to waive the zoning regulations requiring all uses to be conducted within enclosed buildings; to permit the garden center with a fence and wind screening enclosure.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 and #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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: 15885 S.W. 88 Street (North Kendall Drive), Miami-Dade County, Florida.

SIZE OF PROPERTY: 14.01 Acres

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. <u>SOUTHERN BUILDERS AT LAKESIDE II (09-4-CZ11-5/08-189)</u> 14-55-39
Area 11/District 09

(UNUSUAL USE to permit a partial lake fill.

Plans are on file and may be examined in the Department of Planning and Zoning, three sheets entitled "Specific Purpose Survey," as prepared by Royal Point Land Surveyors, Inc., consisting of 3 sheets, dated stamped received 9/17/08 and plans entitled "Lakeside II SH Communities," as prepared by Development Consulting Group, consisting of 2 sheets, dated stamped received 11/18/08 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying north of S.W. 132 Street and approximately 626' west of S.W. 127 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.4 Acres

Department of Planning and Zoning Recommendation: Approval with conditions.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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6. ERNESTO & VIVIAN ELESPPE (09-4-CZ11-6/09-11) **28-54-39**
Area 11/District 09

Applicants are requesting to permit a shed setback 1.58' (5' required) from the interior (zero lot line) side (west) property line and setback 1.05' (5' required) from the rear (south) property lines.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Ernesto Elesppe, and plans entitled "Ruffy; Classic; Americana Wood Frame – Utility Building," as prepared by Fred S. Cardwell, Professional Engineer, all dated stamped received 1/21/09 and consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 14858 S.W. 58 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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

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

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). 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. MINISTERIO INTERNACIONAL EL REY JESUS, INC. **09-2-CZ11-2 (08-72)**
(Applicant) **Area 11/District 11**
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1980	Karl Noonan, Trustee	Zone change from GU to RU-TH, IU-1, and IU-C.	BCC	Approved w/conds.

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#2

APPLICANT'S NAME: **MINISTERIO INTERNACIONAL EL REY JESUS, INC.**

REPRESENTATIVE: Daniella Rojas

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-2-CZ11-2 (08-72)	February 4, 2009	CZAB11		09

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: April 2, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To allow the applicant time to submit revised plans.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Nelson D. Diaz	X		
COUNCILMAN	S	Joseph E. DELANEY	X		
COUNCILWOMAN		Beatrice SUAREZ	X		
COUNCILWOMAN	M	Ileana R. VAZQUEZ	X		
VICE CHAIR		Jeffrey WANDER			X
CHAIRWOMAN		Patricia G. DAVIS	X		
		VOTE:			

EXHIBITS: ☐ YES ☐ NO COUNTY ATTORNEY: **ED SANCHEZ**

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANT: Ministerio Internacional El Rey Jesus, Inc. **PH:** Z08-072 (09-2-CZ11-2)

SECTION: 22-55-39 **DATE:** April 2, 2009

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

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A. INTRODUCTION

- **REQUEST:**

(1) Applicant is requesting to waive the zoning regulations requiring a Class 'B' Point of Sale Sign to be located on the same premises whereon the use is situated; to permit the sign on a parcel without the principal building.

(2) Applicant is requesting to permit 3 detached signs (2 detached signs maximum permitted) and to permit the signs to be spaced 19' (894' required) from each other.

(3) Applicant is requesting to permit one detached lateral sign setback a minimum of 2.17' from the side street (east) property line and the 2nd detached lateral sign setback a minimum of 2.25' from the front (north) property line (7.28' required for each).

(4) Applicant is requesting to permit a decorative fountain in conjunction with one of the three detached signs setback 15' (20' required) from the front (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and requests #1-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Monument Sign," as prepared by G & A Architect, P.A., consisting of 1 sheet dated stamped received 10/3/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant is seeking to waive the zoning regulations to permit a "Point of Sale" sign on a parcel of land without the principal building as well as to permit 3 detached signs spaced less than required from each other and encroaching into the side street (east) and front (north) setbacks. Additionally, the applicant seeks to permit a decorative fountain encroaching into the front (north) setback.

- **LOCATION:** 14100 S.W. 144 Avenue, Miami-Dade County, Florida.

- **SIZE:** 31.4 acres

B. ZONING HEARINGS HISTORY:

In 1980, the subject property was part of a tract of land that was approved for a district boundary change from GU, Interim District, to IU-1, Light Industrial District, and IU-C, Conditional Industrial District, pursuant to Resolution #Z-2-80.

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 **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

2. **Uses and Zoning Not Specifically Depicted.**

   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 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:	
IU-1 and IU-C; church, parking lot, vacant	Industrial and Office
Surrounding Properties:	
NORTH: GU; Tamiami Executive Airport	Terminal
SOUTH GU; CSX railroad tracks	Transportation
EAST: IU-C; warehouses, vacant land	Industrial and Office
WEST: IU-1 and IU-C; warehouses, vacant land	Industrial and Office

E. SITE AND BUILDINGS:

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

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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony

with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Section 33-311(A)(19) Alternative Site Development Option for Buildings and Structures in IU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the IU-1, IU-2, IU-3, and IU-C zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

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

(1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and

(2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

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

(4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and

(5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and

(6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

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

(8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district

regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

(9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and

(10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and

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

(12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:

(A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or

(B) the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either: (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

(13) any structure within an interior side setback required by the underlying district regulations:

(A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%), ninety percent (90%) if located adjoining or adjacent to a discordant use, of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or

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

(14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other

structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and

(15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

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

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

(18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 16, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and

(19) the proposed development will meet the following:

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

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

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

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

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

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

(1) will result in a significant diminution of the value of property in the immediate vicinity; or

(2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

(3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.

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

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

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

G. NEIGHBORHOOD SERVICES:

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

* Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the February 4, 2009, meeting to allow the applicant to submit revised plans. On January 28, 2009, the applicant submitted revised plans, consisting only of the Class B Point of Sale sign. The revised plans depict the proposed sign without encroachments into front or side street setbacks thereby removing the need for requests #2 through #4 as previously advertised for the February 4, 2009, meeting.

The subject property is located at 14100 SW 144 Avenue, approximately **1.5 miles east of and within the Urban Development Boundary (UDB)**. The subject property currently has two separate zoning classifications. The northern rectangular portion of the subject property, approximately 21.2 gross acres, referred to as Tracts A and B, is currently zoned IU-1, Light Industrial Manufacturing District, and the remainder, currently zoned IU-C, Conditional Industrial District, is referred to as tracts C and D. The applicant, Ministerio Internacional El Rey Jesus, Inc., is now only requesting to waive the zoning regulation requiring a Class "B" Point of Sale sign to be located on the same site whereon the principal building is situated; to permit the sign on a parcel without the principal building (request #1). To the east and west are warehouses and vacant lots zoned IU-1 and IU-C respectively. To the south is a railroad track zoned GU, Interim District, which separates the property from developed RU-TH, Townhouse, and RU-2, Two-Family Residential, zoning districts. To the north is the Tamiami Executive Airport and is zoned GU, Interim District. The submitted plans depict the 31.4 acre subject property comprised of 4 parcels, Tracts A, B, C and D, aligned alphabetically, from Tract A abutting SW 136 Street located to the north, to Tract D, which abuts the railroad tracks located to the south. The submitted plans and boundary survey indicate that the applicant intends to site the proposed sign and fountain in the northeast corner of Tract A, in an approximately 1,683 sq. ft. area and approximately 1,500' north of the existing church. The 141,000 sq. ft. church is located to the south on Tract C, with the parking located on Tract D and on the southern half of Tract B.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. However, they state in their memorandum that the applicant must file an Entrance Feature application to be reviewed by the Plat Committee. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and indicates that the estimated response time is **7:30 minutes**. Additionally, the **Miami-Dade Aviation Department (MIA)** has **no objections** to this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the existing church on this IU-C zoned parcel is **consistent** with the interpretative text of the CDMP.

However, 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 and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The applicant is requesting to waive the zoning requirements to permit the sign on a parcel of land without the principal building. Staff acknowledges that the church is not located within close proximity to SW 136 Street, which is a well travelled roadway. Staff opines that the approval of a Class "B" Point of Sale sign on a separate tract of land approximately 1,500' north of the principal structure could lead to a proliferation of such signage that are separated from the related use by setting a precedent to allow signs of a similar nature along the roadway for businesses that are similarly located away from SW 136 Street. Moreover, because there is no unity of title unifying the subject tracts of land, staff is of the opinion that the proposed sign could be separated from

other buildings, uses and owners in the future. As such, staff opines that approval of the signage would not be in keeping with the intent and purpose of the zoning and land use regulations, and, would be **incompatible** with the surrounding area.

When the applicant's remaining request to waive the zoning regulation requiring a Class "B" Point of Sale sign to be located on the same site whereon such is situated; to permit the sign on a parcel without the principal building (request #1) is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of the request is out of character and **incompatible** with the surrounding area. Further, as previously mentioned staff has consistently recommended denial of applications seeking deviations from signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. In staff's opinion, the approval of the proposed Class "B" Point of Sale sign on a separate tract of land from the primary church site is unnecessary and as previously mentioned, could lead to a proliferation of signs and could set a precedent for similar requests of this type in the area. Staff further opines that the location of the sign on a separate tract of land, located more than 1,500' to the north of the church, and separated by another tract of land, could, without the unification of the tracts, set an unwelcome precedent for businesses similarly located away from SW 136 Street. As such, staff recommends denial without prejudice of request #1 under the Non-Use Variance Standards (NUV).

When analyzed under the Alternative Non-Use Variance Standards [Section 33-311(A)(4)(c)] (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would prevent the reasonable use of the premises. The applicant has not proven that compliance with the Code would result in an unnecessary hardship. Therefore the application cannot be approved under the Alternative Non-Use Variance Standards. As such, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without Prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 05/02/08
DATE TYPED: 12/02/08
DATE REVISED: 01/09/09, 01/13/09, 02/19/09, 03/02/09, 03/19/09
DATE FINALIZED: 03/19/09/
MCL:MTF:NN:JV:CH

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

NDN

11

Memorandum

MIAMI-DADE COUNTY

Date: May 8, 2008

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

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

Subject: C-11 #Z2008000072
Ministerio Internacional el Rey Jesus, Inc.
14100 S.W. 144th Avenue
Unusual Use to Permit an Entrance Feature
(IU-1) (31.4 Acres)
22-55-39

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

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

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

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

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

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

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

PH# Z2008000072
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:MINISTERIO INTERNACIONAL EL REY

This Department has no objections to this application.

An Entrance Feature application must be filed to be reviewed by the Plat Committee. Entrance features reviewed by the Plat Committee have a more scrutinized review process which includes other affected Departments such as Fire Rescue and Water & Sewer.

Proposed lateral sign along SW 136 Street must set back from the safe sight distance triangle per Sec. 33-11 of the Miami-Dade County Code.

Additional improvements may be required at time of permitting.

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.
11-AUG-08

Memorandum

Date: 12-MAY-08

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

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

Subject: Z2008000072

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000072
located at 14100 S.W. 144 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2017 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: 7:30 minutes

Existing services:

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

Station 43 - Richmond - 13390 SW 152 Street
Rescue, ALS 50' Squrt (TRT)

Planned Service Expansions:

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

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 05/07/08

TEAM METRO

ENFORCEMENT HISTORY

MINISTERIO INTERNACIONAL EL REY

APPLICANT

14100 S.W. 144 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000072

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

05-06-08 No current violations observed.

No prior history found on any of the three folio numbers involved in this case.

Allen Beck.

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]. (Non-Profit)

CORPORATION NAME: Ministerio Internacional El Rey Jesus, Inc.

NAME AND ADDRESS	Percentage of Stock
Guillermo Maldonado, 14100 SW 144 Ave, 33186	Non-Profit
Ana G. Maldonado, 14100 SW 144 Ave, 33186	Non-Profit
Carlos A. Acosta, 16362 SW 62 Terr, 33193	Non-Profit
John Laffitte, 8421 SW 202 St, 33189	Non-Profit
Raquel Torres, 11405 NW 7 St #105, 33172	Non-Profit
Gabriel Dejarden, 10770 N. Kendall Dr #H-8, 33176	Non-Profit

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

RECEIVED
208-072
APR 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

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

RECEIVED
209-012
APR 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Date of contract: _____

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

NOTICE: For 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 21 day of April, 2008. Affiant is personally know to me or has produced N/A as identification.

_____ (Notary Public)

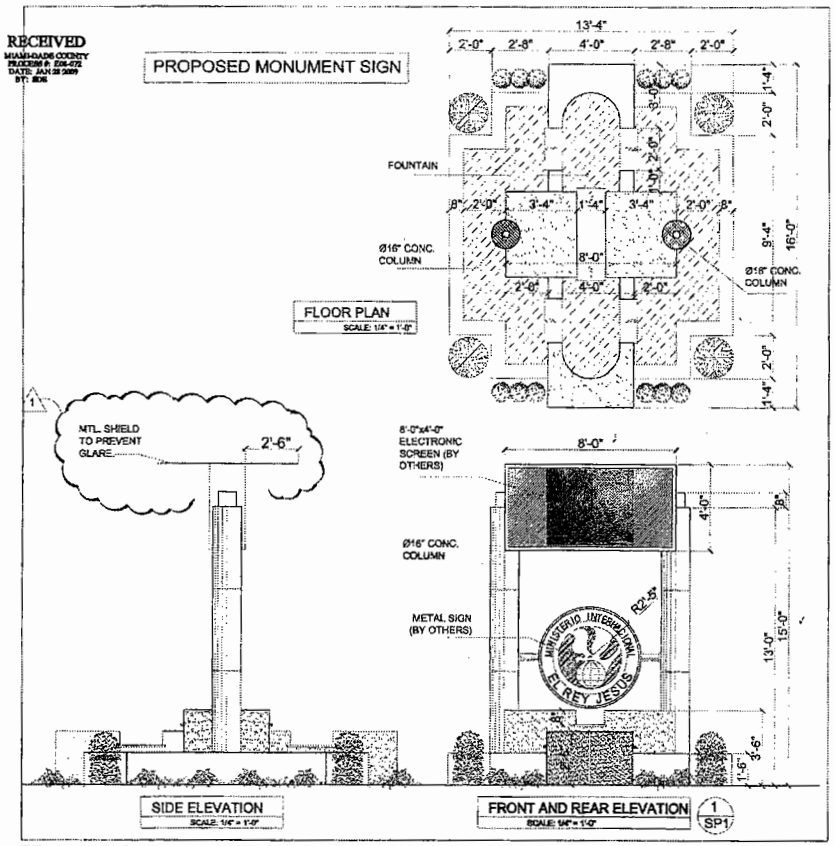
My commission expires: 10/3/08

Almed M. Osorio
Commission # DD359579
Expires: OCT. 03, 2008
Bonded Thru
Atlantic Bonding Co., 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.

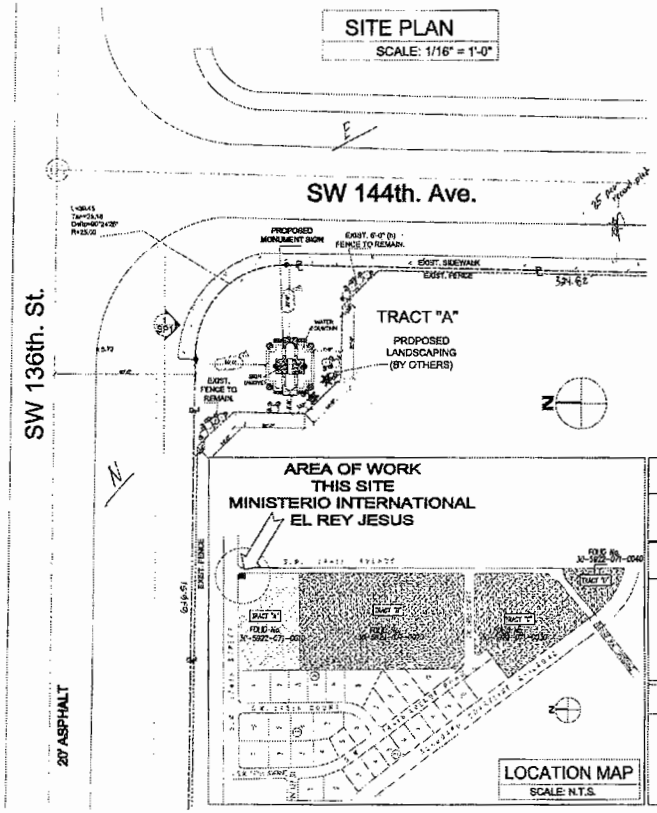
RECEIVED
MIAMI-DADE COUNTY
PROCESSED IN ZAA-272
DATE: JAN 28 2009
BY: RDR

PROPOSED MONUMENT SIGN



SITE PLAN

SCALE: 1/16" = 1'-0"



LEGAL ADDRESS:

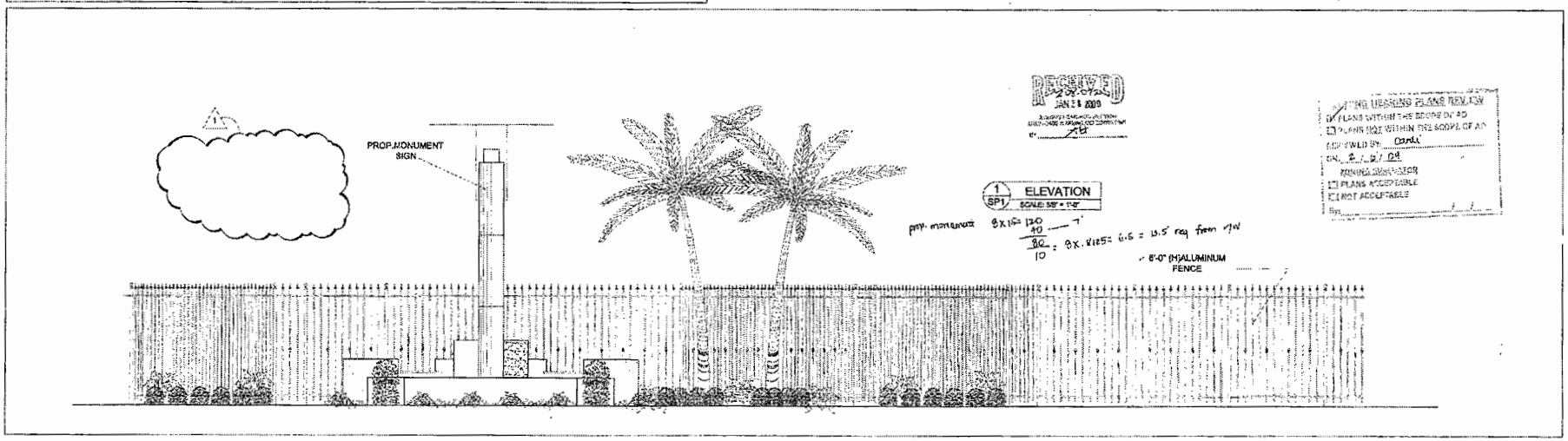
CORNER SOUTH-WEST AT 138TH ST AND 144TH AVENUE, MIAMI FLORIDA

SCOPE OF WORK:

TO BUILD A SIGN WITH AN ELECTRONIC INFORMATION SCREEN SUPPORTED WITH TWO CONCRETE COLUMNS & RECIRCULATING WATER FOUNTAIN BELOW THE SIGN.

LEGAL DESCRIPTION:

TRACT "A" OF " EL REY JESUS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 165, AT PAGE 32, OF THE PUBLIC RECORDS OF MIAMIA-DADE COUNTY, FLORIDA.



RECEIVED
JAN 28 2009

PLANNING HEARING PLANS REVIEW
☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD
REVIEWED BY: Cardi
ON: 2/27/09
ZONING SUPERVISOR
☐ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE
Bldg.

No.	Date	Revision
1	1-20-09	Building dept. comments

PROPOSED MONUMENT SIGN

Address: 14291 SW 142 AV. MIAMI, FL.

Owner: MINISTERIO INTERNACIONAL EL REY JESUS 305- 594 6302

G & A Architect P.A.

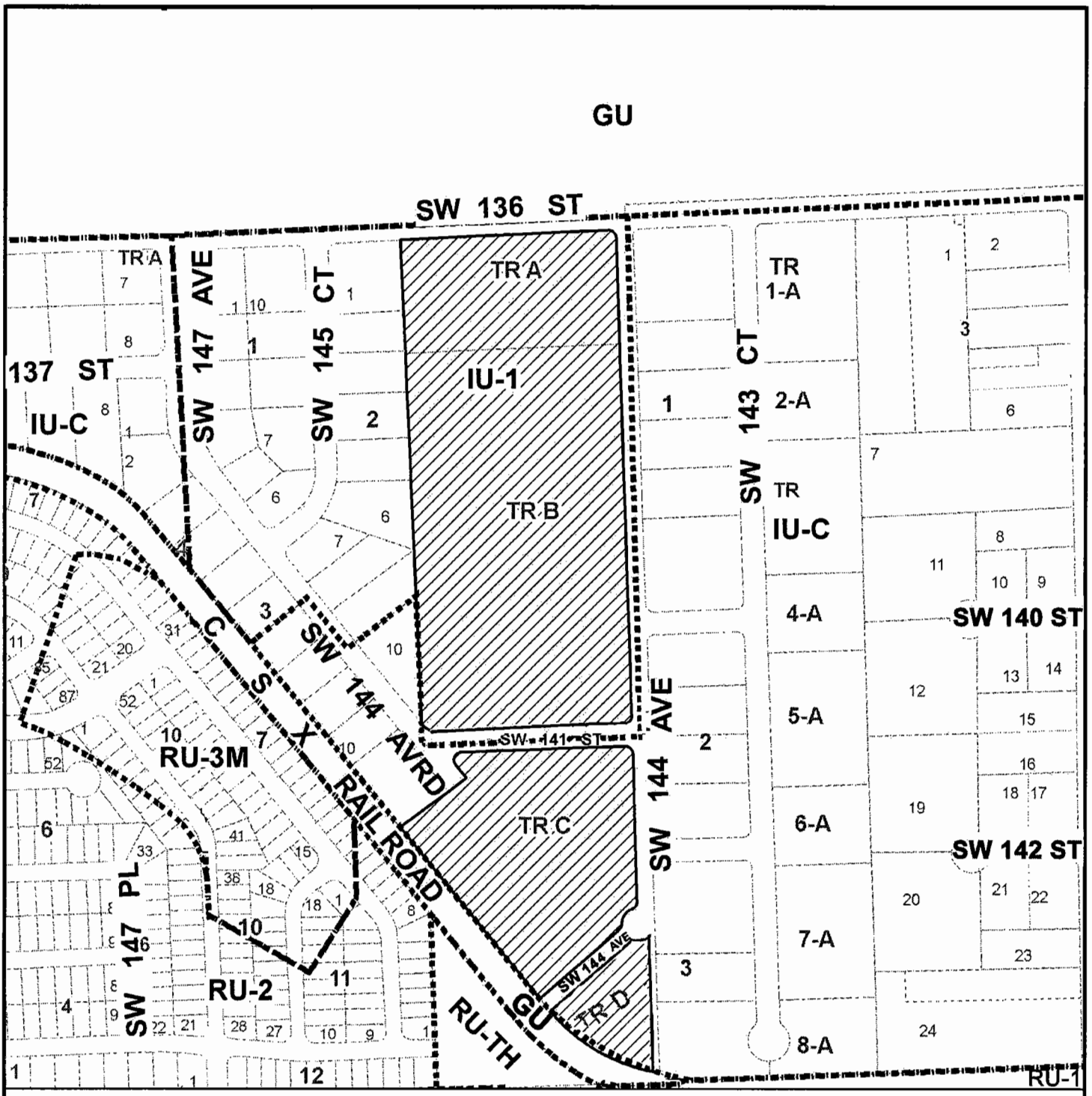
G & A Architect, P.A.
License: AA-26000635
10570 N.W. 27th St.
Suite 101-102
MIAMI, Florida 33172
Phone: (305) 592-2614
Fax: (305) 592-2613
gandarchitect@sbcglobal.net

SEAL: STATE OF FLORIDA

GERMAN A. AGUDELO
Architect for the firm
LICENSE # AA-0001594

Drawing by:	R.F., Y.G.
Checked by:	G.A.
Date:	02-08-2008
Scale:	AS SHOWN
JOB. NO.:	

SP1 OF



MIAMI-DADE COUNTY
HEARING MAP

Process Number

08-072

Section: 22 Township: 55 Range: 39
Applicant: MINISTERIO INTERNACIONAL EL REY JESUS
Zoning Board: C11
District Number: 11
Drafter ID: JEFFER
Scale: NTS

SUBJECT PROPERTY

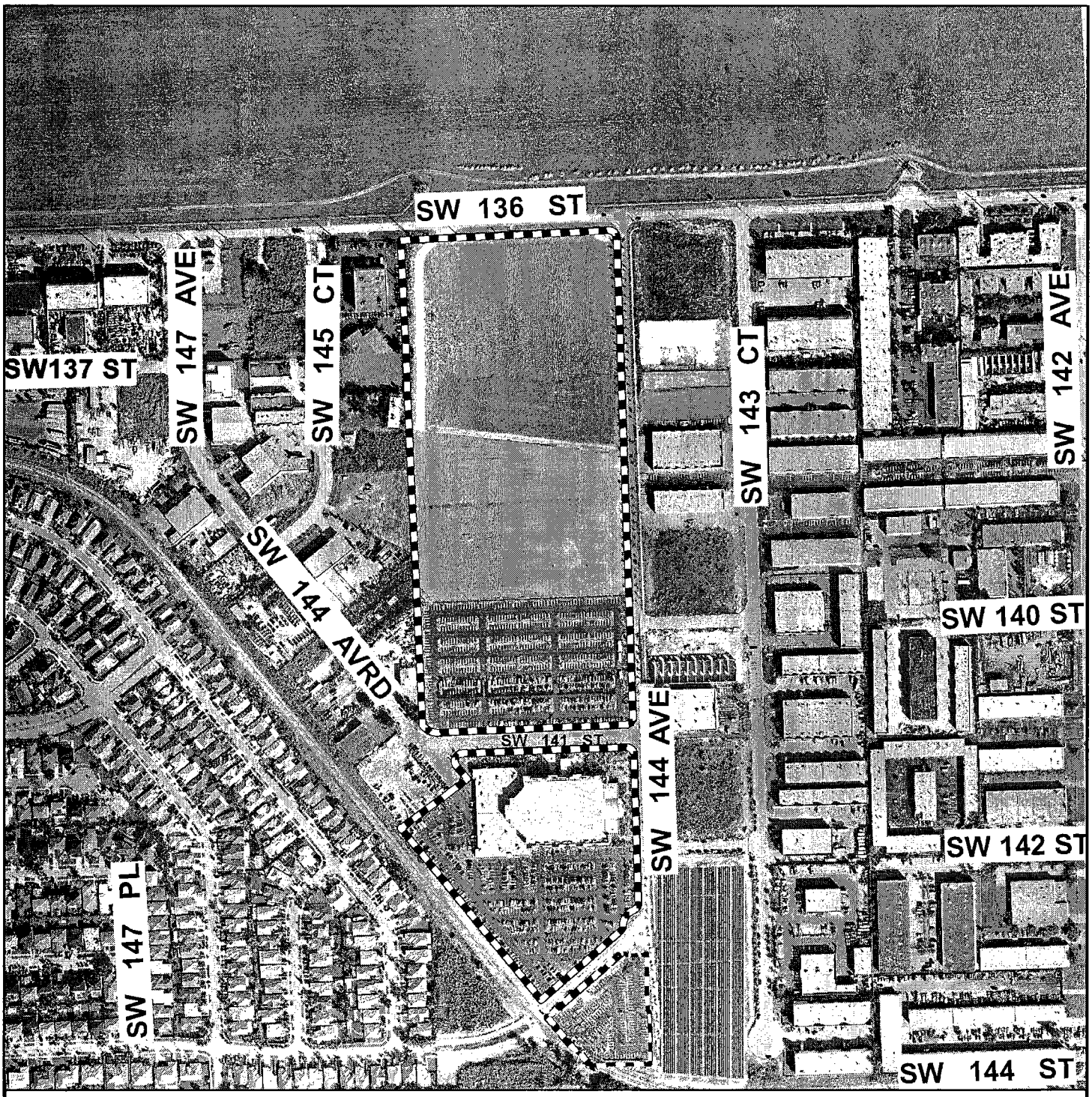
N W E S

MIAMI-DADE COUNTY

CREATED ON: 11/07/08

REVISION	DATE	BY
Street Label	12/04/08	Jgurd

19



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
08-072

SUBJECT PROPERTY

N W E S

Section: 22 Township: 55 Range: 39
Applicant: MINISTERIO INTERNACIONAL EL REY JESUS
Zoning Board: C11
District Number: 11
Drafter ID: JEFFER
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 11/07/08

REVISION	DATE	BY
ZONE LABEL	12/01/08	JGURD

1. VANGUARDIAN VILLAGE, LLP
(Applicant)

09-4-CZ11-1 (08-44)
Area 11/District 10
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	Bill Spiegel	Appeal of Administrative Decision	BCC	Approved
1989	Bill Spiegel	Appeal of Administrative Decision	ZAB	Approved
1991	Bill Spiegel	Appeal of Administrative Decision	BCC	Approved
1994	Fermin & M. Amaro	Use Variance Expansion of Plant Nursery	ZAB	Approved w/Conds.
2007	Fermin & Marisela Amaro	Zone change from GU to RU-4, Use Variance, Non-Use Variance setbacks	CZAB 11	Approved w/Conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANT: Vanguardian Village L.L.P. **PH:** Z08-044 (09-4-CZ11-1)

SECTION: 1-55-39 **DATE:** April 2, 2009

COMMISSION DISTRICT: 10 **ITEM NO.:** 1

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A. INTRODUCTION

- **REQUESTS:**

(1) UNUSUAL USE to permit a home for the aged in conjunction with a senior residential facility.

(2) MODIFICATION of Conditions #2 and #9 of Resolution No. CZAB 11-50-07, passed and adopted by the Community Zoning Appeals Board #11, 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 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez, RA, Sheet A-1 dated stamped received 9/19/07, the remaining 5 sheets dated stamped received 7/23/07, and a landscape plan entitled "Vanguardian" as prepared by Ivette Gatell Estefani, Landscape Architect, consisting of Sheets L-1 and L-2 all dated stamped received 9/19/07 and consisting of 2 sheets for a total of 8 sheets."

FROM: "9. The maximum number of units permitted within the proposed senior residential facility shall be 174."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez Jomolca, dated stamped received 10/14/08, with Sheet 'A-2.1' dated last revised 1/16/09, consisting of 8 sheets and a landscape plan entitled 'Vanguardian,' as prepared by Ivette Gatell Estefani, Landscape Architect, dated stamped received 10/14/08 and consisting of 2 sheets, for a total of 10 sheets."

TO: "9. The maximum number of units permitted within the proposed senior residential facility shall be 87 and the number of beds for the home for the aged shall be limited to a maximum 166 beds."

(3) MODIFICATION of Paragraph #1(c) and #2 of a Declaration of Restrictions, recorded in Official Record Book 26217, Pages 1578-1592, reading as follows:

FROM: "1(c) The maximum number of units permitted within the proposed senior residential facility shall be 176."

FROM: "2. Controlling Site Plan. The Property shall be substantially in accordance with that certain plan entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez, RA, Sheet A-1 dated stamped received 9/19/07, the remaining 5 sheets dated stamped received July 23, 2007, and a landscape plan entitled "Vanguardian" as prepared by Ivette Gatell Estefani, Landscape Architect, consisting of Sheets L-1 and L-2 all dated stamped received Sept. 19, 2007 and consisting of 2 sheets for a total of 8 sheets."

TO: "1(c) The maximum number of units permitted within the proposed senior residential facility shall be 87 and the number of beds for the home for the aged shall be limited to a maximum 166 beds."

TO: "2. Controlling Site Plan. The Property shall be substantially in accordance with that certain plan entitled 'Vanguardian Village Elderly Living' as prepared by Juan A. Rodriguez Jomolca, dated stamped received 10/14/08, with Sheet 'A-2.1' dated last revised 1/16/09, consisting of 8 sheets and a landscape plan entitled 'Vanguardian' as prepared by Ivette Gatell Estefani, Landscape Architect, dated stamped received 10/14/08 and consisting of 2 sheets, for a total of 10 sheets."

The purpose for requests #2 and #3 is to allow the owner to submit new site plans showing a home for the aged with 166 beds in lieu of one of the senior residential buildings and to reduce the total number of senior residential units on the subject site.

(4) Applicant is requesting to permit an 8' high wall (6' high permitted) along the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #4 may be considered under §33-311(A)(15) (Alternative Site Development Option for Three-unit or Four-unit Apartment House, Multiple-Family Apartment House Use and Multiple-Family Housing Developments) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

o **SUMMARY OF REQUESTS:** Approval of this application will allow the establishment of a home for the aged in conjunction with a senior residential facility. In addition, the applicant also seeks to modify conditions of a prior Resolution and portions of a previously recorded Declaration of Restrictions in order to submit a new site plan showing a home for the aged with 166 beds in lieu of one of the senior residential buildings and to reduce the total number of senior

residential units on the subject site to 87 units. The applicant is also seeking to approve a masonry wall 2' higher than permitted.

- **LOCATION:** Lying on the northeast corner of S.W. 127 Avenue and S.W. 104 Street, Miami-Dade County, Florida.

- **SIZE:** 4 Acres

B. ZONING HEARINGS HISTORY:

In June 1989, a portion of the subject property was part of an application that sought an appeal of an administrative decision that the Director erred in his decision to issue a Certificate of Use and Occupancy allowing the initial and continued commercial use (plant nursery) in a predominantly residential area. The Zoning Appeals Board (ZAB) affirmed the action of the Director of the (then) Building and Zoning Department and denied the requested appeal, pursuant to Resolution #4-ZAB-40-89. Said application was subsequently appealed, and the Board of County Commissioners (BCC), overruled the decision of the Zoning Appeals Board and approved the appeal, which overruled the decision of the Director, pursuant to Resolution #Z-137-89. In August 1989, an appeal was filed in the Miami-Dade County Circuit Court to seek review of Resolution #Z-137-89. The Court remanded the case to the BCC which granted the applicant a request to withdraw the appeal, sustained Resolution #4-ZAB-40-89 by the ZAB, upheld the decision of the Director, and vacated the previously adopted Resolution #Z-137-89, pursuant to Resolution #Z-62-91. In 1994, the subject property was granted a use variance by the ZAB to permit an expansion to the existing plant nursery in the GU, Interim District, as would be permitted in the AU, Agricultural District, pursuant to Resolution #5-ZAB-309-94. Subsequently, in December of 2007, pursuant to Resolution #CZAB11-50-07, the subject property was approved for a district boundary change from GU, Interim District, to RU-4, 50-unit Apartment District, a Use Variance to permit counseling, physical therapy and medical service offices for the residents of the facility in the RU-4 District and to permit three buildings setback 20' from the interior side (east) property line. The approval was subject to conditions, one of which required the applicant to file this application to provide an 8' high wall along the eastern property line, and that the refilling period be waived. Additionally, the Board accepted the applicant's voluntarily proffered covenant which, among other things, restricts the use of the property to senior residential buildings, along with ancillary services such as counseling and physical therapy for the residents, limits the number of units to a maximum of 174, limits the height of the proposed buildings to no more than two stories and 28', provides a 20' wide landscaped buffer along the eastern property line, provides that the property will be developed, sold, and operated as affordable housing units, provides that the owner will provide on site professional management of the property, provides that the proposed senior residential building will be equipped with commercial grade backup generators, provides that the property be developed in accordance with the "Florida Water Star Basic Qualification Checklist," provides that the owner shall design the driveway facing SW 127 Avenue to be a Right-Turn-In, Right-Turn-Out driveway, and restricts the development of the site to the submitted plans.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. **Medium-High Density.** This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.

2. **Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities.** "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

3. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

4. The next higher residential density category than that for which the site is designated under the Adopted 2015 and 2025 Land Use Plan is **High Density Residential**. This category allows densities from 60 to 125 dwelling units per gross acre. This density is found only in a few areas that are located within certain municipalities where land costs are very high and were services will be available to meet the demands.

5. 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.

6. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-4; Plant Nursery and an FPL Easement	Medium-High Density Residential, 25-60 dua
Surrounding Properties:	
NORTH: GU; Vacant, FPL Easement	Estate Density Residential, 1 - 2.5 dua
SOUTH: RU-1; Single-family residence and FPL Easement	Low Density Residential, 2.5 - 6 dua
EAST: GU; Single-family residence EU-1; Single-family residences	Estate Density Residential, 1 - 2.5 dua
WEST: RU-1; Single-family residences	Low Density Residential, 2.5 - 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:	Acceptable
Buffering:	Acceptable*
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Urban Design:	N/A

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual 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)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

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

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

Section 33-311(A)(15) Alternative Site Development Option for Three-unit or Four-unit Apartment House, Multiple-Family Apartment House Use and Multiple-Family Housing Developments. This subsection provides for the establishment of an alternative site development option, after public hearing, for three-unit or four-unit apartment house use, multiple-family apartment house use and multiple-family housing developments, when such uses are permitted by the applicable district regulations, in the RU-3, RU-3M, RU-4L, RU-4M, RU-4, RU-4A, and RU-5 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(h) An **alternative maximum height of walls, hedges or fences** for a three-unit or four-unit apartment house use, multiple-family apartment house use or multiple-family housing development shall be approved upon demonstration of the following:

(1) no wall, hedge or fence shall exceed eight (8) feet in height; and

(2) no wall, hedge or fence located in a front or side street setback required by the applicable district regulations shall exceed six (6) feet in height; and

(3) the additional height of a proposed wall, hedge or fence will not obscure in whole or in part an existing view or vista to any landmark, natural area, natural feature of the site such as a lake or golf course, or waterbody

from any window or door in a residential dwelling unit on an adjoining parcel of land; and

(4) proposed walls or fences shall be:

(A) articulated to avoid the appearance of a "blank wall" when viewed from adjoining property, or

(B) landscaped with landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement from the landowner regarding its maintenance in recordable form from the adjoining property owner, or

(C) where facing a public right-of-way, set back at least two and one-half (2- 1/2) feet from the right-of-way line and extensively landscaped with shrubs of a minimum of three (3) feet in height when measured immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; hedges of a minimum of three (3) feet in height immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; and/or climbing vines of a minimum of thirty-six (36) inches in height immediately after planting; and

(5) proposed fences shall be constructed or installed so that the sides are "finished" in accordance with the applicable regulations; and

(6) proposed fences are constructed of durable materials and are decorative; and

(7) proposed fences are not comprised of chain link or other wire mesh; and

(8) safe sight distance triangles are maintained pursuant to this code.

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

(1) will result in a significant diminution of the value of property in the immediate vicinity; or

(2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

(3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

(4) will combine severable use rights obtained pursuant to Chapter 33B of this Code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(j) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as

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

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

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

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**
Aviation	**No objection***

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is comprised of two parcels of land located on the northeast corner of S.W. 127 Avenue and S.W. 104 Street in an area characterized by single-family residences. The subject property is currently developed with a plant nursery and an electrical (FPL) easement runs down the western portion of the property. It should be noted that, in December of 2007, pursuant to Resolution #CZAB11-50-07, the subject property was approved for a district boundary change from GU, Interim District, to RU-4, 50-unit Apartment District, a Use Variance to permit counseling, physical therapy and medical service offices for the residents of the facility in the RU-4 District and to permit

three buildings setback 20' from the interior side (east) property line. The approval was subject to conditions, specifically, Condition #16 of Resolution #CZAB11-50-07 required the applicant to file this application to provide an 8' high wall along the eastern property line. Additionally, the Board accepted the applicant's voluntarily proffered covenant which, among other things, restricts the use of the property to senior residential buildings, along with ancillary services such as counseling and physical therapy for the residents, limits the number of units to a maximum of 174, limits the height of the proposed buildings to no more than two stories and 28', provides a 20' wide landscaped buffer along the eastern property line, provides that the property will be developed, sold, and operated as affordable housing units, provides that the owner will provide on site professional management of the property, provides that the proposed senior residential building will be equipped with commercial grade backup generators, provides that the property be developed in accordance with the "Florida Water Star Basic Qualification Checklist," provides that the owner shall design the driveway facing SW 127 Avenue to be a Right-Turn-In, Right-Turn-Out driveway, and restricts the development of the site to the submitted plans.

The applicant is seeking an unusual use to permit a home for the aged in conjunction with a senior residential facility. The applicant also seeks to modify conditions of a prior Resolution and portions of a previously recorded Declaration of Restrictions proffered and accepted in conjunction with the 2007 zoning approval in order to submit a new site plan showing a home for the aged with 166 beds in lieu of one of the previously approved senior residential buildings and to reduce the total number of senior residential units on the subject site to 87 units. Additionally, the applicant is requesting to permit an 8' high decorative masonry wall (6' high permitted) along the interior side (east) property line. The submitted plans illustrate the aforementioned requests.

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. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The Public Works Department **does not object** to this application and their memorandum indicates that this application meets the traffic concurrency criteria for an Initial Development Order since said application does not generate any new additional daily peak hour trips. Additionally, the Miami-Dade Fire Rescue Department (MDFR) **does not object** to this application and indicates in their memorandum that the estimated average response time is **6:27**.

The subject property underwent a Comprehensive Development Master Plan (CDMP) Amendment (Application No. 8) during the April 2006-2007 Amendment Cycle, for a change of LUP Map designation from Estate Density Residential use to Medium-High Density Residential use. A declaration of restrictions (CDMP) was proffered and executed in conjunction with said amendment which, among other things, restricts the use of the subject property to senior residential buildings, limits the number of units permitted to a maximum of 176, and limits the height of the buildings to no more than two (2) stories and twenty-eight (28) feet in height. Approval of this application will allow the applicant to establish a home for the aged in conjunction with a previously approved senior residential facility, modify conditions of a prior Resolution and portions of a previously recorded Declaration of Restrictions (Zoning) to reduce the number of senior residential dwelling units and allow for the establishment of said home for the aged as

well as erect an 8' high wall along the interior side (east) property line. Staff notes that the requested unusual use to permit a home for the aged is **inconsistent** with the Use and Development Limitation Criteria set forth in the Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the CDMP amendment. Furthermore, staff notes that said Declaration of Restrictions provides that any modification, amendment or release of any of the provisions of said Declaration are subject to approval by the Board of County Commissioners (BCC). As such, staff recommends that this application be deferred indefinitely to allow the applicant time to amend said Declaration of Restrictions.

When request #1 to permit a home for the aged along with a senior residential development is analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff notes that these standards indicate that the Board shall hear applications for and grant or deny unusual uses, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, 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. Staff acknowledges that the subject site is easily accessible from SW 127 Avenue and SW 104 Street, both of which are both section-line roadways. Furthermore, the Public Works Department (PWD) and the Department of Environmental Resources Management (DERM) has no objections to this application. However, as previously mentioned, staff notes that the requested home for the aged use is **inconsistent** with the Use and Development Limitation Criteria set forth in the Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8). Accordingly, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff is of the opinion that the proposed home for the aged on the subject property, as requested, would result in a detrimental impact to the area and would be **incompatible** with same without first obtaining the necessary modifications to the previously recorded CDMP Declaration of Restrictions. As such, staff recommends that this application be deferred indefinitely to allow the applicant time to amend said Declaration of Restrictions.

When requests #2 and #3 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed home for the aged with 166 beds in lieu of one of the previously approved senior residential buildings and the reduction in the number of senior residential units, in staff's opinion, will adversely impact the surrounding area and will be **incompatible** with same. When considering the necessity for and the reasonableness of the proposed home for the aged on the subject property and reduction in the number of senior residential units, staff is of the opinion that requests #1 through #3 are **inconsistent** with the Use and Development Limitation Criteria set forth in the Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8). As such, staff opines that the approval of requests #2 and #3 would be detrimental to the surrounding area and is

incompatible with same. As such, staff recommends that this application be deferred indefinitely to allow the applicant time to amend the Declaration of Restrictions associated with the previously approved CDMP Amendment.

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze requests #2 and #3 under said standards and, as such, the requests should be denied without prejudice under same.

When request #4, to permit an 8' high wall (6' high permitted) along the interior side (east) property line, 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 **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not negatively affect the appearance of the community. As previously mentioned, Condition #16 of Resolution #CZAB11-50-07 requires that the applicant apply for a public hearing to request the 8' high wall along the eastern property line. As such, staff is supportive of the request and opines that the approval of such is in keeping with the spirit and intent of said Condition stipulated by Community Council 11. Additionally, the submitted elevation plans depict that a 3' high berm will be provided along the interior side (east) property line on the west side of the wall. Staff notes that said berm will add height to the trees provided along the berm, which will buffer the previously approved buildings from the adjacent residences to the east. Moreover, the approval of the requested 8' high wall will provide an additional buffering element that will effectively mitigate any negative visual or aural impact the home for the aged and senior residential development may have on the abutting residences. Staff notes that the submitted elevation plans depict decorative architectural ornamentation along the top and mid section of the proposed wall, which will enhance aesthetic appeal of said wall and avoid a blank wall effect. However, as previously mentioned, staff is of the opinion that requests #1 through #3 are **inconsistent** with the Use and Development Limitation Criteria set forth in the Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8). As such, staff recommends that this application be deferred indefinitely to allow the applicant time to obtain approval of the necessary modifications to the previously recorded Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8).

The Alternative Site Development Option (ASDO) Standards for the RU-4 Zoning District, Section 33-311(A)(15), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, request #4 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(15) (ASDO).

When request #4 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that request #4 is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, it has not been demonstrated that the denial of request #4 would deprive the applicant of the reasonable use of the property. As such, staff is of the opinion that request #4 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Staff is cognizant of the need for these types of facilities as well as the importance of them in providing quality living opportunities that meet the needs of the elderly community. However, as previously mentioned, staff is of the opinion that requests #1 through #3 are **inconsistent** with the Use and Development Limitation Criteria set forth in the Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8). Based on all of the aforementioned, staff recommends that this application be deferred indefinitely to allow the applicant time to obtain approval of the necessary modifications to the previously recorded Declaration of Restrictions recorded in Official Record Book 25839, Pages 0841-8521 associated with the previously approved CDMP amendment (Application No. 8).

I. RECOMMENDATION:

Indefinite deferral.

J. CONDITIONS: None.

DATE INSPECTED: 03/24/08
DATE TYPED: 05/08/08
DATE REVISED: 05/09/08; 05/19/08; 02/19/09; 02/23/09; 03/12/09
DATE FINALIZED: 03/12/09
MCL:MTF:MW:NN:JV:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: January 29, 2009

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

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

Subject: C-11 #Z2008000044-2nd Revision
Vanguardian Village, LLP
S.W. 127th Avenue and S.W. 104th Street
Request to Permit a Wall that Would Exceed Height Requirements and Unusual Use to Permit a Nursing Home
(RU-4) (4 Acres)
01-55-39

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

Wellfield Protection

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

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

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements. All sewer lines will be required to comply with the exfiltration standards as applied to property located within wellfield protection area.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

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

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

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

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

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some activities inherent to the proposed land use, operating permits from DERM will be required. It is therefore suggested that the applicant contact DERM concerning this requirement.

Wetlands
The subject properties do not contain jurisdictional wetlands as defined by Chapter 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
Tree Removal Permit 2007-TREE-PER-00448 was issued for this property to Fermin and Marisela Amaro, on September 10, 2007 and expired on September 10, 2008.

Please be advised that this permit has expired, therefore the required replanting and final inspection as per Tree Removal Permit 2007-TREE-PER-00448 must take place. The applicant should renew Tree Removal Permit 2007-TREE-PER-00448 or request a final inspection to avoid violation of permit conditions. A two weeks notice is required prior to the final inspection.

Please be advised that a Tree Removal Permit is required for the removal or relocation of any trees that have not been previously permitted. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History
DERM has found one closed enforcement record for the subject property:

Folio No. 30-5901-000-0070
SW 127 Ave & SW 104 St, Miami-Dade County, FL

On June 24, 2008, a Uniform Civil Violation Notice (UCVN) was issued for a violation of the water restrictions established by the South Florida Water Management District. An affidavit of compliance was issued, and the case was subsequently closed.

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.

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

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

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

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

REVISION 1

PH# Z2008000044
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:VANGUARDIAN VILLAGE, LLP

This Department has no objections to this application.

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

This application does 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.
13-MAY-08

REVISION 1

Memorandum

Date: 21-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000044

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated March 18, 2008.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped MaY 19, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2008000044
located at LYING ALONG THE NORTHEAST CORNER OF S.W. 127 AVENUE & S.W. 104 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1857 is proposed as the following:

94 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	institutional	square feet
N/A Retail	square feet	29,200 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 56.2 alarms-annually.
The estimated average travel time is: 6:27 minutes

Existing services:

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

Station 57 - West Kendall - 8501 SW 127 Avenue
Rescue.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped August 5, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 05/20/08

TEAM METRO

ENFORCEMENT HISTORY

VANGUARDIAN VILLAGE, LLP

APPLICANT

LYING ALONG THE NORTHEAST CORNER OF S.W. 127 AVENUE & S.W. 104 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000044

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

05-20-08 No current violations observed.

Prior Cases:
20002006160 Warning issued for graffiti on property and it was corrected.Case Closed.

200102004220 Warning issued for junk and trash and it was corrected.Case Closed.

200102004005 Warning issued for a banner in property and it was corrected.Case Closed.

200702010006 Warning issued for water restriction violation and it was corrected.Case Closed.

Jose Lopez

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: VANGUARDIAN VILLAGE, LLP, a Florida limited liability partnership

NAME AND ADDRESS	Percentage of Ownership
Luis Machado 305 Alcazar Avenue, Suite 3 Coral Gables, FL 33134	65%
Felix M. Lasarte Holland & Knight, LLP 701 Brickell Avenue, Suite 3000 Miami, FL 33131	35%

RECEIVED
08-04
MAR - 3 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY JC

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

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

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

Signature: _____
LUIS MACHADO, as Managing Partner for VANGUARDIAN VILLAGE, LLP, a Florida limited liability partnership (Applicant)

Sworn to and subscribed before me this 27 day of February 2008. Affiants are personally known to me or have produced _____ as identification.

_____
(Notary Public)

JUNARDA GONZALEZ BENITEZ
Comm# DD0651981
Expires 5/9/2011
Florida Notary Assn., Inc

My commission expires 5/9/2011

*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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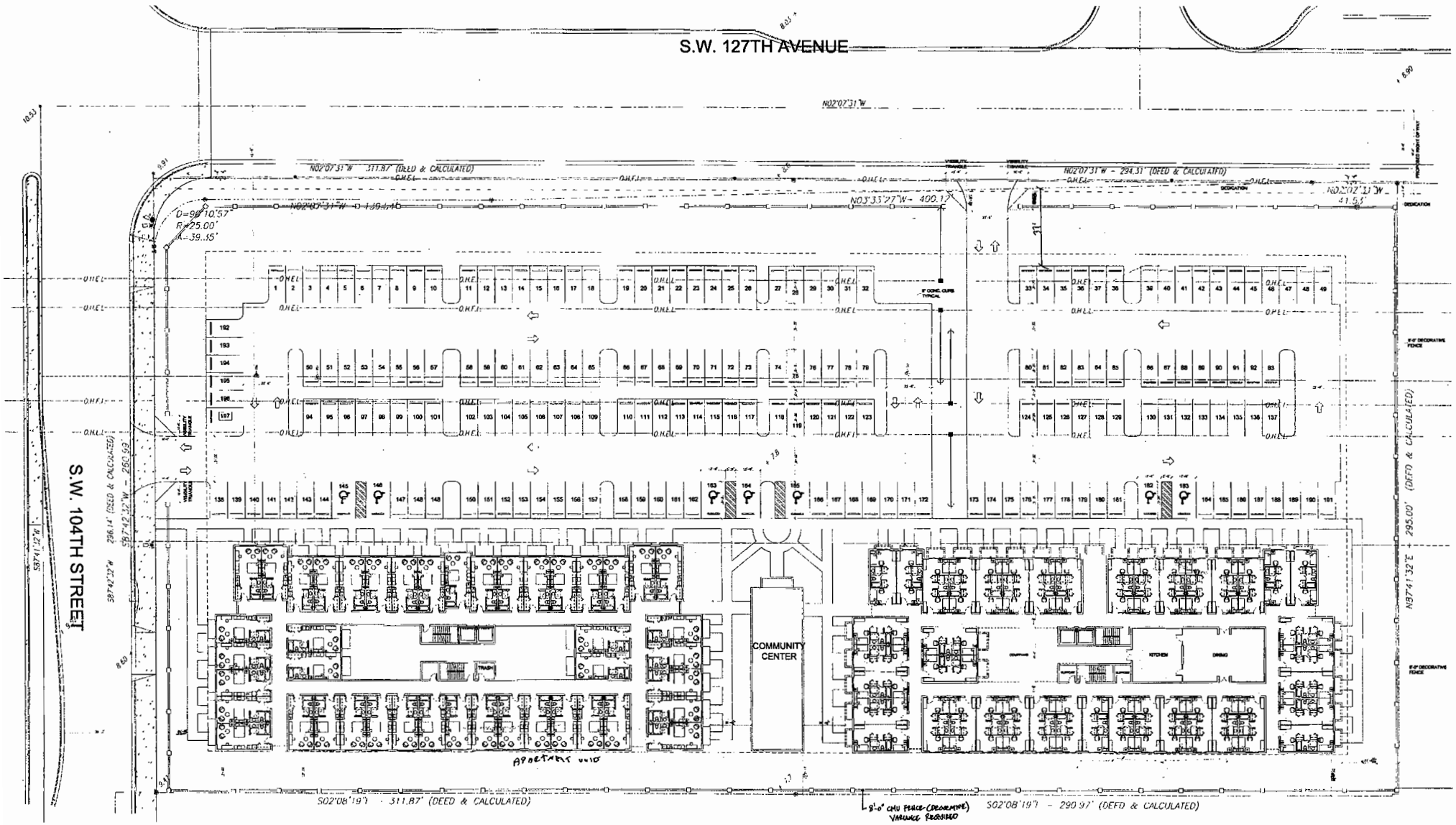
MAR - 3 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

23



ISCRIPTION

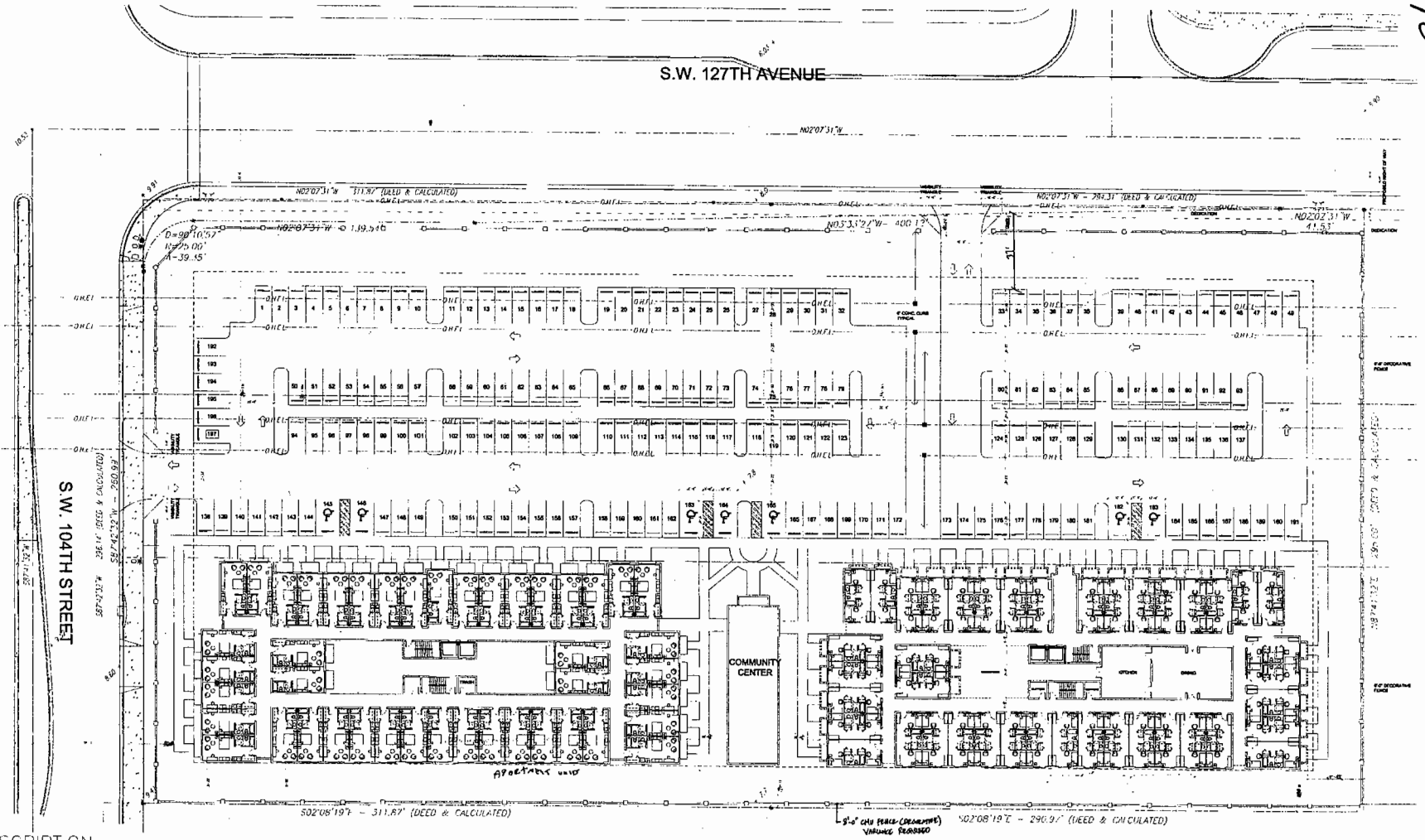
of the Southwest 1/4 of Section 1, Township 55 South, Range 39 East, Miami Dade County, Florida, rly described as follows: Commence at the Southwest corner of said Section 1, thence North along the West line of said Section 1, a distance of 55 feet; thence North 87°41'32" East a 30.00 feet to the Point of Beginning of the herein described parcel, said point also being the f North Right of Way Line of S.W. 104th Street and the East Right of Way Line of S.W. 127th

ZONING LEGEND

SITE PLAN
SCALE: 1"= 20'-0"

208.044

ENLARGED SITE PLAN



LEGAL DISCRIPTION

That portion of the Southwest 1/4 of Section 1, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows: Commence at the Southwest corner of said Section 1, thence North 02°07'31" West along the West line of said Section 1, a distance of 55 feet; thence North 87°41'32" East a distance of of 35.00 feet to the Point of Beginning of the herein described parcel, said point also being the intersection of North Right of Way Line of S.W. 104th Street and the East Right of Way Line of S.W. 127th Avenue; thence North 02°07'31" West, a distance of 311.87 Feet along said East Right of Way Line of S.W. 127th Avenue; thence leaving said Right of Way North 87°41'32" East, a distance of 290.07 Feet; thence South 02°08'19" East a distance of 311.87 Feet to a point on the North Right of Way Line of S.W. 104th Street; thence S87°42'32" West a distance of 296.16 Feet along said North Right of Way of S.W. 104th Street to the Point of Beginning. Containing 2.12 acres more or less.

AND

That portion of the Southwest 1/4 of Section 1, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows: Commence at the Southwest corner of said Section 1, thence North 02°07'31" West along the West line of said Section 1 a distance of 55.00 feet, thence North 87°41'32" East a distance of 35.00 feet to a point of intersection of North Right of Way Line of S.W. 104th Street and East Right of Way Line of S.W. 127th Avenue; thence North 02°07'31" West along said East Right of Way line of S.W. 127th Avenue a distance of 311.87 feet to the Point of Beginning of the herein described parcel, thence North 02°07'31" West along said East Right of Way line of S.W. 127th Avenue a distance of 294.31 feet; thence leaving said Right of Way of S.W. 127th Avenue North 87°41'32" East a distance of 290.00 Feet; thence South 02°07'30" East a distance of 3.34 Feet; thence North 87°39'52" East a distance of 1.00 feet; thence South 02°08'19" East a distance of 290.97 Feet; thence South 87°41'32" West a distance of 296.07 Feet to the Point of Beginning. Containing two acres more or less

LESS

Lands conveyed to the County of Miami-Dade by Special Warranty Deed dated January 31, 1956, recorded in Official Records Book 17800, Page 2714

ZONING LEGEND

CURRENT ZONING CLASSIFICATION: RU-1
PROPOSED ZONING CLASSIFICATION: RU-4

NET SITE AREA: 174,955 sf 4.01 acres

SETBACKS:	REQUIRED	PROVIDED
FRONT (104 STREET)	25'-0"	25'-9"
REAR (NORT PROP. LINE)	25' 0"	27'-7"
SIDE STREET (127 AVE.)	25'-0"	165' 8"
SIDE INTERIOR (WEST PROP. LINE)	25'-0"	20'-0" (VARIANCE REQUIRED)
BETWEEN BUILDING	20'-0"	20'-3/4"

LOT COVERAGE ALLOWED 40%: 69,982 S.F.

LOT COVERAGE PROPOSED: 44,223 S.F.

F.A.R. PERMITTED: 0.60 TWO STORY

F.A.R. PERMITTED: 104,973 S.F.

F.A.R. PROPOSED: 88,093 S.F.

HEIGHT PROPOSED: 2 STORIES 26'-4"

SITE PLAN
SCALE: 1"= 20'-0"

MAXIMUM NUMBER OF UNITS ALLOWED 50 UNITS PER NET ACRE
50 UNITS/ACRE X 4.01 =200 UNITS ALLOWED
TOTAL PROPOSED NUMBER OF UNITS: 170
87 UNITS FOR MODERATE INCOME / OLDER PERSONS
83 ALF UNITS X 2 BEDS PER UNIT 166 BEDS

REQUIRED OPEN SPACE: 40% MINIMUM OF TOT AREA
174,955 X .40 = 69,982 SF
PROPOSED OPEN SPACE: 70,519 SF

PARKING FOR MODERATE INCOME AND / OR OLDER PERSONS: 1 SPACE PER UNIT
REQUIRED PARKING FOR MODERATE INCOME / OLDER PERSONS. 87 UNITS X 1= 87 P.S.
PARKING FOR HOME FOR THE AGED. 1 P.S/2 BEDS PLUS. 1 P.S / 2 STAFF
REQUIRED PARKING SPACES FOR ALF BED 166 BEDS/2=83 P.S.
REQUIRED PARKING SPACES FOR STAFF. 24 STAFF/2= 12 P.S.
REQUIRED PARKING SPACES: 182
PROVIDED PARKING SPACES. 182 (INCLUDING OF 7 HANDICAP SPACES)

RECEIVED
OCT 11 2006
DEPT. OF PROMOTED DEVELOPMENT
MULTI-FAMILY PLANNING AND DEVELOPMENT DIV.

Juan A. Rodriguez RA
JOMOLCA
ARCHITECTS, P.A.
ARCHITECTURE DESIGN
PROJECT MANAGEMENT
CERTIFICATE OF AUTHORIZATION AA26000 1
MIAMI-DADE & BROWARD COUNTIES
AA26000 1

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS:
1
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4
5

DATE:
SCALE:
DRAWN:
DESIGN BY:
JOB NO.:

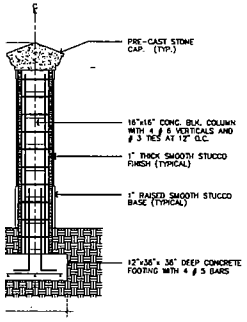
A - 1.1

SHEET NO.: 1 OF

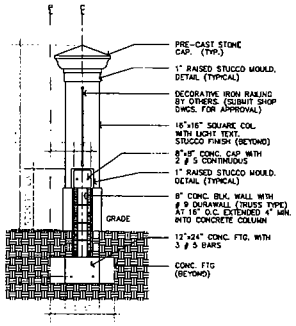
208-944

RECEIVED
MIAMI-DADE COUNTY
PROCESSING # 208-044
DATE: MAY 19 2008
BY: BIL

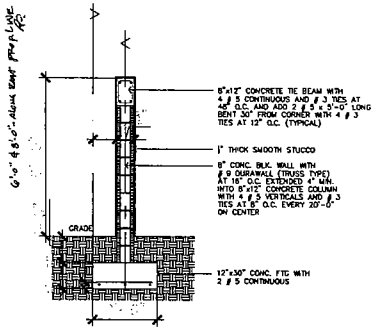
25



COLUMN DETAIL
1"=0"

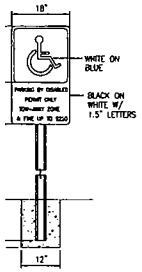


2 A-3 LOW CBS WALL FENCE
SCALE : 1" = 1'-0"

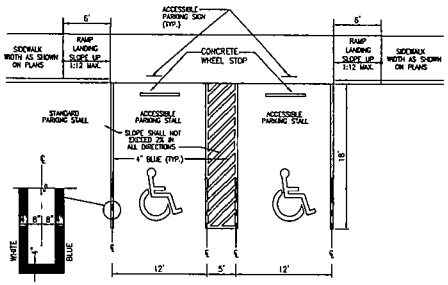


3 A-3 6' HIGH CBS WALL FENCE
SCALE : 1" = 1'-0"

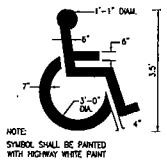
8' high along East P/L



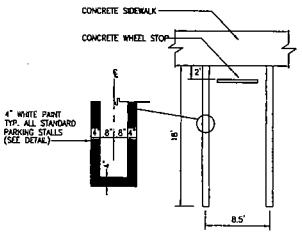
CAP PARKING SIGN



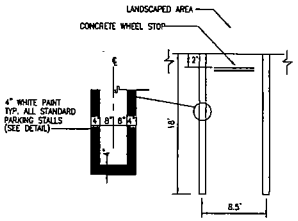
6 A-3 HANDICAP PARKING DETAIL
SCALE :N.T.S.



7 A-3 HANDICAP DETAIL PAINT SYMBOL
SCALE :N.T.S.



STALL ABUTTING CONCRETE SIDEWALK



STALL ABUTTING LANDSCAPED AREAS

8 A-3 TYPICAL PARKING STALLS
SCALE :N.T.S.

208.044

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MAY 19 2008

Juan A. Rodriguez - RA
JOMOLCA
ARCHITECTS, P.A.
INTERIOR DESIGNERS
25 CANDIA AVE. MIAMI SPRINGS, LORA SPRINGS, FLORIDA 33166
ARCHITECTS (305)

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS:
1-
2-
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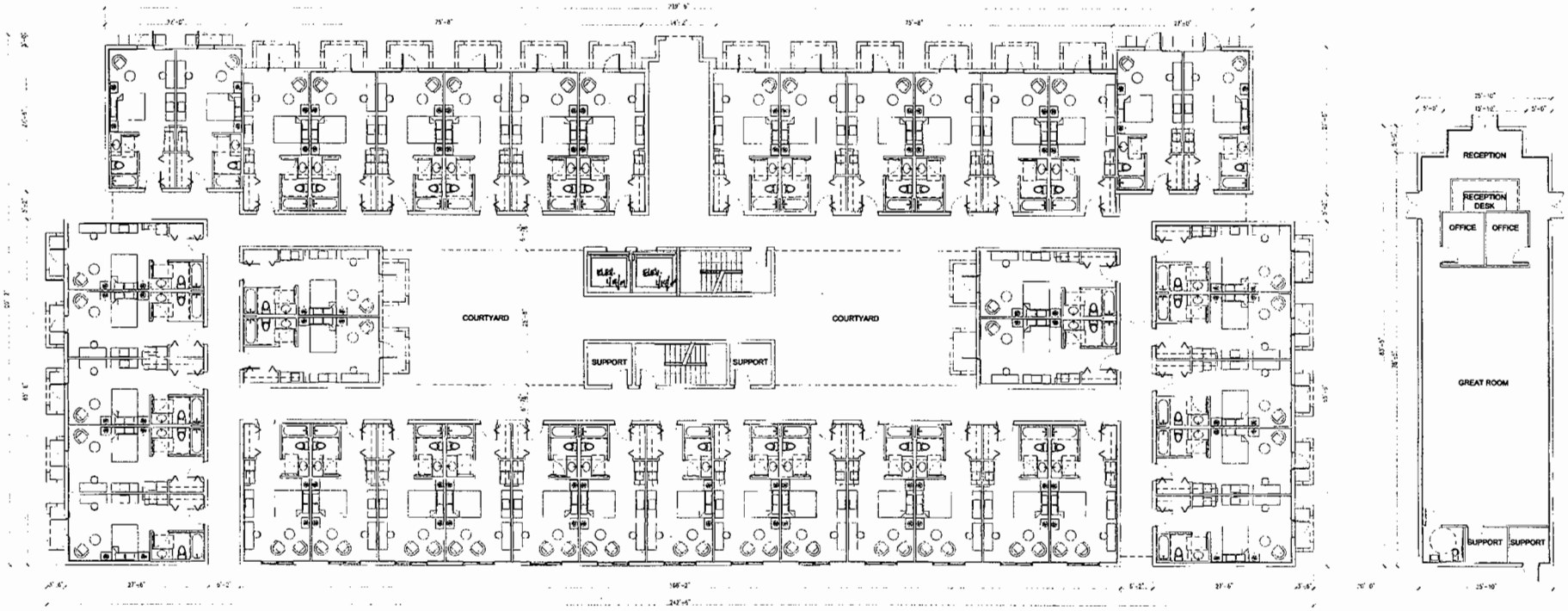
DATE
SCALE
DRAWN:
DESIGN BY:
JOB NO

A-6

SHEET NO. : 1 OF



GROUND FLOOR PLAN (SOUTH)
SCALE: 1/8" = 1'-0"

208-044

RECEIVED
OCT 11 2008
ZONING REVIEW/RESTRICTION
PLANNING DIVISION
ZONING DEPT.

26

Juan A. Rodriguez - RA
JOMOLCA
ARCHITECTS & PLANNERS, INC.
PROGRESSIVE & Cert. Corp. (AA26), FLORIDA 33172
(305) 592-6.1 (AR)
AA26001-1376

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS :

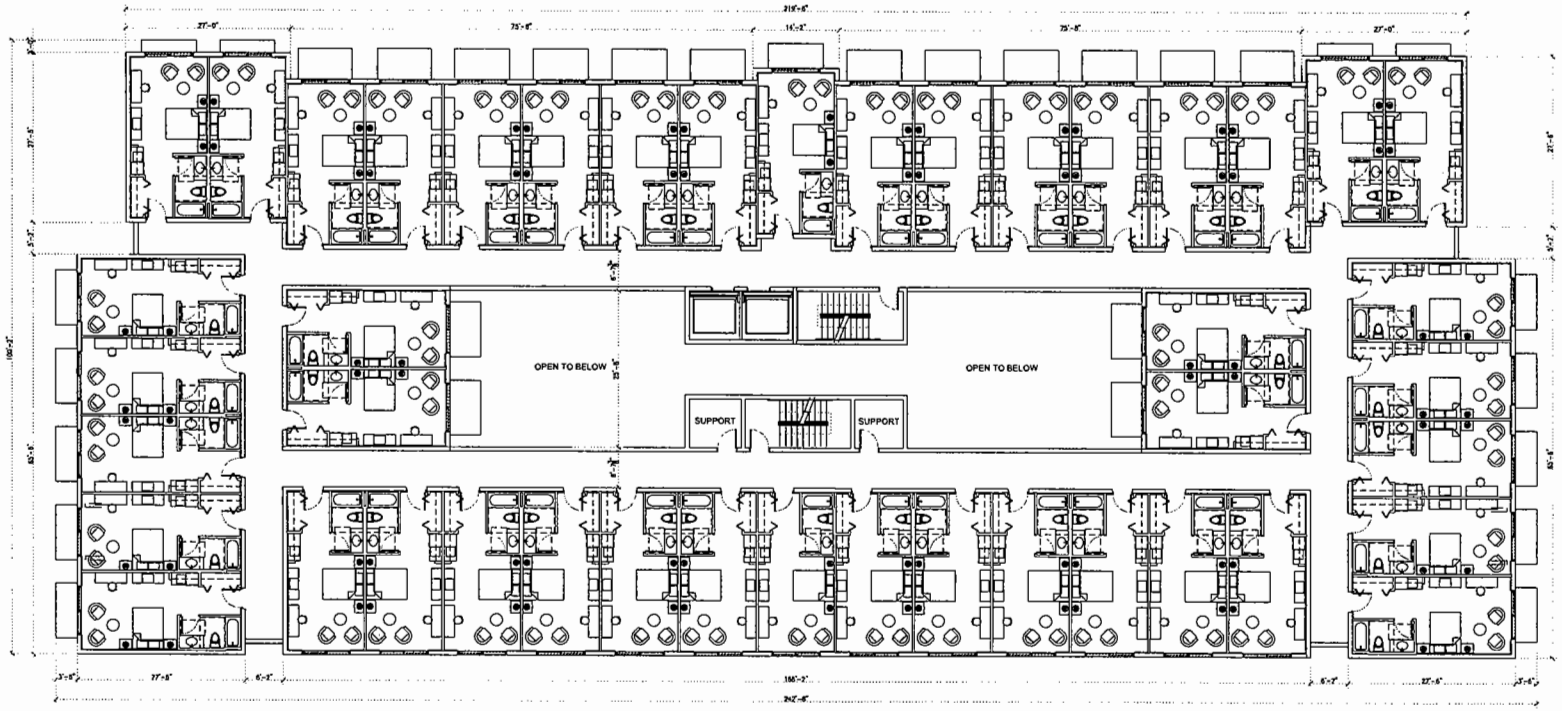
DATE :
SCALE :
DRAWN :
DESIGN BY:
JOB NO.

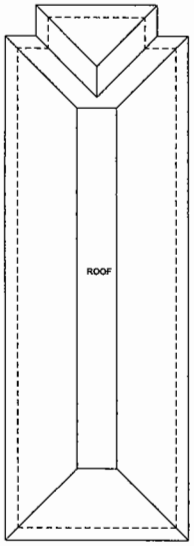
A - 2.1

SHEET NO. : 1 OF

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 208-044
DATE: OCT 14 2008
BY: RR

27





SECOND FLOOR PLAN (SOUTH)
SCALE: 1/8"= 1'-0"

208-944

Juan A. Rodriguez -RA
JOMOLCA

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami-Dade County

REVISIONS:

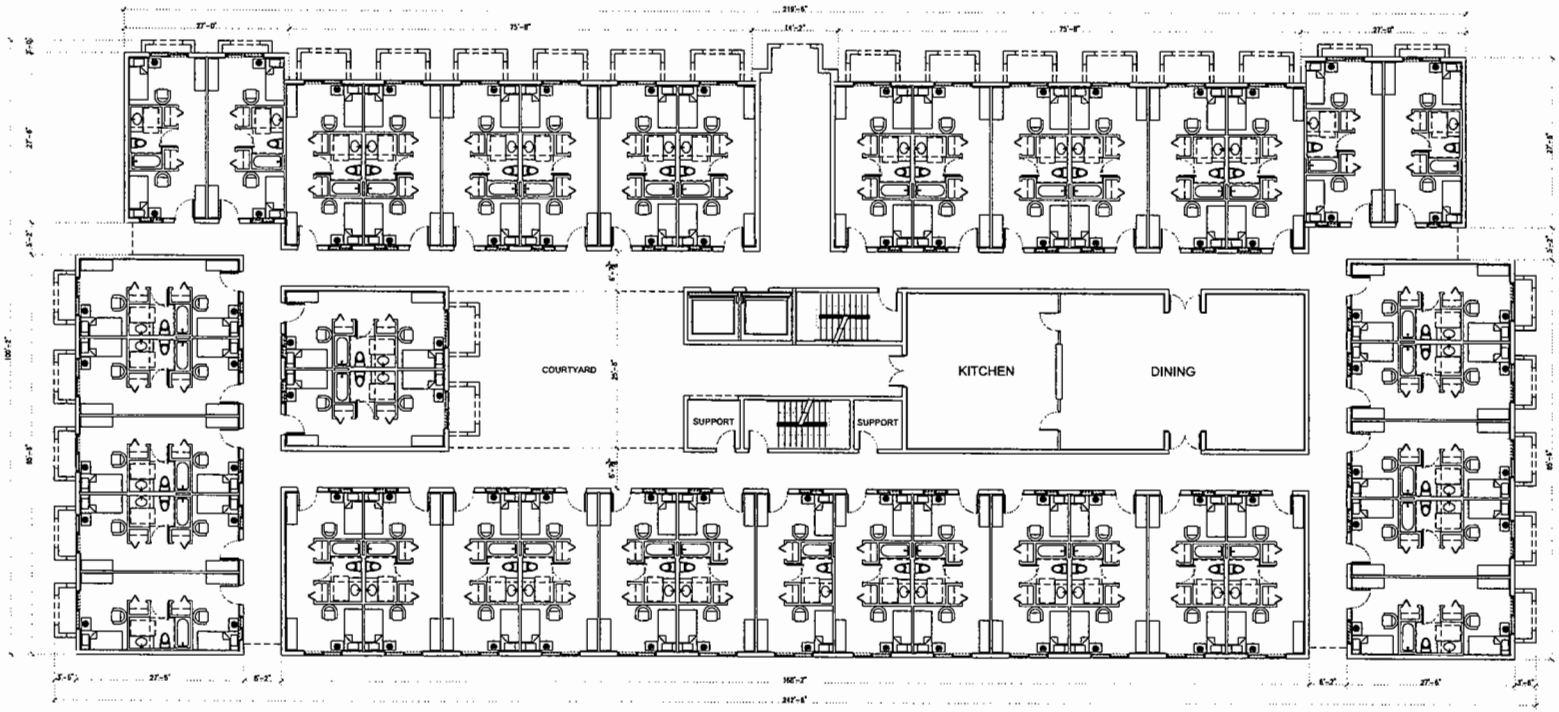
DATE:
SCALE:
DRAWING:
DESIGN BY:
JOB NO.:

A - 2.2

SHEET NO.: 1 OF

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 208-044
DATE: OCT 14 2008
FYI: ALF

28



GROUND FLOOR PLAN (NORTH/ALF)
SCALE: 1/8"= 1'-0"

208044

Juan A. Rodriguez RA
JOMOLCA

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS:

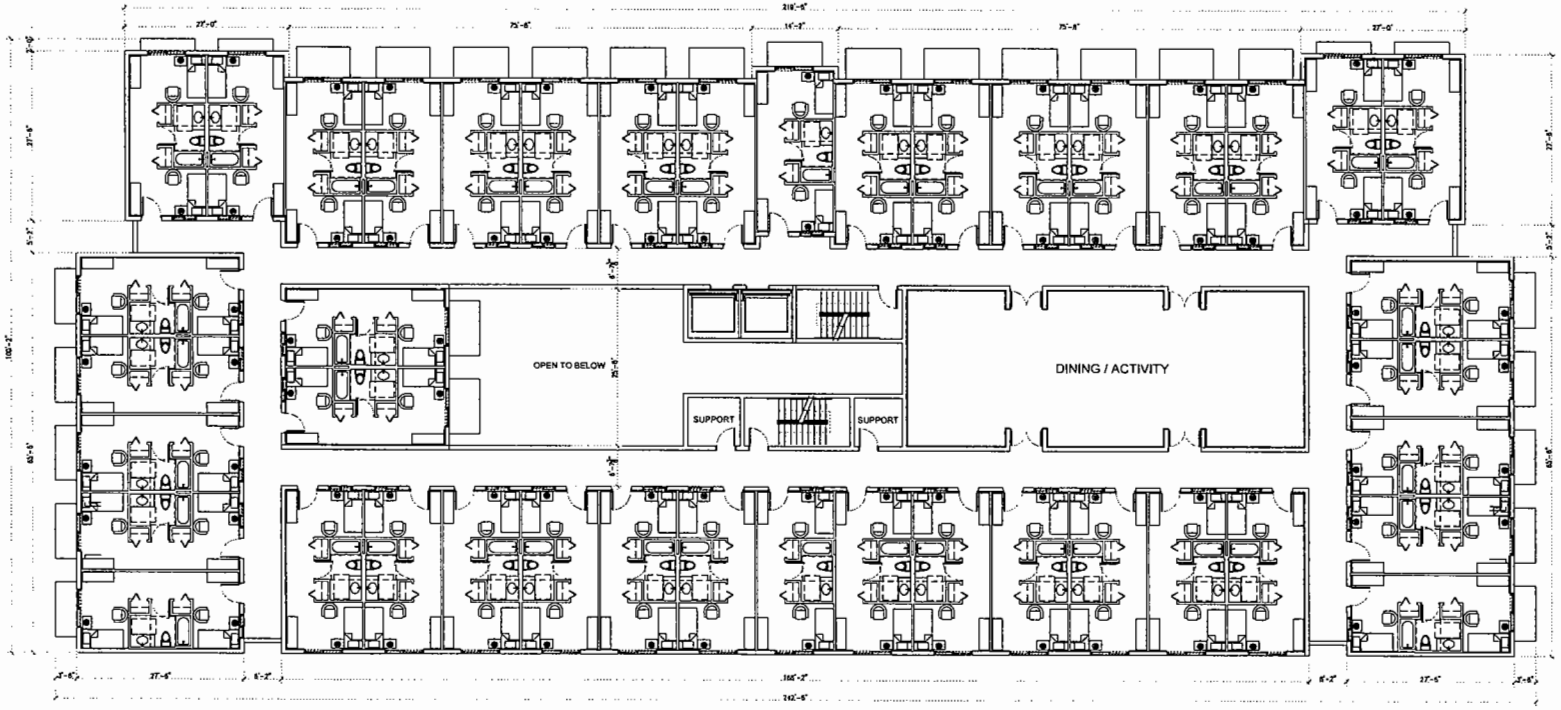
DATE:
SCALE:
DRAWN:
DESIGN BY:
JOB NO:

A - 2.3

SHEET NO.: 1 OF

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 208-044
DATE: OCT 14 2008
BY: B.R.

29



SECOND FLOOR PLAN (NORTH/ALF)
SCALE: 1/8"= 1'-0"

Juan A. Rodriguez RA
JOMOLCA

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami-Dade County

REVISIONS:

DATE:
SCALE:
DRAWN:
DESIGNED:
JOB NO:

A - 2.4

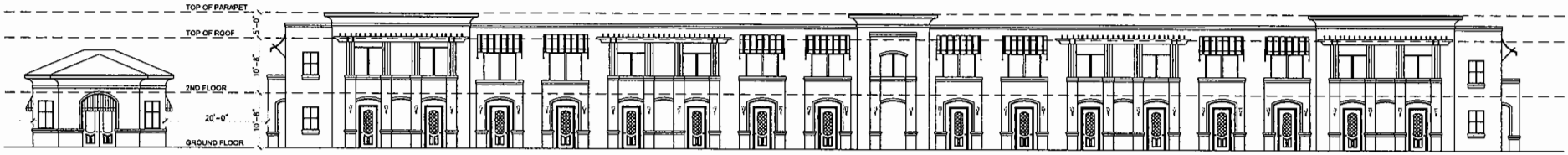
SHEET NO.: 1 OF

208-044

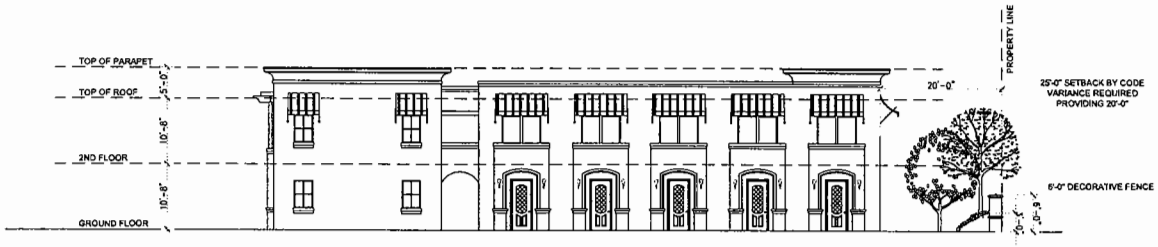
RECEIVED
MIAMI-DADE COUNTY
PROGRESS & ZON-044
DATE: OCT 14 2008
BY: BJL

30

WEST ELEVATION
SCALE: 1/16"= 1'-0"



PARTIAL WEST ELEVATION
SCALE: 1/8"= 1'-0"



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

Juan A. Rodriguez - RA
JOMOLCA

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS:

DATE:
SCALE:
DRAWN:
DESIGN BY:
JOB NO.:

A - 3.1

SHEET NO.: 1 OF

ZON-044

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 208-044
DATE: OCT 14 2008
BY: RGL

31

EAST ELEVATION
SCALE: 1/16"= 1'-0"

PARTIAL EAST ELEVATION
SCALE: 1/8"= 1'-0"

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

208-044

Juan A. Rodriguez RA
JOMOLCA
ARCHITECTS & PLANNERS
2000 NW 107 AVENUE
MIAMI, FLORIDA 33172
(305) 263-3170
AA26001815

VANGUARDIAN VILLAGE
ELDERLY LIVING
12691 SW 104th street,
Miami Dade County

REVISIONS:

DATE:
SCALE:
DRAWING:
DESIGN BY:
JOB NO.:

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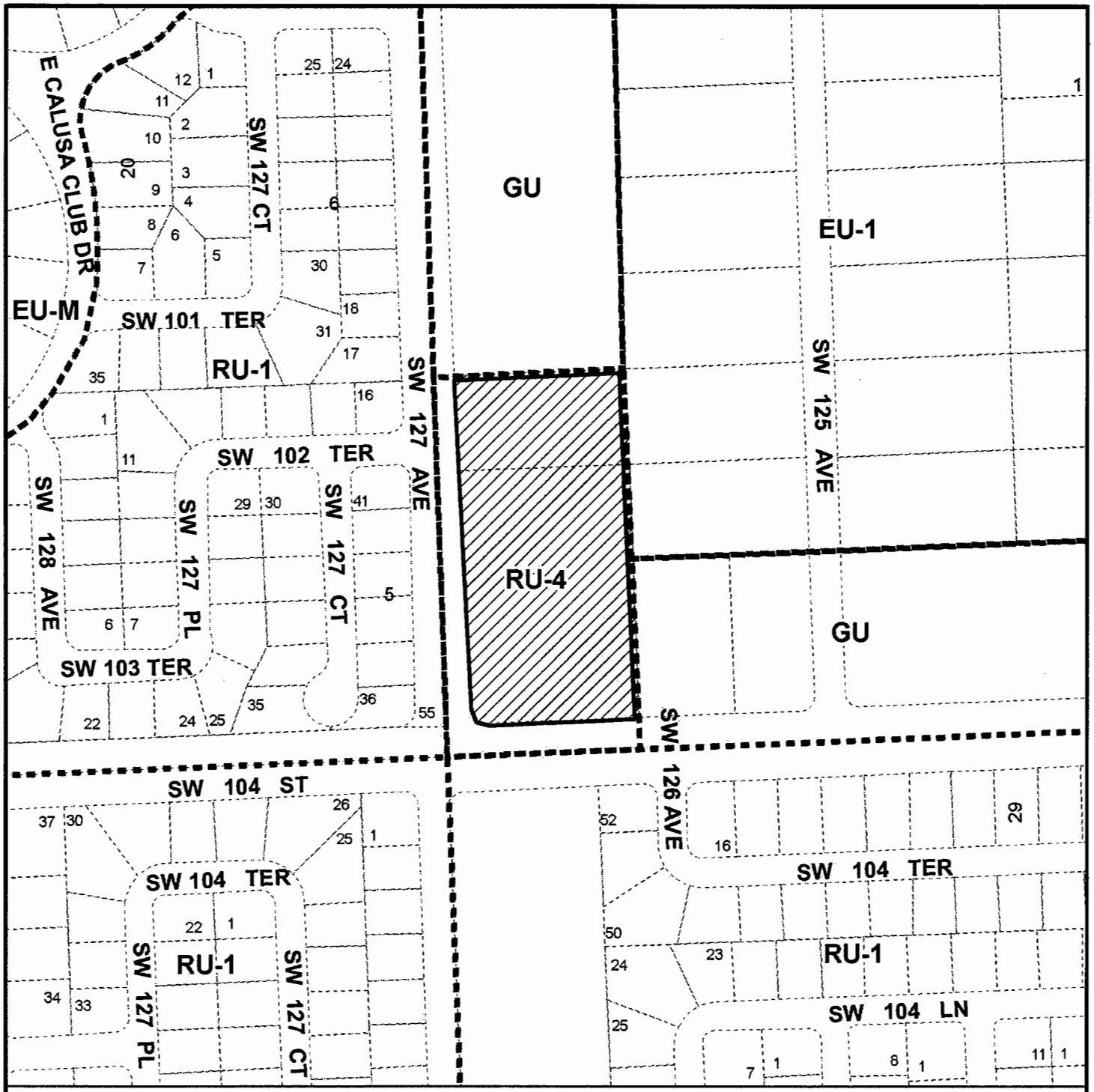
SHEET NO.: 3 OF



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-044

SUBJECT PROPERTY

N W E S

Section: 01 Township: 55 Range: 39
Applicant: VANGUARDIAN VILLAGE, LLP
Zoning Board: C11
District Number:10
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 03/07/08

REVISION	DATE	BY
		32

MIAMI-DADE COUNTY

AERIAL

Section: 01 Township: 55 Range: 39
Applicant: VANGUARDIAN VILLAGE, LLP
Zoning Board: C11
District Number:10
Drafter ID: JOAQUIN
Scale: NTS

Process Number

08-044

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

CREATED ON: 03/07/08

REVISION	DATE	BY

2. EDUARDO LOBATO
(Applicant)

09-4-CZ11-2 (08-130)
Area 11/District 11
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1979	Arvida Corp	Multiple zone changes, Unusual Use for lake excavation, Non-Use Variances.	BCC	Approved w/conds.
1980	City National Bank of Miami	Special Exception townhouse development	ZAB	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANT: Eduardo Lobato **PH:** Z08-130 (09-4-CZ11-2)

SECTION: 28-54-39 **DATE:** April 2, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 2

==========

A. INTRODUCTION:

- **REQUEST:**

Applicant is requesting to waive the zoning regulations prohibiting accessory buildings to extend above the height of the wall enclosing the patio area of the townhouse; to permit a shed to be higher than the wall.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Remediation of Rear Yard Improvements," as prepared by Steven Ross Luria, R.A. dated stamped received 7/21/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant seeks to permit an existing shed to be higher than an existing wood fence.

- **LOCATION:** 15284 SW 69 Terrace, Miami-Dade County, Florida.

- **SIZE:** 36' x 85'

B. ZONING HEARINGS HISTORY:

In 1979, pursuant to Resolution #Z-233-79, the Board of County Commissioners (BCC) approved district boundary changes on various parcels of a larger portion of the subject property from GU to EU-1, from GU to EU-M, from GU to RU-1, from GU to RU-3M, from GU to RU-TH and from GU to BU-2, an unusual use to permit three lake excavations and a non-use variance of lot frontage requirements. In 1980, pursuant to Resolution #4-ZAB-70-80, the Community Zoning Appeals Board (CZAB) granted a special exception to permit a townhouse development on private drives.

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. Residential densities of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2, 1938. This density category is generally characterized by single family, e.g. single family detached, cluster, and

2

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-TH; Townhouse	Low Density Residential, 2.5 to 6 dua
SURROUNDING PROPERTY:	
NORTH: RU-TH; Townhouse	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-TH; Townhouse	Low Density Residential, 2.5 to 6 dua
EAST: RU-TH; Townhouses	Low Density Residential, 2.5 to 6 dua
WEST: RU-TH; Townhouse	Low Density Residential, 2.5 to 6 dua

The subject property is an internal lot located at 15284 SW 69 Terrace. The townhouse residence fronts on SW 69 Terrace on the north end and is located in an established townhouse development.

E. SITE AND BUILDINGS:

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

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the

surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is an interior lot located at 15284 SW 69 Terrace, in an established townhouse development zoned RU-TH, Townhouse District. The applicant seeks to waive the zoning regulations prohibiting accessory buildings to extend above the height of the wall or wood fence enclosing the townhouse site in order to permit a shed to be higher than the wall or wood fence. The applicant has submitted plans depicting the aforementioned request.

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, Florida and the Public Works Department **(PWD)** also has **no objections** to this application. Additionally, the Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:22** minutes.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6 dwelling units per gross acre yielding a density threshold of a maximum of 1 dwelling unit on this site. Since the requests sought herein will not add additional dwelling units to the residence, the RU-TH zoned townhouse residence is **consistent** with the Low Medium Density Residential designation as shown on the LUP map of the CDMP.

When the application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, and would not negatively affect the stability and appearance of the community. The applicant is requesting to waive the zoning regulations prohibiting accessory buildings to extend above the height of the wall enclosing the patio area of the townhouse in order to permit a shed to be higher than the wall which would permit the maintenance and continued use of an existing 7' high shed located on the southern portion of the subject townhouse residence. Staff notes that the shed abuts open space and is not adjacent to neighbors and therefore would not be a visual impediment to surrounding neighbors. Additionally, said shed structure will be buffered by an existing 6' high wood fence that runs along the east, west and south sides of the property. Based on the aforementioned, staff opines that this application would not be detrimental to the community, would not be intrusive to the adjacent properties, would not affect the appearance of the townhouse community and is **compatible** with the surrounding area. Therefore, staff recommends that the request be approved with conditions under Section 33-311(A)(4)(b) (NUV).

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

Based on all of the aforementioned, staff opines that the application is **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and therefore recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of the application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Remediation of Rear Yard Improvements; " as prepared by Steven Ross Luria, R.A. dated stamped received 7/21/08. 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.

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

DATE INSPECTED: 1/19/09
DATE TYPED: 2/19/09
DATE REVISED: 2/20/09; 03/03/09
DATE FINALIZED: 3/03/09
MCL:MTF:NN:CI

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2008

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

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

Subject: C-11 #Z2008000130
Eduardo Lobato
15284 S.W. 69th Terrace
Request to Permit an Addition that Exceeds Setback Requirements
(RU-TH) (0.07 Acres)
28-54-39

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

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

Concurrency Review Summary

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

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

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

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

Memorandum MIAMI-DADE COUNTY

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

MIAMI-DADE COUNTY

Date: 30-JUL-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000130

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000130
located at 15284 S.W. 69 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1699 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: 6:22 minutes

Existing services:

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

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine Haz Mat Support

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 03/19/09

TEAM METRO

ENFORCEMENT HISTORY

EDUARDO LOBATO

APPLICANT

15284 SW 69 TERRACE, MIAMI-DADE COUNTY FLORIDA.

ADDRESS

Z2008000130

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000130

CURRENT ENFORCEMENT HISTORY:

MARCH 18, 2009
CMS# 200912001421 was opened for an Enforcement History inspection. No current zoning violations were observed.

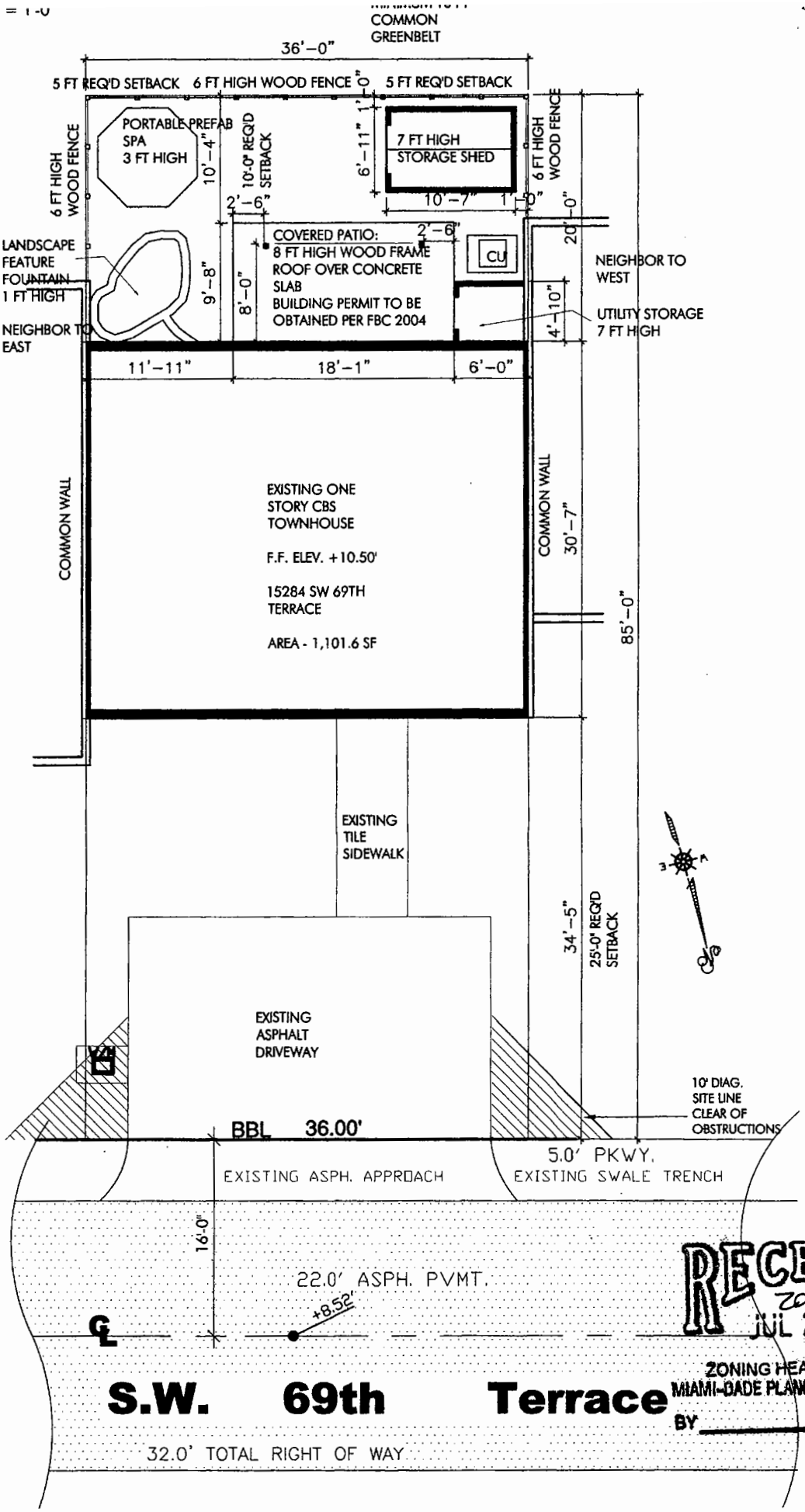
JULY 16, 2007
CMS#200712009398 was opened for failure to obtain zoning permit, which case was forward to Bldg Dept and case was closed.

EDUARDO LOBATO

SANTIAGO GONZALEZ

10

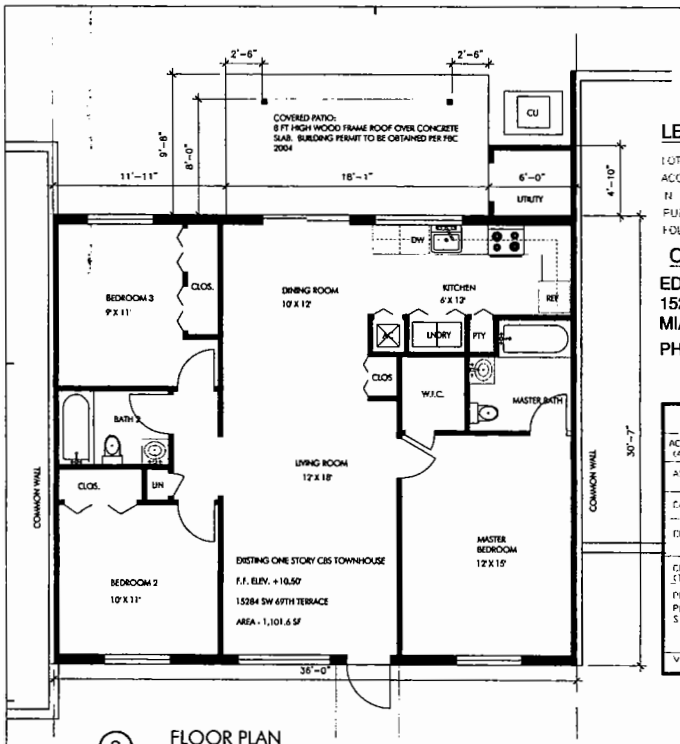
SCALE: 1/4 = 1'-0"



RECEIVED
208-186
JUL 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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

ENLARGED PLAN



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

LEGAL DESCRIPTION:

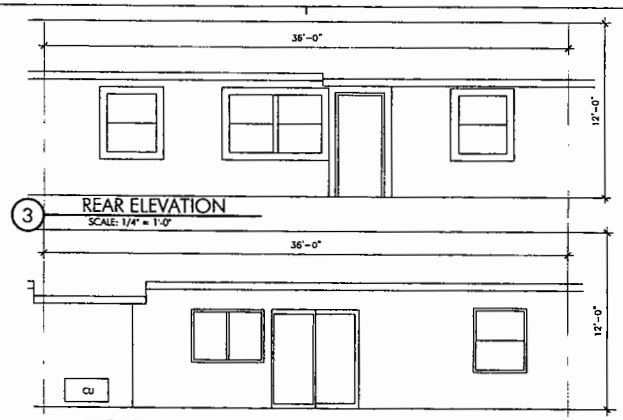
LOT 3 IN BLOCK 26 OF "WESTWIND LAKES TOWNHOUSES SECTION ONE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 116 AT PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
FOLIO #: 30-4928-003-1020

OWNER:

EDUARDO LOBATO
15284 SW 69TH TERRACE
MIAMI, FL 33193
PHONE:(305) 387-9024

FBC TABLE 702.3
BUILDING SEWER PIPE

MATERIAL	STANDARD
ACRYLONITRILE BUTADIENE STYRENE (ABS) PLASTIC PIPE	ASTM D 2661, ASTM D 2751 ASTM F 628
ASBESTOS-CEMENT PIPE	ASTM C 428
CAST IRON PIPE	ASTM A 74, ASTM A 888, CISPI 301
CONCRETE PIPE	ASTM C 14, ASTM C 76 CSA A 257.1, CSA CAN/CSA A 257.2
COPPER OR COPPER-ALLOY TUBING (TYPE K, OR L)	ASTM B 75, ASTM B 88, ASTM B 251
POLYVINYL CHLORIDE (PVC) PLASTIC PIPE (TYPE PSM) SDR35, SDR35, SDR41, PS50 OR PS100	ASTM D 2665, ASTM D 2949, ASTM D 3034, ASTM F 891, CSA B 182.2, CSA CAN/CSA-B 182.4
VITRIFIED CLAY PIPE	ASTM C 4, ASTM C 700



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

3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

ZONING NOTES:

SITE TO BE FILLED TO COUNTY FLOOD ELEVATION N.G.V.D. OR AN ELEVATION NO LESS THAN THE HIGHEST APPROVED CROWN ELEVATION OF THE ROAD ABUTING THE

AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER INTO LAKE OR CANAL. LOT WILL BE GRADED SO AS TO PEVENT DIECT OVERLAND DISCHARGE OF STORM WATER ONTO ADJACENT PROPERTY .APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL. IN ADDITION TO THE REQUIREMEMTS OF THIS PERMIT , THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. SECTION 553.79(10) FLORIDA STATUTES

A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES ON TO THE PUBLIC RIGHT OF WAY. THE HEIGHT OF FENCES ,WALL AND HEDGES SHALL NOT EXCEED 2.5 FT IN HEIGHT WITHIN 10 FT OF THE EDGE OF ANY DRIVEWAY LEADING TO A RIGHT OF WAY.THE HEIGHT OF FENCES IS BEING MEASURED FROM GRADE.

ZONING LEGEND

ZONING DISTRICT: RU-TH NET LOT AREA: 3,060 GROSS LOT AREA: 3,636

MAX FOOTPRINT ALLOWED: N/A % x GROSS LOT AREA: N/A EXISTING (IF APPLICABLE): N/A

ADDITION TO BE LEGALIZED (IF APPLICABLE): 175.57

PROPOSED NEW CONSTRUCTION OR ADDITION: 175.57

TOTAL FOOTPRINT PROPOSED: 1,289

F.A.R. MAX ALLOWED: N/A % x GROSS LOT AREA: N/A EXISTING:

PROPOSED: N/A

TOTAL: N/A

GREEN AREA: 15 % MIN REQUIRED x GROSS LOT AREA: N/A

TOTAL PROPOSED: N/A

NUMBER OF TREES REQUIRED: N/A PROPOSED:

NUMBER OF STREET TREES REQUIRED: N/A PROPOSED:

NUMBER OF SHRUBS REQUIRED: N/A PROPOSED:

**SEE LANDSCAPE LEGEND AND SITE PLAN FOR SPECIES, HEIGHT, SPREAD, EXISTING AND PROPOSED TREES AND SHRUBS.

PARKING REQUIRED (IF APPLICABLE): 2 TOTAL PROPOSED:

FRONT YARD SETBACK REQUIRED: 25 PROVIDED: 34.7
EAST SIDE YARD SETBACK REQUIRED: 0 PROVIDED: 0
WEST SIDE YARD SETBACK REQUIRED: 0 PROVIDED: 0
REAR YARD SETBACK REQUIRED: 10 PROVIDED: 10.25

FLOOD LEGEND

Residential New Construction

ADDRESS: 15284 SW 69TH TERRACE, MIAMI, FLORIDA 33193

LOT: 3 BLOCK: 26 PLAT BOOK: 116 PAGE: 53

HIGHEST CROWN OF ROAD ELEV: 8.52 FT. NGVD. HIGHEST CROWN OF ROAD ELEVATION WAS TAKEN FROM THE ATTACHED CERTIFIED SURVEY, OR A CERTIFIED SURVEY PREPARED BY: BEAZ AND ASSOCIATES, INC (SURVEYOR'S NAME) PLS LIC.# LB # 6356

	LOWEST FLOOR ELEVATION	GARAGE/STORAGE FLOOR ELEVATION	ADJACENT GRADE ELEVATION	SWALE AREA ELEVATION
PROPOSED	10.5 FT. NGVD	N/A FT. NGVD	9.7 FT. NGVD	9.3 FT. NGVD

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

ALL AREAS BELOW B.F.E. SHALL BE PROVIDED WITH A MINIMUM OF TWO (2) OPENINGS HAVING A TOTAL NET AREA OF NO LESS THAN ONE SQUARE INCH OF OPENING FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING. THE BOTTOM OF THE OPENING WILL BE NO HIGHER THAN ONE (1) FOOT ABOVE GRADE AND LOCATED ON DIFFERENT SIDES OF THE ENCLOSED AREA. OPENINGS WILL BE EQUIPPED WITH SCREENS OR LOUVERS. FLOOD RESISTANT MATERIALS WILL BE USED BELOW B.F.E.

ALTERNATIVELY, SEE A CERTIFICATION BY -- P.E. ON THE PLAN NOTES INDICATING THAT THE DESIGN WILL ALLOWED FOR THE AUTOMATIC EQUALIZATION OF HYDROSTATIC FLOOD FORCES ON EXTERIOR WALLS.

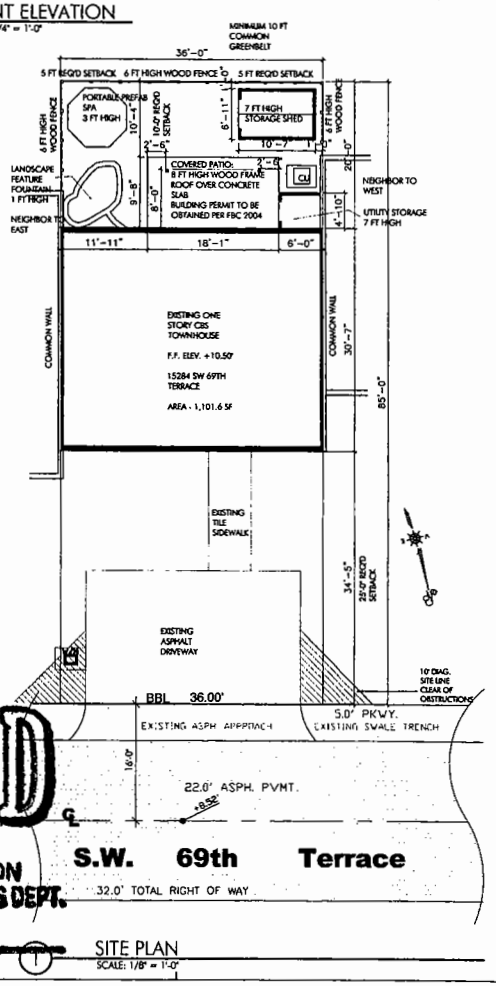
THE SITE WILL BE GRADED IN A MANNER TO PREVENT THE FLOODING OF ADJACENT PROPERTIES. WHERE NECESSARY INTERCEPTOR SWALES WILL BE CONSTRUCTED ON-SITE WITH NO ENCROACHMENT OVER ADJACENT PROPERTIES.

0' - 10' NGVD

RECEIVED
JUL 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

TABLE OF CONTENTS

SP-1 SITE PLAN, ZONING NOTES, FLOOR PLAN



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

RECEIVED
JUL 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

CONTRACTOR:

12

OWNER:

EDUARDO LOBATO
15284 SW 69 TERRACE
MIAMI, FL 33193

PROJECT:

REMEDIATION OF REAR YARD IMPROVEMENTS

15284 SW 69 TERRACE
MIAMI, FLORIDA

PROJECT # 08.15284.TH

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT. THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

Revision Issue/ Date	Description	Checked By

ARCHITECT OF RECORD:

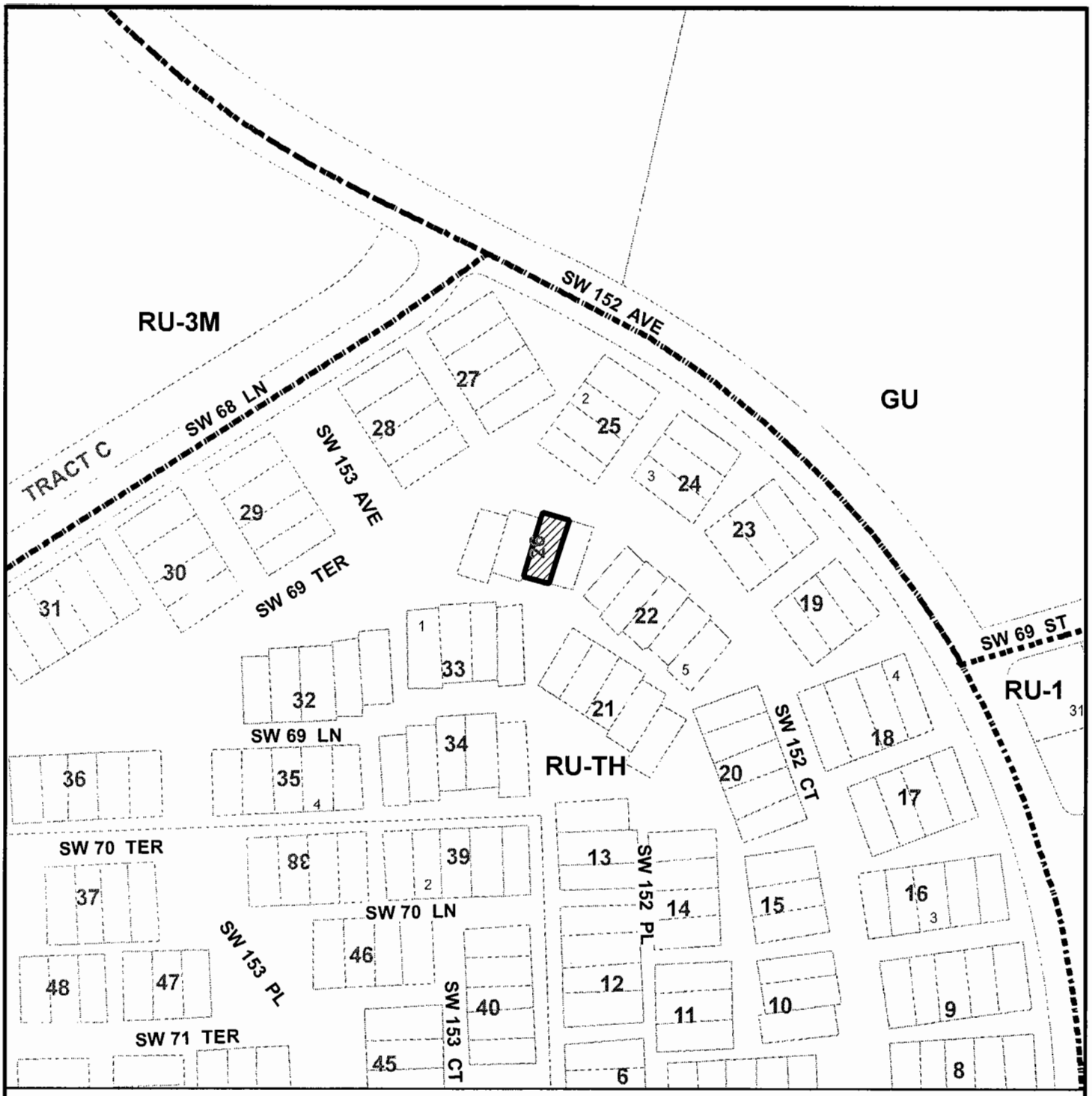
7/21/08

STEVEN ROSS LURIA, R.A.
9641 SW 100 AVENUE
MIAMI, FL 33176
STATE OF FLORIDA - AR# 0017359
(305) 303.3880

SITE PLAN
ZONING NOTES
FLOOR PLAN

SP-1

DATE: 21 JULY 2008



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-130

Section: 28 Township: 54 Range: 39
Applicant: EDUARDO LOBATO
Zoning Board: C11
Commission District: 11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/22/08

REVISION	DATE	BY
		13

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 28 Township: 54 Range: 39
Applicant: EDUARDO LOBATO
Zoning Board: C11
Commission District: 11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number
08-130

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/22/08

REVISION	DATE	BY

3. CAROLINA SANCHEZ
(Applicant)

09-4-CZ11-3 (08-139)
Area 11/District 11
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1983	Suez International	Special Exception to permit a site plan for a zero lot line development; Non-Use Variance of setback; Non-Use Variance for wall height.	ZAB	Approved w/conds.
1984	Gerald S. Krigel	Modification of Condition #2 on a previous Resolution.	ZAB	Approved w/conds.
1987	Munne Enterprise	Modification of Condition #2 of a previous Resolution; Non-Use Variance of setbacks.	ZAB	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANTS: Carolina Sanchez **PH:** Z08-139 (09-4-CZ11-3)

SECTION: 03-55-39 **DATE:** April 2, 2009

COMMISSION DISTRICT: 13 **ITEM NO.:** 3

==========

A. INTRODUCTION:

o REQUESTS:

(1) MODIFICATION of Condition #2 of Resolution 4-ZAB-165-83, passed and adopted by the Zoning Appeals Board last modified by Resolution 4-ZAB-415-87, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that for the hearing entitled 'Munne Subdivision No. 1,' as prepared by Juan R. Martinez and Associates, Inc., dated 6-29-87, consisting of 2 pages."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that for the hearing entitled 'As-Built Plan for Legalization for Carolina H. Sanchez,' as prepared by Maria Lopez, consisting of 2 sheets, dated stamped received 12/16/08."

The purpose of Request #1 is to allow the applicant to submit a revised site plan showing an addition to an existing zero lot line residence setback less than previously approved and showing a detached pool cabana.

(2) Applicant is requesting to permit a pool cabana setback a minimum of 26.21' (75' required) from the front (north) property line.

(3) Applicant is requesting to permit a shed setback 51.5' (75' required) from the front (north) property line.

(4) Applicant is requesting to permit a rear yard area coverage of 162% (30% maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of the requests #2 and #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:**

The applicant is seeking approval to allow a modification of previously approved plans in order to allow the continued use of an addition to an existing single-family residence within the required rear setback area, to permit the continued use of an existing pool cabana and utility shed located within the required front setback area and to allow a rear yard lot coverage which exceeds that permitted by the Zoning Code.

- **LOCATION:**

14318 SW 100 Lane, Miami-Dade County, Florida.

- **SIZE:** 0.27 Acre

B. ZONING HEARINGS HISTORY:

In 1983, pursuant to Resolution #4-ZAB-165-83, the Zoning Appeals Board granted the approval with conditions for a Zero Lot Line Development on a larger parcel of land which included the subject property. In 1984, pursuant to Resolution #4-ZAB-305-84, the Zoning Appeals Board granted the approval with conditions of a modification of the previously approved plans in order to allow the applicant to submit new plans which indicated smaller lots, smaller units and increase in density and in 1987, pursuant to Resolution #4-ZAB-415-87, the Zoning Appeals Board granted the approval for a modification of previously approved plans and non-use variance of zero lot line setback requirements in order to allow corner units with less setback than the required from the side street and zero lot line property lines.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within approximately 1.25 miles of the Urban Development Boundary for **Low Medium Density Residential**. The residential densities allowed in this category shall range from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. This density range is typically characterized by single-family homes, townhouses and low rise-apartments. Zero-lot-line single-family developments in this category shall not exceed density of 7.0 units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-1; Zero Lot line Single-family residence	Low Medium Density Residential 6 to 13 dua

SURROUNDING PROPERTY:

NORTH:	RU-1, Zero Lot line Single-family residence	Low Medium Density Residential 6 to 13 dua
SOUTH:	RU-1, Zero Lot line Single-family residence	Low Medium Density Residential, 6 to 13 dua
EAST:	RU-1, Zero Lot line Single-family residence	Low Medium Density Residential, 6 to 13 dua
WEST:	RU-1, Zero Lot line Single-family residence	Low Medium Density Residential, 6 to 13 dua

This property is an interior lot located at 14318 SW 100 Lane. The surrounding area is developed with single-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or

restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

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

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

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

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

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

e) A lot coverage ratio for a single family or duplex dwelling shall be approved upon demonstration of the following:

1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and

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

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

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

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

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is a 0.27-Acre interior platted lot located at 14318 SW 100 Lane in an established RU-1, Single Family Residential Zoning District developed with Zero Lot Line homes.

The plans submitted by the applicant depict a three bedroom two bath single-family residence with a floor area of 1,568 sq. ft. The submitted plans also depict the following additions and structures which the applicant is seeking to legalize: an existing cabana bath (full bath) attached to the northwesterly portion of the residence with a floor area of 40 sq. ft.; an existing sitting area and second bathroom addition to the master bedroom with a floor area of 232 sq. ft.; an existing detached cabana structure which contains two separate rooms and two additional bathrooms with a floor area of 489 sq. ft.; and an existing utility shed with a floor area of 78 sq. ft. Based on the plans submitted by the applicant the existing single family residence contains three bedrooms and four bathrooms and a detached cabana structure containing two separate rooms and two additional bathrooms for a total of six bathrooms; three of which, are cabana bathrooms and the remaining three bathrooms located in the interior of the existing single-family residence.

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 time for this site is **6:30** minutes

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-1 zoned, single-family residence is **consistent** with the Low Medium Density Residential designation as shown in the LUP map of the CDMP..

When Request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the approval of the modification of plans will allow the maintenance and continued use of the aforementioned master bedroom addition, cabana structure and utility shed on the subject property. Staff is of the opinion that the approval of Request #1, should be denied without prejudice. Staff is of the opinion that the applicant has over utilized the subject property by constructing a total of six bathrooms three of which are for outdoor use and a cabana structure which exceeds the permitted rear yard lot coverage. Additionally, staff notes that the applicant has constructed an addition which includes an additional bathroom to the master bedroom which already has a bathroom. Moreover, the plans submitted by the applicant depict that the rear lot coverage is in excess of 132% of the permitted 30% rear yard lot coverage. Staff also notes that because of the numerous outdoor and indoor bathrooms in connection with the various rooms of the single-family residence which is setback 2.39' from the rear property line and the 489 square feet cabana structure, the single family residence could be easily converted into a multifamily residential structure which will cause a negative impact on the single-family residential character of the surrounding area. Based on all of the aforementioned, staff is of the opinion that Request #1 would be **incompatible** with the surrounding area and, therefore,

staff recommends denial without prejudice under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze request #1 under said standards and, as such, request #1 should be denied without prejudice under same.

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that request #2 should be denied without prejudice and that the continued use of the existing cabana structure setback 26.21' (75' is required) is **incompatible** with the surrounding area, negatively affect the stability and appearance of the community, and is detrimental to the neighborhood. Staff notes that the cabana structure is an over utilization of the site and diminishes the original architectural design of the existing residence and has been constructed with two doors which provide separate access to two separate rooms each room containing a separate bathroom. In addition, the cabana structure has been isolated from the rest of the property by an existing grassed area and hedge and contains its own driveway entrance and parking area. Additionally, staff notes that the 48.63' encroachment into the front 75' setback area is excessive and has a negative impact on the neighboring property across SW 100 Lane. As such staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b).

When request #3 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the existing shed setback 51.5' from the front property line where 75' is required is **incompatible** with the surrounding area, negatively affect the stability and appearance of the community, and is detrimental to the neighborhood. Staff notes that the utility shed also requires approval of request #4 because when combined with the floor area of the aforementioned cabana structure it results in an overage of the permitted lot rear lot coverage. In addition staff is of the opinion that the encroachment of 21.80' into the front setback area creates a negative visual impact on the neighboring property across SW 100 Lane. As such, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b).

When request #4 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the rear yard lot coverage of 162% where a 30% lot coverage is permitted is **incompatible** with the surrounding area, negatively affect the stability and appearance of the community, and is detrimental to the neighborhood. Staff notes, that the excess 132% lot coverage is caused by the combined floor area of the aforementioned existing 489 sq. ft. cabana structure and 78 sq. ft. utility shed which staff does not support. As such, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b).

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

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

Accordingly, staff opines the application is **incompatible** with the surrounding properties although it is **consistent** with the LUP map of the CDMP and, therefore, recommends denial without prejudice of the application under §33-311(A)(7) (Generalized Modification Standards), Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), Section 33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and Sections 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

J. **CONDITIONS:** None

DATE INSPECTED: 02/24/09
DATE TYPED: 02/24/09
DATE REVISED: 02/25/09; 02/26/09; 03/03/09
DATE FINALIZED: 03/03/09
MCL:MTF:NN:NC:AA

for Maria T. Trujillo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: July 29, 2008

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

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

Subject: C-11 #Z2008000139
Carolina Sanchez
14318 S.W. 100th Lane
Request to Permit an Addition that Exceeds Setback Requirements
(RU-1) (0.27 Acres)
03-55-39

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

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

Concurrency Review Summary

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: March 8, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

MIAMI-DADE COUNTY

Date: 07-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000139

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000139
located at 14318 S.W. 100 LANE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1853 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: 6:30 minutes

Existing services:

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

Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 50' Squrt, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 03/09/09

TEAM METRO

ENFORCEMENT HISTORY

CAROLINA SANCHEZ

APPLICANT

14318 SW 100 LANE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000139

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200902002534 CLOSED (ENFORCEMENT HISTORY).

200802005253 OPEN ISSUED CIVIL VIOLATION # B039931 (UNAUTHORIZED USE EFFICIENCIES IN REAR SIDE AND WEST SIDE. REFERRAL TO BUILDING DEPT CASE # 20080122815).

200702005560 CLOSED ISSUED WARNING # R69512 (SETBACK)

200702005559 CLOSED ISSUED WARNING # R69514 (SETBACK STRUCTURE CONSTRUCTED ON TERRACE TO HOUSE).

200702005558 CLOSED ISSUED WARNING # R59513 (SETBACK)

200702005146 CLOSED ISSUED CIVIL VIOLATION NOTICE # B006686 (EFFICIENCIES REAR SIDE, WEST SIDE AS PER SECTION CODE 33.20.1.1)

200602014035 CLOSED ILLEGAL DUMPING REFERRAL TO SOLID WASTE DEPT.

SUZEL CUELLAR

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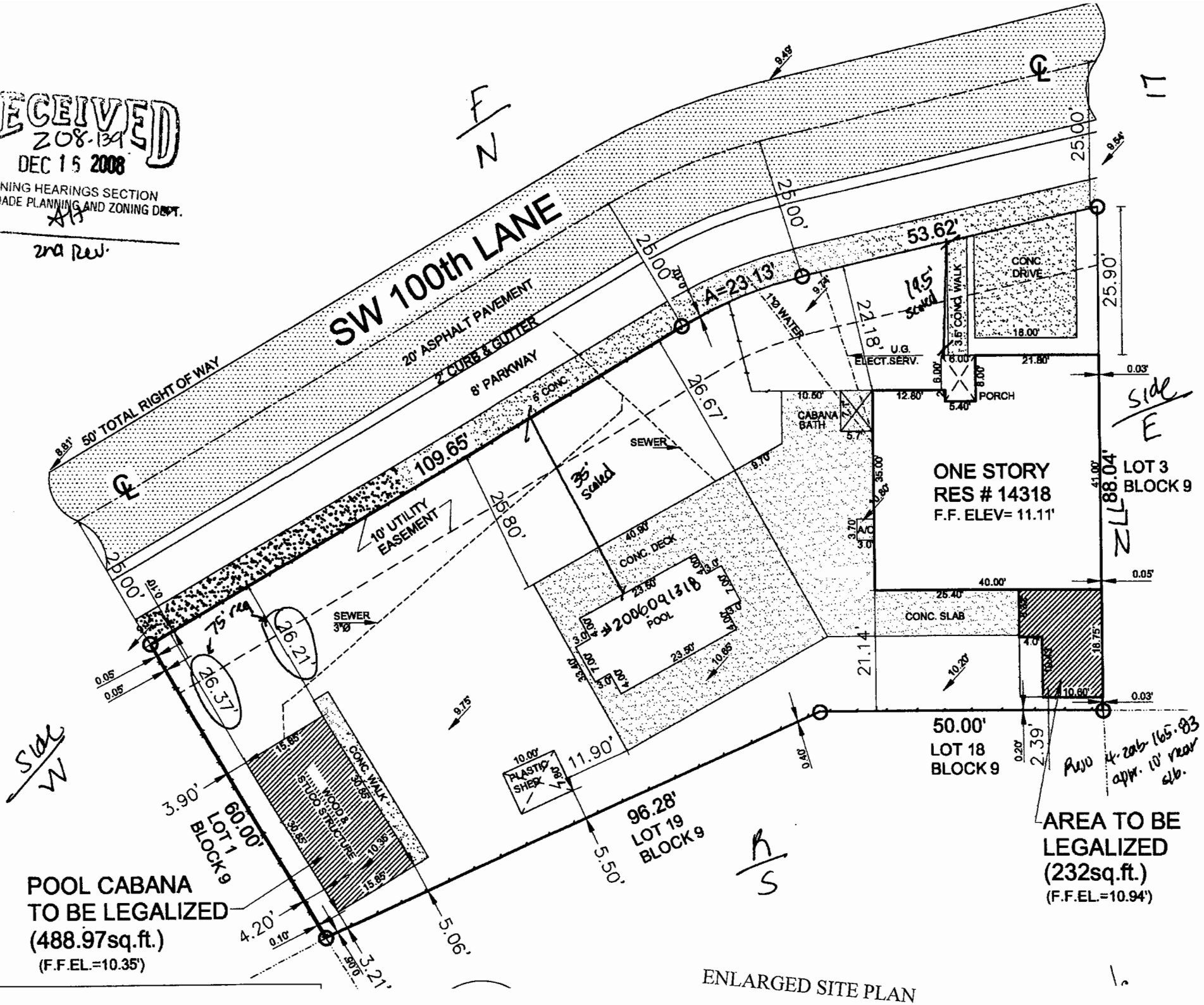

ENLARGED SITE PLAN

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MIAMI-DADE COUNTY
PROGRESS #: 208-139
DATE: DEC 24 2008
BY: SDB

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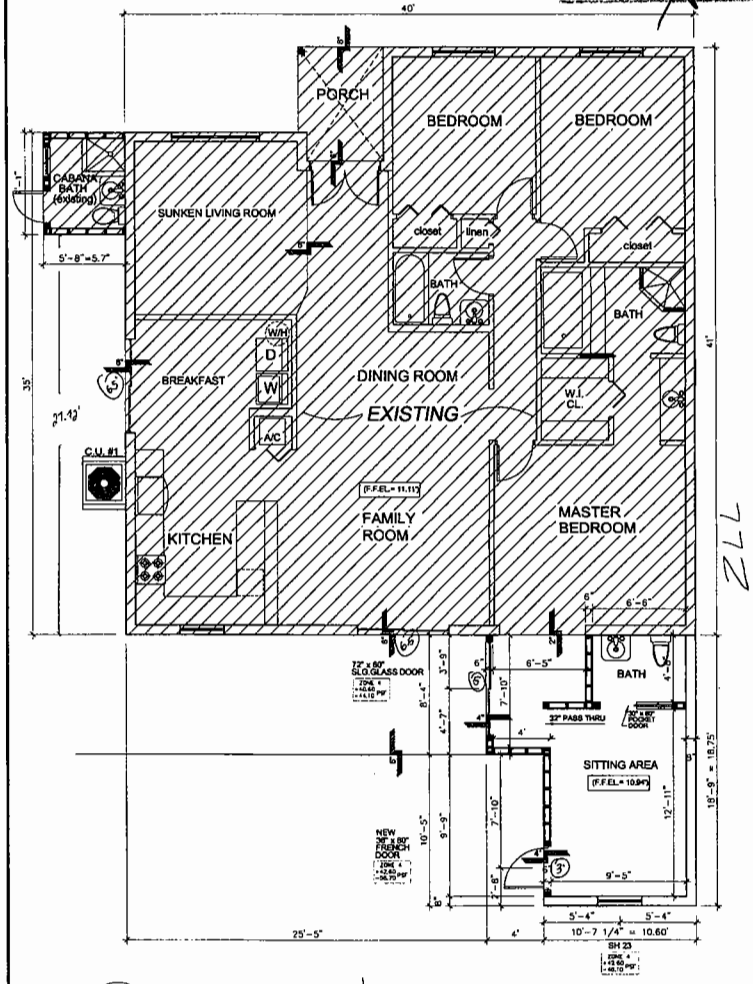
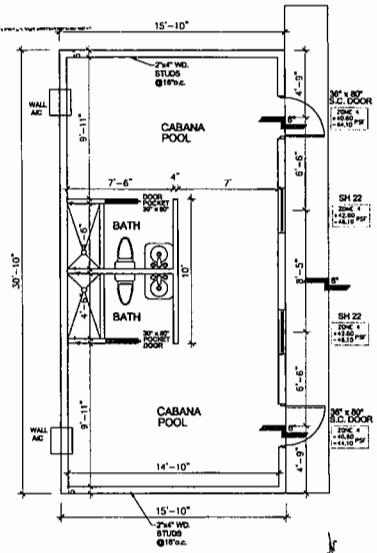


FLOOR PLAN

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

THE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH FBC 2004 & 2006 SUPPLEMENT.

EXISTING VISABLE PASSABLE = 18'
REQUIRED = 18.72'
NEW 36x80 FRENCH DOOR
PROVIDED 21'>18.72' REQ'D.



CABANA POOL FLOOR PLAN

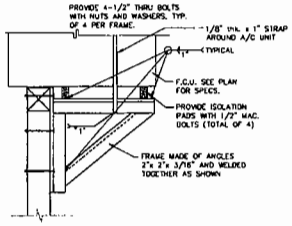
SCALE: 1/4" = 1'- 0"

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES AND ALL OTHER EXISTING CONDITIONS PRIOR TO COMMENCING ANY WORK. CONTRACTOR TO ALSO VERIFY AND APPROVE ALL INFORMATION ON DRAWINGS. ACCEPTANCE OF THESE PLANS CONSTITUTES APPROVAL. PLEASE NOTIFY ENGINEER BY CERTIFIED MAIL OF ANY CONFLICTS OR DISCREPANCIES, IF ANY.
2. CONTRACTOR SHALL FURNISH AND BE SOLELY RESPONSIBLE FOR ALL TEMPORARY BRACING AND SHORING REQUIRED TO MAINTAIN PLUMBINESS AND STABILITY OF ALL STRUCTURAL ELEMENTS DURING CONSTRUCTION.
3. THE CONTRACTOR SHALL OBTAIN FROM ALL SUBCONTRACTORS THE FINAL APPROVED SITE AND LOCATION OF ALL OPENINGS TO BE PROVIDED FOR RESPECTIVE TRADES. HE SHALL BE RESPONSIBLE FOR LOCATION AND DETAILS.
4. ALL CONCRETE FOR FOUNDATIONS & SLABS ON GRADE SHALL REACH 2500 P.S.I. COMPRESSIVE STRENGTH AT 28 DAYS, AND ALL COLUMNS, GROUTED CELLS, SLABS ABOVE GRADE AND TIE BEAMS SHALL REACH 3000 P.S.I. COMPRESSIVE STRENGTH MINIMUM AT 28 DAYS UNLESS OTHERWISE NOTED.
5. CONTRACTOR/OWNER SHALL BE RESPONSIBLE FOR VERIFYING REQUIRED GRADE & FINISHED FLOOR ELEVATIONS WITH RESPECT TO DADE COUNTY FLOOD CRITERIA, EXISTING CROWN OF ROAD ELEVATIONS, FEDERAL FLOOD CRITERIA OR ANY OTHER GOVERNING BODY.
6. OWNER AND CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING, BY CERTIFIED MAIL UPON COMMENCEMENT PROJECT.

PLEASE NOTE -IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY ALL JOB CONDITIONS AND DIMENSIONS.

A/C EQUIPMENT SCHEDULE	
A/C WALL UNIT NUMBER:	#1
TOTAL COOLING (BTU/H):	5000
C.F.M.	160
LOCATION:	BEDROOM
MANUFACTURER:	CARRIER
MODEL NUMBER:	ACA 0517
AMPS.	5.6
EER	10.7
HEATING	4,100 BTU



A/C wall mounting detail
NTS

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ZONING INFORMATION	
NET LOT AREA	11,777 SQ.FT.
BUILDING AREA	2,288 SQ.FT.
LOT COVERAGE= BUILDING A / NET LOT A	= 0.1942 = 20%

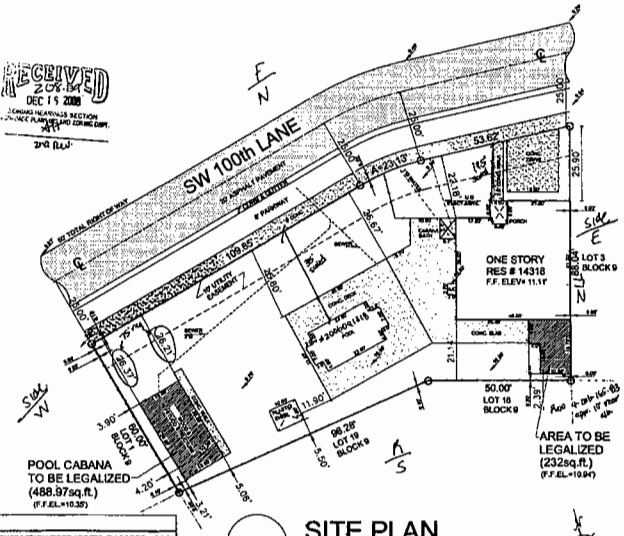
SET BACKS FOR RESIDENCE	REQUIRED	PROVIDED
FRONT	20'	22.18'
REAR	20	21.14'
SIDE (W)	15'	MORE THAN 15'
SIDE (E)	0'	0'

SET BACKS FOR POOL CABANA	REQUIRED	PROVIDED
FRONT	75'	26.21'
REAR	2	3.21'
SIDE (W)	2'	3.90'
SIDE (E)	7.5'	MORE THAN 7.5

Accessory use setback per reso
4-286-165-83 & 4-286-505-84
Rear 3'
side 6'
(linear feet) 149.25K (12.4%) = 18.51' vp req pro. 21' of vp.
15% req (12.4% prev. appr.)
4-286-165-83

LEGAL DESCRIPTION

LOT 3, BLOCK 9 OF "MUNINE SUBDIVISION FIRST ADDITION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 153 AT PAGE 25 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



SITE PLAN

SCALE: 1"- 20'

rya lot cov.

2.39 x 146.28 = 349.60 x 30% = 104.88 #
prev. 566.97 #

MARIA LOPEZ, P.E.
CIVIL ENGINEER FLA. REG.- No.60157
525 S.W. 63rd AVENUE
MIAMI, FL 33144
TEL.: (786) 380-0734

AS BUILT PLAN FOR LEGALIZATION FOR
CAROLINA H. SANCHEZ
14318 SW 100th LANE
MIAMI, FL 33186

Drawn by: P.P./CBS
Checked: M. LOPEZ
Date: 06/16/08
Project # 08-56
Sheet: A-1

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DATE: DEC 16 2008
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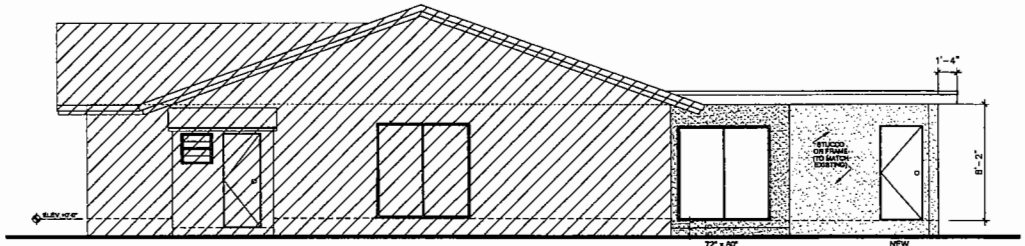
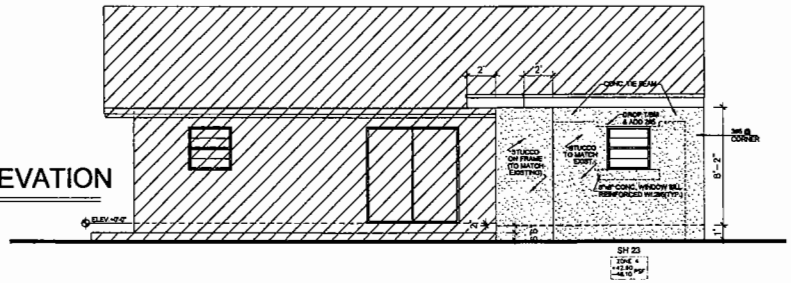
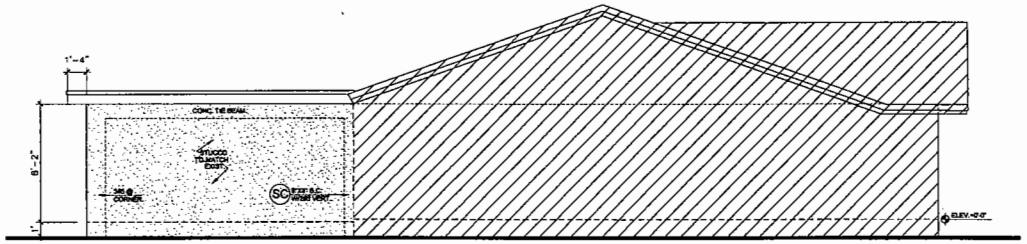


WEST ELEVATION
SCALE: 1/4" = 1'- 0"

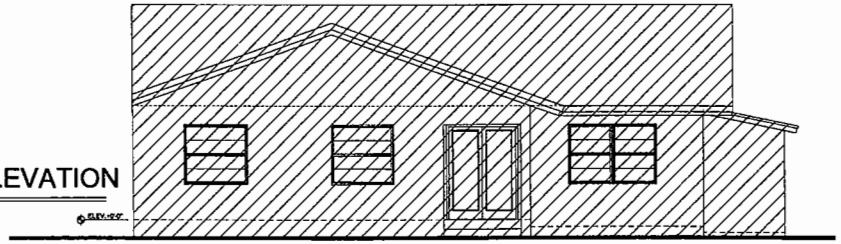


SOUTH ELEVATION
SCALE: 1/4" = 1'- 0"

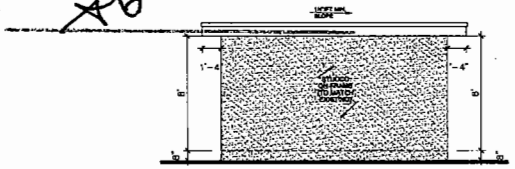


EAST ELEVATION
SCALE: 1/4" = 1'- 0"

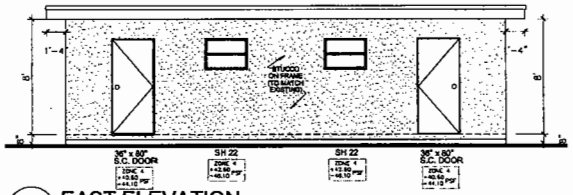
ZLL



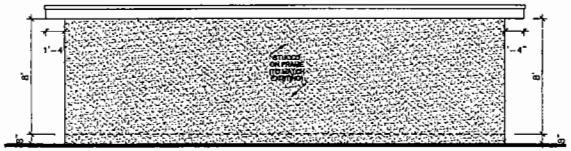
NORTH ELEVATION
SCALE: 1/4" = 1'- 0"



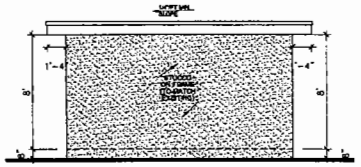
NORTH ELEVATION
SCALE: 1/4" = 1'- 0"



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



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



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

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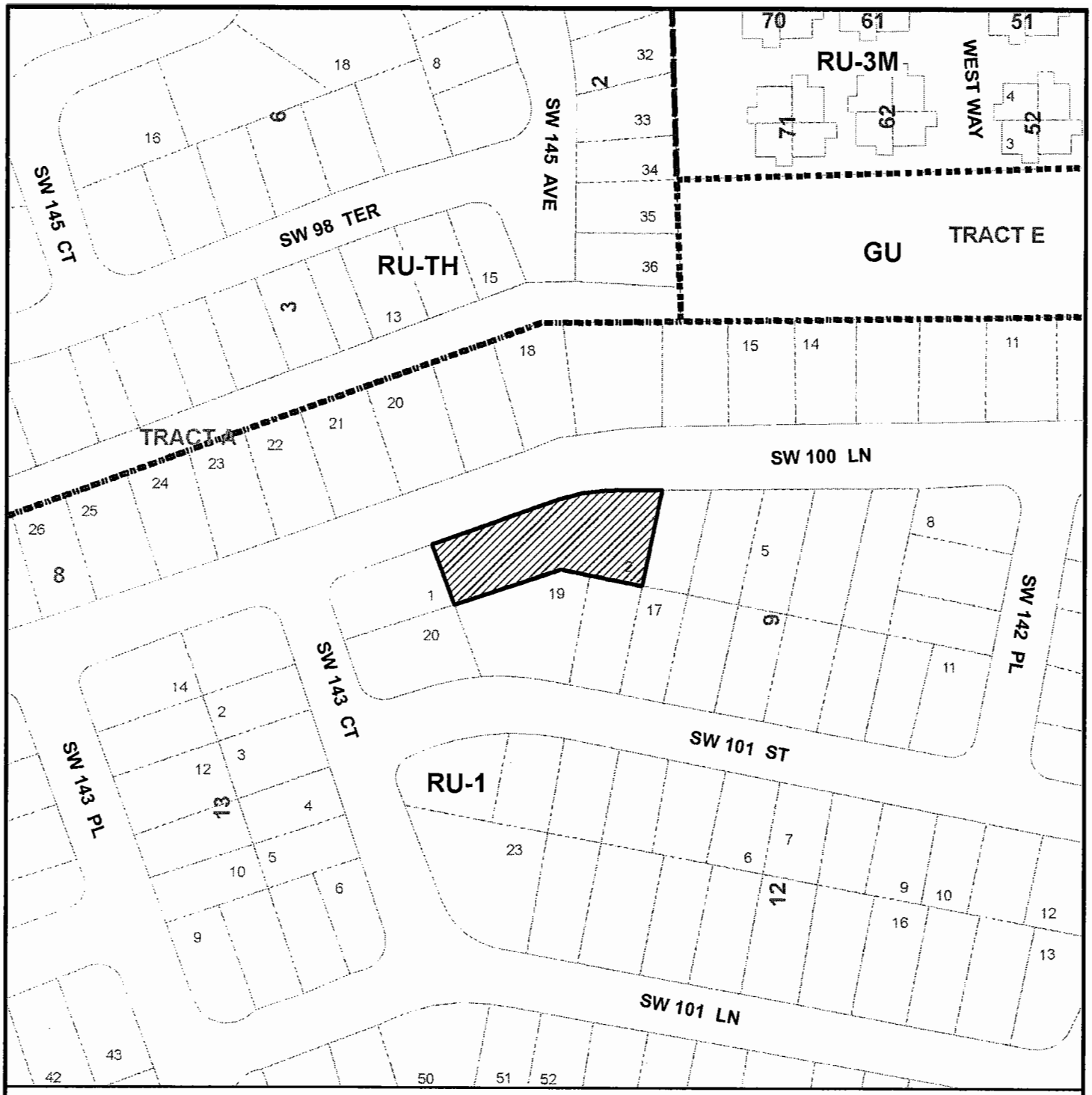
MARIA LOPEZ, P.E.
CIVIL ENGINEER FLA. REG.: No.80157
525 S.W. 63rd AVENUE
MIAMI, FL 33144
TEL.: (786) 380-0734

AS BUILT PLAN FOR LEGALIZATION FOR
CAROLINA H. SANCHEZ
14318 SW 100th LANE
MIAMI, FL 33186

Drawn by: P.F.JCSS
Checked: M. LOPEZ
Date: 06/16/08
Project # 08-56

Sheet:
A-2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-139

Section: 03 Township: 55 Range: 39
Applicant: CAROLINA SANCHEZ
Zoning Board: C11
Commission District: 11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/29/08

REVISION	DATE	BY
		20

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 03 Township: 55 Range: 39
Applicant: CAROLINA SANCHEZ
Zoning Board: C11
Commission District: 11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number
08-139

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/29/08

REVISION	DATE	BY

4. WALMART STORES EAST, LP
(Applicant)

09-4-CZ11-4 (08-183)
Area 11/District 11
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1990	Louis O. & Iris J. Gonzalez	Zone change from GU to BU-1A / Special Exception to permit a business / a Variance for a 5' high wall / Use Variance to permit an outdoor garden.	BCC	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANT: Walmart Stores East L.P. **PH:** Z08-183 (09-04-CZ11-4)

SECTION: 32-54-39 **DATE:** April 2, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 4

==========

A. INTRODUCTION:

o REQUESTS:

(1) MODIFICATION of Condition #2 of Resolution Z-124-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Wal-Mart Kendall Drive & S.W. 157 Ave.,' as prepared by Post, Buckley, Schuh and Jernigan, Inc., dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90.""

TO: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc., consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, all dated stamped received 12/11/08 for a total of 6 sheets."

(2) MODIFICATION of Paragraph #1 of Declaration of Restrictions, recorded in Official Records Book 14630, Pages 1633-1640, reading as follows:

FROM: "1. Specification of Site Plan: That said property be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Post, Buckley, Schuh and Jernigan, Inc., entitled 'Wal-Mart Kendall Drive and S.W. 157th Avenue, dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90. Said plans being on file with the Dade County Building and Zoning Department and by reference made a part of this declaration."

TO: "1. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc. consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, all dated stamped received 12/11/08 for a total of 6 sheets."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area.

(3) Applicant is requesting to waive the zoning regulations requiring all uses to be conducted within enclosed buildings; to permit the garden center with a fence and wind screening enclosure.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 and #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:** The approval of this application will allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area. Additionally, the applicant seeks to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit a garden center with a fence and wind screening enclosure.

- **LOCATION:** 15885 S.W. 88 Street (North Kendall Drive), Miami-Dade County, Florida.

- **SIZE:** 14.01 Acres

B. ZONING HEARINGS HISTORY: In 1990, a district boundary change was granted, subject to a proffered covenant, on the subject property from GU, Interim District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-124-90. Additional requests to permit a site plan approval of business uses on a site in excess of ten acres and to permit an outdoor garden center in the BU-1A district were also approved with conditions.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	BU-1A; Retail center	Business and Office
Surrounding Properties:		
NORTH:	RU-4L; Single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH:	BU-1A; Retail center, gas station	Business and Office
EAST:	BU-2; Shopping center, gas station	Business and Office
WEST:	RU-4L; Single-family residences	Low Density Residential, 2.5 to 6 dua

The subject property is located at 15885 S.W. 88 Street (North Kendall Drive). The surrounding area is characterized with single-family homes, retail centers, gas stations and shopping centers.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is located at 15885 S.W. 88 Street (North Kendall Drive) in an area characterized by single-family residences, shopping centers and gas stations. In 1990, a district boundary change was granted, subject to a proffered covenant, on the subject property from GU, Interim District, to BU-1A, Limited Business District, pursuant to Resolution #Z-124-90. Additional

requests to permit a site plan approval of business uses on a site in excess of ten acres and to permit an outdoor garden center in the BU-1A district were also approved with conditions. The applicant is seeking to modify Condition #2 of the above mentioned Resolution (request #1) and modify Paragraph #1 of a Declaration of Restrictions (request #2) in order to submit a revised plan for the subject property showing an addition to an existing retail building and to show an expansion to the outdoor sales area. Additionally, the applicant is seeking to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit the garden center with a fence and wind screening enclosure (request #3). The applicant has submitted revised plans that will be explained below depicting the aforementioned requests.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and has indicated that a driveway to SW 88 Street must meet current F.D.O.T. access management requirements. Their memorandum further indicates that this application will generate an additional **226** pm daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "B", "C" and "D". The Miami-Dade Fire Rescue Department **(MDFR)** also has **no objections** to this application and indicates that the estimated average travel response time is **6:06** minutes.

The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are **retail**, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. Staff notes that the BU-1A zoning permits retail uses, which is a permitted use in the Business and Office designation of the CDMP. As such, the proposed modifications and companion request to allow an expansion to the outdoor sales area for the existing retail center is **consistent** with the Master Plan.

The standards under Section 33-311(A)(7) Generalized Modification Standards, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of a previously approved condition which has been imposed by any final decision adopted by Resolution 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, would not tend to provoke a nuisance, would not be incompatible with the area when considering the necessity for and reasonableness of the modification or elimination in relation to the present and future development of the area. When requests #1 and #2 are analyzed under Section 33-311(A)(7), staff opines that the approval of these requested modifications would not generate excessive traffic and would not be contrary to the public interest. Approval of these requests will allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area. The approved site plans as described under Condition #2 of Resolution #Z-124-90 and Paragraph #1 of the Development Limits of a Declaration of Restrictions indicate the establishment of 117,847 sq. ft. of building area for retail use on the westerly portion of the 14.01-acre subject property. Parking was located on the easterly portion of the subject property. Both portions of the site are connected by a system of drives providing access to parking areas and the adjacent street network consisting of SW 157 Avenue on the east and SW 88 Street to the south. Three large drives, one running north/south and the other two east/west, proposed as the primary connectors to access parking areas and use in the parcel, are depicted to delineate entry drives and drive intersections. Staff notes that the proposed plans illustrate an additional large

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drive running north/south on SW 88 Street, along with a total proposed building square footage of 177,126 which includes the proposed addition to the existing building and the proposed expansion to the garden center. When considering the necessity for and the reasonableness of the proposed modifications on the subject property, staff is of the opinion that these modifications will not have an unfavorable effect on the area and will not be contrary to the public interest. Staff notes that the previously approved plan and the proposed site plan are similar except for the proposed addition to the existing building, which reduces the rear setback area from 70' to 56'. However, large tree species and a substantial number of shrubs are used to buffer the proposed addition and expansion from adjacent uses and to mitigate the visual impact generated by same. Additionally, as previously mentioned, the proposal is **consistent** with the CDMP and is **compatible** with the existing uses in the area. As such, staff further opines that approval of request #1 and #2 would be in keeping with the spirit of the area and, therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to analyze requests #1 and #2 under said Standards, and as such, these requests should be denied without prejudice under same.

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Request #3, to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit the garden center with a fence and wind screening enclosure, is not excessive and, in staff's opinion, minimal visual and aural impacts will be generated by same. Staff notes that most of the proposed garden center will be located on the east side of the existing building towards the south portion of the property away from the residential community located to the north and west of the site. Additionally, staff opines that the existing 110' width of the right-of-way of SW 88 Street will provide an adequate buffering distance to mitigate the noise that may be generated by the proposed garden center use from the retail center use located to the south. As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the applicable zoning regulations, staff is of the opinion that request #3 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the aforementioned, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards), denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Resolution #Z-124-90 remain in full force and effect except as herein modified.

2. That the applicant submit a revised Declaration of Restrictions to the Department of Planning and Zoning within 90 days of the approval of this application, unless a time extension is granted by the Director for good cause shown.

DATE INSPECTED: 01/08/09
DATE TYPED: 02/24/09
DATE REVISED: 02/25/09; 02/26/09; 03/03/09
DATE FINALIZED: 03/03/09
MCL; MTF; NN; AA; JV

for Maria T. Trujillo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: February 13, 2009

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

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

Subject: C-11 #Z2008000183-2nd Revision
Wal-Mart Stores East, LP
15885 S.W. 88 Street
Modification of a Previous Resolution
(BU-1A) (14.01 Acres)
32-54-39

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

Wellfield Protection

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

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

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
The expansion of the existing building will impact the existing on-site drainage system; therefore, plans and calculations must be submitted to the DERM Water Control Section to determine the adequacy of the proposed improvement. In addition, a Class II permit application shall be submitted as part of the drainage improvement. The applicant is advised to contact the DERM Water Control Section at (305) 372-6681 for further information.

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

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

Wetlands
The subject property is located within the Bird Drive Basin, and is a jurisdictional wetland area as defined by Section 24-5 of the Code. However, a Class IV Wetland Permit FW86-030 was issued for this property to Walmart Stores, Inc. for the filling of 17.4 acres of jurisdictional wetlands for commercial and residential purposes. The permit expired on August 30, 1993. However, an on-site inspection performed by DERM staff on October 3, 2006 revealed that the permitted filling had been completed to the limits of the project boundary and that no wetlands existed on-site. Therefore, DERM has no objection to the scheduling of this zoning application.

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

Tree Removal Permit 2006-755 was issued to Walmart Stores Division Store #1680 and expired on November 16, 2008. TP2006-755 requires the preservation of one specimen-sized (trunk diameter 18 inches or greater)live oak tree on the northeast portion of the property, as well as several regular size trees as identified in DERM-approved permitted plans. The landscape plan and tree inventory submitted with this application on January 23, 2009 entitled "Walmart, Kendall Fl Store #1680", Sheets L-1 and L-2,dated December 8, 2008 and prepared by Kimley-Horn and Associates, Inc depicts regular sabal palms #64-68 and #102-106, specimen size live oak tree #93, regular size live oak trees #94,95,100 and 101,and regular size gumbo limbo trees #96-98 to remain. These trees are required to be preserved as per Tree Removal Permit 2006-755.

The landscape plan and tree inventory also depicts regular size palms #78-80, 81, 83 and 115-117 to be relocated. These palms were required to be preserved as per Tree Removal Permit 2006-755; however a Tree Removal Permit 2008-TREE-PER-00572 was issued to Walmart Stores Division Store #0555 on January 30, 2009 authorizing the removal and relocation of several trees including the relocation of these regular size palms. Therefore, this Section recommends approval of this application.

Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00572 is required prior to the removal or relocation of any other tree on the subject property. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History

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

Notices of Violation were issued on December 10, 2001, January 28, 2002 and December 10, 2003 to Wal-Mart Store #1680 for operating without the required Private Sewer Operating Permit (or non-renewal of prior permits). These notices were subsequently complied with and the case closed.

Concurrency Review Summary

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

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

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

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

PH# Z2008000183
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:WALMART STORES EAST, LP

This Department has no objections to this application.

Driveway to SW 88 Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 226 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9856	SW 157 Ave. n/o SW 88 St.	B	B
9857	SW 157 Ave. s/o SW 88 St.	C	C
F-2529	SW 88 St. w/o SW 157 Ave.	C	C
F-1080	SW 88 St. w/o SW 147 Ave.	D	D

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

Raul A Pino, P.L.S.
08-JAN-09

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REVISION 4

Memorandum

Date: 18-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000183

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated December 23, 2008.
APPROVAL
- No objections ti site plan date stamped January 31, 2009.

Service Impact/Demand:

Development for the above Z2008000183
located at 15885 S.W. 88 STREET (NORTH KENDALL DRIVE), MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1778 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet		square feet
Office		institutional	
178,000	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 52.86 alarms-annually.
The estimated average travel time is: 6:06 minutes

Existing services:

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

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine, Haz Mat support.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped January 31, 2009. Substantial changes to the plan will require additional service impact analysis.

DATE: 03/19/09

TEAM METRO

ENFORCEMENT HISTORY

WALMART STORES EAST, LP

APPLICANT

15885 SW 88 STREET (NORTH KENDALL DRIVE), MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000183

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000183

CURRENT ENFORCEMENT HISTORY:

MARCH 18, 2009
CMS# 200912001422 was opened for an Enforcement History inspection. No current zoning violations were observed. Case closed.

OCTOBER 17, 2008
CMS#200812008848 was opened for an Enforcement History inspection. No current zoning violations were observed. Case closed.

MARCH 12, 2008
CMS#200812003162 was opened for portable signs on the right of way. Warning letter was mailed on issued on 03/18/08. Violation was corrected on 04/02/08. Case closed.

MARCH 12, 2008
CMS#200812003161 was opened for portable signs on the right of way. Warning letter was mailed on issued on 03/18/08. Violation was corrected on 04/02/08. Case closed.

SEPTEMBER 26, 2007
CMS#200712011474 was opened for retailer sign posted, found not in violation. Case closed.

NOVEMBER 13, 2006

CMS#200612011918 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

NOVEMBER 13, 2006
CMS#200612011917 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

NOVEMBER 13, 2006
CMS#200612011916 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

JANUARY 25, 2006
CMS#200612002399 was opened for signs on the right-of-way on 01/25/06, which violation was corrected by inspector. Case closed.

JULY 25, 2005
CMS#200512003771 was opened for signs on the right-of-way on 07/25/05, which violation was corrected by inspector. Case closed.

MARCH 16, 2005
CMS#200512001448 was opened for junk and trash in the rear of the parking lot. Warning letter was issued on 03/16/05. On 3/22/05, violation was corrected by owner. Case closed.

APRIL 20, 2001
CMS#200102002806 was opened for not displaying the warning signs of Graffiti on the spray cans. On 04/24/01 a citation was issued. Citation was paid and compliance was met. Case closed.

AUGUST 2, 2000
CMS#200002004842 was opened for signs on the right-of-way on 08/02/00, which violation was corrected by inspector. Case closed.

JUNE 8, 2000
CMS#200002004247 was opened for Outside Business. On 06/08/00, found in violation and Warning letter issued on 06/15/00. Found still in violation on 07/26/00 and Citation was issued. On 06/29/01, citation was paid and in compliance. Case closed.

JUNE 27, 2000
CMS#200002003561 was opened for Outside Business, selling fireworks. Citation was issued on 06/30/00. On 07/12/00, violation was corrected and citation was paid. Case closed.

JUNE 27, 2000
CMS#200002003558 was opened for signs on the right of way. Citation was issued on 06/30/00. On 08/04/00, sign was removed and citation was paid. Case closed

02/09/01 Compliance inspection was conducted by NCO F. Major. Violation corrected and CVN paid. Case was closed.

CMS 200102002806

04/20/01 Case opened for violation 21-30.01(f)(2) – graffiti. 1st inspection conducted by NCO F. Major. CVN 785361 was issued.

06/02/01 Compliance inspection was conducted by NCO Major. Violation was corrected and CVN paid. Case was closed.

CMS 200512001448

03/16/05 Case opened for violation of 19-8(a) – junk & trash. 1st inspection conducted by NCO R. Marin. Warning Letter R14312 was issued.

03/23/05 Re-inspection was conducted by NCO Marin. Violation was corrected and case closed.

CMS 200812003161

03/12/08 Case was opened for violation of Sec. 33-95(i) – sign violation on private property. 1st inspection was conducted by NCO M. Rojas. Warning letter N11870 was issued.

04/02/08 Re-inspection was conducted by NCO Rojas. Violation was corrected and case closed.

CMS 200812003162

03/12/08 Case was opened for violation of Sec. 33-95(i) – sign violation on private property. 1st inspection was conducted by NCO M. Rojas. Warning letter N11880 was issued.

04/02/08 Re-inspection was conducted by NCO Rojas. Violation was corrected and case closed.

10/21/08 No current violations at the present time.

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: _____

NAME AND ADDRESS	Percentage of Stock

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

RECEIVED
208-183
DEC 11 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Wherethe 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: Wal-Mart Stores East, LP

NAME AND ADDRESS	Percentage of Ownership
Wal-Mart Stores East, LP	100% WHOLLY
2001 SE 10th Street	OWNED BY WAL-MART STORES
Bentonville, AR 72716	INC, PUBLICLY TRADED ON THE
	TRADED ON THE NEW YORK
	STOCK EXCHANGE

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.

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

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: _____

J. Chris Callaway (Applicant) Joy Regional Vice President

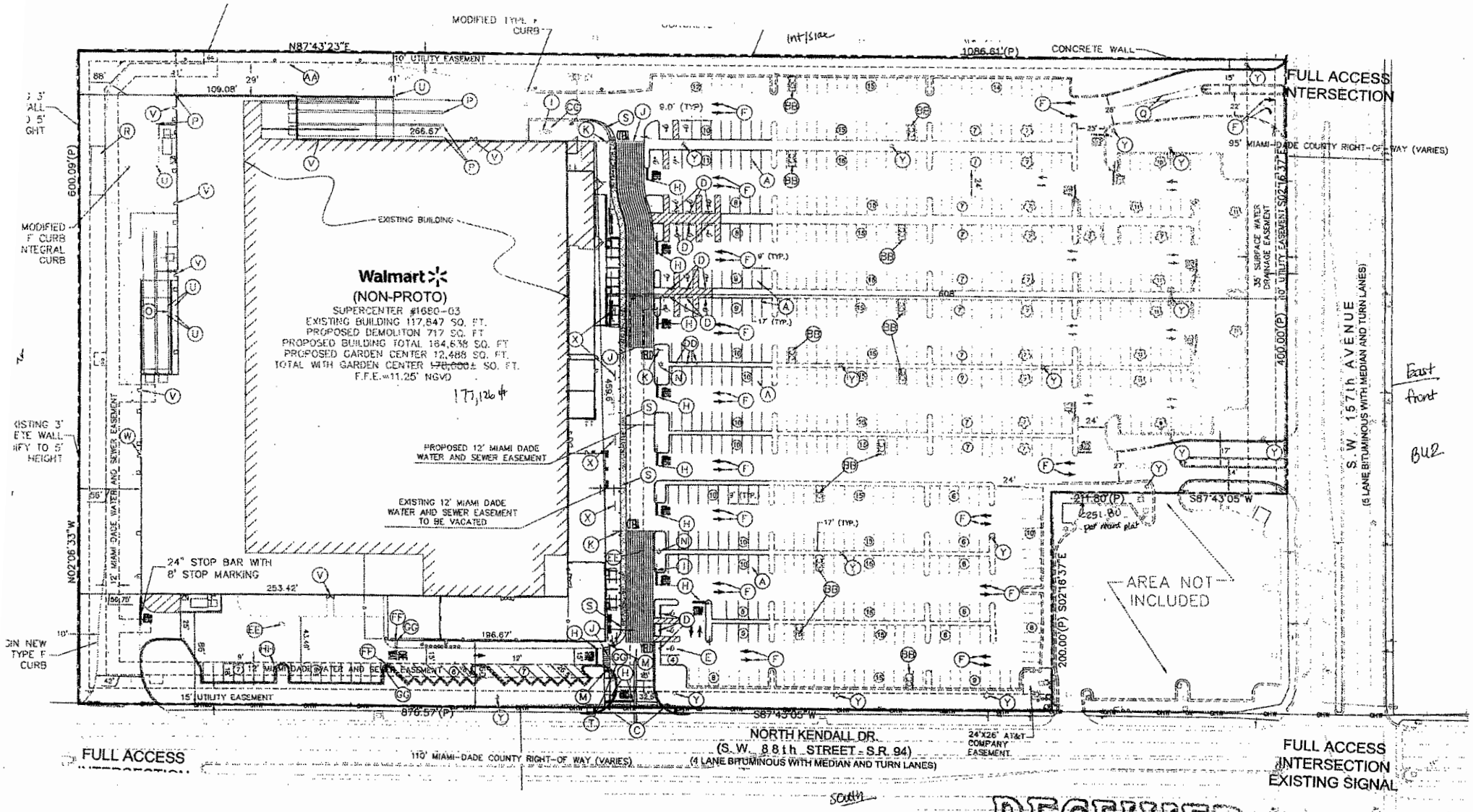
Sworn to and subscribed before me this 26 day of September 2008 Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 11/1/2015

"NOTARY SEAL"
Kimberly Pruitt
State of Arkansas, A County Benton
My Commission Expires 11/1/2015

*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.



ENLARGED SITE PLAN

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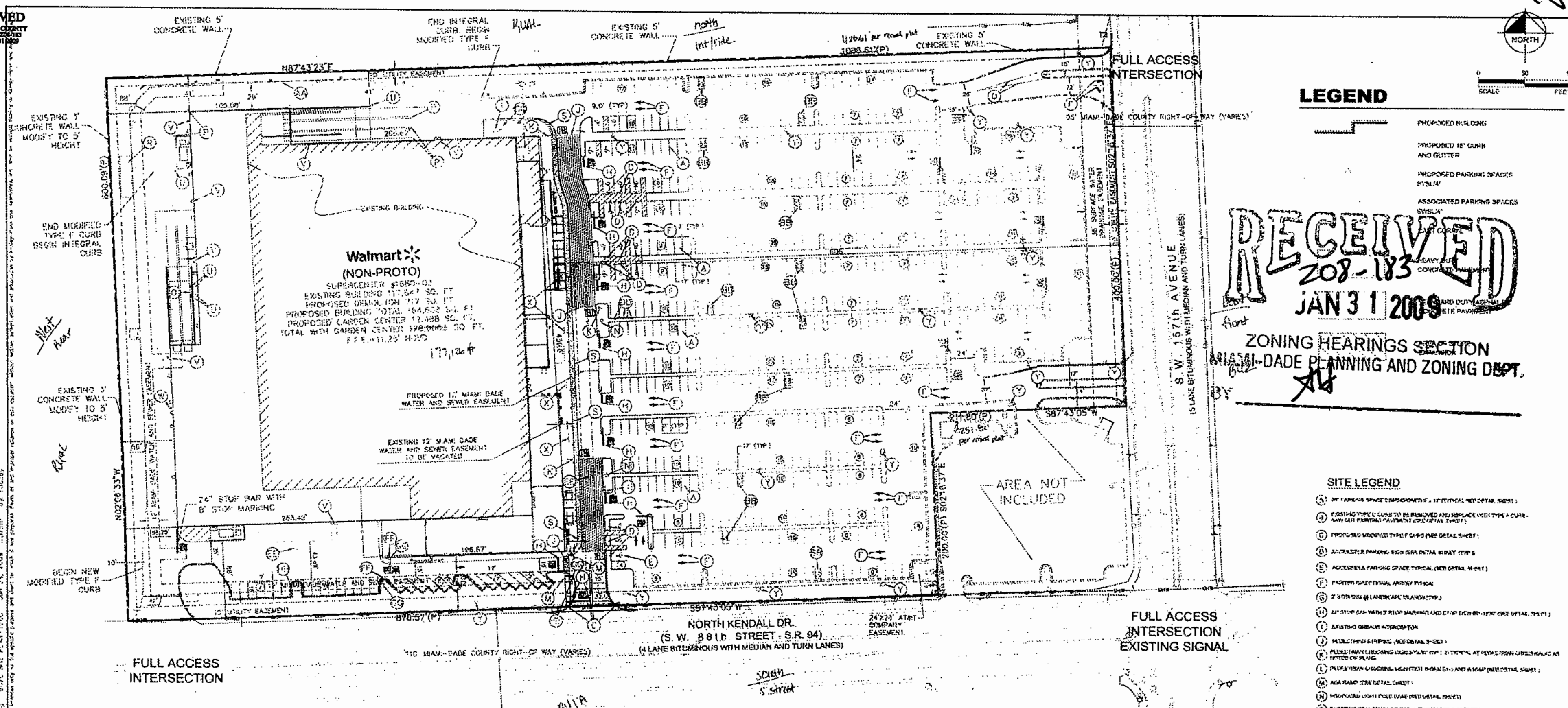
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



ALERT TO CONTRACTOR:

ALL WM GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. WM GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLOT TO PROVIDE PERMIT DOCUMENTS AND SWPPP REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.

SITE PLAN NOTES

1. NO SITE LIGHTING UPGRADES ARE BEING PROPOSED PENDING PHOTOMETRIC EVALUATION OF EXISTING SITE LIGHTING.
2. EXISTING UTILITY ENTRY POINTS ARE ASSUMED TO BE LEFT AS IS.
3. SEE PAVING, GRADING AND DRAINAGE PLAN SHEET 6060 FOR CONCRETE JOINT DETAIL.
4. ACCESSIBLE SPACES DETERMINED USING THE MEDIAN AGE OF 34.7. FOR LESS THAN 40 YEARS OF AGE THE REQUIRED NUMBER OF ADA SPACES IS 2% OF THE TOTAL NUMBER PARKING SPACES + 2 SPACES.
5. REFER TO ARCH. PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
6. ALL WM GENERAL CONTRACTOR WORK TO BE COMPLETE BY MILESTONE DATE. THIS AREA TO BE KEPT FREE OF JOB TRAILERS OR STORAGE BY CONTRACTOR.
7. PARKING LOT DOES NOT HAVE 2' STRIPING AT RAISED LANDSCAPE ISLANDS BECAUSE PARKING IS EXISTING AND CHANGES WOULD RESULT IN A SIGNIFICANT DECREASE IN THE NUMBER OF AVAILABLE SPACES.

177,126 / 610,276 = 29% lot cov.

.29 FAR

PAINT STRIPING LEGEND

SWSL/4" - SINGLE WHITE SOLID LINE / 4" WIDE
SYSL/4" - SINGLE YELLOW SOLID LINE / 4" WIDE EACH
DYSL/4" - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
SYSL/10" - SINGLE YELLOW SOLID LINE / 10" WIDE
SWDL/4" - SINGLE WHITE DASHED LINE / 4" WIDE
SWSL/24" - SINGLE WHITE SOLID LINE / 24" WIDE

LEGAL DESCRIPTION

TRACT "A", WAL-MART AT KENDALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 141, PAGE 29, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EASEMENT LEGEND

1 - 24X25 AT&T COMPANY EASEMENT
2 - 12' MIAMI DADE WATER AND SEWER EASEMENT
3 - 15' UTILITY EASEMENT
4 - 10' UTILITY EASEMENT

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

CALL 48 HOURS BEFORE YOU DIG
IT'S THE LAW! DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

SCALE: AS NOTED DESIGNED BY: RWD DRAWN BY: LFP CHECKED BY: RWC	Kimley-Horn and Associates, Inc.	DATE: 11/07/08 PROJECT NO. 04725.0695	Walmart, KENDALL, FL STORE #1680-03 15885 SW 88TH ST, KENDALL, FL MIAMI-DADE COUNTY, FLORIDA	DESIGN ENGINEER: ROSS STEVENS, P.E. FLORIDA REGISTRATION NUMBER: 54147 SEAL

SITE PLAN

SHEET NUMBER 6070

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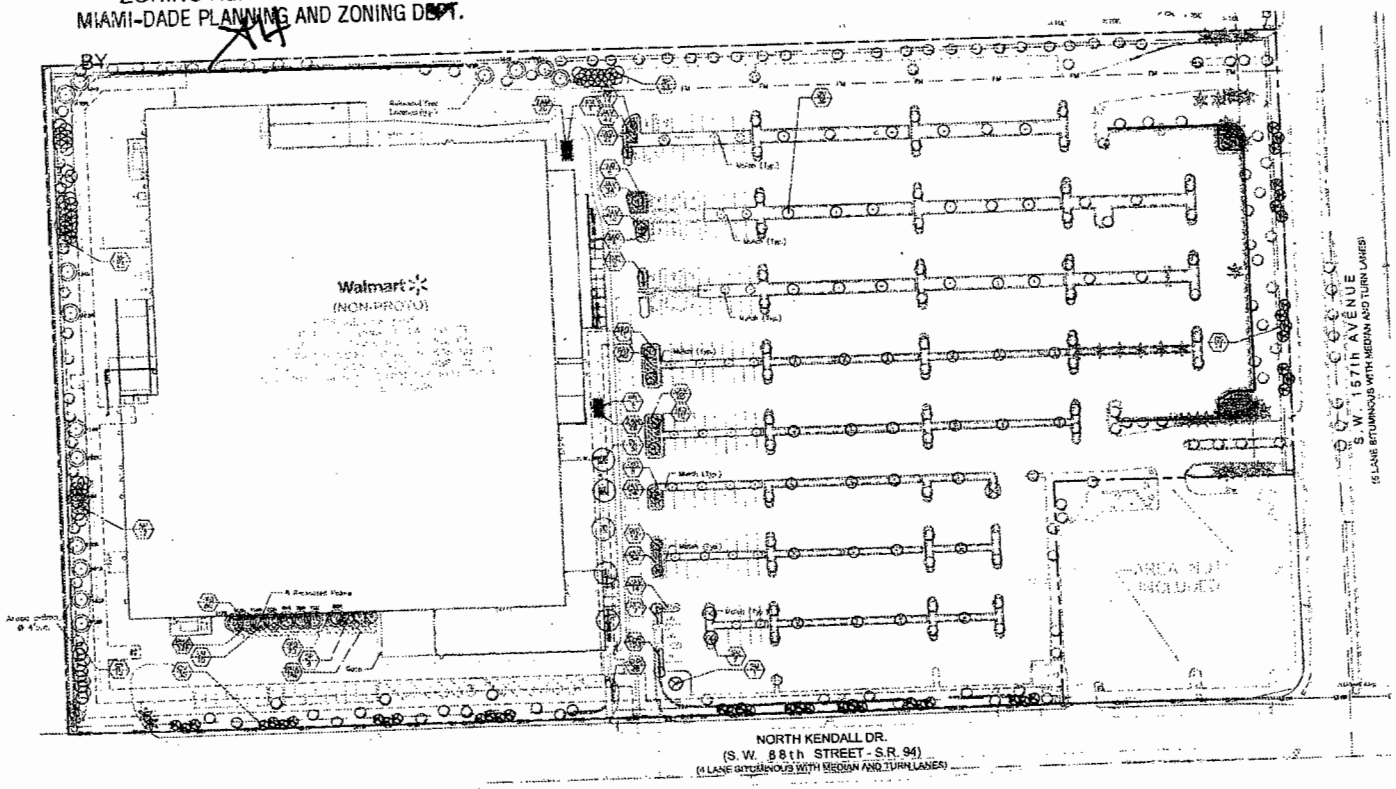

PLANT SCHEDULE - TREES AND PALMS

Symbol Used on Plan		Plant Name		Native Species	Caliper		Height		Spread		Remarks
Symbol	Label	Botanical	Common	Yes	No	Installed	Installed	At Maturity	Installed	Left At Maturity	
	SM	Swietenia mahagoni	Mahogany	X		8" min	14'	35'	4'	10'	3
	VC	Ficus benjamina	Weeping Fig		X	8"	12'	30'	4'	6'	5
	PB	Phoenix canariensis	Canary Date Palm		X	8'	12'	25'	20'	25'	2
	RE	Roystonea regia	Florida Royal Palm	X		12	8'gw	85'	20'	30'	14
	SP	Sabal Palmetto	Cabbage Palm	X		8'	12'	40'	12'	20'	62
	LI	Lagerstroemia indica 'Muskogee'	Crape Myrtle		X	6'	10'	20'	6'	15-18'	24
	SM	Swietenia mahagoni	Lion Oak	X		8'	12'	40'	6'	50'	28
	CB	Conocarpus erectus	Silver Buttonwood	X		8'	12'	30'	6'	30'	30
	CS	Cordia sebestena	Orange Geiger	X		8'	12	30'	6	30'	14

SHRUBS AND GROUNDCOVERS

Symbol Used on Plan		Plant Name		Native Species		Spacing	Height		Spread		Remarks
Symbol	Label	Botanical	Common	Yes	No	Installed	Installed		Root	Left At Maturity	
	JHS	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	X		24"	18"-24"	4'	18"-24"	4'	156
	IVC	Ilex crenata 'Compacta'	Compact Japanese Holly	X		24"	18"-24"	4'	18"-24"	4'	202
	JUV	Juniperus conferta	Shore Juniper	X		24"	18"-24"	24"	18"-24"	24"	248
	RHA	Rhaphiolepis indica	Indian Hawthorn	X		24"	24"	4'	24"	4'	512
	ZAM	Zamia pumila	Coontie	X		30"	18"-24"	24"	18"-24"	24"	42

*All Existing Shrub Trees have a minimum height of 12' and a caliper of 2" or greater.
**All Existing Link Trees have a minimum height of 10' and a caliper of 3" or greater.

Mark	Quantity	Description	Specification
	1	Entry Sign / Feature Stone	Contractor not, area lower 3 ft. not light, reflect
	1	Warm Boardwalk and parking lotline street	2" repair, Fence install
	1	Bed info	For specifications
	1	FR	Clean, non-damaging paint / brush work

NOTES:

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL FREE OF PESTS AND DISEASE.
2. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS SPECIFIED IN THE PLANT LIST.
3. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
4. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
5. ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DETAILS
6. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE REPAIRING ANY AND ALL DAMAGE TO UTILITIES, INFRASTRUCTURE, SITE APPURTENANCES, ETC. WHICH OCCUR AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
9. THE CONTRACTOR IS RESPONSIBLE FOR INITIALLY MAINTAINING ALL PLANTING (BUILDING BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) OF THE PLANTING AREAS AND LAWN UNTIL THE WORK IS ACCEPTED IN WRITING BY THE OWNER.
10. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR DEPENDING ON THE DATE OF FINAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE ON AT THE END OF THE GUARANTEE PERIOD.
11. THE ARCHITECT SHALL APPROVE THE STAKING LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
12. AFTER SIGNS GIVE AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
13. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUALITY, AND SIZE AS WITHIN ALL PLANT LIST SPECIFICATIONS.
14. STANDARDS SET FORTH IN "GRADES AND STANDARDS FOR NURSERY PLANTS, 1998, STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TALLAHASSEE, FLORIDA", OR LOCAL "HERE TO REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
15. ALL SHRUB, GROUND COVER AND SEASONAL COLOR ANNUAL PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH HARDWOOD MULCH TO A MINIMUM DEPTH OF THREE INCHES.
16. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD.
17. SAFE, CLEARLY MARKED PEDESTRIAN AND VEHICULAR ROUTES TO ALL ADJACENT PROPERTIES MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
18. DURING THE GROWING SEASON ALL ANNUALS SHALL REMAIN IN A HEALTHY, VITAL CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
19. ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AS SPECIFIED SHOWN.
20. ALL DISTURBED AREAS ARE TO RECEIVE 4" OF TOP SOIL, SOD, MULCH, AND WATER UNTIL A HEALTHY STAND OF GRASS IS OBTAINED. THIS IS EXCLUSIVE ALL LANDSCAPED CLUMPS AND ENTRANCE AREAS.
21. REFER TO WAL-MART SPECIFICATIONS FOR ALL INFORMATION NEEDED FOR IMPLEMENTATION OF PLANTING PLANS.
22. ALL LANDSCAPED AREAS SHALL BE FULLY IRRIGATED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
23. IRRIGATION SYSTEM TO BE EQUIPPED WITH A RAIN SWITCH AS REQUIRED BY FLORIDA STATUTE.

LANDSCAPE LEGEND

TREES TO REMAIN, PROTECT WITH FENCING PER DETAIL, SHEET L3.

TREES TO BE RELOCATED ON SITE. DETERMINATION OF RELOCATION STATUS TO BE MADE FOLLOWING FURTHER INVESTIGATION OF THE HEALTH AND QUALITY OF THE EXISTING TREES.

6 Palms...#75-#81, #83, #115-#117
5 Mahoganys...#135-#136, #181-#182, #202
10 Gumbo Limbos...#118-#119, #134, #180-#163, #199-#201

PROPOSED TREE LOCATIONS FOR SELECTED TREES. FINAL LOCATION TO BE DETERMINED ON SITE BY LANDSCAPE ARCHITECT.

note:
no trees or shrubs can encroach within 10 ft either side of the drive.

landscape
c.o. issued 1/15/92 for existing site parking lot buffer & SW-92-29 only

LANDSCAPE LEGEND (This information is required to be permanently affixed to the plan.)
Zoning Districts BU-1A Net Lot Area: 14.01 acres 610,276 square feet

OPEN SPACE

	Required	Provided
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 610,276 square feet x 14 % = square feet	85,439 SF	85,733 SF
B. Square feet of parking lot open space required by Chapter 18a, as indicated on site plan: The number of parking spaces 742 x 10 square feet per parking space =	7,420 SF	11,901 SF
C. Total square feet of landscaped open space required by Chapter 33 + 18B =	92,859 SF	96,634 SF

LAWN AREA CALCULATION

A. Total square feet of landscaped open space required by Chapter 29 =	92,859 SF	
B. Maximum lawn area (Sh. Ang-shrub sod) permitted = 20 % x 92,859 SF =	18,587 SF	18,632 SF MAX

TREES

A. The number of trees required per net lot area: less the existing number of trees that meet minimum requirements (minus) = trees x net lot acreage =	309 / 219 / 90	336
B. 50% palm trees allowed (five palms = one tree)	18 (=90 palms)	118 (Palms=59 trees)
C. Percentage of native trees required = the number of trees provided x 50% =	45	300
D. Street trees (max. average spacing of 35' o.c.): 1,295 linear feet along street = 35 =	37	44
Palms as street trees (max. average spacing 25' o.c.): linear feet along street = 25 =	6	
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): linear feet along street = 25 =	6	
F. Total number of trees =	90	335

SHRUBS

A. The total number of trees required x 10 = the number of shrubs required	3090	3090 minimum
B. The number of shrubs required x 50% = the number of native shrubs required	927	927 minimum

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NORTH
0 50 100
SCALE FEET

No.	Revisions	Date	By

SCALE: AS NOTED
DESIGNED BY: DAS
DRAWN BY: DAS
CHECKED BY: DAS

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501 21st Street, Suite 200, Vero Beach, FL 32960
Phone: (772) 562-1997 Fax: (772) 562-9989
WWW.KHA-CO.COM CA 00000696

DATE: 12.08.08
PROJECT NO. 047253667

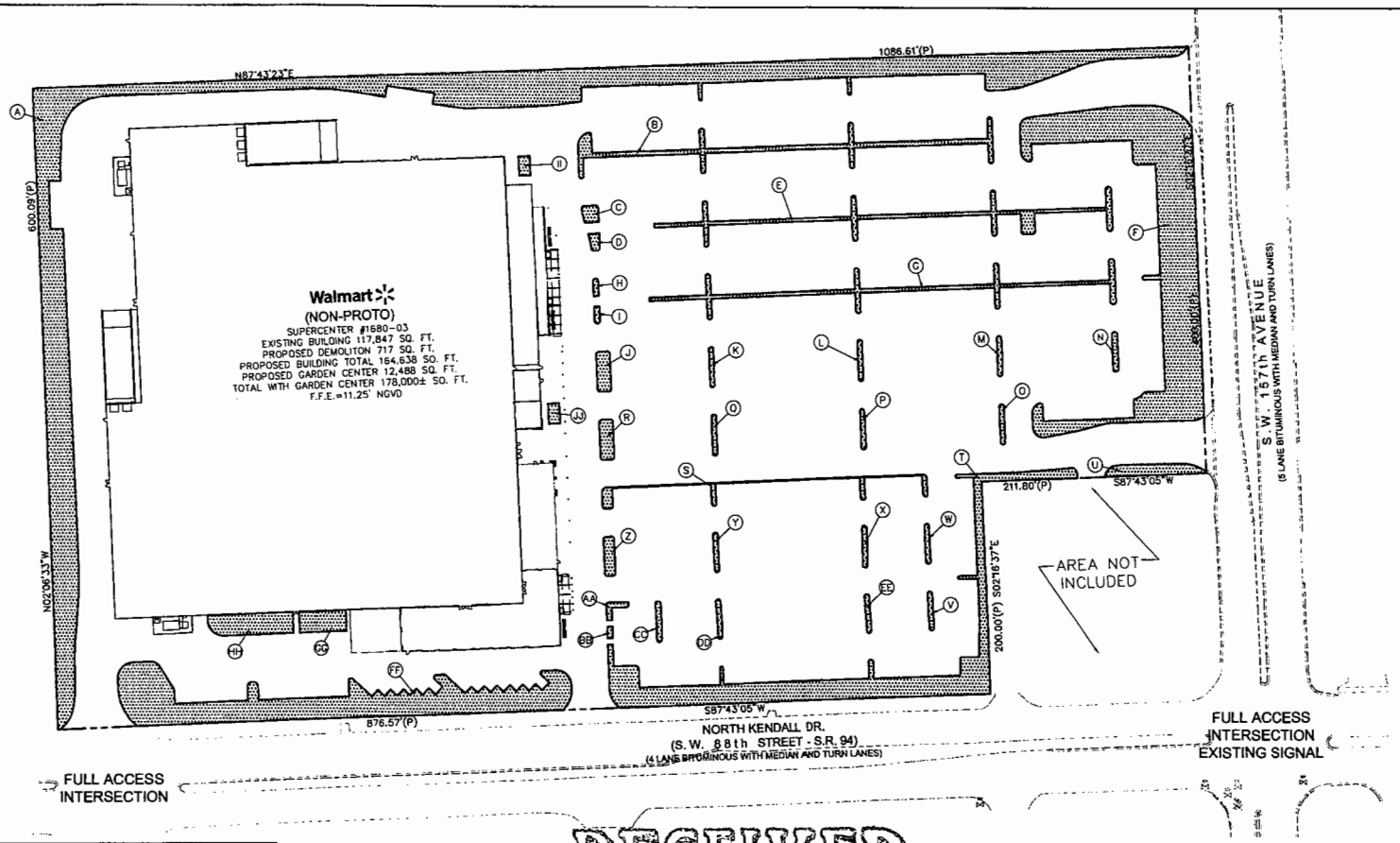
WAL-MART, KENDALL, FL
STORE #1680
NORTH KENDALL DRIVE & S.W. 157TH AVENUE
MIAMI-DADE COUNTY, FLORIDA

DESIGN ENGINEER: DAVID A. SAIC
FLORIDA REGISTRATION NUMBER: RLA 1457
SEAL

LANDSCAPE PLAN

SHEET NUMBER: L-2

22



NORTH

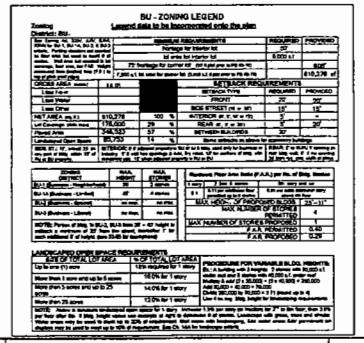
SCALE 0 50 100 FEET

P-LINE AREA LEGEND

A	32,613 sf
B	2,436 sf
C	232 sf
D	136 sf
E	2,316 sf
F	16,033 sf
G	2,072 sf
H	77 sf
I	77 sf
J	476 sf
K	151 sf
L	159 sf
M	163 sf
N	167 sf
O	137 sf
P	136 sf
Q	167 sf
R	406 sf
S	874 sf
T	8,214 sf
U	878 sf
V	157 sf
W	156 sf
X	511 sf
Y	169 sf
Z	365 sf
AA	181 sf
BB	64 sf
CC	160 sf
DD	156 sf
EE	154 sf
FF	11,246 sf
GG	901 sf
HH	1,563 sf
II	136 sf
JJ	136 sf

TOTAL SF = 85,753 sf

NOTE:
8' LANDSCAPE ISLANDS ACCOUNT FOR ONLY 3' OF GREEN SPACE DUE TO THE 2.5' VEHICLE OVERHANG ON EACH SIDE



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No.	REVISIONS	DATE	BY

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DESIGNED BY: RWO
DRAWN BY: LFP
CHECKED BY: RWO

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5200 NW 33RD Avenue Suite 109, Fort Lauderdale, FL 33309
Phone: (954) 535 5100 Fax: (954) 738 2247
WWW.KIMLEY-HORN.COM CA 00000696

DATE: 11/07/08
PROJECT NO. 047253696

Walmart, KENDALL, FL
STORE #1680-03
15885 SW 88TH ST, KENDALL, FL
MIAMI-DADE COUNTY FLORIDA

DESIGN ENGINEER: ROSS STEVENS, P.E.
FLORIDA REGISTRATION NUMBER: 64147
SEAL

GREEN SPACE P-LINE EXHIBIT

SHEET NUMBER 6070

Drawing name: K:\FTL_PTO\Kendall\1680 Expansion\CADD\CONSTR\6070 PLINE EXHIBIT-1680.dwg 6070 SITE PLAN-1680 Jan 22, 2009 4:11pm by: Donnie'a Teske

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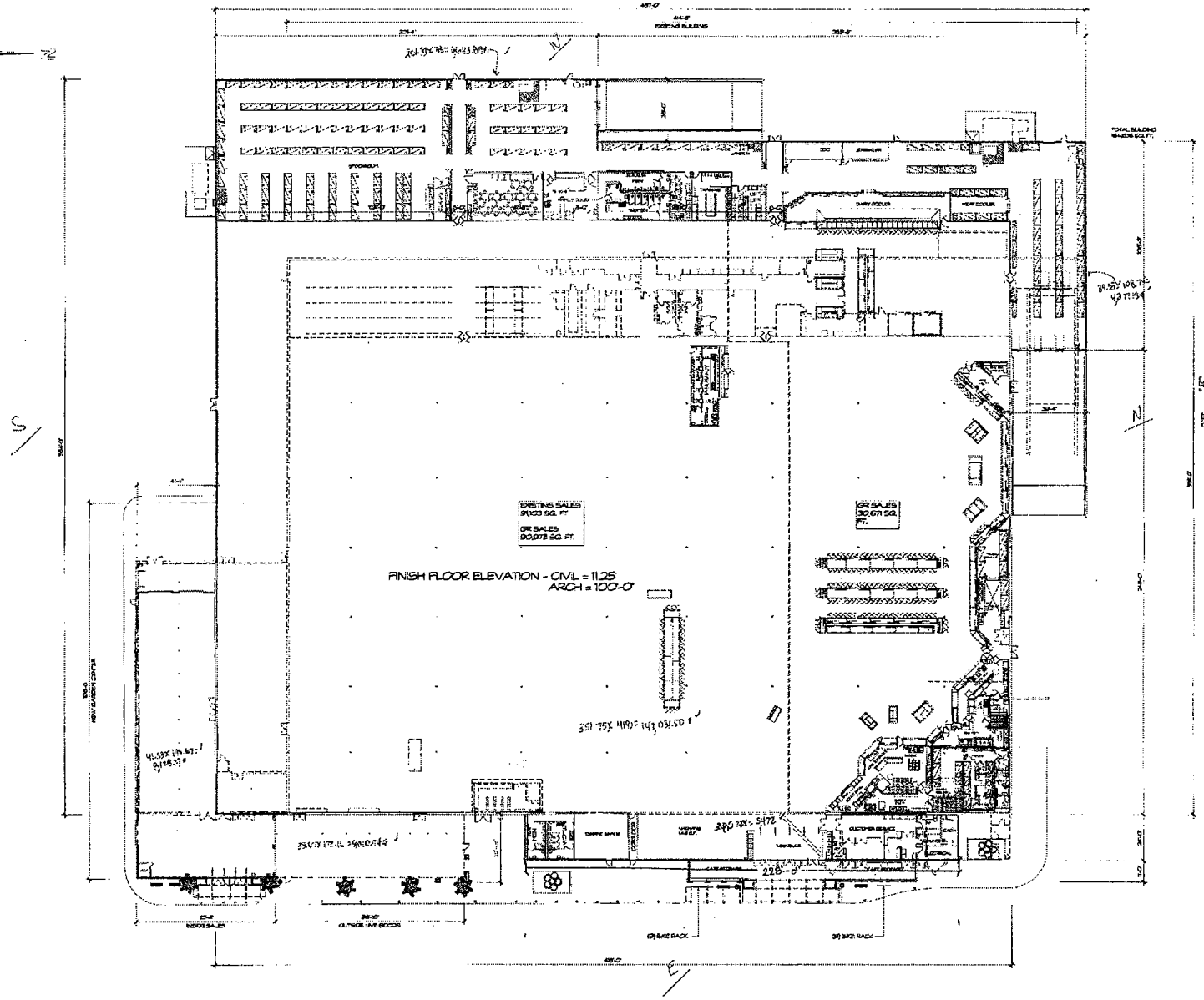
WAL-MART STORE #1680
KENDALL, FLORIDA
DATE: 10-21-08
EXISTING AREA: 117,267 SQ. FT.
DEMOLITION AREA: 707 SQ. FT.
PROPOSED ADDITION: 47,369 SQ. FT.
TOTAL: 164,636 SQ. FT.

177,126 ft



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Walmart

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Rogers, Arkansas 72756
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Fax: 479.636.1209
www.pb2ae.com

pb2 architects

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EXISTING BUILDING AREAS

S.F.	LABEL	DESCRIPTION
[illegible]		OFFICE
[illegible]		STORAGE
[illegible]		RETAIL SALES
[illegible]		TOTAL BUILDING
[illegible]		OUTDOOR GARDEN CENTER SALES
[illegible]		INDOOR GARDEN CENTER SALES
[illegible]		TOTAL GARDEN CENTER

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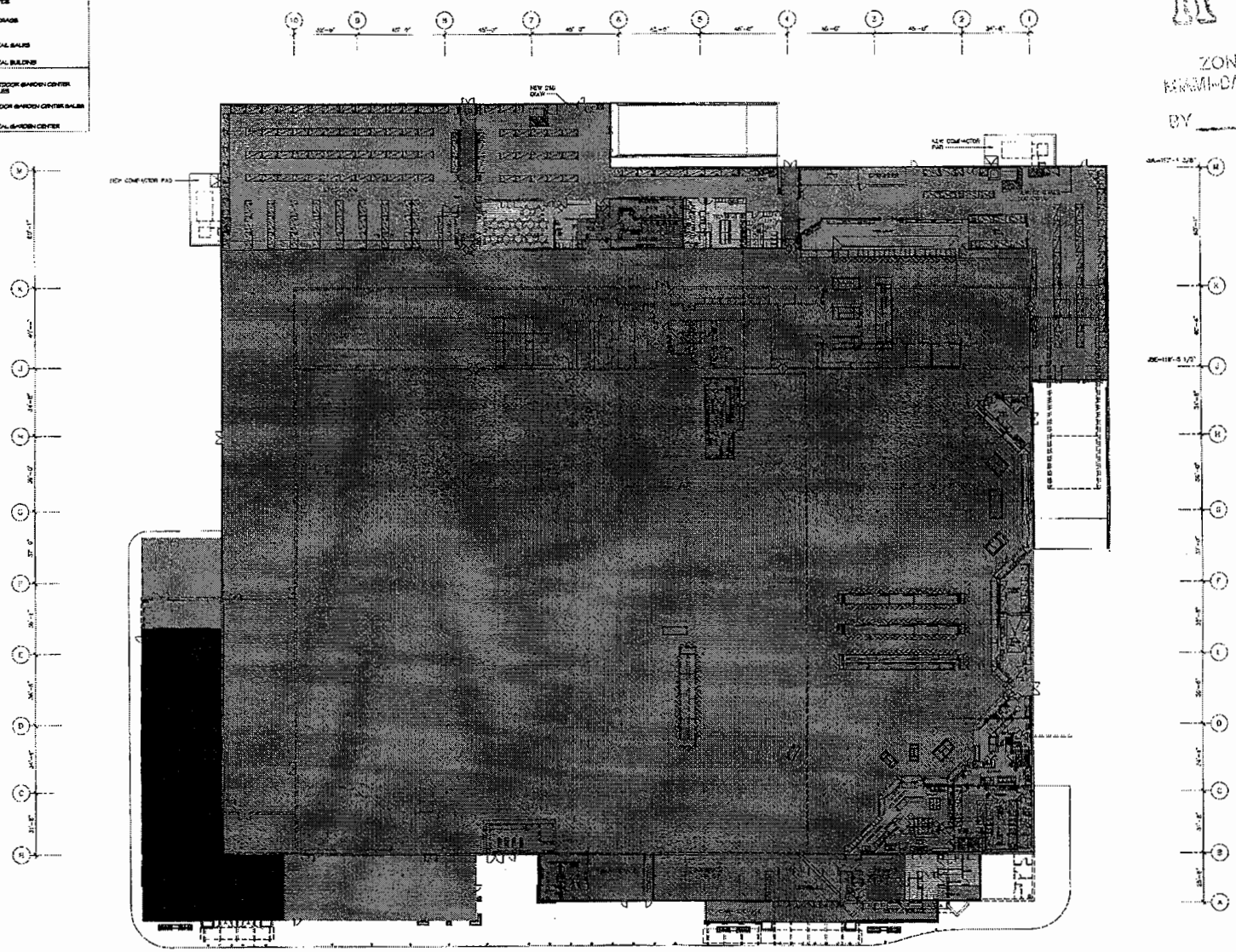

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KENDALL, FLORIDA

Store # 1680

FLOOR PLAN AREAS

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pb2 Architecture & Engineering

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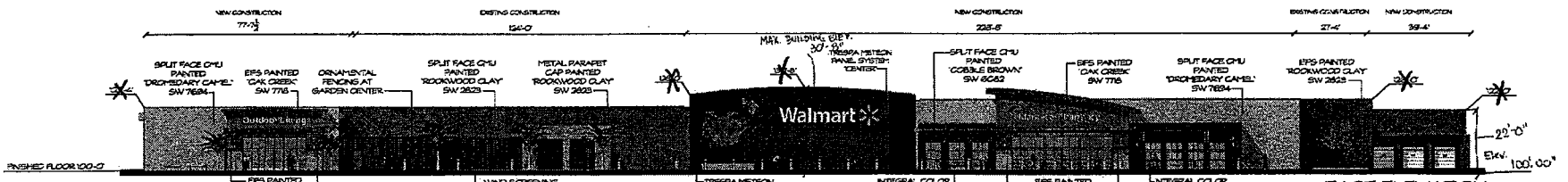

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Fax: 479.636.1209
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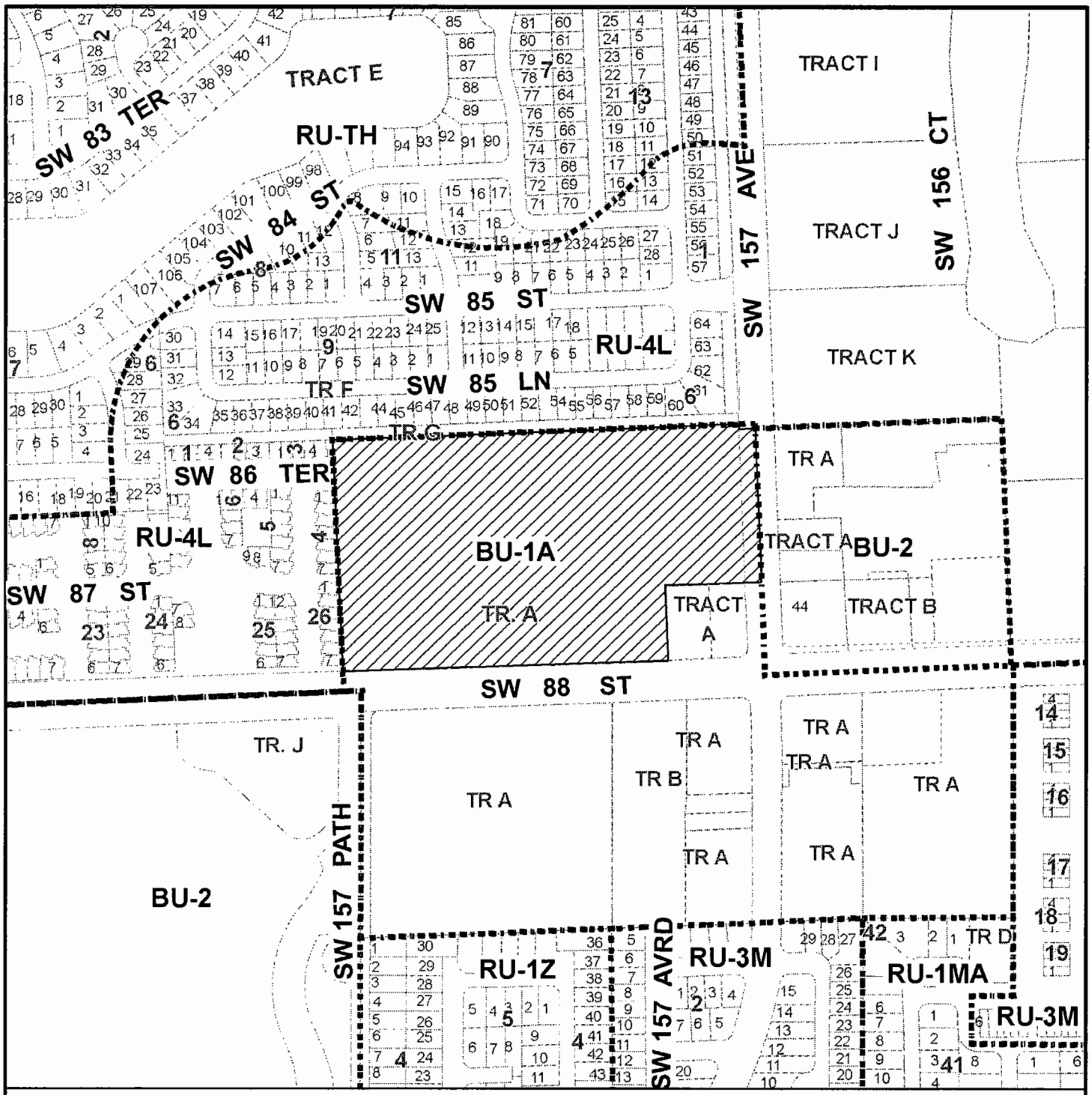
PH2 ARCHITECTURE ENGINEERING



MIAMI-DADE COUNTY

HEARING MAP
Section: 32 Township: 54 Range: 39
Applicant: WALTMART STORES EAST, LP
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-183

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/29/08

REVISION	DATE	BY
		26

MIAMI-DADE COUNTY

AERIAL YEAR 2008
Section: 32 Township: 54 Range: 39
Applicant: WALTMART STORES EAST, LP
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-183

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/29/08

REVISION	DATE	BY

5. SOUTHERN BUILDERS AT LAKESIDE II **09-4-CZ11-5 (08-189)**
(Applicant) **Area 11/District 09**
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1981	Robert Rudnick, Tr.	Zone change from GU to IU-C.	BCC	Approved
1999	Lockport Investments S.A.	Non-Use Variance	CZAB 11	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

APPLICANT: Southern Builders at Lakeside II **PH:** Z08-189 (09-4-CZ11-5)

SECTION: 14-55-39 **DATE:** April 2, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 5

==========

A. INTRODUCTION

- **REQUEST:**

  UNUSUAL USE to permit a partial lake fill.

  Plans are on file and may be examined in the Department of Planning and Zoning, three sheets entitled "Specific Purpose Survey," as prepared by Royal Point Land Surveyors, Inc., dated stamped received 9/17/08 and 2 sheets entitled "Lakeside II SH Communities," as prepared by Development Consulting Group, dated stamped received 11/18/08 for a total of 5 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:** Approval of this application will allow the applicant to fill a portion of an existing lake.

- **LOCATION:** Lying north of S.W. 132 Street and approximately 626' west of S.W. 127 Avenue, Miami-Dade County, Florida.

- **SIZE:** 5.4 Acres

B. ZONING HEARINGS HISTORY: In 1981 the subject property was part of a larger tract of land which the Board of County Commissioners (BCC) rezoned from GU, Interim District, to IU-C, Conditional Industrial District, pursuant to Resolution #Z-13-81. In 1999, pursuant to Resolution #CZAB11-8-99, the subject site was granted approval of a request to permit a tract of land in the IU-C District with an area of 5 acres (10 acres required) and a lot depth of 305' (330' required).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete

the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

2. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as **"unusual uses"** in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-C; vacant	Industrial and Office
Surrounding Properties	
NORTH: IU-C; Lake	Industrial and Office
SOUTH: RU-3M; Townhouses	Industrial and Office
EAST: IU-C; vacant land & a lake	Industrial and Office
WEST: IU-C; Office park	Industrial and Office

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject property consists of 5.4 acres, is irregularly shaped, and lies north of SW 132 Street and approximately 626' west of SW 127 Avenue. The subject site is vacant and the surrounding area is characterized by vacant property to the east, townhouses to the south, and an office development to the west. The subject site encompasses a portion of a large existing excavated lake located to the east, west, and north of the site. The applicant seeks to fill a portion of an existing lake in order to develop the site with an office complex consisting of 4 buildings and surface parking. The applicant has submitted plans illustrating the partial filling of the existing lake.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. According to their memorandum, the subject site requires platting in accordance with Chapter 28 of the Miami-Dade County code. Furthermore, the Public Works Department's memorandum indicates that this application does meet traffic concurrency criteria since it does not generate any new additional daily peak hour trips. The **Miami-Dade County Fire Rescue Department** (MDFR) has **no objections** to this application. However, their memorandum indicates that this approval is for the partial filling of a lake only and that development plans will require approval by MDFR. In addition their memorandum states that the estimated average travel response time is **8:04 minutes**.

The approval of this application will allow the applicant to utilize the subject property for light industrial uses in accordance with the IU-C zoning classification. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. Uses permitted in these areas are manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers are also allowed. The IU-C zoning district allows uses permitted in the IU-1 district such as auto paint and body shops, automobile repair garages, lumberyards, office buildings, restaurants, wholesale salesrooms and manufacturing operations as well as uses permitted in IU-3 district, except that uses permitted in the IU-2 district are specifically prohibited, such as scrap metal reduction stockyards, sugar refining, and textile bleaching to name a few. Further, the CDMP indicates that uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining

operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Staff opines that the proposed partial filling of an existing lake in order develop the site in accordance with the underlying IU-C zoning regulations will provide additional industrial land in the area that was lost when a 3.96-acre property located approximately 968' to the northeast of the subject site was rezoned from IU-C to BU-1A, Limited Business District, pursuant to Resolution No. CZAB11-40-07. Further, staff notes the subject property is located within the MSA 6.2 area which contains a 15-year supply of industrially designated lands and that approval of the requested partial filling of the existing lake will replenish the acreage of industrial lands in the area. Moreover, staff notes that DERM has no objections to the proposed partial filling of the lake and indicates in their memorandum that the proposal will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with conditions required by DERM. In staff's opinion, this proposal will not detrimentally impact surrounding uses and is **consistent** with the CDMP.

When analyzing the request under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses** and New Uses, and when considering the necessity for and reasonableness of the proposed partial filling of an existing lake in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff is of the opinion that the proposed use would not have an unfavorable effect on the surrounding area, would not generate or result in excessive noise or traffic, nor cause an undue or excessive burden on public facilities, nor would it tend to create a fire or other equally or greater dangerous hazards nor provoke excessive overcrowding or concentration of people or population. When considering the necessity for and reasonableness of the applied for use in relation to the present and future development of this area and the compatibility of the use with the area and its development, staff is of the opinion that the proposal is not out of character and is **compatible** with the surrounding area. Staff's review of the submitted plans indicates that the proposal to fill portions of the existing lake on the northern portion of the site seeks to allow the applicant to develop the site in accordance with the underlying IU-C zoning regulations. Further, as previously mentioned, staff notes that the subject property is located within the MSA 6.2 area which contains a 15-year supply of industrially designated lands and that approval of the requested partial filling of the existing lake will replenish the acreage of industrial lands in the area. As such, staff recommends approval with conditions of the request under Section 33-311(A)(3).

Based on all of the aforementioned, staff notes that the request is **consistent** with the CDMP and **compatible** with the surrounding area. Accordingly, staff recommends approval with conditions of the request under Section 33-311(A)(3), standards for special exceptions, unusual uses and new uses.

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer 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 lake fill permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Specific Purpose Survey," as prepared by Royal Point Land Surveyors, Inc., dated stamped received 9/17/08 and 2 sheets entitled "Lakeside II SH Communities," as prepared by Development Consulting Group, dated stamped received 11/18/08 for a total of 5 sheets

3. That no fill be permitted within the adjacent rights-of-way.

4. That the applicant obtain a lakefill permit 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.

5. That the applicant record the resolution of approval for the use in the public records of Miami-Dade County prior to the issuance of a Certificate of Use.

6. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management.

7. That the hours of the lake fill operation shall be controlled by the Director of the Department of Planning and Zoning, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays only. Saturday/Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M., may be permitted by the Director of the Department of Planning and Zoning only if the same does not become a nuisance to the surrounding area.

8. That the times for completion of the project including the lake fill operation shall be determined by the Director of the Department of Planning and Zoning and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.

9. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the lake fill operation progresses. In accordance with this requirement, the applicant shall submit "as built" surveys prepared and sealed by a Florida licensed surveyor and/or professional engineer at final completion of the lake fill operation or upon request of either the Director of the Department of Planning and Zoning or the Director of the Environmental Resources Management when it appears that the lake fill is proceeding contrary to approved plans.

10. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources

Management; said stakes shall be maintained in proper position so that the limits of the lake fill, slopes and grade levels may be easily determined.

11. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said posting shall denote the lake fill operation and warn the public concerning possible hazards, prior to commencement of the lake fill operation.

12. That if in the opinion of the Director of the Department of Planning and Zoning the lake fill is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicant as directed by the Director.

13. If the lake fill operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the previously approved lake plans and the entire lake fill operation shall be removed from the premises.

14. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda that are part of the record of this recommendation and are incorporated herein by reference.

15. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

DATE INSPECTED: 02/20/09
DATE TYPED: 02/23/09
DATE REVISED: 02/24/09; 03/02/09; 03/03/09
DATE FINALIZED: 03/03/09
MCL:MTF:NN:CXH:NC

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: January 27, 2009

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

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

Subject: C-11 #Z2008000189-2nd Revision
Southern Builders at Lakeside II, LLC
S.W. 132nd Street and S.W. 129th Avenue
Unusual Use to Permit a Lake Fill
(IU-C) (5.4 Acres)
14-55-39

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.

Lake Fill

Only clean fill, as defined in the Code, will be permitted as filling material for the proposed lake fill. Basically, clean fill is defined as clean natural materials such as sand, rocks and concrete rubble without any protruding metal reinforcement. Additionally, turbidity standards, as per State and County requirements, shall be maintained at all times.

The applicant is advised that lake filling may not commence prior to DERM issuing a Permit to Operate a Resource Recovery and Management Facility Limited to Lake Fill, in accordance with Section 24-18 of the Code. Guidance for the preparation and submittal of a DERM Lake Fill Permit may be found at http://www.miamidade.gov/derm/library/permits/sw_lakefill.pdf. For further information, contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305)372-6600.

Stormwater Management

The applicant is advised that any future development on the subject property shall be required to comply with the following:

1. The applicant shall demonstrate, by modeling, that partial filling of the existing lake will not result in higher ground water levels in the surrounding area. In addition, the applicant shall show that the filled area, when developed, will have sufficient water management areas to mitigate the 100-year flood stage without impacting adjacent properties.

2. Any development on the subject property shall be required to conform with the conditions of a Surface Water Management Permit, which shall be issued by DERM.

3. The proposed lake fill cross-section H-H may result in filling beyond the property lines, at the bottom of the lake.

The applicant is advised to contact the DERM Water Control Section at (305) 372-6681 for further information concerning the above noted requirements.

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 due to the nature of some land uses permitted under the existing zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

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

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

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

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

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

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

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

PH# Z2008000189
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:SOUTHERN BUILDERS AT LAKESIDE II

This Department has no objections to this application.

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

This application does 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.
21-NOV-08

12

REVISION 1

Memorandum

Date: 26-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000189

Fire Prevention Unit:

No objection to Letter of Intent date stamped January 28, 2009. This approval is for filling of lake only. Development plans will require approval by MDFR.

Service Impact/Demand:

Development for the above Z2008000189
located at LYING NORTH OF SW 132 STREET AND APPROXIMATELY 626' WEST OF SW 127 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1985 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: 8:04 minutes

Existing services:

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

Station 53 - Turnpike - 11600 SW Turnpike Hwy
Rescue, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 12/05/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

SOUTHERN BUILDERS AT LAKESIDE II

APPLICANT

Lying North of SW 132 Street & approx. 626' West of SW 127 Ave

ADDRESS

Z2008000189

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

12-04-08 No Violation Observed

Maria Panizo

14

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: _____

NAME AND ADDRESS	Percentage of Stock

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: Southern Builders at Lakeside II, LLC

NAME AND ADDRESS	Percentage of Ownership
Southern Homes Land Group, LLC	100%
Its Member: Southern Homes, LLC 100%*	
Owned 50% each by Hector Garcia and	
Gerardo L. Aguirre	

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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: President of Southern Homes Management
(Applicant)
Corporation, Manager of Southern Builders at Lakeside II,LLC

Sworn to and subscribed before me this 22 day of Feb. 20 08. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)

MIRTA ABREU
MY COMMISSION # DD 575597
EXPIRES: August 10, 2010
Bonded Thru Notary Public Underwriters

Seal

My commission expires: _____

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

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16

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

N87°38'49"E 280.00' (R)

S02°21'11"E

270.38'

305.38' (C)
305.00' (R)

102'±

7'±

6'±

23'±

WATER'S EDGE (11-09-06)

TOP OF BANK (11-09-06)

BATTAN LAKE OFFICE PARK
LOT-7 BLOCK-1
P.B-159 PG-47

ZONED R/W LINE

35' R/W TO BE DEDICATED BY THIS PLAT

492.34' (M)

27' ASPHALT PAVEMENT

2' CURB & GUTTER

F.P.R.W.

F.N.

35'

35.0'

35.0'

626.61' (R)

SE CORNER OF THE NE 1/4 OF THE SE 1/4 OF SEC-14-55-39

2728.28' (M)

1324.14' (R&M)

300 250 200 150 100 50 0

300 350 400 450 500

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BY

NO.	DATE	DESCRIPTION	BY	APP.	NO.	DATE	DESCRIPTION	BY	APP.

RECORD OF REVISION

ROYAL POINT
LAND SURVEYORS, INC.
LB.# 7282
8175 NW 153 ST., SUITE 321, MIAMI LAKES, FL. 33014 ** TEL.305-822-6062 ** 305-599-9468 FAX.305-827-9669

PREPARED FOR: SOUTHERN HOMES
12900 SW 128th STREET # 100, MIAMI, FL. 33186

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

DRAWN: N.T.
CHECKED: P.J.A.
SCALE: 1" = 20'
FIELD DATE: 5/8/2007
JOB # RP-07-705
SHEET: 4 OF 4 SHEET

F:\DRAWING\LAKESIDE SOUTH COMMERCIAL PARK FIRST ADDITION\LAKESIDE COMMERCIAL PARK ADDITION_LAKE ASBUILT 06-01-07.dwg 6/26/2007

5

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

"TRACT "A"

710.31' (C)

WATER'S EDGE (11-09-06)

TOP OF BANK (11-09-06)

122.0'

STEEL GUARDRAIL

F.P. 1/2" No I.D.

0.5' CURB

F.N.&D.

SW CORNER OF THE NE 1/4 OF THE SE 1/4 OF SEC-14-55-39

1543.98' (M)
1543.75' (R)

212.53'

46' ASPHALT PAVEMENT

S 87°39'09"W (R&M)

5' SIDEWALK

"COURTS AT TUSCAY"
P.B-162 PG-87

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SEP 17 2008

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SEP 17 2008
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

NO.	DATE	DESCRIPTION	BY	APP.	NO.	DATE	DESCRIPTION	BY	APP.

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6175 NW 153 ST., SUITE 321, MIAMI LAKES, FL. 33014 ** TEL. 305-822-8062 ** 305-698-9468 FAX.305-827-9669
L.B.# 7282

PREPARED FOR: SOUTHERN HOMES
12900 SW 128th STREET # 100, MIAMI, FL. 33186

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

DRAWN: N.T.
CHECKED: P.J.A.
SCALE: 1" = 20'
FIELD DATE: 5/8/2007
JOB # RP-07-705
SHEET: 3 OF 4 SHEET

F:\DRAWING\LAKESIDE SOUTH COMMERCIAL PARK FIRST ADDITION\LAKESIDE COMMERCIAL PARK ADDITION_LAKE ASENALT 06-01-07.dwg 6/26/2007

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

LAKE
"LAKESIDE COMMERCIAL CENTER OF KENDALL SEC-1"
P.B-136 PG-56

LAKE
"LAKESIDE COMMERCIAL CENTER OF KENDALL SEC-2"
P.B-150 PG-57

N87°54'39"E 210.93' (R)

N02°05'21"W (R)

S02°05'21"E

675.31'

404.00' (R)

LAKE
"BATTAH LAKE OFFICE PARK"
TRACT "A"
P.B-159 PG-47

"LAKESIDE SOUTH COMMERCIAL PARK"
TRACT "A"
P.B-156 PG-83

F:\DRAWING\LAKESIDE SOUTH COMMERCIAL PARK FIRST ADDITION\LAKESIDE COMMERCIAL PARK ADDITION_LAKE ASBUILT 06-01-07.dwg 6/28/2007

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

NO.	DATE	DESCRIPTION	BY	APP.	NO.	DATE	DESCRIPTION	BY	APP.

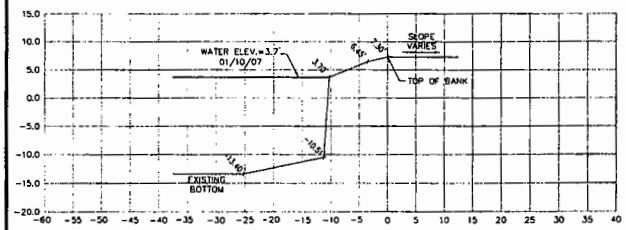
RECORD OF REVISION

ROYAL POINT LAND SURVEYORS, INC.
LB# 7282
6175 NW 153 ST., SUITE 321, MIAMI LAKES, FL 33014 ** TEL 305-822-0062 ** 305-698-9468 FAX 305-827-9669

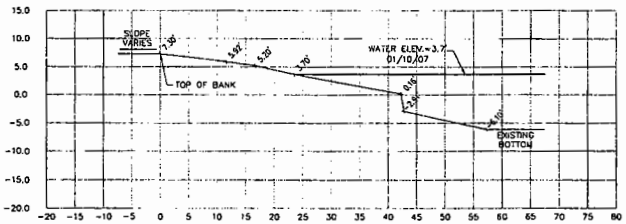
PREPARED FOR: SOUTHERN HOMES
12900 SW 128th STREET # 100, MIAMI, FL. 33186

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

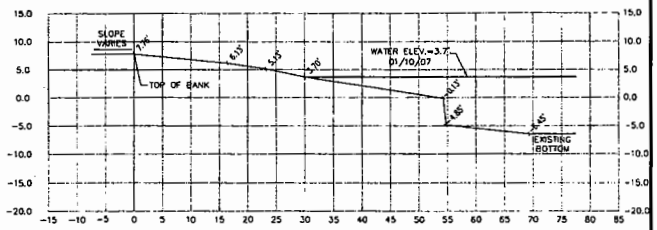
DRAWN: N.T.
CHECKED: P.J.A.
SCALE: 1" = 20'
FIELD DATE: 5/8/2007
JOB # RP-07-705
SHEET: 2 OF 4 SHEET



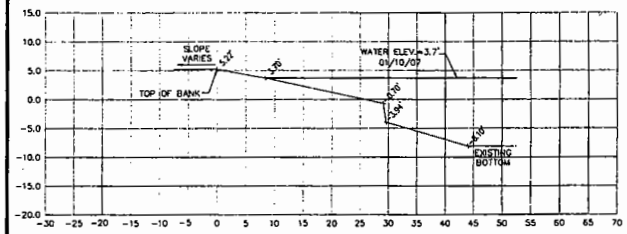
EX. SECTION A



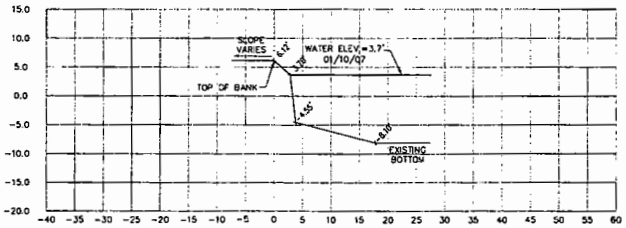
EX. SECTION B



EX. SECTION C



EX. SECTION D



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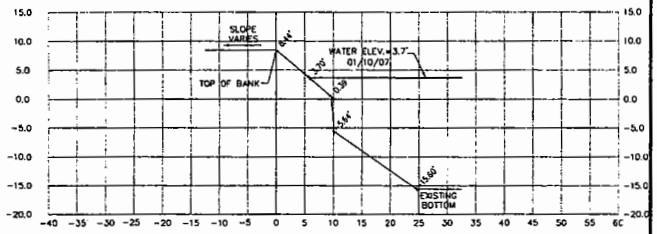

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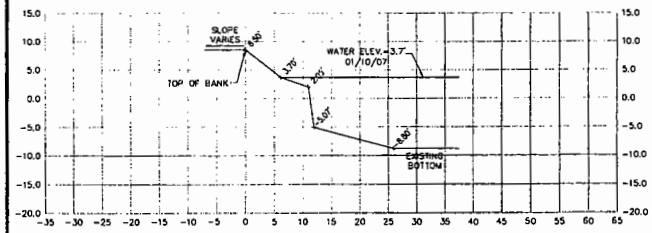
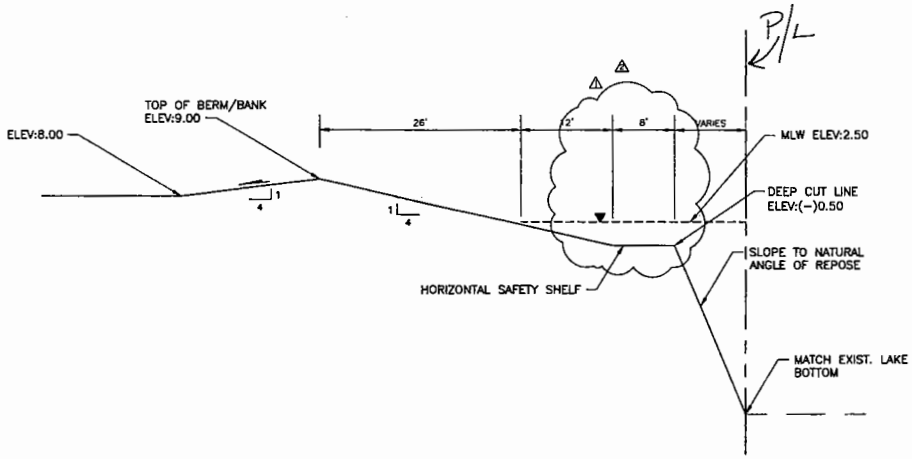


EX. SECTION G

EXISTING SECTION SCALE
HORIZONTAL = 1":10'
VERTICAL = 1":10'

RECEIVED
208-189
NOV 18 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



PROP. LAKE SECTION H-H
N.T.S.

RECEIVED
208-189
NOV 18 2008
ZONING HEARINGS
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION
2	10/23/08	AH	REV PER ZONING COMMENTS				
1	3/15/07	AH	REV SHELF DIMENSION FROM 3' TO 8'				

Designed by: A.P.H. Date: 1/07
Drawn by: G.H. Date: 1/07
Checked by: A.P.H. Date: 1/07

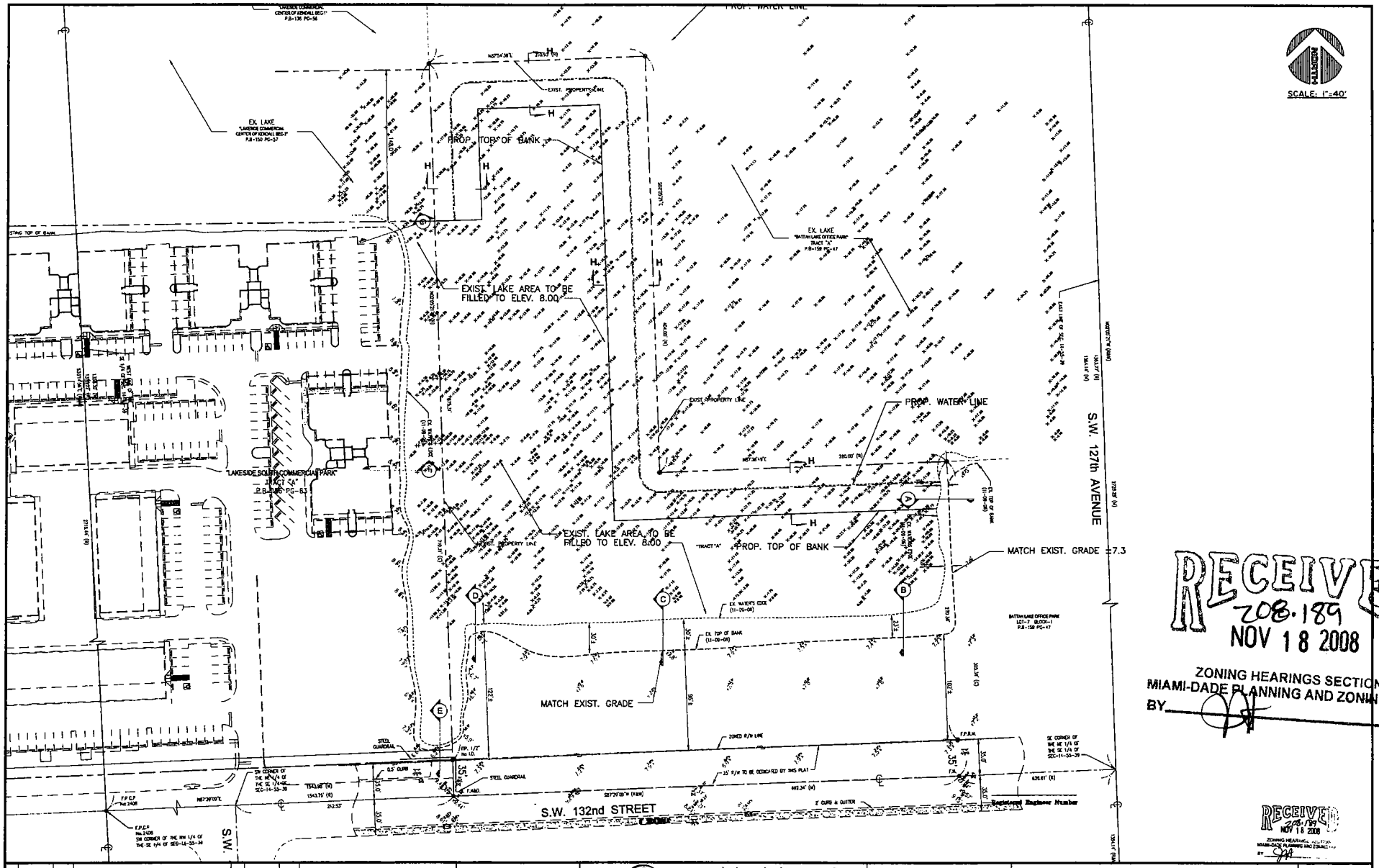
development consulting group
planning • engineering • transportation
construction administration
12855 SW 132 Street, Suite 206
Miami, Florida 33186
Phone: (305) 253-1970
Fax: (305) 253-6897
Authorization No. EB-26343

Engineer of Record: ALBERTO P. HERRERA
Date: NOV 1 2008
License Number: 59357
State of Florida

LAKE FILL
PLAN

LAKESIDE II
SH COMMUNITIES

PROJECT NUMBER 280915
SHEET NUMBER 3 OF 3



RECEIVED
208.189
NOV 18 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
208.189
NOV 18 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION
1	10/23/08	AH	REV PER ZONING COMMENTS				

Designed by: A.P.H. Date: 1/07
Drawn by: G.H. Date: 1/07
Checked by: A.P.H. Date: 1/07

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12855 SW 132 Street, Suite 206
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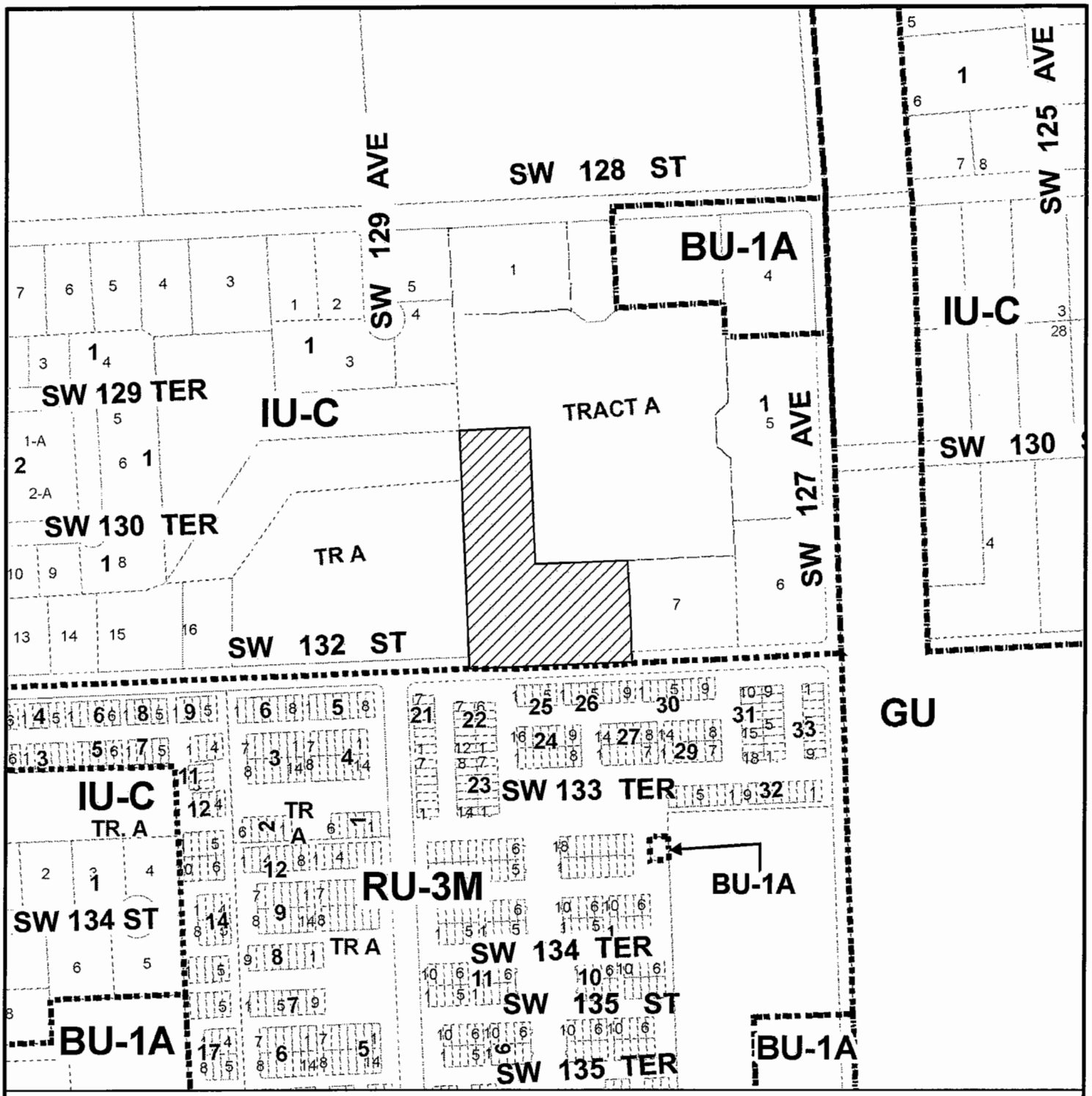
State of Florida

LAKE FILL
PLAN

LAKESIDE II
SH COMMUNITIES

PROJECT NUMBER
280915

SHEET NUMBER
2 OF 3



MIAMI-DADE COUNTY
HEARING MAP

Process Number

08-189

Section: 14 Township: 55 Range: 39
Applicant: SOUTHERN BUILDERS AT LAKESIDE II
Zoning Board: C11
Commission District: 09
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

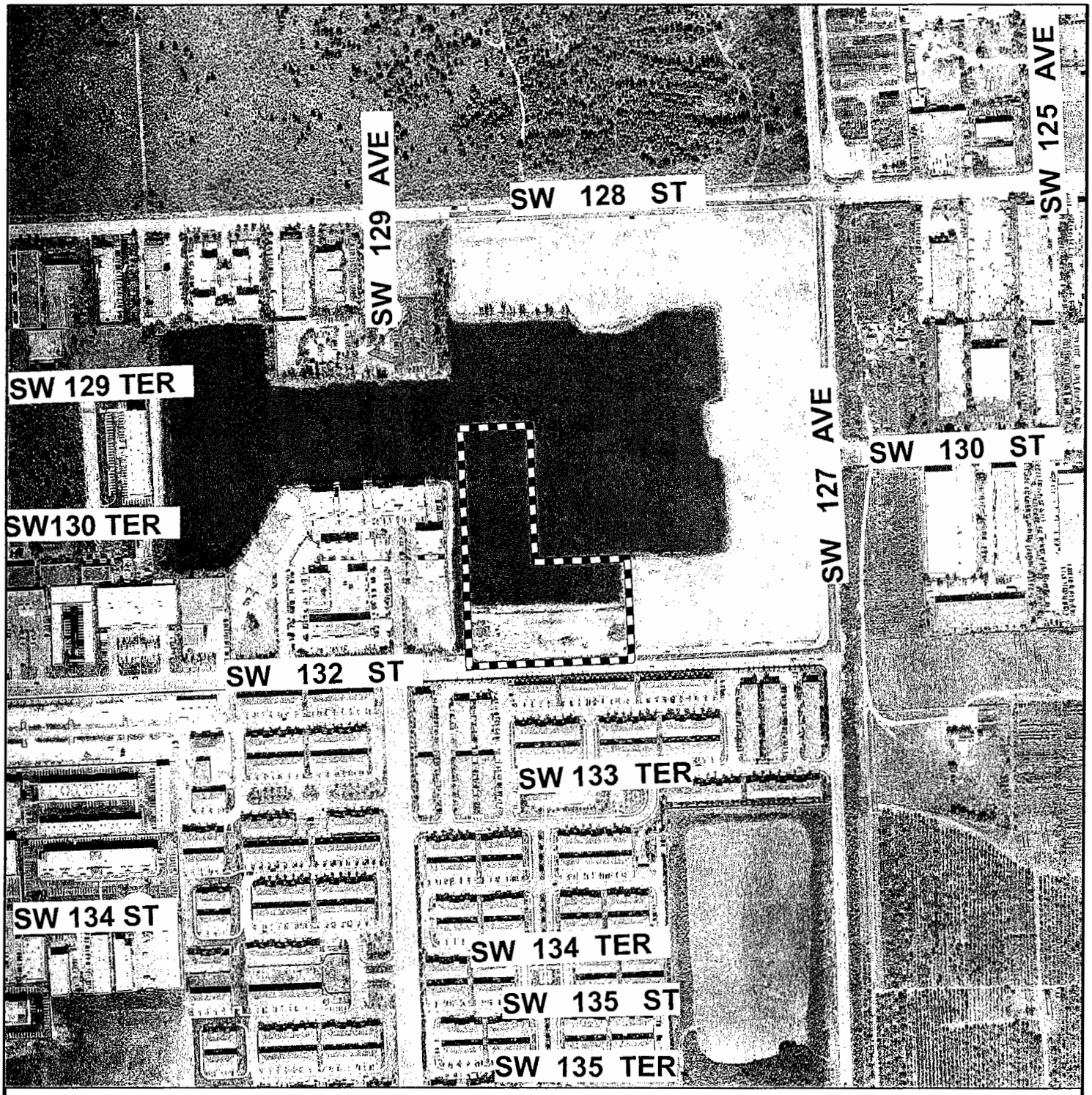
N W E S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/30/08

REVISION	DATE	BY
Change BU-1A as per 06-341	02/24/09	AFT
Name Correction	03/02/09	JGURD
Zone Change	03/23/09	JGURD



MIAMI-DADE COUNTY

AERIAL YEAR 2008
Section: 14 Township: 55 Range: 39
Applicant: SOUTHERN BUILDERS AT LAKESIDE II
Zoning Board: C11
Commission District: 09
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-189

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/30/08

REVISION	DATE	BY
Name Correction	03/02/09	JGURD

6. ERNESTO & VIVIAN ELESPPE
(Applicant)

09-4-CZ11-6 (09-11)
Area 11/District 09
Hearing Date: 4/2/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1986	Edgar Lewis, Tr.	Special Exception for site plan approval for a proposed zero lot line development and Non-Use Variances.	ZAB	Approved w/conds.

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 11

APPLICANTS: Ernesto and Vivian Elesppe | **PH:** Z09-011 (09-04-CZ11-6)

SECTION: 28-54-39 | **DATE:** April 2, 2009

COMMISSION DISTRICT: 11 | **ITEM NO.:** 6

==========

A. INTRODUCTION

- **REQUEST:**

Applicants are requesting to permit a shed setback 1.58' (5' required) from the interior (zero lot line) side (west) property line and setback 1.05' (5' required) from the rear (south) property lines.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(15) (Alternative Site Development Option for Single-Family Zero Lot Line Dwellings) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Ernesto Elesppe, and plans entitled "Ruffy; Classic; Americana Wood Frame – Utility Building," as prepared by Fred S. Cardwell, Professional Engineer, all dated stamped received 1/21/09 and consisting of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

The applicants are seeking to legalize an existing shed that encroaches into the interior side (west) and rear (south) setback areas.

- **LOCATION:** 14858 S.W. 58 Street, Miami-Dade County, Florida.

- **SIZE:** 50' x 100'

B. ZONING HEARINGS HISTORY:

In July 1981, the subject property was a part of a tract of land that was rezoned from GU, Interim District, to RU-TH, Townhouse District, pursuant to Resolution #Z-172-81. Subsequently, pursuant to Resolution #4-ZAB-302-86, the subject property was a part of a tract of land that was approved for a Special Exception for site plan approval for a proposed zero lot line development, including non-use variances to permit corner units setback 10' (15' required) from the side street property lines and to setback 10' from the zero lot line (0' required).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive

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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-TH; Zero-lot line residence	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-TH; zero-lot line single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-TH; zero-lot line single-family residence	Low Density Residential, 2.5 to 6 dua
EAST: RU-TH; zero-lot line single-family residence	Low Density Residential, 2.5 to 6 dua
WEST: RU-TH zero-lot line single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 14858 S.W. 58 Street in an area zoned RU-TH, Townhouse District, developed with zero-lot line single-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(15) Alternative Site Development Option for Single Family Zero Lot line Dwellings. This subsection provides for the establishment of an alternative site development option, after public hearing, for zero lot line dwellings, when such uses are permitted by the underlying district regulations, or when such uses were approved for development by a prior public hearing action, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(b) Alternative **setbacks** for a zero lot line dwelling shall be approved after public hearing upon demonstration of the following:

(1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

(2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

(3) the proposed alternative development will not reduce the amount of open space on the lot proposed for alternative development to less than 40% of the total net lot area; and

(4) any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the applicable underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and

(5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

(6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

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

(8) the wall of any building within a setback area required by the underlying district regulations or the regulations in effect at the time of development, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

(9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations or the regulations in effect at the time of development, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

(10) any windows or doors in any building to be located within an interior side setback required by the underlying district regulations or the regulations in effect at the time of development shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

(11) total lot coverage shall not be increased by more than ten (10%) percent of the lot coverage permitted by the underlying district regulations or the regulations in effect at the time of development; and

(12) the area within an interior side setback required by the underlying district regulations or the regulations in effect at the time of development, located behind the front building line will not be used for off-street parking except

(A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

(B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

(i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

(ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

(13) any structure within an interior side setback required by the underlying district regulations or the regulations in effect at the time of development:

(A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

(B) is screened from adjoining property by an opaque fence or wall at least six (6) feet in height that meets the standards set forth in paragraph (f) herein; and

(14) any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

(15) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations or the regulations in effect at the time of development shall be separated from any other structure by at least three (3) feet; and

(16) when a principal building is proposed to be located within a setback required by the underlying district regulations or the regulations in effect at the time of development, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

(17) the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

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

(19) the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

(20) the parcel proposed for alternative development shall satisfy underlying district regulations or the regulations in effect at the time of development or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (May 2, 2003) regulating lot area, frontage and depth; and

(21) the proposed alternative development of the lot will meet the following:

(A) the interior side setbacks will be at least four (4) feet or the minimum distance necessary to comply with Fire safety requirements, whichever is greater;

(B) the side street setback shall not be reduced by more than fifty percent (50%) of the underlying district regulations or the regulations in effect at the time of development;

(C) the interior side setbacks for active recreational uses shall be no less than seven (7) feet or the minimum distance necessary to comply with Fire safety requirements, whichever is greater;

(D) the front setback of the dwelling or accessory use shall not be reduced;

(E) the rear setback will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures;

(F) the proposed alternative development shall not encroach into the maintenance easement as required by this chapter and shown on the approved plat; and

(G) the proposed alternative development shall not contain openings on the zero lot line side of the structure, other than permitted by the underlying district regulations.

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

(1) will result in a significant diminution of the value of property in the immediate vicinity; or

(2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

(3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.

(f) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the

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

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

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

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

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

G. NEIGHBORHOOD SERVICES:

DERM	**No objection**
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**

Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

H. ANALYSIS:

The subject property is located at 14858 S.W. 58 Street in an area zoned RU-TH, Townhouse Residential District, developed with single-family residences under the Zero-Lot Line regulations. The applicants are requesting to permit an existing shed on the zero-lot line lot setback 1.58' from the interior side (west) property line and setback 1.05' from the rear (south) property lines. The Zero-Lot Line zoning regulations require that single-family residences and their additions setback 5' from the interior side and rear property lines. The applicants have submitted a site plan depicting the aforementioned requests. Staff does not recommend approval of this application for reasons stated below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **7:03** minutes. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicants the maintenance and continued use of the existing shed with non-conforming interior side and rear setbacks. 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-TH zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the existing shed provides an additional amenity for the residents of the single-family residence by providing additional outdoor storage space that is sheltered from the elements. Furthermore, staff acknowledges that there are several similar approvals in the immediate area, one of which is as intense as the request sought in this application which is for relief of interior side and rear setback requirements. Specifically, staff notes that property located at 5756 SW 149 Place, 3 blocks to the west of the subject property, was granted approval to permit, among other things, a utility shed to setback 1' from the rear (west) property line and 0' from the interior side (north) property line, pursuant to Resolution #CZAB11-01-04. However, staff at that time recommended denial of the application and opined that approval of the request to include the required shed setback encroachment was too intense and would have a negative visual impact on the surrounding properties. In this case, staff maintains as then, that approval of encroachments as intensive as requested in this application does not maintain the basic intent of the zoning and subdivision regulations and would have a detrimental impact on the appearance and stability of the neighborhood. As such, staff notes that the approval of the request would not only be **incompatible** with and adversely affect the aesthetic character of the area, but would also continue to set a negative precedent for similarly intense requests for relief of interior side setback requirements. Therefore, staff recommends denial without prejudice of the request

under the NUV Standards.

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

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(15) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be analyzed under same and should be denied without prejudice under Section 33-311(A)(15) (ASDO).

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 12/26/07
DATE TYPED: 02/20/09
DATE REVISED: 02/23/09, 02/24/09, 03/03/09
DATE FINALIZED: 03/03/09
MCL:MTF:NN:NC:CH

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

Memorandum

MIAMI-DADE COUNTY

Date: February 6, 2009

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

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

Subject: C-11 #Z2009000011
Ernesto and Vivian Elesppe
14858 S.W. 58 Street
Request to Permit an Accessory Structure that Exceeds Setback Requirements
(RU-TH) (0.11 Acres)
28-54-39

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

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

Concurrency Review Summary

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: 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

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Memorandum

Date: 05-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000011

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000011
located at 14858 SW 58 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1660 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 37 - West Bird - 4200 SW 142 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 02/05/09

TEAM METRO

ENFORCEMENT HISTORY

ERNESTO & VIVIAN ELESPPE

APPLICANT

14858 SW 58 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000011

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2009000011

CURRENT ENFORCEMENT HISTORY:

JANUARY 29, 2009
CMS #200912000425 was opened for an Enforcement History inspection. No current violations were observed.

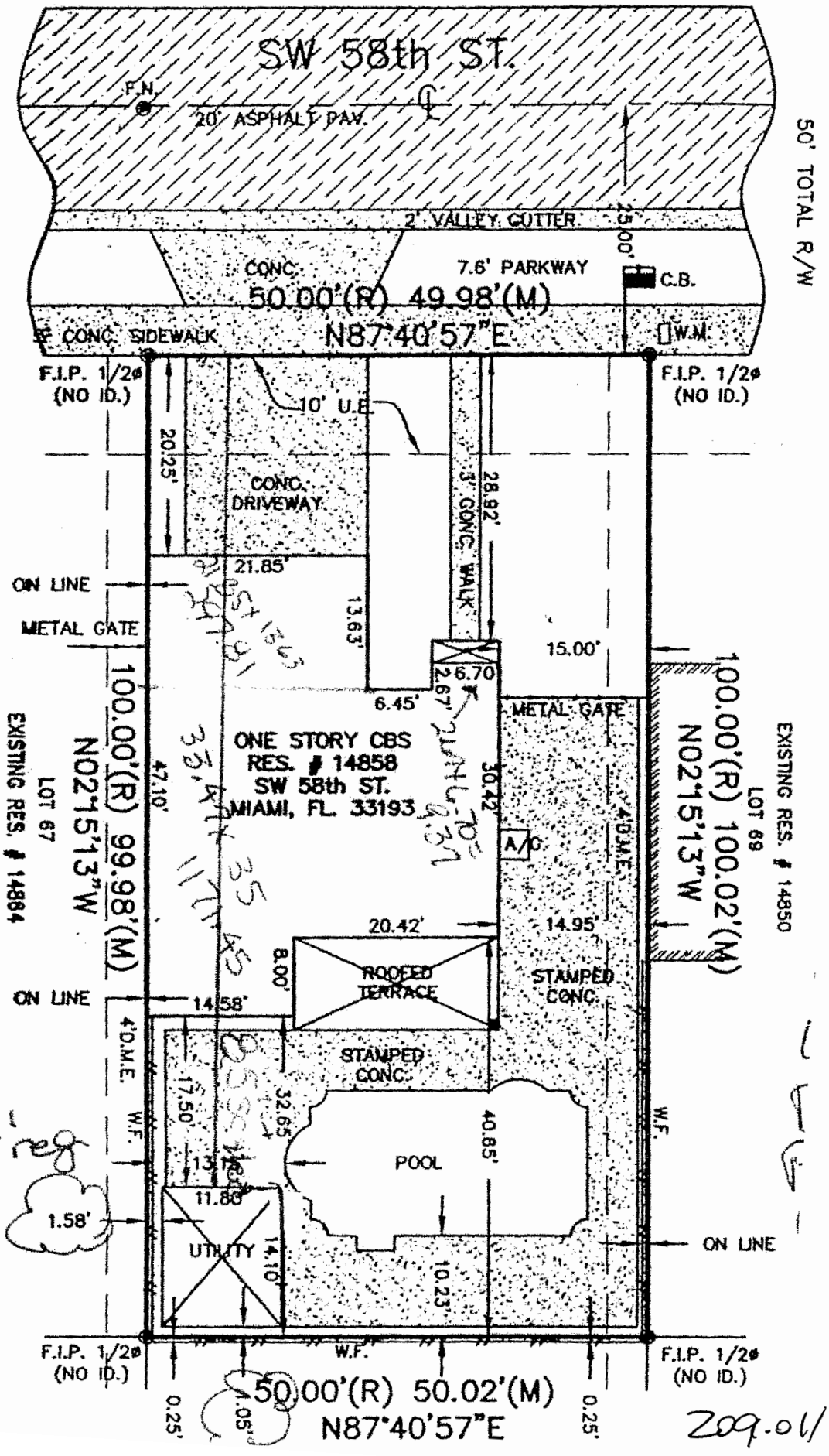
OCTOBER 30, 2008
CMS #200812008749 was opened in reference to boat storage. W/N #R108106 was issued to the property owner. A re-inspection was conducted on 10/29/2008, and the boat had been removed. Case closed.

ERNESTO & VIVIAN ELESPPE

MARITZA ROJAS

13

Site Plan Proposed by:



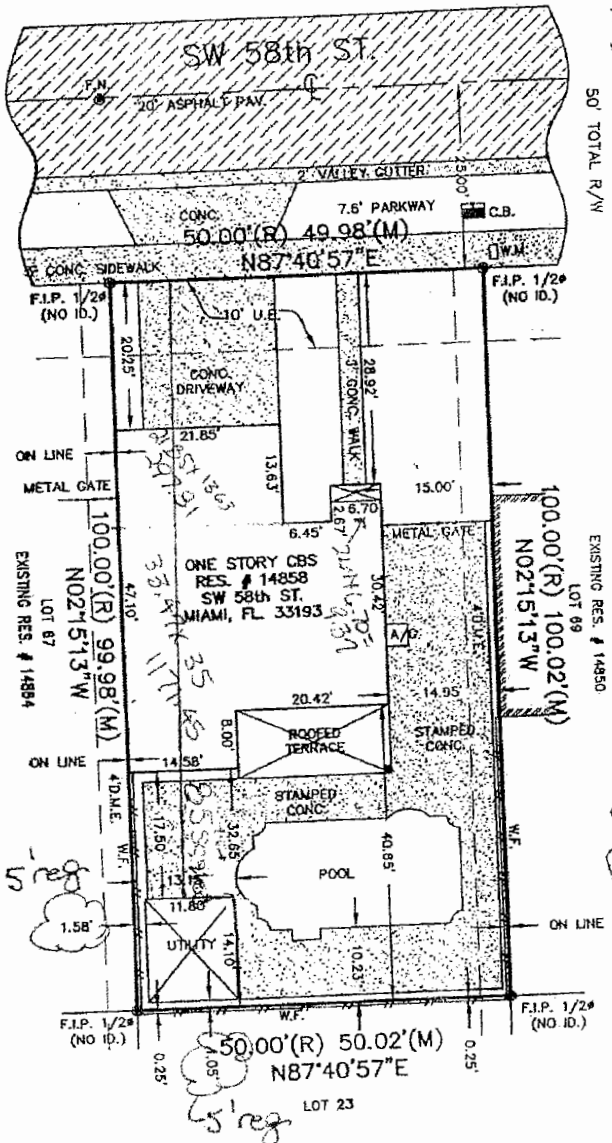
14

209-011

Site PLAN 1

Lot Coverage

Shed 166.38
house 1478.63
1645.01 ft
1645/5000 = 32%



Site Plan prepared by: Ernesto Blesppe

ADDRESS: 14858 SW 58th
33193

FOLIO: 30-4928-021-058

Miller Hights
LOT 68
Block 5
PLAT Book 132
PAGE 53

RECEIVED
209-011
JAN 21 2009
ZONING INFORMATION SECTION
BUILDING & ZONING DEPT.

A - ARC
AVE. - AVENUE
BLDG.- BUILDING
BM.- BENCHMARK
C.- CURVE
C.B.- CATCH BASIN
C.B.S - CONCRETE BLOCK STRUCTURE.
CH. - CHORD
CHB.- CHORD BEARING
CL- CLEAR
C.L.F.-CHAIN LINK FENCE
C/L - CENTER LINE

CONC.- CONCRETE
CT.- COURT
D.M.E - DRAINAGE AND MAINTENANCE EASEMENT.
E.- EAST
ENC.- ENCROACH
ESMT.- EASEMENT
F.D.H - FOUND DRILL HOLE
F.F.E- FINISHED FLOOR ELEVATION
F.I.P- FOUND IRON PIPE
ø - DIAMETER

ELEV.- ELEVATION
F.N.- FOUND NAIL
F.N.D.- FOUND NAIL & DISC.
FT.- FEET.
LN.- LANE.
MEAS.- MEASURE.
M/L - MONUMENT LINE
M/S.- METAL SHED.
N.- NORTH.
No.- NUMBER.
O.R.B.- OFFICIAL RECORDS BOOK.

O.V.H.- OVERHANG.
O.W.- OVERHEAD WIRES.
P.B.- PLAT BOOK.
P.C.- POINT OF CURVATURE.
P.O.B.- POINT OF BEGINNING
P.O.C.- POINT OF COMPOUND CURVE.
P.G.- PAGE.
PKWY.- PARKWAY.
PL.- PLACE.
P/L.-PROPERTY LINE

P.C.P.- PERMANENT CONTROL POINT.
P.O.C.- POINT OF COMMENCEMENT.
P.R.M.- PERMANENT REFERENCED MONUMENT.
R.- RADIUS.
RAD.- RADIAL.
RD.- ROAD.
REC - RECORD.
RES.- RESIDENCE.
RGE.- RANGE.
R/W.- RIGHT OF WAY.

S.-SOUTH.
SEC.- SECTION.
S.I.P.- SET IRON PIPE.
S.N.D.- SET NAIL & DISC.
SWK.- SIDEWALK
T.- TANGENT.
TERR.- TERRACE.
TWP.- TOWNSHIP.
U.E.- UTILITY EASEMENT.
W.- WEST.
W/F.- WOOD FENCE.
Δ - CENTRAL ANGLE.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITLES NAMED HEREON AND THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

BEARINGS ARE BASED ON AN ASSUMED MERIDIAN C/L OF SW 58th ST. BEARS N87°40'57"E

ZONING, ZONED STREET LINES, SETBACK, UNDERGROUND EASEMENT AND RIGHT OF WAY, ETC. FROM ABSTRACT TO BE VERIFIED AND/OR OBTAINED BY OWNER, ARCHITECT OR BUILDER BEFORE DESIGN OR CONSTRUCTION.

209011

ZONING LEGEND
Single Family & Duplex

ZONING:

Height (to ridge of roof)	
Net Land Area	5500
Lot Coverage (everything under roof)	

SETBACKS:	Choose **REQUIRED**	**PROVIDED**
FRONT	25	20.25'
zero SIDE	0	0
~~SIDE STREET~~ side	10'	15
REAR	25	40.85

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 or stormwater onto adjacent property. Applicant will provide certification prior to final inspection.

ANY APPLICABLE RESOLUTIONS:_____

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 553.79(10), Florida Statutes, effective 7/10/87.

Applicant: Must comply with Section 13-13.1 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.

Legal description

19 Apr 2000 dgm

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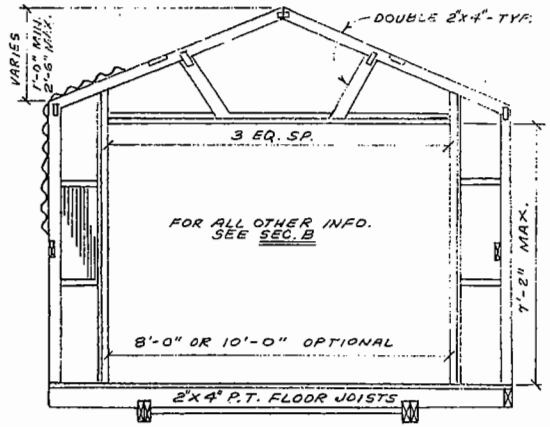
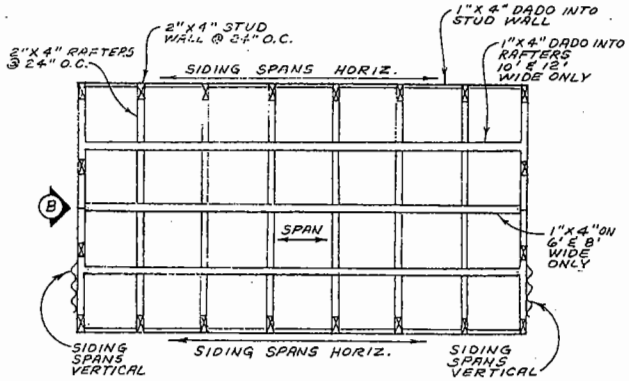
2090114
JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

16



FRAMING FOR GARAGE/ DOUBLE DOORS
(FOR END WALL) N.T.S.



ROOF PLAN
N.T.S. (SEE NOTE B)

ALL SIDING .019 2½" x ½" CORRUGATED ALUM.
& #8 x 1" ALUM. SCREWS 1½" O.C.

NOTE A:
METAL STRAP IS FIRST THREADED THRU THE SLIT IN BOLT & AS THE NUT IS TIGHTENED. THE STRAP WINDS AROUND THE BOLT SHANE.
METAL STRAP: CERTIFIED GALVANIZED STEEL STRAP, MIN. TENSILE STRENGTH= 4750 LBS., CONFORMING TO ARSI A 119.1
TIE DOWN ANCHOR: 36" TWIN 4" HELIX ANCHOR, MODEL A 22, AS MANUFACTURED BY TIE DOWN ENGINEERING, MIAMI, FL.

NOTE B:
OUTSIDE OVERALL DIMENSIONS CAN VARY BETWEEN LIMITS AS SHOWN, BUT MEMBER SPACING MUST NOT EXCEED AS INDICATED.

NOTE C:
2" BARBED NAIL-MADE FOR T & G FLOOR - INSTALLED WITH PORTA NAIL GUN THAT SHOOTS INTO TOP OF TONGUE - TYP. AT INTERSECTION OF FLOOR & 2x4 SUPPORT.
NOTE: FIRST & LAST T & G BOARD ARE STAPLED WITH 1¾"-18 GAGE GALVANIZED STAPLES (RESIN COATED) - MIN. 3/FLOOR BOARD.
SEE SEC. A.

NOTE D:
GABLE ORIENTATION ONLY SYMBOLIC SINCE GABLE CAN BE IN EITHER DIRECTION.

NOTES ON DOOR & WINDOWS:
DOOR: .018" THICK, 2.867 x 9/16 CORRUGATED, PAINTED (FRONT) PANEL, INSTALLED IN 2¾" x11/16" DEEP EXTENDED FRAME.
ALL TRIM, HASP & HINGES FASTENED WITH POP RIVETS.
DOOR ATTACHED TO VERTICAL 2x4.

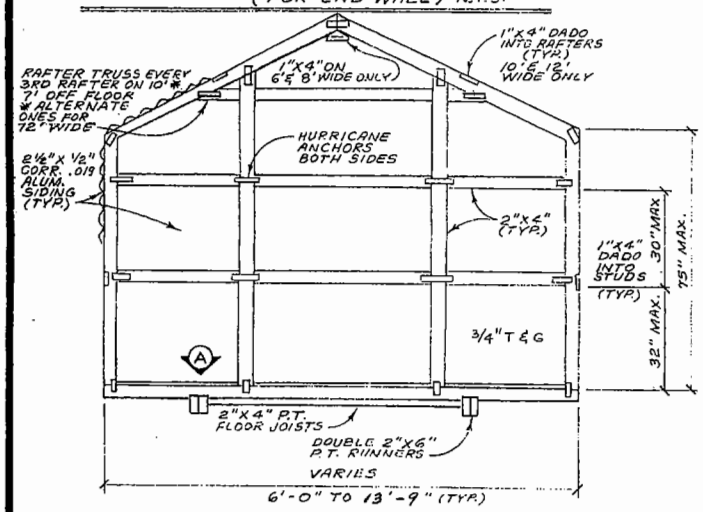
WINDOWS: WINDOWS TO BE AWNING TYPE AS MANUFACTURED BY KELLER INDUSTRIES INC., MIAMI, FL. OR APPROVED EQUAL.

GENERAL NOTES:
ALL SIDING/ROOFING TO BE OF ALUMINIUM* AS MANUFACTURED BY FABRAL CORP. (SUBSIDIARY OF ALCAN ALUMINIUM CORP.), LANCASTER, PA. OR APPROVED EQUAL.

ALL WIRE TO BE 12 TW COPPER WITH GROUND IN ½" EMT.
THESE SHEDS ARE NOT TO BE USED FOR HABITATION BUT FOR STORAGE ONLY. WT. OF SHED ~ 15psf.

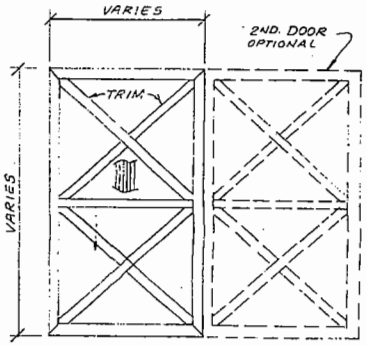
USE #8 x 1" ALUMINUM SCREWS FOR ALL CONNECTIONS BETWEEN SIDING/ROOFING & THE SHED FRAMING. SPACING AS FOLLOWS:
ROOF - PERIPERAL MEMBERS 24" C/C
ROOF - INTERIOR MEMBERS 5" C/C
SIDING - ALL AROUND 6" C/C EXCEPT AT BOTTOM. 2"C/C
16 PENNY NAIL @ 6" C/C TO TIE SIDEWALL & END WALL (TYP. ALL CORNERS).

AS AN ALTERNATE TO DETAIL (1) ON ANCHORING. 2'x2'x3' deep; 3000psi CONCRETE FOOTER; (NO. OF FOOTERS SAME AS NO. OF ANCHORS) CAN BE USED. USE CERTIFIED, GALVANIZED STEEL STRAP (MIN. TENSILE STRENGTH = 4.75 LBS. MIN. EMBEDMENT = 2'-6" IN CONCRETE)

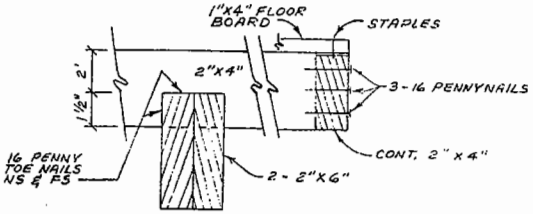


SECTION (B)
AS SHOWN 2 SIDES, SIMILAR
REMAINING 2 SIDES
N.T.S.

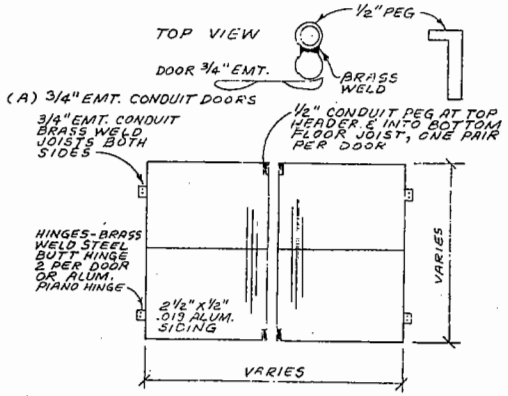
AS AN OPTION, 8' x 6'-6" HIGH ALUMINUM SECTIONAL GARAGE DOOR AS MFD. BY ALUMAX BLDG. PRODUCTS, CAN BE INSTALLED. ALL FRAMING DETAILS AS SHOWN ABOVE.
Δ FOR 12' WIDE ONLY.



TYP. DOOR DETAILS
N.T.S.
(HINGES & HASP NOT SHOWN)



SECTION (A)
N.T.S.



(A) ¾" EMT. CONDUIT DOORS

(B) GARAGE DOOR BY AN APPROVED MANUFACTURER AS CORDES DADE COUNTY PRODUCT APPROVAL #79-275.1

OPTIONAL DOORS
N.T.S.

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ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

LISTING AGENCY APPROVAL

THESE PLANS COMPLY WITH THE FLORIDA MANUFACTURED BUILDING ACT OF 1979 CONSTRUCTION CODES AND ADHERE TO THE FOLLOWING CRITERIA.

CONST. TYPE	6	WIND VELOCITY	115 mph
OCCUPANCY	L-5	FIRE RATING	
ALLOWABLE NO. OF FLOORS	1	OF WALLS	0
		ALLOW. FL. LOAD	500 psf

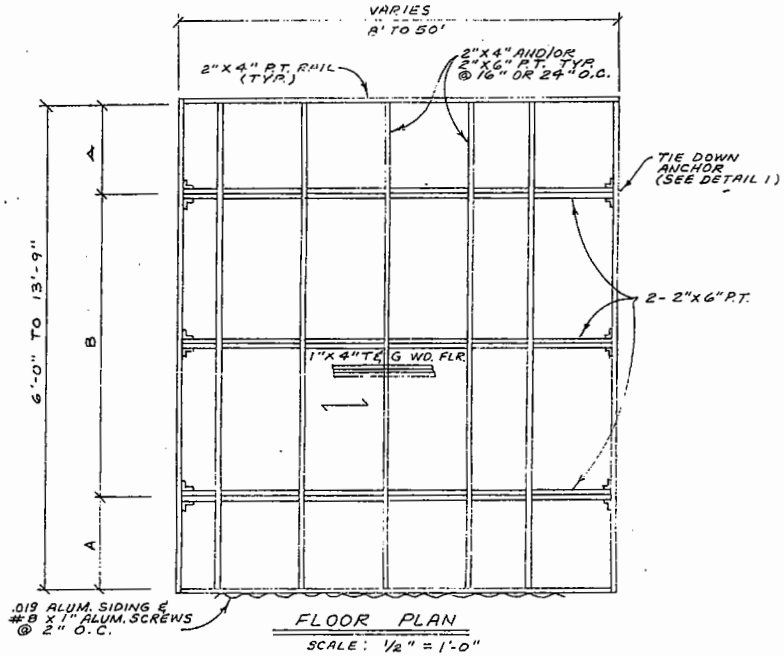
MANUFACTURER: Robin Builders, Inc.
APPROVAL DATE: 3-20-90 PLAN NO. BCA-1
APPROVED BY: CARDWELL CERT. NO. 16
SIGNATURE: Fred S. Cardwell

REVISIONS	BY
13'-4" from 12'-0"	FSC 3/3/91

RUFFY ; CLASSIC ; AMERICANA
WOOD FRAME - UTILITY BUILDING
ROBIN BUILDERS, INC.
LAKE WALES, FLORIDA

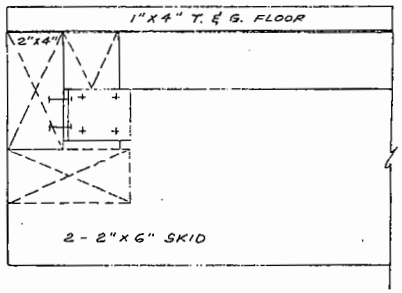
PHONE (813) 848-3000
FAX (813) 848-2887
FRED S. CARDWELL
Professional Engineer
Professional Land Surveyor
1170 8th STREET NORTH • LARGO, FLORIDA 34640

DRAWN	J.E.P.
CHECKED	
DATE	3-9-90
SCALE	AS SHOWN
JOB NO.	
SHEET	2 OF 2 SHEETS



FLOOR PLAN

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

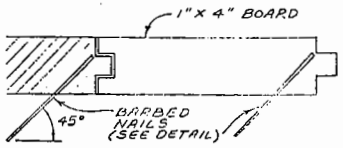


FLOOR DETAIL

N.T.S.

BARBED NAIL

(ACTUAL SIZE & SHAPE) SEE NOTE C



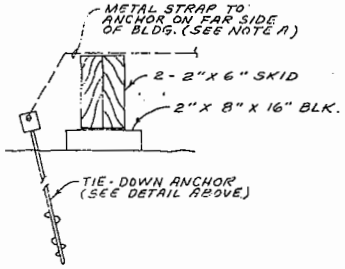
TYP. CONN. DETAIL

N.T.S.

(BETWEEN FLOOR & 2"x4" SUPPORTS)

TIE-DOWN ANCHOR

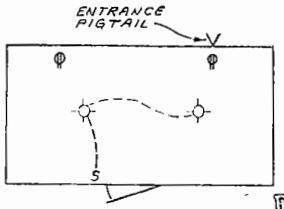
N.T.S.



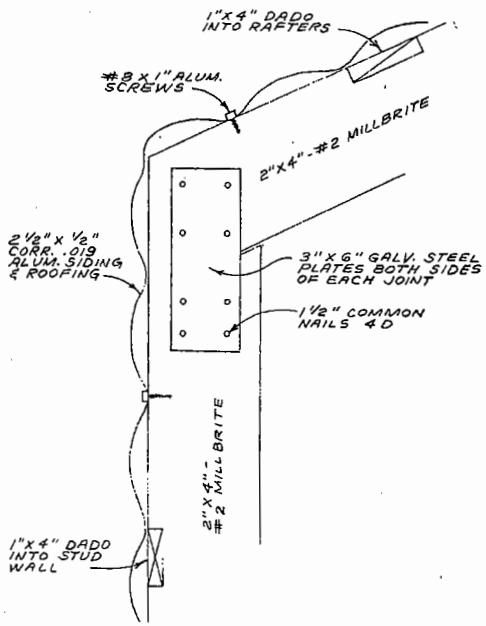
DETAIL 1

N.T.S.

USE MIN 6 FOR 12' X 30' BLDG.
4 FOR OTHERS
8 FOR 12' X 40' & 50' BLDG.



ELECTRICAL PLAN



EAVE DETAIL

N.T.S.

FLOOR JOIST @ EITHER 16" OR 24" O.C. WILL SUPPORT UP TO AND INCLUDING 50 p.s.f. LIVE & DEAD FLOOR LOADING.

UNIT DESIGNATION	RC-6-16-40	RC-8-16-40	RC-10-16-40	RC-12-16-40	RC-14-16-40
UNIT WIDTH	6'-0"	8'-0"	10'-0"	12'-0"	13'-9"
FLOOR JOIST	2x4	2x4	2x4	2x6	2x6
O.C. SPACING	16"	16"	16"	16"	16"
"A"	16"	18"	18"	30"	40.5"
"B"	40"	60"	84"	84"	84"

FOR 125 psf LIVE LOAD EITHER 16" OR 24" O.C. JOIST MAY BE USED SO LONG AS DIEMENSION "B" IS DIVIDED EQUALLY @ 42 INCHES AND A EXTRA SKID IS PLACED UNDER THE OUTSIDE WALLS.

LISTING AGENCY APPROVAL

THESE PLANS COMPLY WITH THE FLORIDA MANUFACTURED BUILDING ACT OF 1979 CONSTRUCTION CODES AND ADHERE TO THE FOLLOWING CRITERIA.

CONST. TYPE	6	WIND VELOCITY	115 mph
OCCUPANCY	5	FIRE RATING OF WALLS	0
ALLOWABLE NO. OF FLOORS	1	ALLOW. FL. LOAD	50 psf

MANUFACTURER: Robin Builders, Inc.

APPROVAL DATE: 3-20-90 PLAN NO. RCA-1

APPROVED BY: CARDWELL CERT. NO. 16

SIGNATURE: Fred S. Cardwell

RECEIVED 309-01 JAN 21 2009 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY

REVISIONS	BY

RUFFY; CLASSIC; AMERICANA
WOOD FRAME - UTILITY BUILDING
ROBIN BUILDERS, INC.
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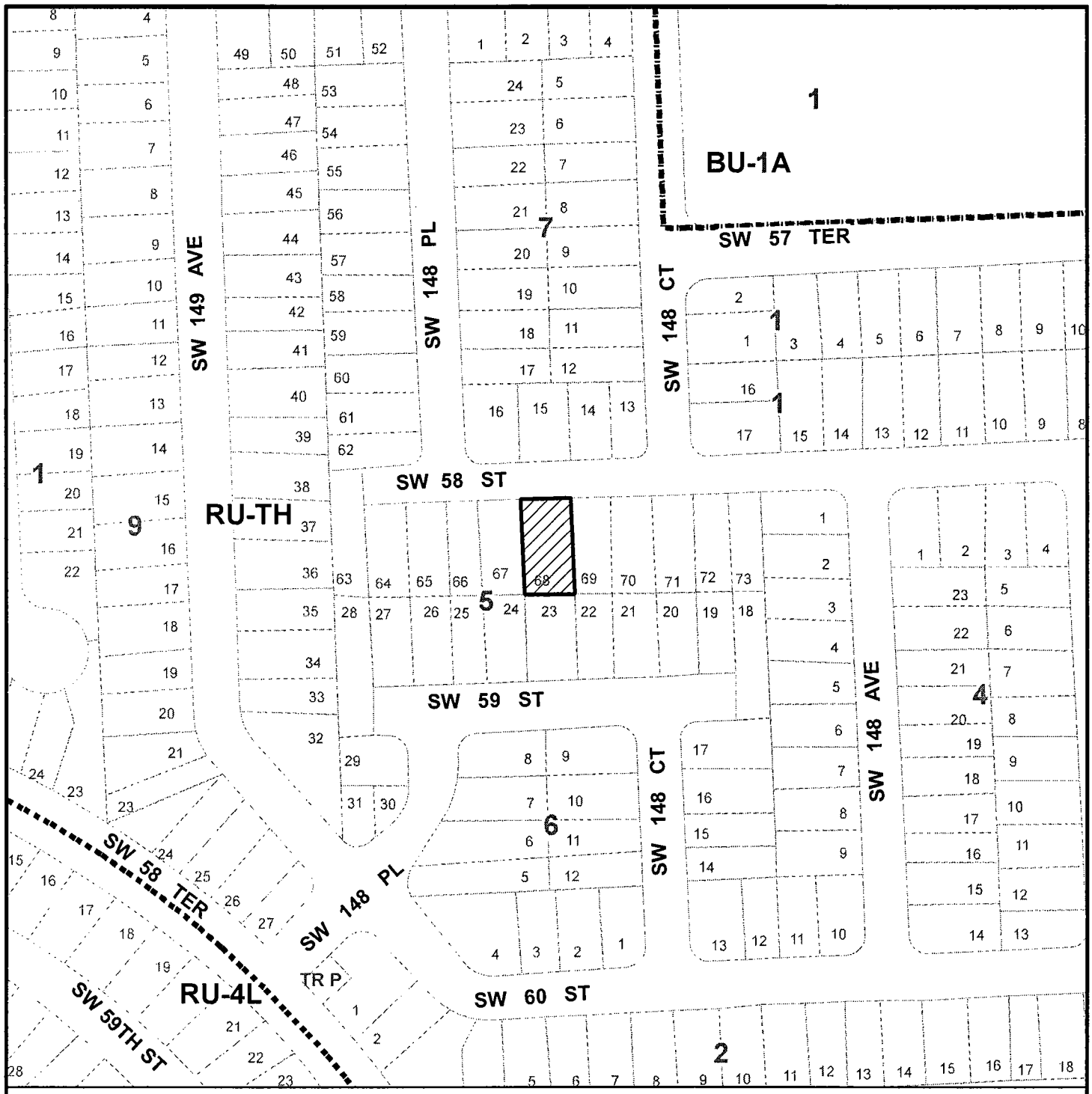
PHONE (813) 646-3060
FAX (813) 646-3687
FRED S. CARDWELL
CONSULTING ENGINEER
1390 6TH STREET NORTH • LARGO, FLORIDA 34643

DRAWN	J.E.P.
CHECKED	FC
DATE	3-9-90
SCALE	AS SHOWN
JOB NO.	
SHEET	1 OF 2 SHEETS

TELEBYNE POST 18AL-B - 18 x 24



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-011

Section: 28 Township: 54 Range: 39
Applicant: ERNESTO & VIVIAN ELESPPE
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

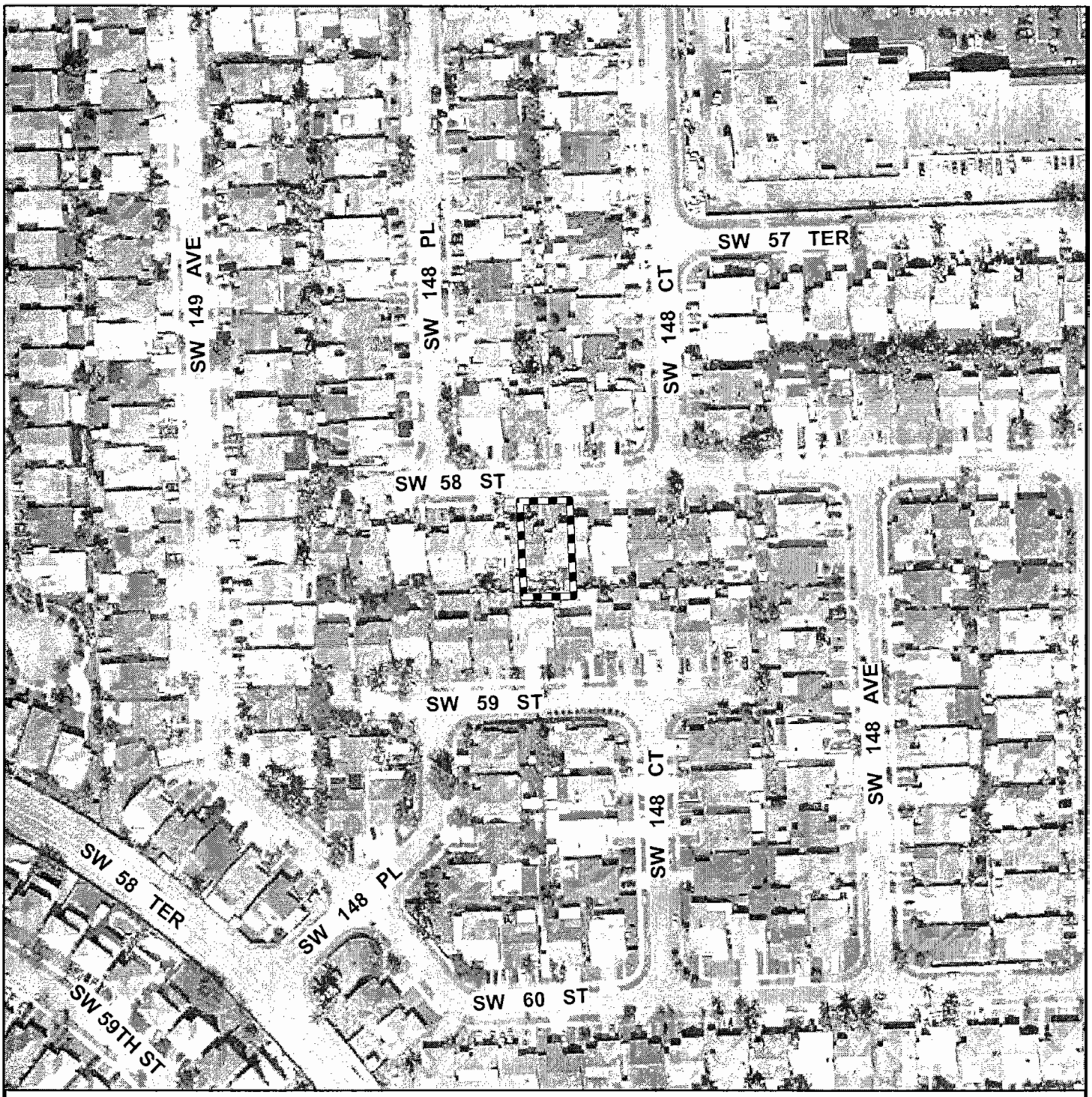
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

FOLIO FILE DATE: 01/26/09

REVISION	DATE	BY
	19	



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 28 Township: 54 Range: 39
Applicant: ERNESTO & VIVIAN ELESPPE
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

09-011

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

FOLIO FILE DATE: 01/26/09

REVISION	DATE	BY