KITS

5-13-2009 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION
8625 SW 124 Avenue, Miami
Tuesday, June 16, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	09-4-CZ11-3	CAROLINA SANCHEZ	08-139	03-55-39	
B.	09-4-CZ11-4	WALMART STORES EAST, LP	08-183	32-54-39	

CURRENT

1.	09-6-CZ11-1	EDGARDO & MISLEIDY SERRANO	07-284	29-54-39	N
2.	09-6-CZ11-2	GRIDIRON SPORTS GRILL, LLC	08-105	04-55-39	N
3.	09-6-CZ11-3	ROLANDO & GRETHEL RUBI	09-7	22-54-39	N
4.	09-6-CZ11-4	OSVALDO C. GARCIA	09-8	10-55-39	N
5.	09-6-CZ11-5	CARMEN & RAMON SARABIA	09-36	27-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, JUNE 16, 2009

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 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. 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: 12

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

B. WALMART STORES EAST, LP (09-4-CZ11-4/08-183) **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. 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, 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: 214 Waivers: 1

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 05/12/2009

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1. EDGARDO & MISLEIDY SERRANO (09-6-CZ11-1/07-284) **29-54-39**
Area 11/District 11

1) Applicants are requesting to permit a family room addition and sundeck setback a minimum 7' (15' for 50% of the building width and the remainder at 25' required) from the rear (south) property line and setback 5.8' (6' required) from the interior side (east) property line.

(2) Applicants are requesting to permit a staircase setback 1' (15' for 50% of the building width and the remainder at 25' required) from the rear (south) property line.

(3) Applicants are requesting to permit the residence setback 5.8' (6' required) from the interior side (east) property line.

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

Plans are on file and may be examined in the Zoning Department entitled "Mr. & Mrs. Edgardo Serrano," as prepared by Nestor J. Cifuentes, dated stamped received 8/8/08 and consisting of 3 sheets with Sheet A-1 dated last revised 3/10/09. Plans may be modified at public hearing.

LOCATION: 16040 S.W. 60 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6,000 sq. ft.

Department of Planning and Zoning Recommendation: Approval with conditions of request #3 under Section 33-311(A)(4)(b) NUV, denial of requests #1 and #2 under same and denial without prejudice of request #1 through #3 under Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. GRIDIRON SPORTS GRILL, LLC (09-6-CZ11-2/08-105) **4-55-39**
Area 11/District 11

(1) SPECIAL EXCEPTION to permit a bar in conjunction with a restaurant.

(2) SPECIAL EXCEPTION of spacing requirements to permit the bar and restaurant spaced less than the required 2,500' from religious facilities and schools.

(3) UNUSUAL USE to permit outdoor dining.

(4) Applicant is requesting to permit 102 parking spaces (121 required).

(5) Applicant is requesting to waive the zoning regulations prohibiting the sale of alcoholic beverages prior to 1:00 p.m. on Sundays.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #4 and #5 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 "Kendall Shoppes," as prepared by Behar, Font & Partners, Sheet "A-3", dated stamped received 6/3/08, Sheets "A-1.1" and "A-2", dated stamped received 3/9/09 and Sheet "A-4.1" entitled "Greg Walker Restaurant," as prepared by Design 2004 Productions, dated stamped received 3/9/09, and a Liquor Survey entitled "Liquor Survey for the Gridiron Grill," as prepared by James Beadman & Assoc., Inc., dated stamped received 6/3/08 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: 8881 S.W. 157 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.98 Acres

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 and #2 and withdrawal without prejudice of request #3 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, modified approval with conditions of request #4, to allow a variance for 4 parking spaces only, and approval with conditions of request #5 under Section 33-311(A)(b)(NUV), denial without prejudice of same under Section 33-311(A)(4)(c)(ANUV) and denial without prejudice of request #4 under Section 33-311(A)(16)(ASDO).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. ROLANDO AND GRETHEL RUBI (09-6-CZ11-3/09-07) **22-54-39**
Area 11/District 11

Applicants are requesting to permit an addition to a townhouse residence setback 2'6" (10' required) from the (rear) NE/ly property line.

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 "Amnesty of Existing Addition for Mr. & Mrs. Rubi," as prepared by Filer and Hammond, Architects, Inc., dated stamped received 3-12-09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 4613 S.W. 143 Court West, Miami-Dade County, Florida.

SIZE OF PROPERTY: 34' x 90'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 6

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. OSVALDO C. GARCIA (09-6-CZ11-4/09-08) **10-55-39**
Area 11/District 11

Applicant is requesting to permit an enclosed porch addition to a single-family residence setback 15.4' (25' required) from the rear (north) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Terrace Legalization for Existing Residence," as prepared by Juan A. Rodriguez-Jomolca, dated stamped received 1/21/09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 13861 S.W. 112 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 79' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. CARMEN AND RAMON SARABIA (09-6-CZ11-5/09-036) **27-54-39**
Area 11/District 10

(1) Applicants are requesting to permit a family room addition to a townhouse setback 7.32' (10' required) from the rear (east) property line.

(2) Applicants are requesting to permit the townhouse setback 24.7' (25' required) from the front (west) property line and setback 9.53' (10' required) from the interior side (north) property line.

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 "Addition/Terrace to be Legalized," as prepared by Golaville K. Rao, Civil Engineer, dated stamped received 3/16/09, consisting of 3 pages. Plans may be modified at public hearing.

LOCATION: 5701 S.W. 140 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 85' x 42.33'

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

Protests: 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. CAROLINA SANCHEZ
(Applicant)

09-4-CZ11-3 (08-139)
Area 11/District 11
Hearing Date: 6/16/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#3

APPLICANT'S NAME: **CAROLINA SANCHEZ**

REPRESENTATIVE: Carolina Sanchez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-4-CZ11-3 (08-139)	April 2, 2009	CZAB11		09

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: June 16, 2009 ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: At Board's request to obtain council

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	**S**	Nelson D. Diaz	**X**		
COUNCILMAN		Joseph E. DELANEY	**X**		
COUNCILWOMAN		Beatrice SUAREZ	**X**		
COUNCILWOMAN		Ileana R. VAZQUEZ	**X**		
VICE CHAIR	**M**	Jeffrey WANDER	**X**		
CHAIRWOMAN		Patricia G. DAVIS	**X**		
		VOTE:	**6**	**0**	

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

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:** June 16, 2009

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

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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:

This item was deferred from the April 2, 2009 agenda to June 16, 2009 with leave to amend at the applicant's request. At the time of this writing no new plans have been submitted to the Department of Planning and Zoning. 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; 03/06/09; 05/11/09
DATE FINALIZED: 05/11/09
MCL:MTF:NN:NC:AA

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

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	14318 SW 100 LANE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**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)

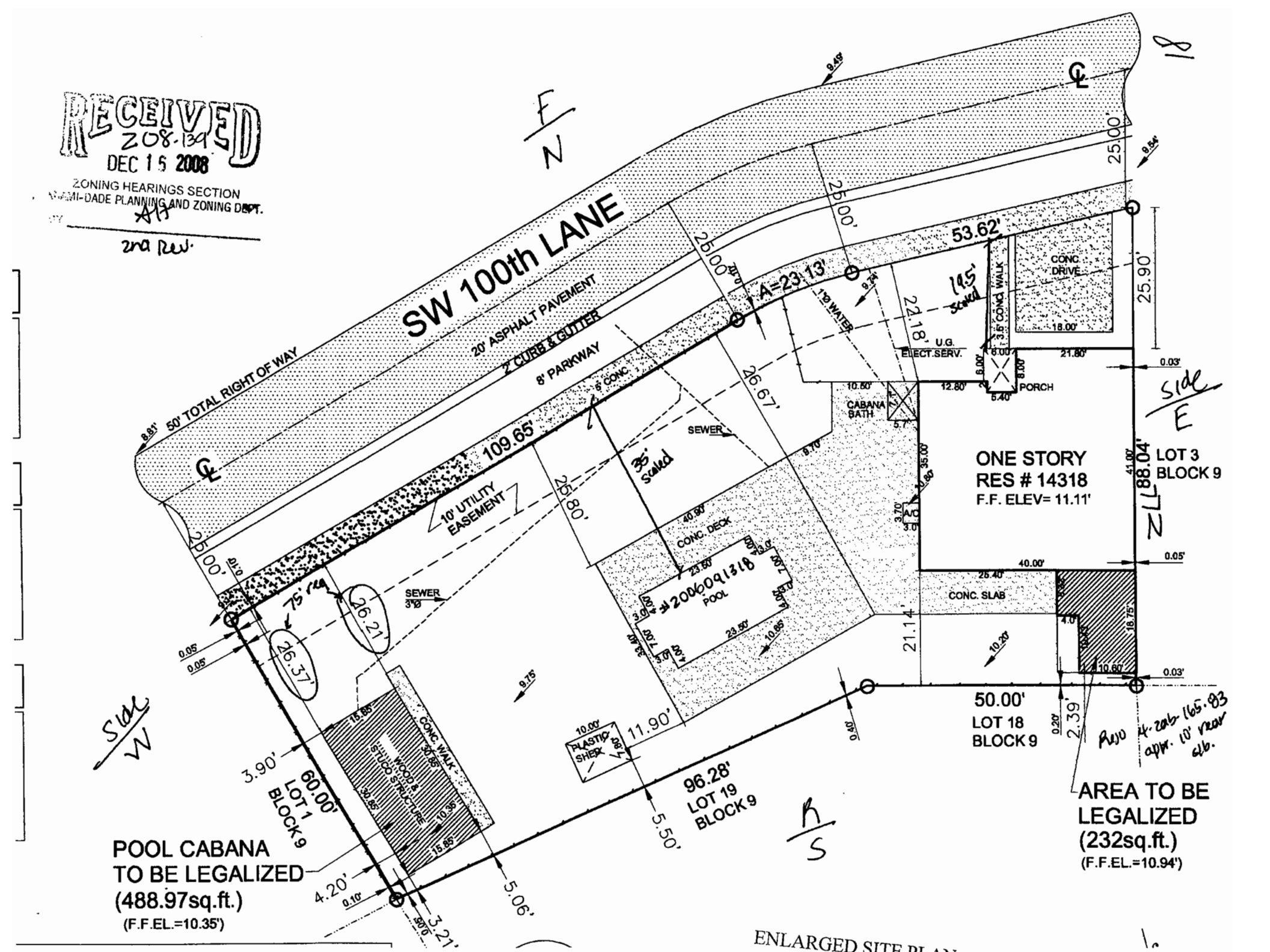
200702005559 CLOSED ISSUED WARNING # R69514 (SETBACK STRUCTURE CONSTRUCTED ON TERRACE TO HOUSE).

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



ENLARGED SITE PLAN

RECEIVED
208-139
DEC 1 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AV

19

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.

ZLL

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 PLUMBNESS 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):	6000
C.F.M.	180
LOCATION:	BEDROOM
MANUFACTURER:	CARRIER
MODEL NUMBER:	ACA 061T
AMPS.	5.6
EER	10.7
HEATING	4,100 BTU

A/C wall mounting detail
NTS

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208-139
DEC 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
2nd Plan

ZONING INFORMATION	
NET LOT AREA	11,777 SQ.FT.
BUILDING AREA	2,286 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-Zab-165-83 & 4-Zab-305-84
Rear 3'
Side 6'
(lineal feet) 149.35x(12.4%) = 18.51 vp req prov. 21' of vp.
15% req (12.4% prev appr.)
4-Zab-165-83

POOL CABANA TO BE LEGALIZED (488.97sq.ft.) (F.F.EL=10.35')

AREA TO BE LEGALIZED (232sq.ft.) (F.F.EL=10.94')

LEGAL DESCRIPTION
LOT 2, BLOCK 9 OF "MUNNE SUBDIVISION FIRST ADDITION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 133 AT PAGE 25 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SITE PLAN

SCALE: 1"- 20'

r/A lot cov.
2.39x146.28 = 349.60x30% = 104.88#
prov. 566.97#

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

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

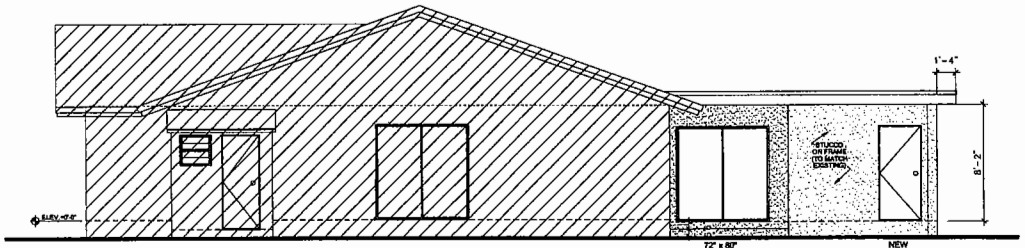
11/21/08

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

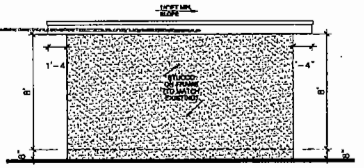
RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-139
DATE: DEC 16 2008
BY: SDB

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 208-139
DATE: DEC 4 2008
BY: RDS

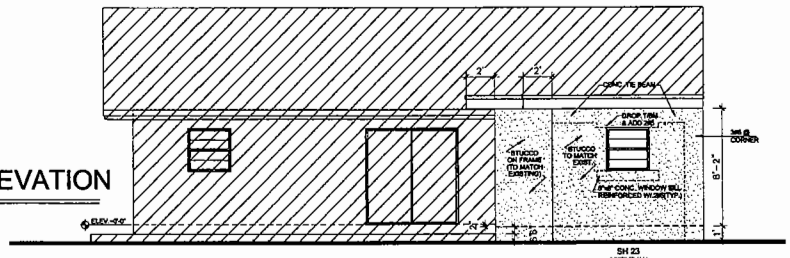
RECEIVED
208-139
DEC 16 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



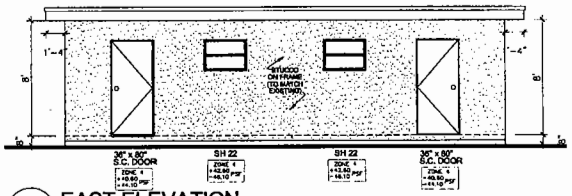
WEST ELEVATION
SCALE: 1/4" = 1'- 0"



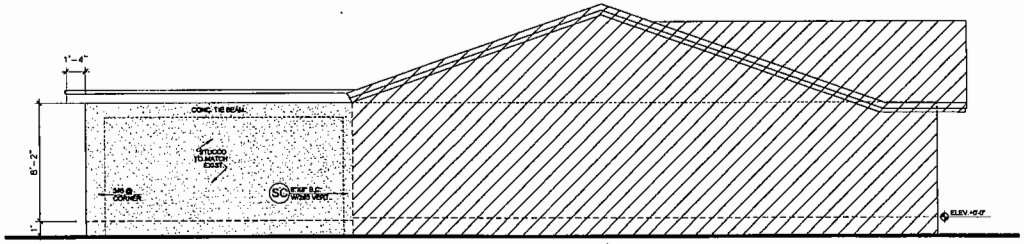
NORTH ELEVATION
SCALE: 1/4" = 1'- 0"



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

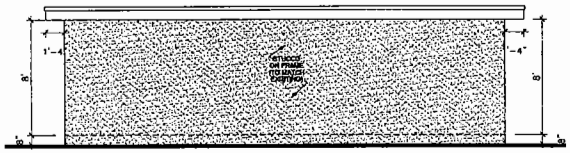


EAST ELEVATION
SCALE: 1/4" = 1'- 0"

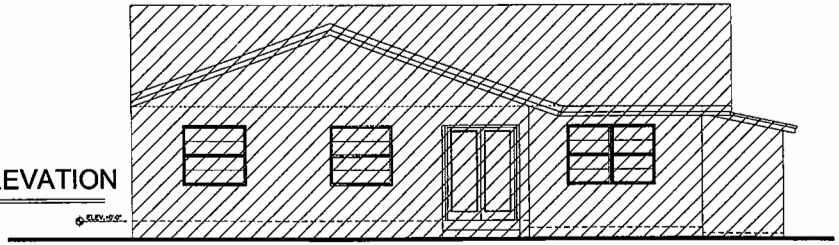


EAST ELEVATION
SCALE: 1/4" = 1'- 0"

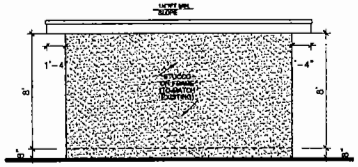
ZLL



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



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



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

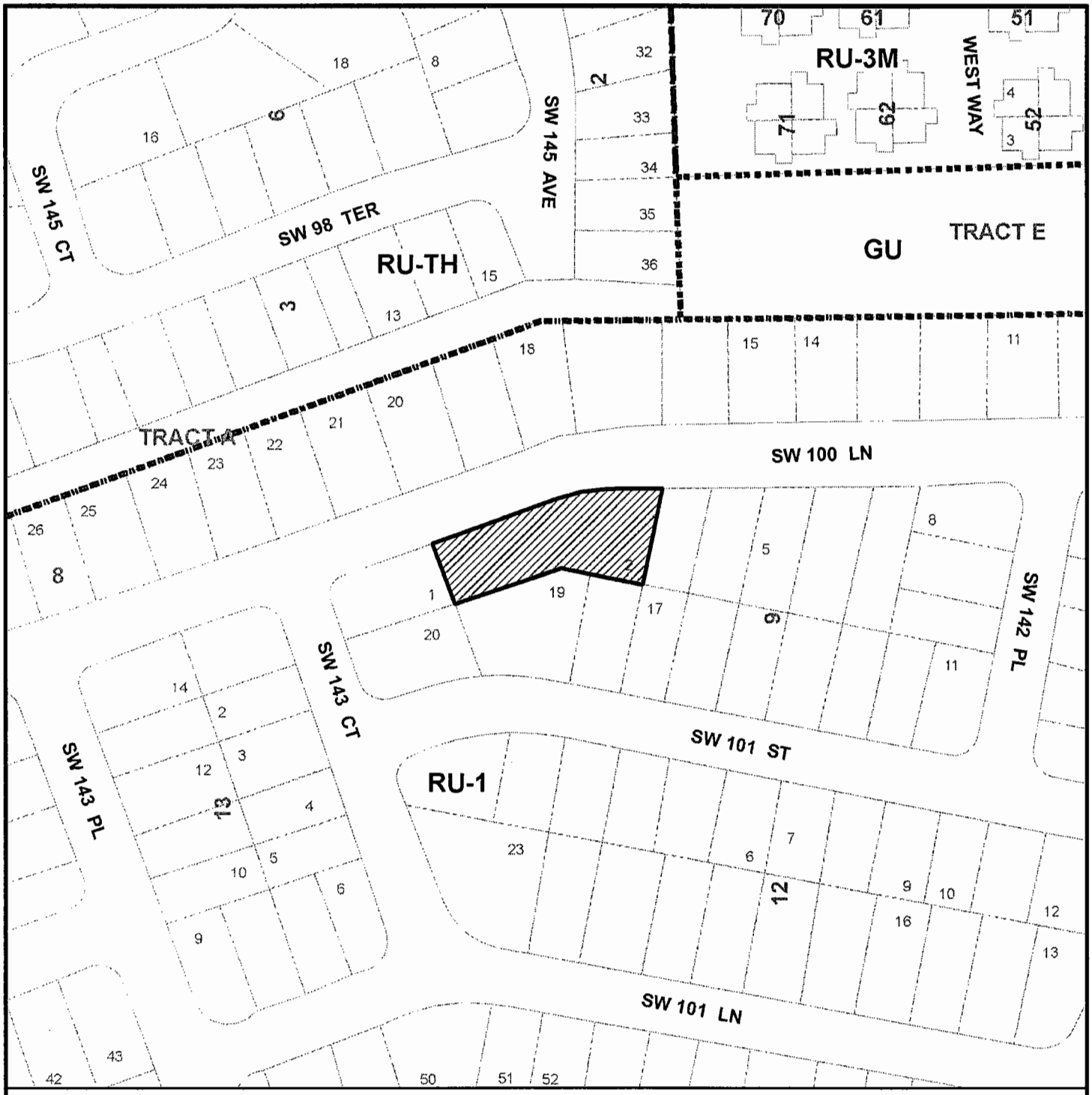
RECEIVED
DEC 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
2nd Rev.

MARIA LOPEZ, P.E.
CIVIL ENGINEER FLA. REG.: No.60157
525 S.W. 83rd 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./CSS
Checked: M. LOPEZ
Date: 06/16/08
Project # 08-56

Sheet:
A-2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-139

SUBJECT PROPERTY

N
W E
S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/29/08

REVISION	DATE	BY
	21	

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

B. WALMART STORES EAST, LP
(Applicant)

09-4-CZ11-4 (08-183)
Area 11/District 11
Hearing Date: 5/12/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

B

APPLICANT'S NAME: **WALMART STORES EAST, LP**

REPRESENTATIVE: Patty Boloya

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-4-CZ11-4 (08-183)	May 5, 2009	CZAB11		09

REC: 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).

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

■ DEFER: ☐ INDEFINITELY ■ TO: June 16, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: At Board's request for the applicant to submit a revised site plan.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Nelson D. Diaz			X
COUNCILMAN	S	Joseph E. DELANEY	X		
COUNCILWOMAN		Beatrice SUAREZ		X	
COUNCILWOMAN		Ileana R. VAZQUEZ	X		
VICE CHAIR	M	Jeffrey WANDER	X		
CHAIRWOMAN		Patricia G. DAVIS		X	
		VOTE:	3	2	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **ANDREW BOESE**

2

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

#4

APPLICANT'S NAME: **WALMART STORES EAST, LP**

REPRESENTATIVE: Susan Motley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-4-CZ11-4 (08-183)	April 2, 2009	CZAB11		09

REC: 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).

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

■ DEFER: ☐ INDEFINITELY ■ TO: May 12, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: Deferred due to consecutive tied votes. The first motion was for an indefinite deferral with leave to amend, the second motion was for approval, and the third motion was for a deferral to June. All motions ended in tied votes.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	**M**	Nelson D. Diaz	**X**		
COUNCILMAN		Joseph E. DELANEY	**X**		
COUNCILWOMAN		Beatrice SUAREZ		**X**	
COUNCILWOMAN		Ileana R. VAZQUEZ		**X**	
VICE CHAIR	**S**	Jeffrey WANDER	**X**		
CHAIRWOMAN		Patricia G. DAVIS		**X**	
		VOTE:	**3**	**3**	

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

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:** June 16, 2009

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

==========

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:

This application was deferred from the May 12, 2009 meeting to allow the applicant to submit revised plans. At the time of this writing, the applicant had not submitted revised plans. Additionally, this application was deferred from the April 2, 2009 meeting due to a tied vote. 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 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; 04/16/09; 05/14/09
DATE FINALIZED: 05/14/09
MCL; MTF; NN; AA; JV

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

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

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

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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: 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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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) Regional Vice President

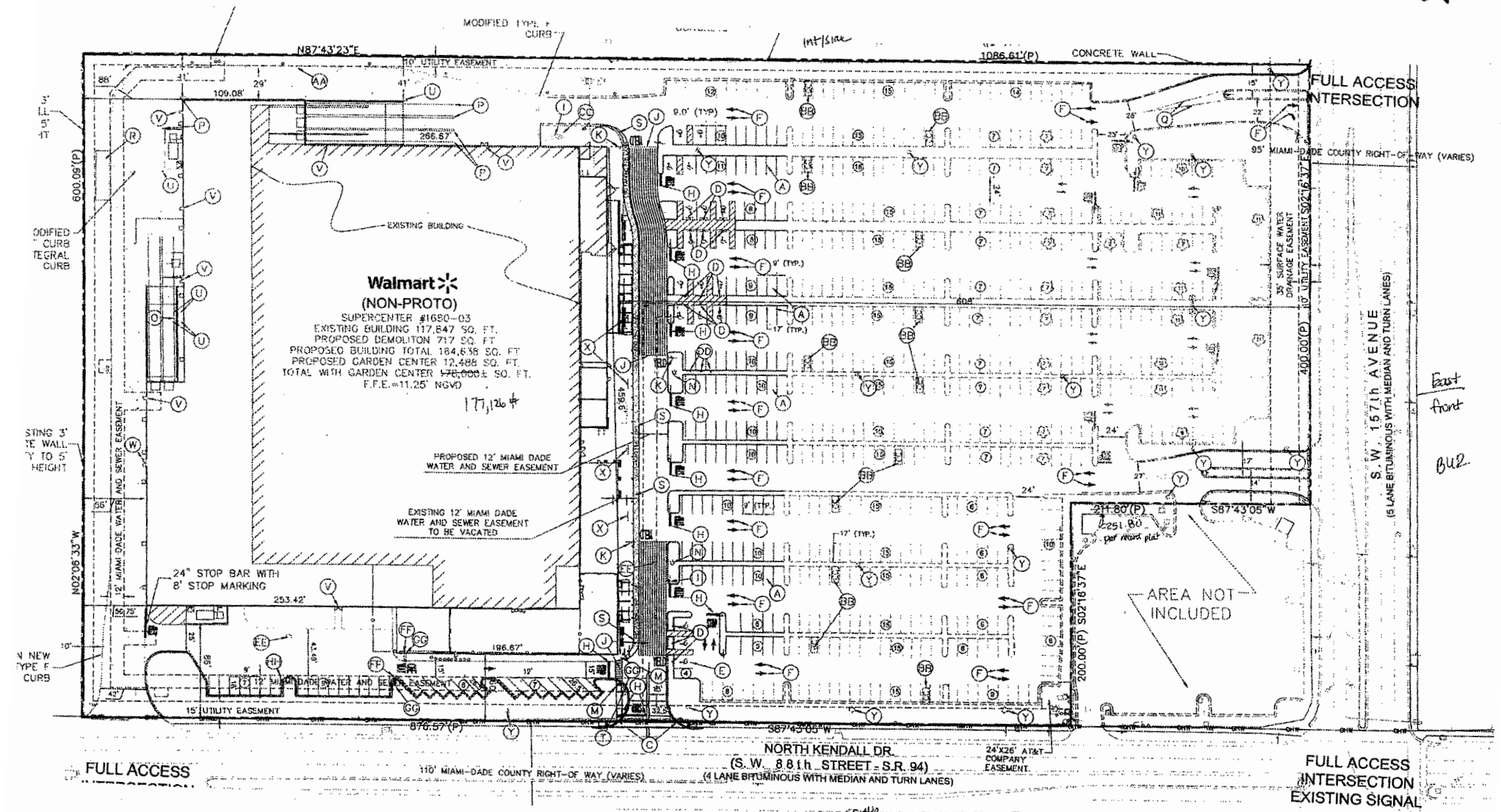
Sworn to and subscribed before me this 26 day of September 2008. Affiant is personally know to me or has produced _____ as identification.

_____
(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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DATE: JAN 31 2009
BY: KIR

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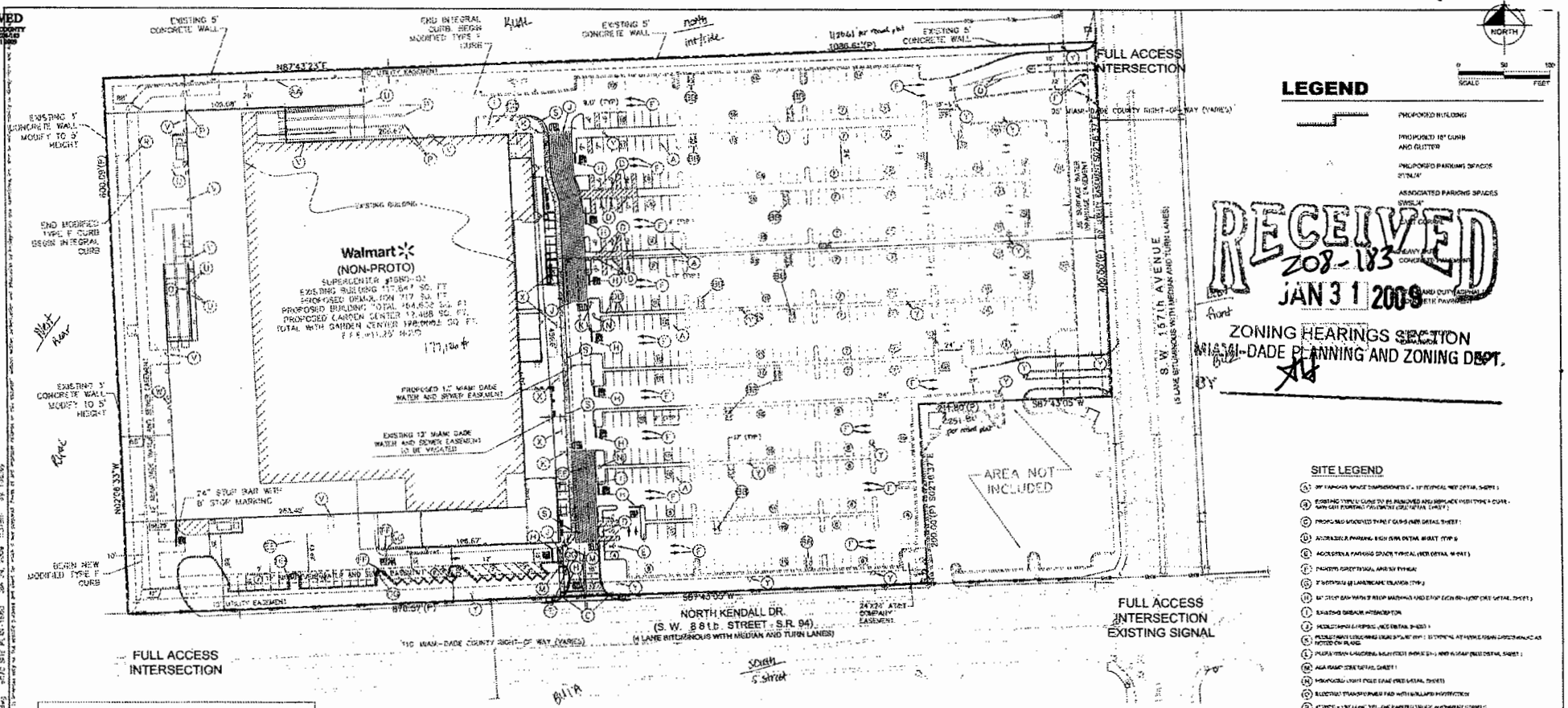

LEGEND

- PROPOSED BUILDING
- PROPOSED 18" CURB AND GUTTER
- PROPOSED PARKING SPACES SYMBOL
- ASSOCIATED PARKING SPACES SYMBOL
- HEAVY DUTY CONCRETE PAVEMENT
- HEAVY DUTY ASPHALTIC CONCRETE PAVEMENT

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SITE LEGEND

A. 90° PARKING SPACE DIMENSIONED 9' x 18' (TYPICAL) SEE DETAIL SHEET 6
B. EXISTING TYPE 'F' CURB TO BE REMOVED AND REPLACED WITH TYPE 'F' CURB - MIN CUT (TYP.) ASPHALTIC PAVEMENT (DEMOLITION SHEET)
C. PROPOSED MODIFIED TYPE 'F' CURB (SEE DETAIL SHEET)
D. ACCESSIBLE PARKING SIGN (SEE DETAIL SHEET) (TYP.)
E. ACCESSIBLE PARKING SPACE (TYPICAL) (SEE DETAIL SHEET)
F. PAINTED ARROW (TYPICAL AREA) (TYP.)
G. 5' RADIUS @ LANDSCAPE ISLANDS (TYP.)
H. 24" STOP BAR WITH 8' STOP MARKING AND 6" EXIT SIGN (SEE DETAIL SHEET)
I. EXISTING DRIVE INTERSECTION
J. HANDICAP RAMP (TYPICAL) (SEE DETAIL SHEET)
K. PEDESTRIAN CROSSING SIGNAGE (TYP.) (SEE TYPICAL AT HANDICAP RAMP LOCATIONS AS NOTED ON PLANS)
L. PAVEMENT MARKING, MULTI-COLOR STRIPE (6") AND 6" SOLID (SEE DETAIL SHEET)
M. ADA PARKING SIGN DETAIL SHEET
N. MONUMENT LIGHT POLE BASE (SEE DETAIL SHEET)
O. ELECTRIC TRANSFORMER PAD WITH BOLLARD PROTECTION
P. 4" WIDE x 18" LONG YELLOW PAINTED TRUCK MANEUVER STRIPES
Q. PROPOSED PAVEMENT STRIPING
R. 12' x 24' BALE PALLET (PAVEMENT) AREA
S. 4'W x 24'H x 4'THICK
T. EXISTING WALMART PYLON SIGN
U. BOLLARD
V. CART CORRALS (TYP.)
W. ONE-WAY TRAFFIC FLOW (ARR)
X. 7'W LANE (SOME TWO-WAY) TRAFFIC FLOW (ARR) (W/ DBL. 24" HEIGHT OF SOLID WHITE)
Y. EXISTING LIGHT POLE TO REMAIN
Z. EXISTING 24' TRANSFORMER VAULT (TO BE REMOVED)
AA. EXISTING INTEGRAL CURB
BB. CART CORRAL
CC. PROPOSED CURB AT INTERSECTION
DD. BABY STROLLER PARKING SPACE (TYPICAL) (SEE PARKING SIGN) (SEE DETAIL SHEET)
EE. EXISTING LIGHT POLE TO BE REMOVED
FF. ONE WAY DRIVE AISLE SIGN
GG. EXIT ONLY SIGN
HH. 90° PARKING SPACE DIMENSIONED 9' x 18' (TYPICAL) (SEE DETAIL SHEET)

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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 62 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 W/M 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 3' STRIPING AT RAISED LANDSCAPE ISLANDS BECAUSE PARKING IS EXISTING AND CHANGES WOULD RESULT IN A SIGNIFICANT DECREASE IN THE NUMBER OF AVAILABLE SPACES.

PAINT STRIPING LEGEND

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

EASEMENT LEGEND

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

LEGAL DESCRIPTION

TRACT "A", WALMART AT KENDALL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 141, PAGE 39, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ALERT TO CONTRACTOR:

ALL W/M 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. W/M 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

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

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.

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		SCALE: AS NOTED	Kimley-Horn and Associates, Inc.	DATE: 11/07/08	Walmart, KENDALL, FL STORE #1680-03 15885 SW 88TH ST, KENDALL, FL	SHEET NUMBER: 6070
		DESIGNED BY: RWG		PROJECT NO. 042265890		
		DRAWN BY: LTD				
		REVIEWED BY: RWG			MIAMI-DADE COUNTY FLORIDA	SITE PLAN
NO.	REVISION	DATE BY			DRAWN ENGINEER: ROSS STEVENS, P.E. FLORIDA REGISTRATION NUMBER: 64147 SEAL	

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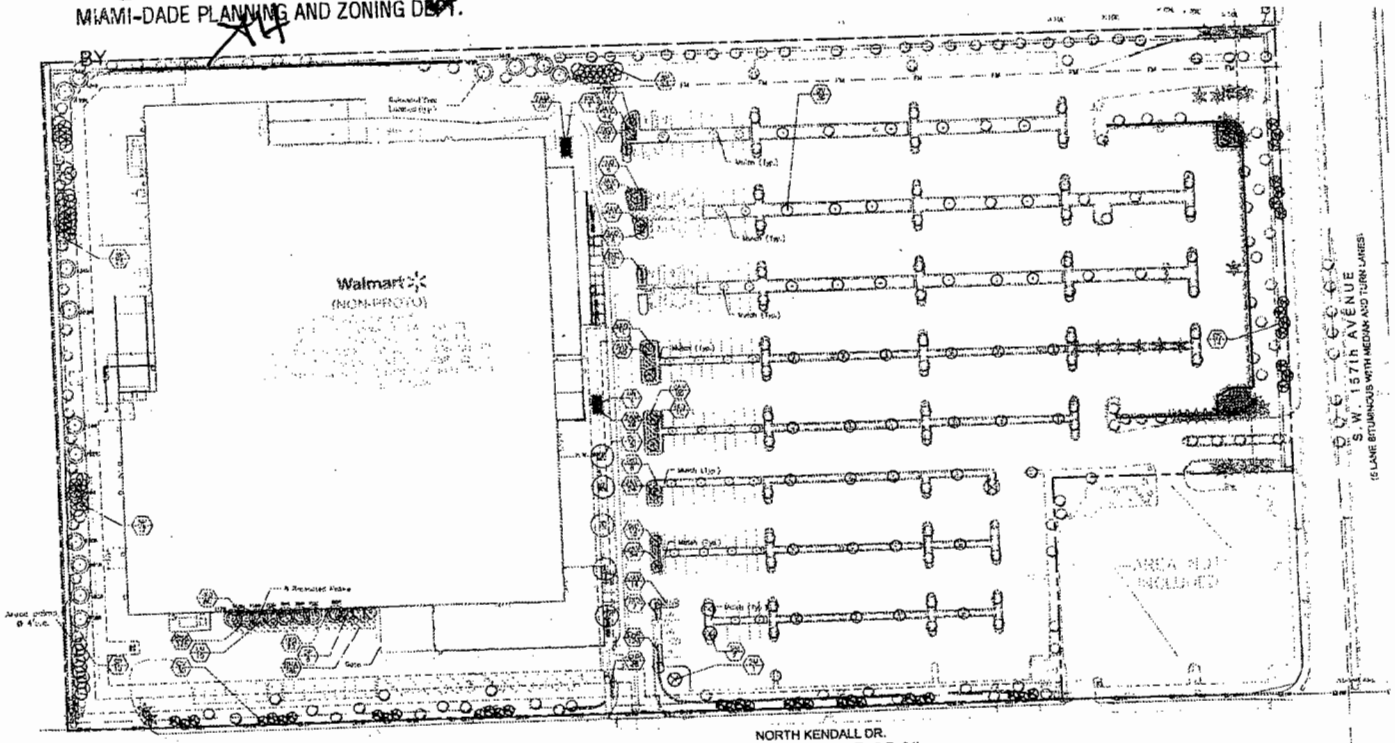

PLANT SCHEDULE - TREES AND PALMS

SYMBOL USED ON PLAN		PLANT NAME		NATIVE SPECIES	CALIPER		HEIGHT		SPREAD		QUANTITY
SYMBOL	LABEL	BOTANICAL	COMMON	YES	NO	INSTALLED	INSTALLED	AT MATURITY	INSTALLED	EST. AT MATURITY	
	BM	Swietenia mahagoni	Mahogany	X		3" min	10'	35'	4'	10'	3
	VL	Elaeis guineensis	Vanilla Dwarf Palm		X	4in	10'	30'	4'	8'	5
	LIB	Miscanthus sinensis	Maidenhair Grass		X	3G	10'	25'	25'	25'	8
	RA	Roystonea regia	Florida Royal Palm	X		4in	30in	80'	20'	20'	14
	SP	Sabal Palmetto	Cabbage Palm	X		4in	15'	40'	12'	30'	62
	LIB	Loropetalum chinense 'Plum Gold'	Chinese Fringe		X	3in	10'	20'	6'	15'-18'	34
	CH	Caesalpinia pulcherrima	Red Bird	X		4in	12'	40'	6'	30'	28
	PA	Chrysalidocarpus lutescens	Areca Butterfruit	X		3in	12'	30'	6'	30'	30
	CN	Cocos nucifera(dwarf)	Dwarf Coconut	F		4in	12'	30'	6'	30'	14

SHRUBS AND GROUNDCOVERS

SYMBOL USED ON PLAN		PLANT NAME		NATIVE SPECIES	SPACING	HEIGHT		SPREAD		QUANTITY
SYMBOL	LABEL	BOTANICAL	COMMON	YES	NO	INSTALLED	INSTALLED		EST. AT MATURITY	
	CHR	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	X		24"	18"-24"	4ft	4ft-6ft	156
	HAI	Ilex cornuta 'Nana'	Dwarf Burford Holly		X	24"	18"-24"	4ft	4ft-6ft	62
	JAV	Hamelia patens	Red Hamelia		X	24"	18"-24"	3ft	8ft-10ft	348
	RHA	Rhaphiolepis indica	Indica Hawthorn		X	24"	24"	4ft	8ft	212
	ZAM	Zamia pumila	Coontie	X		30"	18"-24"	3ft	6ft-8ft	42

*All Shrubs shall have a minimum height of 18" and a spread of 18" or greater.
**All Shrubs shall have a minimum height of 18" and a spread of 18" or greater.

SEQUENCE	QTY	BOTANICAL / COMMON	SPECIFICATION
600		Zamia pumila / Coontie	Container and field grown full, full base, robust
VIOLET	3RC	Viola (container and overlay bench grown)	6" apart, Fall to Winter
	12C	Bulbs	For specifications
	16G	Fill	Clean, non-staining sand / loam mix

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 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 FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, IRRIGATION, SITE APPURTENANCES, ETC. WHICH OCCURS 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 FULLY MAINTAINING ALL PLANTING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, WEEDING, FERTILIZING, ETC.) OF THE PLANTING AREAS AND LAWN AREAS, THIS WORK IS ADDITIONAL TO TOTAL SITE CLEANUP.
10. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL IMMEDIATELY MAKE ALL REPLACEMENTS BEFORE, OR AT THE END OF THE GUARANTEE PERIOD.
11. THE ARCHITECT SHALL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
12. AFTER BIDS OUT 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 THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS
14. STANDARDS SET FORTH IN "GRADING AND STANDARDS FOR NURSERY PLANTS, 1998, STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TALLAHASSEE, FLORIDA", OR LOCAL REQUIRED DEPARTMENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
15. ALL SHRUB, GROUND COVER AND SEASONAL COLOR ANNUAL PLANTED 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 LOCATION OF UTILITY LINES AND APPURTENANCES 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 ACCESS 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 MATERIALS 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 ISLANDS 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 (This information is required to be permanently affixed to the plan.)
Zoning District: BU-2A 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 12 % = square feet	✓ 85,439 SF	✓ 85,763 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	11,991 SF
C. Total square feet of landscaped open space required by Chapter 33 = 5.18 %	92,909 SF	96,814 SF

LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 29 =	92,909 SF	
B. Maximum lawn area (St. Augustine sod) permitted = 20 % x 92,909 SF =	18,582 SF	18,632 SF MAX.

TREES		
A. The number of trees required per net lot acre:	369	336
less the existing number of trees that meet minimum requirements (minus) = trees x net lot acreage =	219	
	90	118 (78trees/40acres)
B. 30% palm trees allowed (two palms = one tree)	180 (1.5=93 trees)	84 (1.5=47 trees)
C. Percentage of native trees required = the number of trees provided x 30% =	63	309
D. Street trees (max. average spacing of 35' o.c.): 1295 linear feet along streets = 35 =	37	44
Palms as street trees (max. average spacing 25' o.c.): linear feet along streets = 25 =	0	
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): linear feet along streets = 25 =	0	
F. Total number of trees =	93	338

SHRUBS		
A. The total number of trees required x 10 = the number of shrubs required	3690	3690 minimum
B. The number of shrubs required x 10 % = the number of native shrubs required	927	927 minimum

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.

8 Plams_#78- #81, #83, #115- #117
5 Mahogany_#135- #136, #181- #182, #202
10 Gumbo Limbos_#118- #119, #134, #180- #183, #190- #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 of either side of the drive.

landscape
C.O. issued 1/15/12 for existing site parking lot buffer & new trees only

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208-183
JAN 31 2009

NORTH
0 50 100
SCALE FEET

NO.	REVISIONS	DATE	BY

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

Kimley-Horn and Associates, Inc.
© 2008 KIMLEY-HORN AND ASSOCIATES, INC.
501 21st Street, Suite 200, Vero Beach, FL 32960
Phone: (772) 562-4961 Fax: (772) 562-4998
WWW.KIMLEY-HORN.COM CA 00000806

DATE: 12.08.08
PROJECT NO.: 047253667

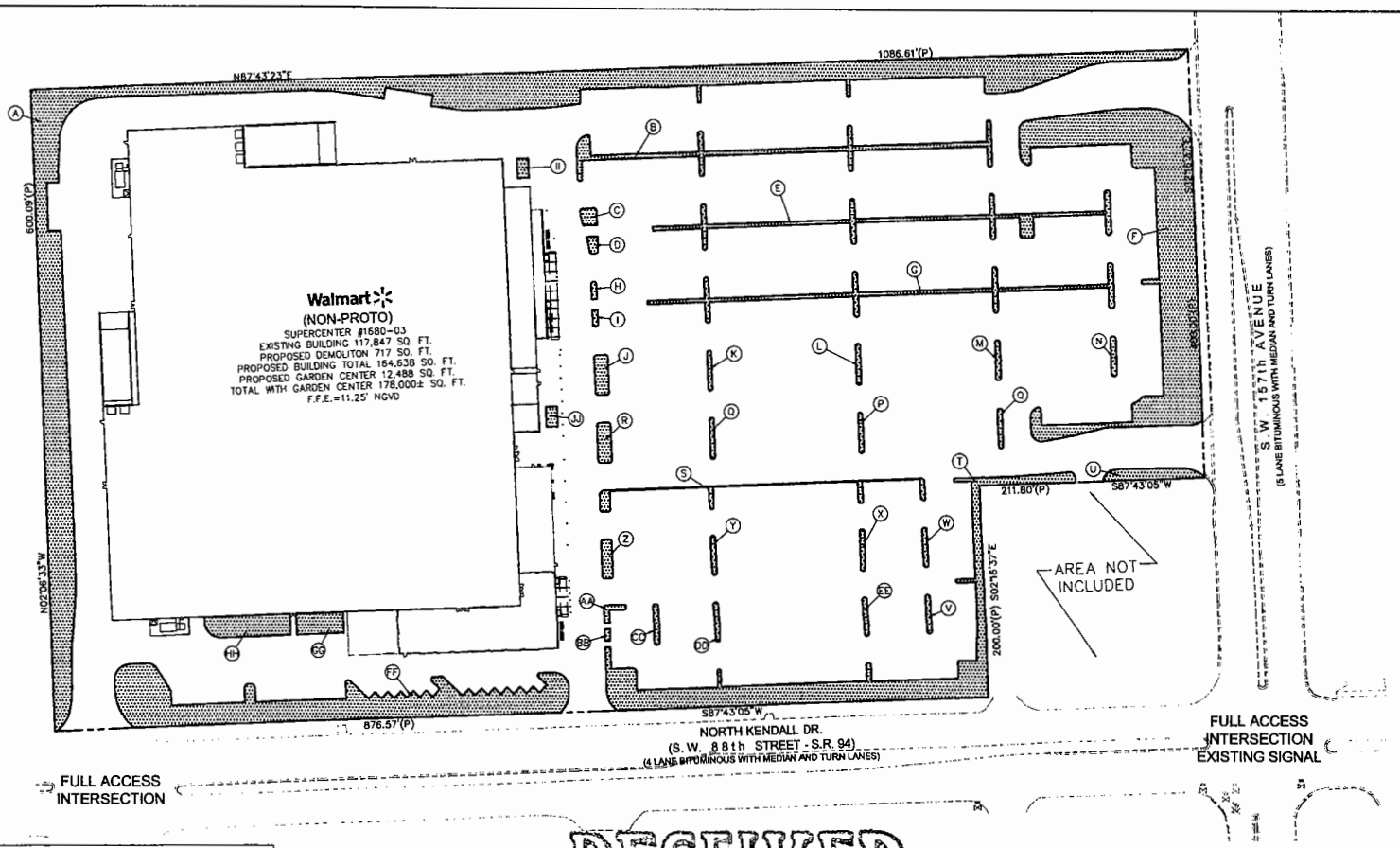
WAL-MART, KENDALL, FL
STORE #1680
NORTH KENDALL DRIVE & S.W. 157TH AVENUE
MIAMI-DADE COUNTY, FLORIDA

PROJ. ENGINEER: DAVID A. SMC
FLORIDA REGISTRATION NUMBER: RLA 1487
SEAL

LANDSCAPE PLAN

SHEET NUMBER: L-2

24



P-LINE AREA LEGEND

A	32,613 sf
B	2,436 sf
C	332 sf
D	136 sf
E	2,316 sf
F	16,433 sf
G	2,072 sf
H	77 sf
I	77 sf
J	470 sf
K	151 sf
L	159 sf
M	163 sf
N	167 sf
O	157 sf
P	156 sf
Q	152 sf
R	468 sf
S	874 sf
T	9,814 sf
U	878 sf
V	157 sf
W	156 sf
X	171 sf
Y	160 sf
Z	360 sf
AA	161 sf
BB	54 sf
CC	156 sf
DD	156 sf
EE	154 sf
FF	11,296 sf
GG	901 sf
HH	1,553 sf
II	198 sf
JJ	198 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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JAN 23 2009
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JAN 23 2009
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MIAMI-DADE PLANNING AND ZONING DEPT.

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.

BU - ZONING LEGEND

Legend data to be incorporated onto the plan

Zoning District	Max. Height	Max. Stories
BU-1 (Business - Neighborhood)	35'	2 stories
BU-1A (Business - Limited)	35'	2 stories
BU-2 (Business - General)	No max.	No max.
BU-3 (Business - Liberal)	No max.	No max.

NOTE: Portion of bldg. in BU-2, BU-3 from 35' – 45' height to contain 2 mezzanines or 3 floors. Mezzanine if for sole utilization of height (less 25,000 sq. mezzanine)

Residential Floor Area Ratio (F.A.R.) per No. of Bldg. Stories	
1 story	1 story & mezzanine
2	2 story and mezzanine
3	3 story and mezzanine
4	4 story and mezzanine
MAX. HEIGHT OF STORIES PERMITTED	4
MAX. NUMBER OF STORIES PERMITTED	4
MAX. NUMBER OF STORIES PROPOSED	1
F.A.R. REQUIRED	0.45
F.A.R. PROPOSED	0.29

LANDSCAPED OPEN SPACE REQUIREMENTS

SIZE OF TOTAL LOT AREA	% OF TOTAL LOT AREA
1.00 to 2.49 (1) acre	16% required for 1 story
More than 1 acre and up to 3 acres	16.0% for 1 story
More than 3 acres and up to 25 acres	14.0% for 1 story
More than 25 acres	12.0% for 1 story

NOTE: Areas of rectangular landscaped island appear for 1 story. Increase 1.5% per story for buildings for 2 or 3 floor, then 2.5% per floor after 3rd. If bldg. height varies, use maximum or right to determine # of stories. Landscape with grass, trees and shrubs. Unless otherwise stated, trees shall be rated to grow up to 20% of maximum, and shrubs shall be maintained. Sod areas with landscaping. Sod areas shall be permanent and priorities may be given to trees up to 20% of maximum area. Sod 20% max. for landscape criteria.

PROCEDURE FOR VARIABLE BLDG. HEIGHTS:
(1) A building with 2 heights: 2 stories with 20,000 s.f. under roof and 3 stories with 40,000 s.f. under roof
Multiple 2 and (2 x 20,000) / (3 x 40,000) = 26,666
(26,666 / 40,000) = 0.666 / 3 = 0.222
(0.222 x 3) = 0.666 / 2 = 0.333 (round up to 4)
Use 4 as avg. bldg height for landscaping requirements

No.	REVISIONS	DATE	BY

SCALE AS NOTED DESIGNED BY RWO DRAWN BY LFP CHECKED BY RWO	Kimley-Horn and Associates, Inc. © 2008 KIMLEY-HORN AND ASSOCIATES, INC. 5200 NW 33RD Avenue Suite 109, Fort Lauderdale, FL 33309 Phone: (954) 535 5100 Fax: (954) 739 2247 WWW.KIMLEY-HORN.COM CA 00000698	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_TPTO\Kendall\1680 Expansion\CAD\CONSTR\6070 PLINE EXHIBIT-1680.dwg 6070 SITE PLAN-1680 Jan 22, 2009 4:11pm by: Danielle.Toebe

25

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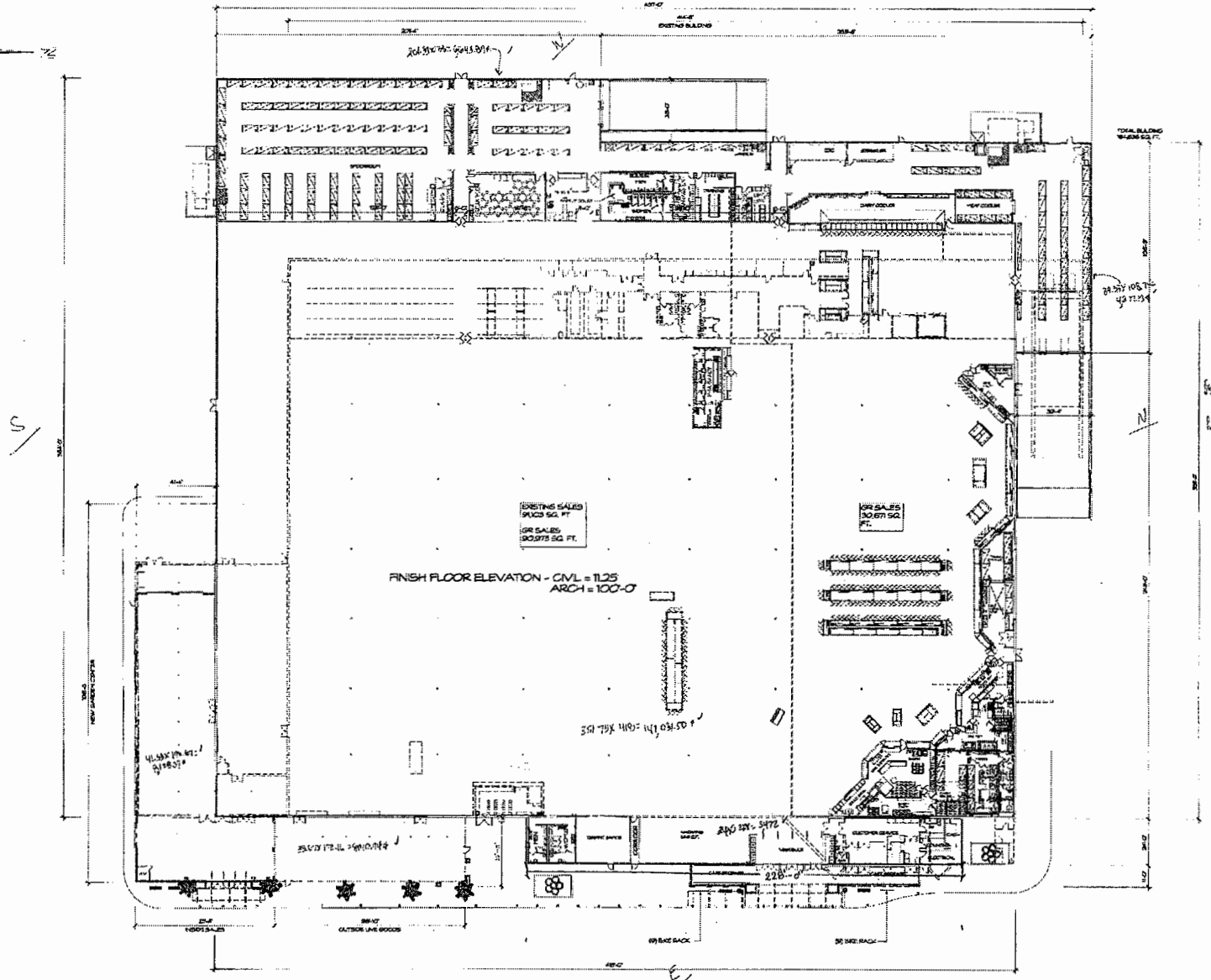
MIAMI-DADE COUNTY
PROGRESS #: 208-183
DATE: DEC 11 2008
BY: [illegible]

WAL-MART STORE #1680
KENDALL, FLORIDA
DATE: 10-31-08
EXISTING AREA: 117,847 SQ. FT.
DEMOLITION AREA: 717 SQ. FT.
PROPOSED ADDITION: 47,588 SQ. FT.
TOTAL: 164,638 SQ. FT.

177,126 ft



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Kendall, Florida # 1680

Walmart

710 West Rosetown Drive
Rogers, Arkansas 72756
Phone: 479.636.3545
Fax: 479.636.1209
www.pb2ae.com

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EXISTING BUILDING AREAS

SF	LABEL	DESCRIPTION
		OFFICE
		STORAGE
		RETAIL SALES
		TOTAL BUILDING
		OUTDOOR GARDEN CENTER SALES
		INDOOR GARDEN CENTER SALES
		TOTAL GARDEN CENTER

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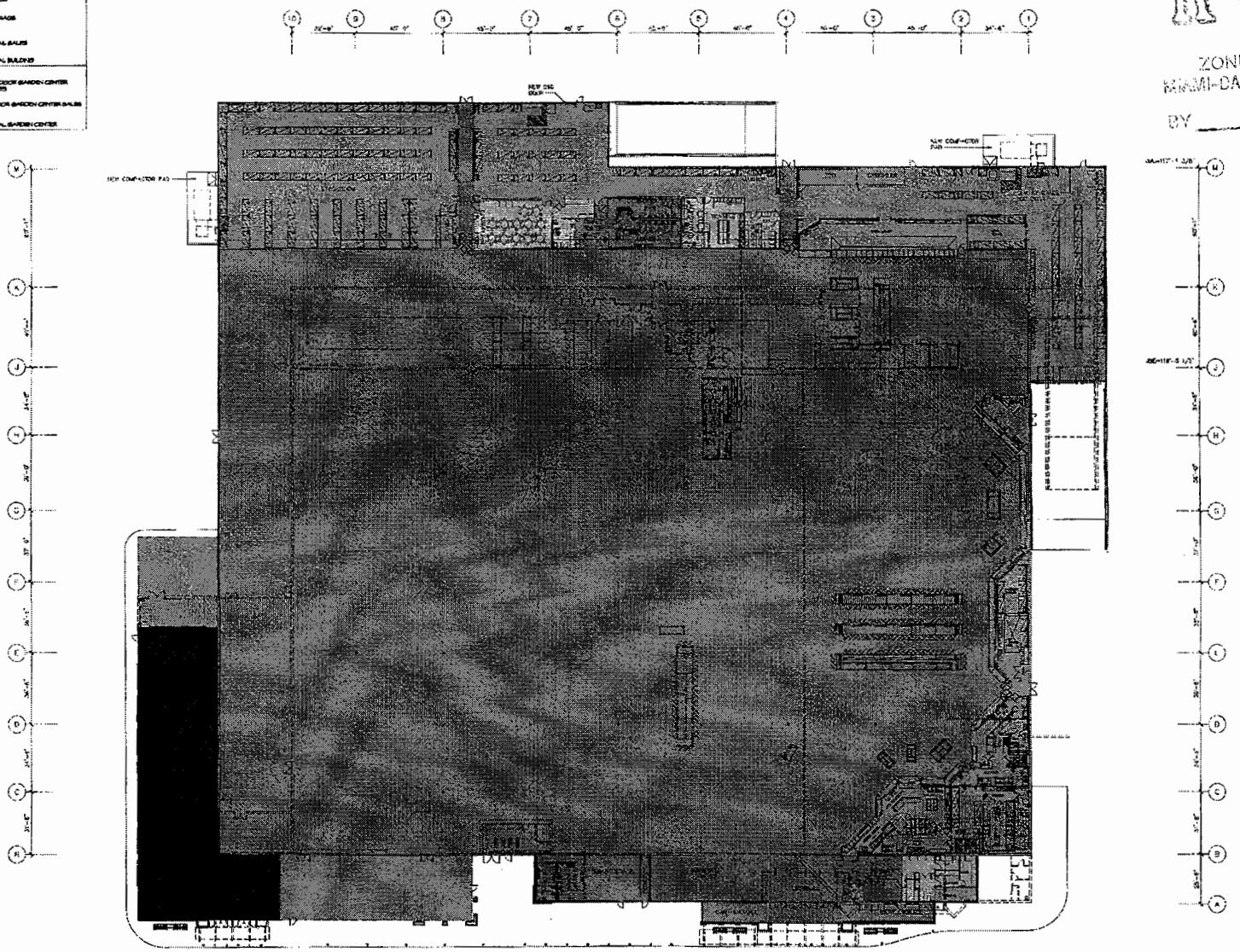

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KENDALL, FLORIDA Store # 1680

FLOOR PLAN AREAS

Walmart

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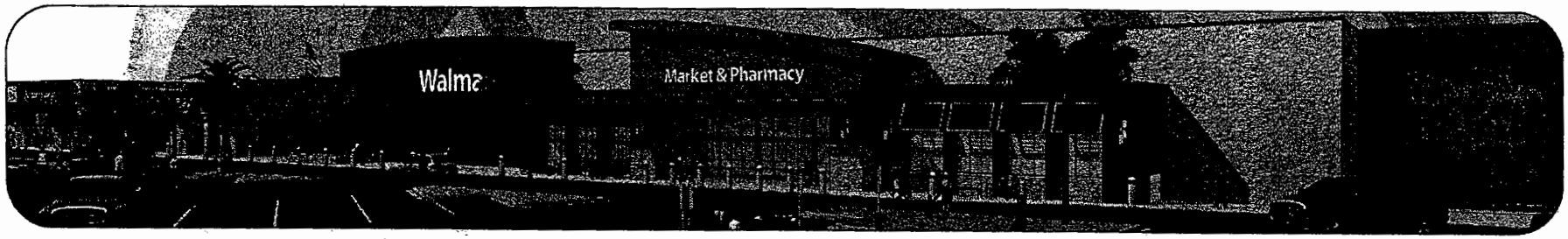
Fax: 479.636.1209
www.pb2as.com
pb2 Architects



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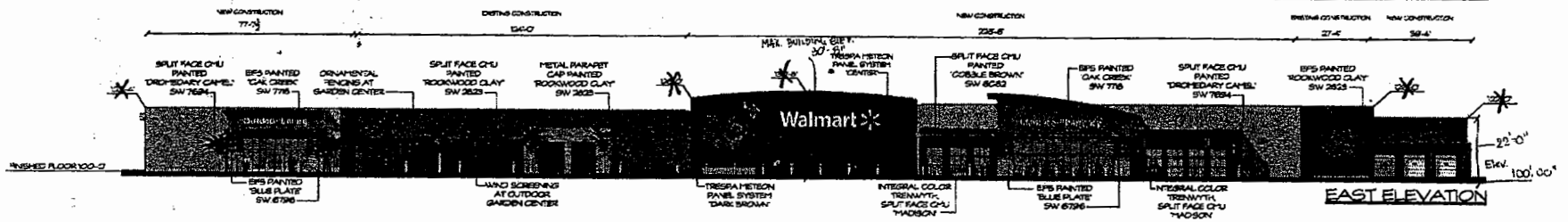

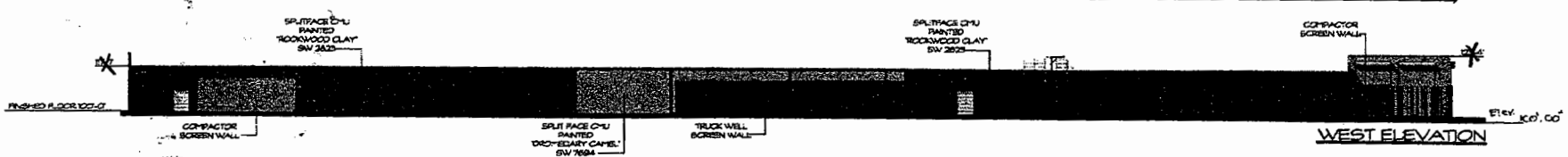

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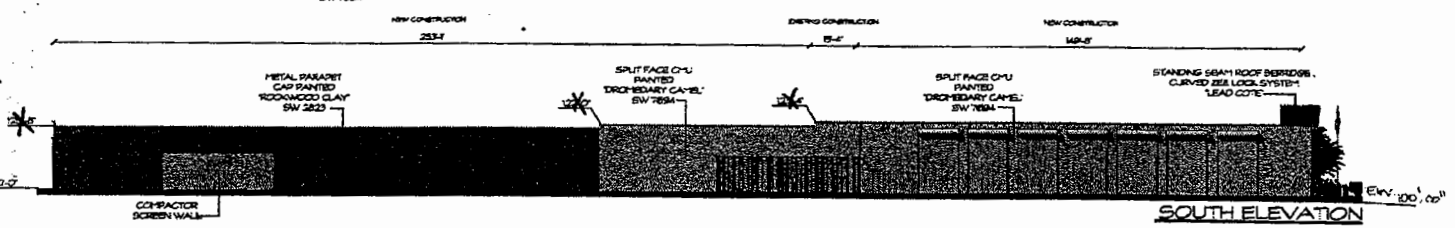

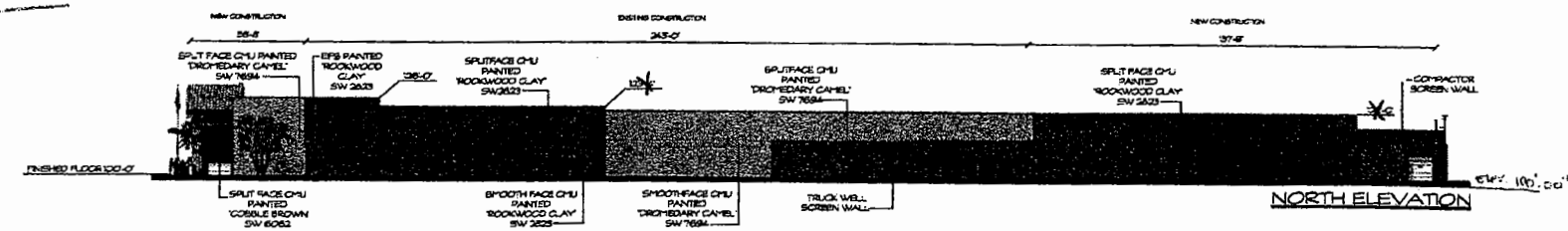

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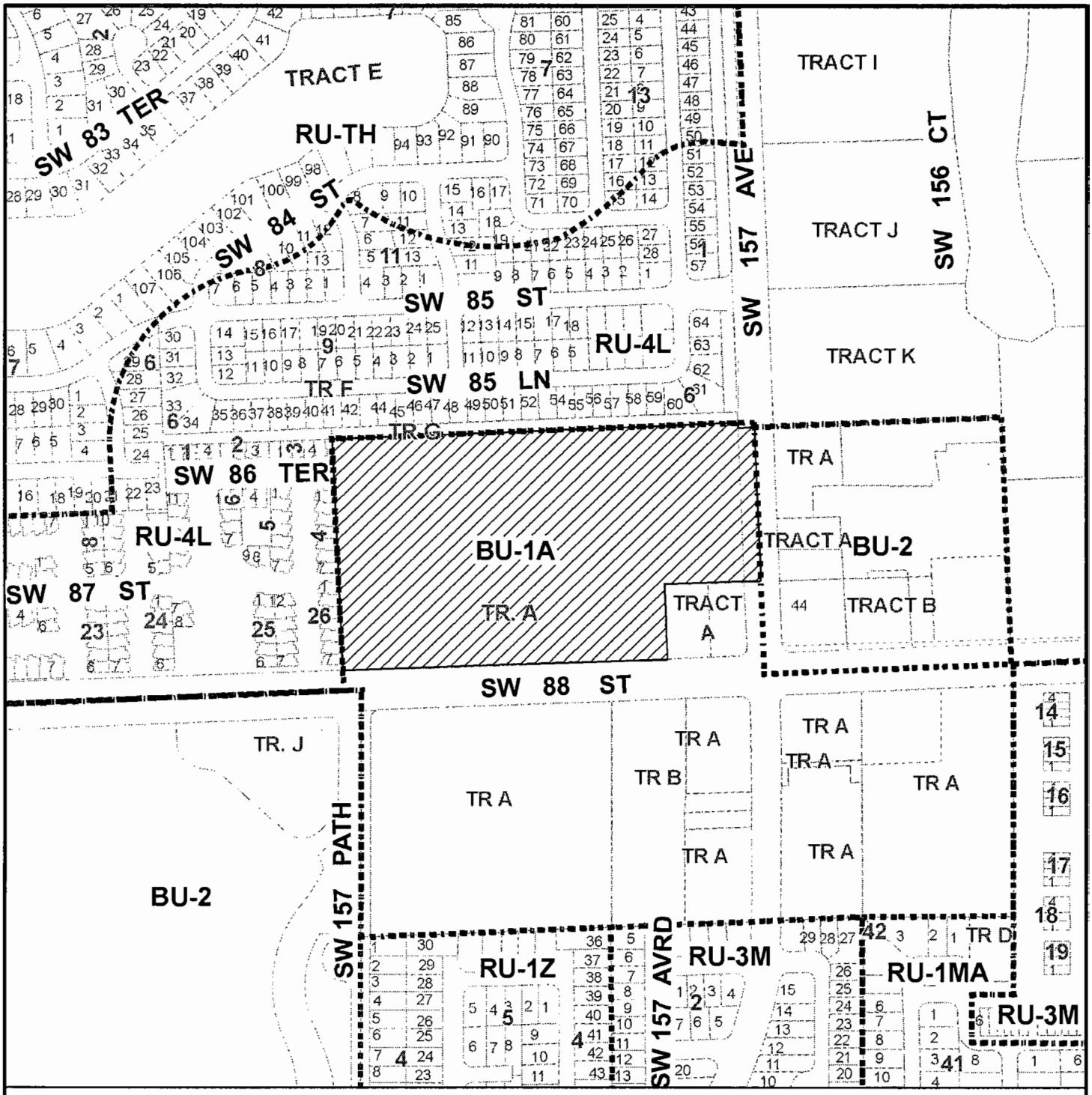


MIAMI-DADE COUNTY

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

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

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/29/08

REVISION	DATE	BY

1. EDGARDO & MISLEIDY SERRANO
(Applicant)

09-6-CZ11-1 (07-284)
Area 11/District 11
Hearing Date: 6/16/09

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
1998	Hiro Wadhumal	- Zone change from AU to RU-1M(b) - Special Exception to permit site plan approval for a Single-Family Residence development. - Unusual Use to permit a lake excavation	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

APPLICANTS: Edgardo and Misleidy Serrano **PH:** Z07-284 (09-06-CZ11-1)

SECTION: 29-54-39 **DATE:** June 16, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 1

==========

A. INTRODUCTION

o REQUESTS:

1. Applicants are requesting to permit a family room addition and sundeck setback a minimum of 7' (15' for 50% of the building width and the remainder at 25' required) from the rear (south) property line and setback 5.8' (6' required) from the interior side (east) property line.

2. Applicants are requesting to permit a staircase setback 1' (15' for 50% of the building width and the remainder at 25' is required) from the rear (south) property line.

3. Applicants are requesting to permit the residence setback 5.8' (6' required) from the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or §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 "Mr. & Mrs. Edgardo Serrano," as prepared by Nestor J. Cifuentes, dated stamped received 8/8/08 and consisting of 3 sheets with Sheet A-1 dated last revised 3/10/09. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicants are seeking to permit the construction of a family room and staircase addition to a single-family residence to encroach into the rear (south) and interior side (east) setback areas. Additionally, the applicants seek to legalize encroachments of the existing single-family residence into the interior side (east) setback area.

o **LOCATION:** 16040 SW 60 Street, Miami-Dade County, Florida.

o **SIZE:** 6,000 sq. ft.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING		LAND USE PLAN DESIGNATION
Subject Property:		
RU-1M(b); Single-Family residence		Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	AU; school	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1M(b); lake	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 16040 SW 60 Street in an area zoned RU-1M(b), Single-Family Modified Residential District, developed with single-family residences and a lake located to the south of the subject property. To the north is a school zoned AU, Agricultural District.

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:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. the proposed development will meet the following:

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

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

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

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

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

(e) **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 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 16040 SW 60 Street in an area zoned RU-1M(b), Single-Family Modified Residential District. 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 1 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the subject property, the RU-1M(b) zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP. However, 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 **(MDFRD)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **5:30** minutes. The **Public Works Department (PWD)** also has **no objections** to this application.

When the requests to permit a family room and staircase additions to the single-family residence (requests #1 and #2 respectively) encroaching into the rear (south) and interior side (east) setback areas are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the requests would be **incompatible** with the surrounding area, would negatively affect the appearance of the community, and would be detrimental to the neighborhood. Staff opines that approval of requests as intensive as these would have a negative visual impact on the surrounding area. Staff acknowledges that the .20' encroachment into the interior side (east) setback for the family room addition is minimal and is similar to the encroachment of the existing residence, which staff opines may have been due to a construction error. Further the submitted plans depict architecturally pleasing fenestrations to both the family room and staircase additions which match the existing residence and are located to the rear of the residence where it abuts a lake. However, staff opines that the requested 7' setback for the family room addition and 1' for the staircase are too intensive and create a negative visual impact on the surrounding properties. Staff also notes that there are no approvals of similar variances in the surrounding area as intensive as those requested in this application. As such, staff notes that the approval of these requests would be **incompatible** with and would adversely affect the aesthetic character of the area, and set a negative precedent for similarly intense requests. Therefore, staff recommends denial without prejudice of requests #1 and #2 under the NUV Standards.

When the request to permit the existing residence to setback 5.8' (6' required) from the interior side (east) property line (request #3) is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of this request would be **compatible** with the surrounding area and would not have a negative visual effect on the appearance of the community. As previously mentioned, staff opines that the .20' encroachment into the interior side (east) setback is due to an inadvertent construction error. Further, staff opines that this encroachment is minimal, barely visible to the naked eye and as such would not have a negative visual impact on the surrounding area. Additionally, staff notes that a 6' high wood fence along the interior side (east) property line provides a visual buffer for the encroachment. Based on the aforementioned, staff therefore recommends approval with conditions of request #3 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 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 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)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be analyzed under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff recommends approval with conditions of request #3 under the Non-Use Variance NUV Standards, Section 33-311(A)(4)(b), denial of requests #1 and #2 under same and denial of requests #1 through #3 under Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

I. RECOMMENDATION:

Approval with conditions of request #3 under Section 33-311(A)(4)(b) NUV, denial of requests #1 and #2 under same and denial without prejudice of requests #1 through #3 under Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

J. CONDITIONS:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing to the Department of Planning and Zoning entitled "Mr. & Mrs. Edgardo Serrano," as prepared by Nestor J. Cifuentes, dated stamped received 8/8/08 and consisting of 3 sheets with Sheet SP-1 dated last revised 3/10/09, except as herein amended to show the deletion of the family room and staircase additions. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the applicants maintain the existing 6' high wood fence, along the interior side (east) property line.

DATE INSPECTED: 08/22/07
DATE TYPED: 04/21/09
DATE REVISED: 04/22/09, 04/29/09
DATE FINALIZED: 05/17/09
MCL:MTF:NN:NC:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: September 12, 2007

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

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

Subject: C-11 #Z2007000284
Edgardo and Misleidy Serrano
16040 S.W. 60th Street
Non-Use Variance of Setback Requirements to Permit an Addition to a Single-Family Residence
(RU-1(M)(b)) (0.13 Acres)
29-54-39

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 basic wellfield protection area for the West Wellfield. The site is situated within the 210-day travel time contour of the said wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

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

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

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

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

sewage disposal. Use of 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.

Wetlands
The subject property is located within the Bird Drive Wetlands Basin, and is a jurisdictional wetland area, as defined by Section 24-5 of the Code. However, this property is part of a Class IV Wetland Permit FW96-111 issued to L and L Investments Group Inc., for the filling of 14.06 acres and excavation of 5.94 acres of jurisdictional wetlands for residential development. The permit expired on November 8, 2001; however the property was filled prior to the expiration date of FW96-111. 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
There are no tree resources issues on the subject property.

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

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

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

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

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

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

Memorandum

Date: March 8, 2006

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum

Date: 28-AUG-07

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

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

Subject: Z2007000284

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2007000284
located at 16040 S.W. 60 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1658 is proposed as the following:

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

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

Existing services:

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

Station 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: 06/08/09

TEAM METRO

ENFORCEMENT HISTORY

EDGARDO & MISLEIDY SERRANO	16040 SW 60 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2007000284

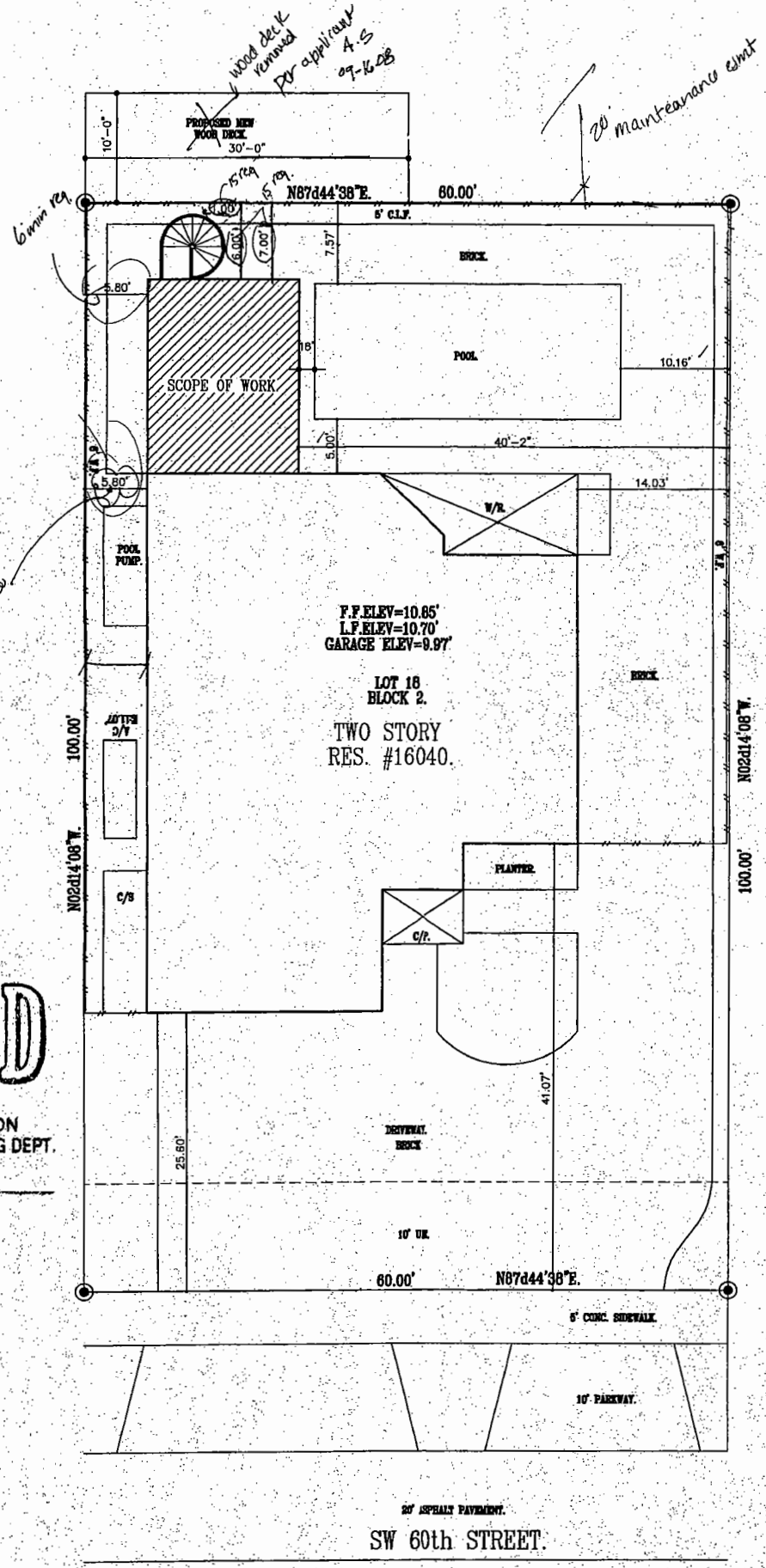
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CMS#200912002738 was opened on 05/20/09, inspection for zoning hearing, which no zoning violation was observed. Case closed

Edgardo & Misleidy Serrano

Santiago Gonzalez



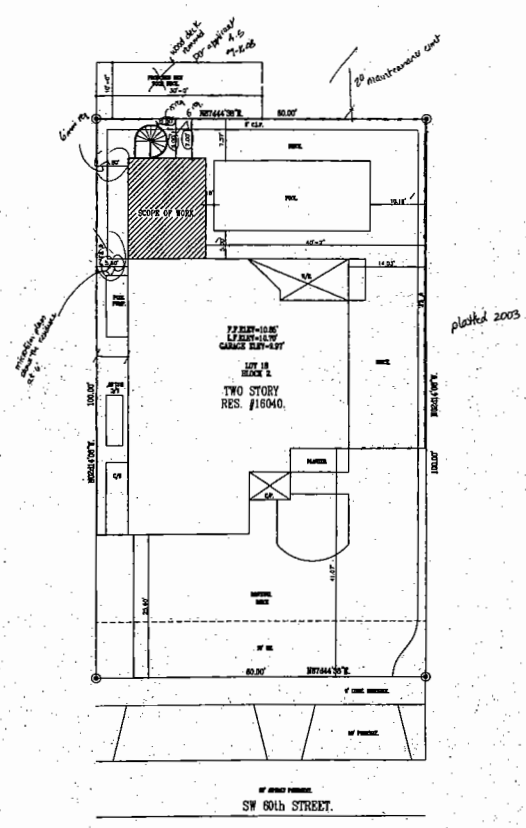
RECEIVED
207-284
MAR 10 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

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

ENLARGED SITE PLAN

16

RECEIVED
207-284
Aug 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



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

ZONING INFORMATION:

ZONE:	=	RU-1(b).
NET LAND AREA:	=	9,000 S.F.

PRINCIPAL BUILDING SETBACKS (IN FEET) FOR SUBDIVISIONS PLATTED AFTER MARCH 6, 2002.

		REQUIRED	PROVIDED
SETBACKS:	- FRONT	- 15' FOR 50% OF THE HOUSE WIDTH. - 25' FOR 50% OF THE HOUSE WIDTH.	SEE PLAN.
	- REAR	- 15' FOR 50% OF THE HOUSE WIDTH. - 25' FOR 50% OF THE HOUSE WIDTH.	SEE PLAN.
	- INT. SIDE	- 6.0'	5.6'
	- INT. SIDE	- 6.0'	14.63'
LOT COVERAGE AREA REQUIRED.		=	40 %
LOT COVERAGE GROUND FLOOR.		=	1,173 SQ FT
NEW ADDITION (GROUND FLOOR).		=	252 SQ FT
TOTAL GROUND FLOOR.		=	1,425 SQ FT (23.75%)
BUILDING HEIGHT		=	25'-10"

lot 18 block 2
Balani sub
pb 160. B2

$\frac{20.18}{6000} = 33\%$ cont-cv.

RECEIVED
207-284
AUG 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Revision

Licence # 29450.

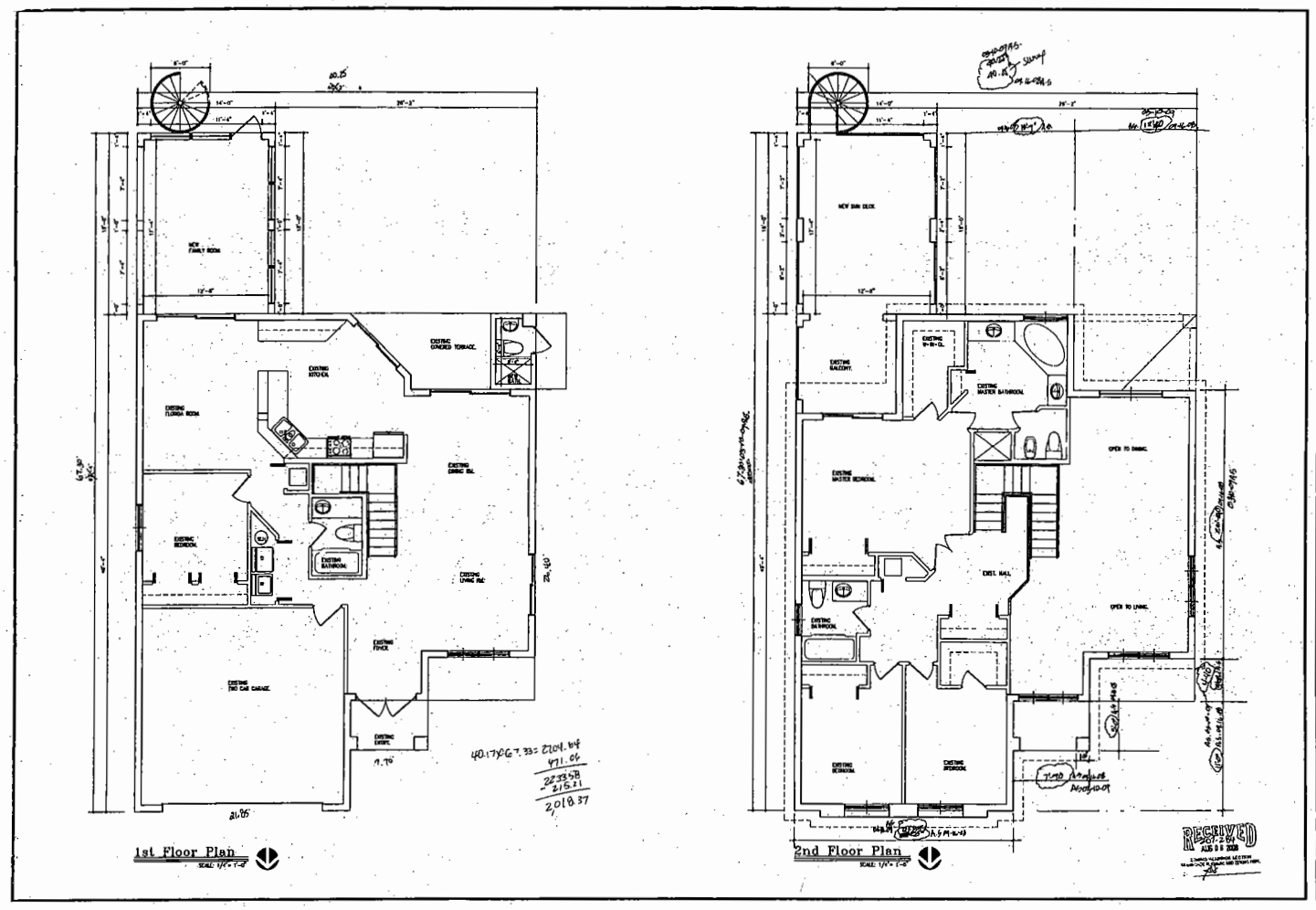
NESTOR J. CIFUENTES, P.E.
8600 S.W. 33rd TERR. MIAMI, FLORIDA, 33155
Phone: 305-554-5654.
License # 29450.

MR & MRS EDGARDO SERRANO.
NEW FAMILY ROOM & SUN DECK.
16040 S.W. 60th STREET. MIAMI, FLORIDA 33193.

SITE PLAN.

SP-1

17



RECEIVED
207-24
Aug. 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

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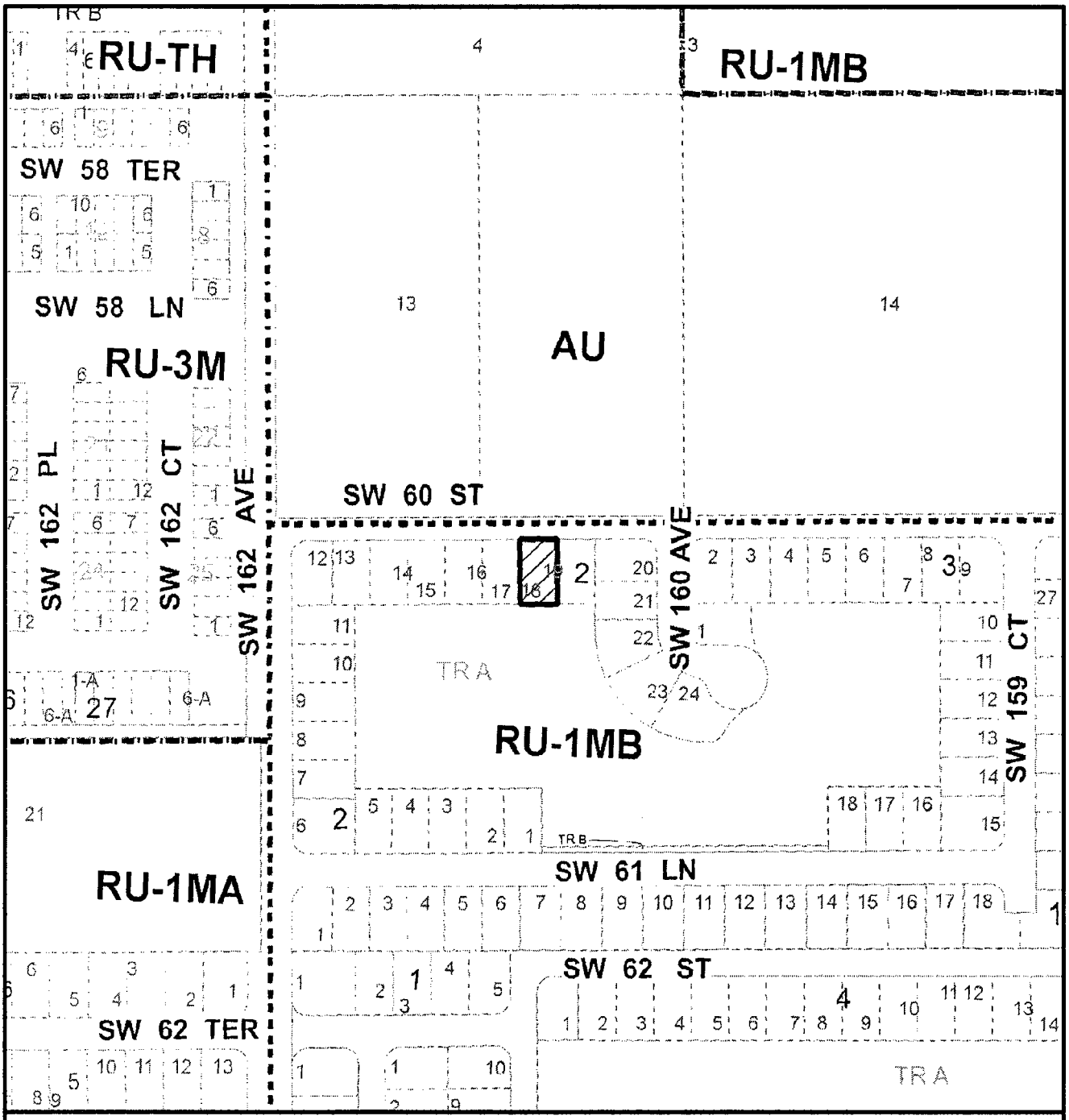
207-284
Aug 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-284

N

SUBJECT PROPERTY

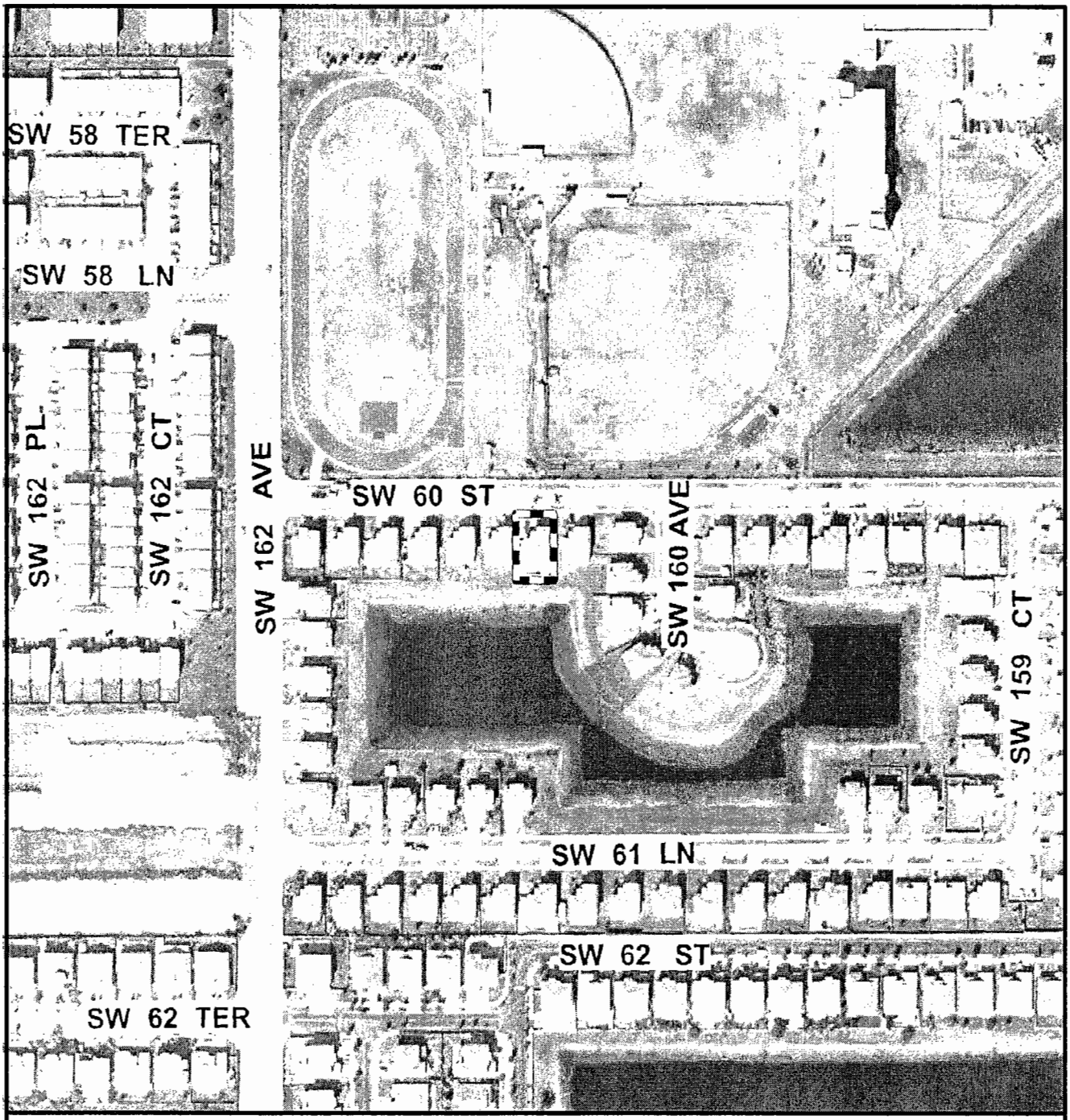
Section: 29 Township: 54 Range: 39
Applicant: EDGARDO & MISLADY SERRANO
Zoning Board: C11
District Number: 11
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/22/07

REVISION	DATE	BY

20



MIAMI-DADE COUNTY
AERIAL

Process Number
07-284

N

SUBJECT PROPERTY

Section: 29 Township: 54 Range: 39
Applicant: EDGARDO & MISLADY SERRANO
Zoning Board: C11
District Number: 11
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/22/07

REVISION	DATE	BY

2. GRIDIRON SPORTS GRILL, LLC
(Applicant)

09-6-CZ11-2 (08-105)
Area 11/District 11
Hearing Date: 6/16/09

Property Owner (if different from applicant) **KENDALL SHOPPES LLC**

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

If so, who are the Interested parties? **GRIDIRON SPORTS GRILL, INC**

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	Sidney Greenstein	- Zone Change from GU to BU-1A	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: Gridiron Sports Grill L.L.C. **PH:** Z08-105 (09-6-CZ11-2)

SECTION: 4-55-39 **DATE:** June 16, 2009

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

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) SPECIAL EXCEPTION to permit a bar in conjunction with a restaurant.

  (2) SPECIAL EXCEPTION of spacing requirements to permit a bar and restaurant spaced less than the required 2,500' from religious facilities and schools.

  (3) UNUSUAL USE to permit outdoor dining.

  (4) Applicant is requesting to permit 102 parking spaces (121 required).

  (5) Applicant is requesting to waive the zoning regulations restricting the sale of alcoholic beverages prior to 1:00 p.m. on Sundays.

  Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #4 and #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

  The plans are on file and may be examined in the Department of Planning and Zoning entitled "Kendall Shoppes," as prepared by Behar, Font & Partners, Sheet "A-3", dated stamped received 6/3/08, Sheets "A-1.1" and "A-2", dated stamped received 3/9/09 and Sheet "A-4.1" entitled "Greg Walker Restaurant," as prepared by Design 2004 Productions, dated stamped received 3/9/09, and plans entitled "Liquor Survey for the Gridiron Grill," as prepared by James Beadman & Assoc., Inc., dated stamped received 6/3/08 for a total of 5 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application would allow the applicant to have a bar in conjunction with a restaurant, to permit outdoor dining in conjunction with said restaurant and establish the bar spaced less than required from a school or religious facility. The applicant also seeks to waive the regulations restricting the sale of alcoholic beverages before 1:00 p.m. on Sundays and to permit less parking spaces than required for the proposed use.

- **LOCATION:** 8881 S.W. 157 Avenue, Miami-Dade County, Florida.

- **SIZE:** 1.98 acres

B. ZONING HEARINGS HISTORY:

In January 1989, the subject parcel of land was approved for a zone change request from GU, Interim District, to BU-1A, Limited Business District, pursuant to Resolution #Z-2-89.

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 **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 (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.

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.

Policy LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, **parking,** height, bulk, scale of architectural elements, landscaping, **hours of operation**, buffering, and safety, as applicable.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-1A; shopping center under construction	Business & Office
Surrounding Properties	
NORTH: BU-1A; service station	Business & Office
SOUTH: RU-3M; single-family residences	Low-Medium Density Residential, 6 to 13 dua
EAST: BU-1A; shopping center	Business & Office
WEST: BU-1A; pharmacy, vacant land, private school	Business & Office

The subject parcel is located at 8881 S.W. 157 Avenue. Single-family residences abut the subject property to the south. The subject property abuts commercial uses and vacant land to the north, east and west.

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:	**N/A**
Energy Considerations:	**N/A**
Service Areas:	**Acceptable**
Signage:	**Acceptable**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations

are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, 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 of and its development.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(j) An alternative reduction in the number of required parking spaces shall be approved after public hearing upon demonstration of the following:

(1) the alternative reduction of the number of required parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either:

(2) the total number of required parking spaces is not reduced below ten percent (10%); and

(A) the lot, parcel or tract is located within six hundred and sixty (660) feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) map, within one-quarter (1/4) mile from existing rail transit stations or existing express busway stops; or

(B) the hours of operation of multiple commercial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or

(3) the alternative development involves a mixed-use project in which the number of off-street parking spaces is calculated by applying the Urban Land Institute (ULI) Shared Parking Methodology to the required number of parking spaces.

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

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

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

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

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

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

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

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 currently zoned BU-1A and is located at 8881 SW 157 Avenue within a shopping center. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. The existing BU-1A zone allows uses such as package stores, pubs and bars as well as uses allowed in the BU-1A zone, such as restaurants. Further, the interpretative text of the CDMP allows for certain uses that are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Staff opines that the existing BU-1A uses and the proposed bar within the restaurant is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department **(MDFRD)** has no objections to this application and their memorandum indicates that the estimated average travel response time is **5:27** minutes. However Miami-Dade County Public Schools **(MDCPS) objects** to this application and, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. Their memorandum indicates that the School District would appreciate the incorporation of a condition restricting the hours during which alcohol can be sold, should this application be approved

When analyzing requests #1 through #3 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the requests would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff opines that the aforementioned requests will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception and unusual use in relation to the present and future development of the area and the compatibility of the applied for exception and unusual use with the area and its development. It should be noted that the submitted plans illustrate that the proposed bar in conjunction with a full service restaurant with outdoor dining will be located at the northern end of the shopping center. Single-family residences zoned RU-3M, Minimum Apartment House District are located approximately 400' to the south and to the north is a service station also zoned BU-1A.

The plans submitted by the applicant also indicate that the patron area of the restaurant and bar is approximately 1,054 sq. ft., including an 86.25 sq. ft. outdoor dining area of the total 26,000 sq. ft. shopping center. Due to the small scale of this facility, staff opines that approval of the bar in conjunction with a full service restaurant use and outdoor dining area will not result in excessive noise and concentration of people nor have a negative aural impact on the existing single-family residences located to the south of the site. Additionally, staff notes that the unusual use request for outdoor dining is similar to children's accessory playing facilities that are allowed outside of restaurants in certain commercial zoning districts as a matter of right. Staff opines that the outdoor dining requested in this application is substantially similar to the outdoor use as previously described and, therefore, may be requested and approved in the Business and Office land use category. Further, staff opines that the location of the property abutting the intersection of two section line roadways, SW 157 Avenue and SW 88 Street is ideally located so as not to encourage traffic congestion within the surrounding residential developments to the south and southwest. Staff also acknowledges that the memoranda provided by the Department of Environmental Resources Management (DERM) and the Public Works Department, indicates that the bar in conjunction with a full service restaurant with outdoor dining will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP.

As per the liquor survey submitted by the applicant, the proposed bar will be approximately 1,127' from Felix Varella Senior High School located at 15255 SW 96 Street and 2,020' from Templo El Rey Jesus church located at 9353 SW 152 Avenue. Notwithstanding, staff opines that the approval of the applicant's request to permit the bar spaced less than the required 2,500' from a school or religious facility will not have a negative impact on the surrounding area. Staff notes that the proposed restaurant and bar with outdoor dining however provides an eclectic mix in dining options to the residents of the surrounding residential communities. In staff's opinion, the proposed reduced spacing request is **compatible** with the surrounding commercial and residential uses and will not negatively impact the existing high school or religious facility. In addition, as previously mentioned,

staff opines that the request to permit a bar in connection with a restaurant with outdoor dining will be compatible with the area and will not result in excessive noise or traffic, cause undue or excessive burden on public facilities. However, staff would condition approval of the requested Special Exceptions to restrictions on the hours of operation and that the bar be permitted only as an accessory use to the full service restaurant. Notwithstanding the above, and due to the adoption of a new ordinance by the Board of County Commissioners (BCC) allowing the establishment of outdoor dining in zoning districts less restrictive than BU-1, Neighborhood Business District, the applicant has stated his intention to request the withdrawal of request #3 at the hearing. Based on the aforementioned, staff therefore recommends approval with conditions of requests #1 and #2, and withdrawal without prejudice of request #3 under Section 33-311(A)(3).

When analyzing request #4 and request #5 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the requests maintain 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 request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff is of the opinion that approval of the reduced number of parking spaces in the 1.98-acre shopping center will not result in spillage of parking onto the abutting streets or have a negative impact on traffic in the area. Further, staff notes that the applicant has provided an additional 15 spaces on an adjoining property to the north, which is also owned by the applicant through a cross parking agreement. As a result, the actual reduction in spaces is only 4 spaces which are, in staff's opinion, comparatively minimal when the size of the lot is taken into consideration. The proximity of the additional spaces referred to in the proffered cross parking agreement also satisfies the requirements of Section 33-128(a) of the Zoning Code, which requires, among other things, that off street parking areas be on a lot or parcel of land that is in a BU, Business District, and within 300' from the parcel to be served. Staff also notes that the Public Works Department has no objections to this request based on the fact that approval of this request, along with that of the aforementioned requests for Special Exceptions, will not generate any new peak hour trips.

Additionally, staff opines that request #5 is not excessive and will not have a negative impact on or negatively impact the general welfare of the surrounding commercial or residential properties. As previously mentioned the proposed restaurant and bar is located to the north of the subject property approximately 400' away from the nearest residences to the south. Additionally, the proposed restaurant and bar is located more than 2,000' from the church which is not easily accessible. However, staff would recommend as a condition for approval of this request that the bar will not open earlier that 12:00 p.m. on Sundays. As such, staff recommends a modified approval of request #4 to permit a variance of 4 parking spaces and approval of request #5, with conditions under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance Standard (ANUV) Section 33-311(A)(4)(c), the applicants would have to prove that requests #4 and #5 are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed in accordance with the zoning regulations, staff is of the opinion that the aforementioned requests cannot be approved and should be denied without prejudice under the ANUV Standards.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(16) 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. Notwithstanding, the ASDO standards require additional mitigation and documentation for approval under Section 33-311(A)(19). Staff has not received this information from the applicant and, as such, request #4 cannot be properly analyzed under the ASDO Standards and should be denied without prejudice under same.

As previously mentioned, staff is of the opinion that proposed bar within the full service restaurant with outdoor dining is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP. Based on the aforementioned, staff therefore recommends approval with conditions of the applicant's request for a Special Exception to permit a bar in conjunction with a restaurant (request #1) and approval with conditions of the request for a Special Exception to permit the bar spaced less than the required 2,500' from a school or religious facility (request #2), and withdrawal without prejudice of the request for an Unusual Use to permit outdoor dining (request #3) under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses. Staff also recommends modified approval with conditions of request #4, to allow a variance for 4 parking spaces only, and approval with conditions of request #5, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV), denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #4 under Section 33-311(A)(16) (ASDO).

I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 and withdrawal without prejudice of request #3 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, modified approval with conditions of request #4, to allow a variance for 4 parking spaces only, and approval with conditions of request #5 under Section 33-311(A)(4)(b)(NUV), denial without prejudice of same under Section 33-311(A)(4)(c)(ANUV) and denial without prejudice of request #4 under Section 33-311(A)(16) (ASDO).

J. CONDITIONS:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Kendall Shoppes," as prepared by Behar, Font & Partners, Sheet "A-3", dated stamped received 6/3/08, Sheets "A-1.1" and "A-2", dated stamped received 3/9/09 and Sheet "A-4.1" entitled "Greg Walker Restaurant," as prepared by Design 2004 Productions, dated stamped received 3/9/09, and plans entitled "Liquor Survey for the Gridiron Grill," as prepared by James Beadman & Assoc., Inc., dated stamped received 6/3/08 for a total of 5 sheets.

3. That the bar use be only permitted to open no earlier than 12:00 p.m. on Sundays.

4. That the bar use be operated solely as an accessory use to the restaurant, and if the restaurant use is terminated, the bar use will automatically expire.

5. That the outdoor seating area be arranged in a manner so as not to obstruct pedestrian and wheelchair access to the entrance of the premises.

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

7. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

DATE INSPECTED: 07/26/07
DATE TYPED: 04/23/09
DATE REVISED: 04/24/09, 05/14/09, 06/03/09
DATE FINALIZED: 06/03/09
MCL:MTF::NN:AA:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: March 16, 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 #Z2008000105-1st Revision
Gridiron Sports Grill, LLC
8881 S.W. 157 Avenue
UV to Permit a Bar in BU-1A Zone, UU to Permit Outdoor Seating Area,
SE to Permit Liquor Sale & Request to Parking Area
(BU-1A) (2 Acres)
04-55-39

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.

Potable Water Service and Wastewater Disposal

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

Existing public water and public sanitary sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.
Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Wellfield Protection

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

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

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.

Pollution Remediation
There are records of petroleum contamination assessment/remediation issues abutting the property to the north (Chevron #200188., 15698 S.W. 88th Street, UT-3208/F-9154). The contaminated site is currently under assessment. Except as noted above, there are no records of current contamination assessment/remediation issues on any of the other abutting properties.

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

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

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

Tree Preservation
There are no tree resources issues on the subject property.

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

Folio No. 30-5904-055-0010
8881 S.W. 157th Avenue

On April 8, 1991, a Uniform Civil Violation Notice was issued to Video Dispatch, 15671 S.W. 88th Street, for operating without a IW6 permit and the case was subsequently closed on May 16, 1991.

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# Z2008000105
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:GRIDIRON SPORTS GRILL, LLC

This Department has no objections to this application.

The shopping center where this site is planned has allocated sufficient parking and vehicle trips; therefore this application meets the Initial Traffic Concurrency Criteria.

Raul A Pino, P.L.S.
12-SEP-08

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

Received by
Zoning Agenda Coordinator

MAR 1 3 2009

March 10, 2009

RECEIVED
MAR 12 2009
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY_____

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

Re: Gridiron Spots Grill, LLC – No. 08-105 – Located at 8881 SW 157 Avenue

Dear Ms. Fojo:

Pursuant to the information provided by Miami-Dade County, it is our understanding that the above referenced applicant is requesting an unusual use to permit the sale of alcoholic beverages on Sunday's commencing at 12:00 noon and a special exception to permit a 4COP alcoholic beverage license (beer, wine, and liquor for consumption on premises) spaced less than the 2,500 feet required from a public school. Please note that there are three public schools in the near vicinity. One is located within 2,500 feet of the proposed establishment: Felix Varela Senior High School (1,127 feet); and two are located just beyond the 2,500 feet: a Primary Learning Center and Oliver Hoover Elementary School (see attached map).

The School Board, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. As such, the School District opposes the granting of the applicant's request. However, should the Community Council decide to approve the non use-variance request, the School District would appreciate the imposition of conditions including a restriction on the hours during which alcohol can be served and the serving of alcohol with meals only.

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

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L-371
Atatachment

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

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

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SKETCH OF SURVEY

SCALE 1" = 300'

1. - FELIX VARELA H.S.
2. - PRIMARY LEARNING CENTER
3. OLIVER HOOVER ELEMENTARI

SURVEYOR'S NOTES
Miami-Dade County, Florida
6 February 2008
Section 4, Township 55 South, Range 39 East

LEGAL DESCRIPTION
PART OF TRACT "A" OF THE PLAT OF "HAMMOCKS WEST PLAZA" AS RECORDED IN PLAT BOOK 137 PAGE 66, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
MIAMI-DADE COUNTY FOLIO NO. FOLIO 30-5904-055-0010
ADDRESS PER TAX ROLLS = 8901 SW 157th AVENUE

1. The address of the proposed new Liquor establishment is at 8881 SW 157th Avenue.
2. This is not a boundary survey.
3. The purpose of this survey is to locate all liquor uses within 1500 feet (2000 feet measured) and all churches and schools within 2500 feet (3000 feet measured).
4. The method of measurement to churches and schools is from the front door of the new establishment to the nearest property corner of the church or school, and from the front door of the new establishment to the front door of the other liquor use.
5. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
6. The method of location and identification of the establishments was by our personnel in the field and only those establishments marked on this drawing were identified in the field.
7. The measurements for this survey were made on 6 February 2008.

One church is located within the prescribed distance by the prescribed method of measurement.
1. Templo El Rey Jesús, Inc. at 9553 SW 152nd Avenue is located Southwesterly at a distance of 2020 feet.

One school was located within the prescribed distance.
1. Felix Varela Senior High School at 15255 SW 96th Street is located Southwesterly at a distance of 1127 Feet.
Primary Learning Center is Southwesterly at a distance of 2777 feet and is outside the distance.

No liquor establishment is located within the prescribed distance.
Langham Steakhouse (a Restaurant) at 15135 SW 88th Street is located Northwesterly at a distance of 2244 feet.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY: THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 F.S. AND CHAPTER 61G17-6 F.A.C.

JAMES E. BEADMAN P.L.S. NO. 7997

RECEIVED 2008 JUN - 3

LIQUOR SURVEY FOR The Cridiron Grill

JAMES BEADMAN AND ASSOC., INC.
11501 SW 67th Terrace
MIAMI, FL 33173
Phone 305/255-0741 Fax 305/596-5894

LIQUOR SURVEY FOR 8881 SW 157th Avenue

SCALE 1" = 300'	DATE: 6 Jan 2008	PAGE: 1 OF 01
DWN BY: ICD	APP'D BY: J.E.B.	JOB No.: 5436

17

Memorandum

Date: 19-JUN-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000105

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000105
located at 8881 S.W. 157 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1818 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:27 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: 06/06/08

TEAM METRO

ENFORCEMENT HISTORY

GRIDIRON SPORTS GRILL, LLC	8881 S.W. 157 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2008000105

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

06-05-08
No violations observed.

No prior history of violations.

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 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]. **LIMITEDLIABILITY COMPANY**

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: **GRIDIRON SPORTS GRILL, LLC**

NAME AND ADDRESS	Percentage of Ownership
GREGORY WALKER, MGRM	**50%**
MARBETH WALKER, MGRM	**50%**

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JUN - 3 2008
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: _____ (Applicant) GREGORY WALKER, MGRM

Sworn to and subscribed before me this 30th day of May, 2006. Affiant is personally known to me or has produced _____ as identification.

_____ (Notary Public)

MAX LANGEN
Notary Public - State of Florida
My Commission Expires Aug 3, 2010
Commission # DD 581309
Bonded By National Notary Assn.

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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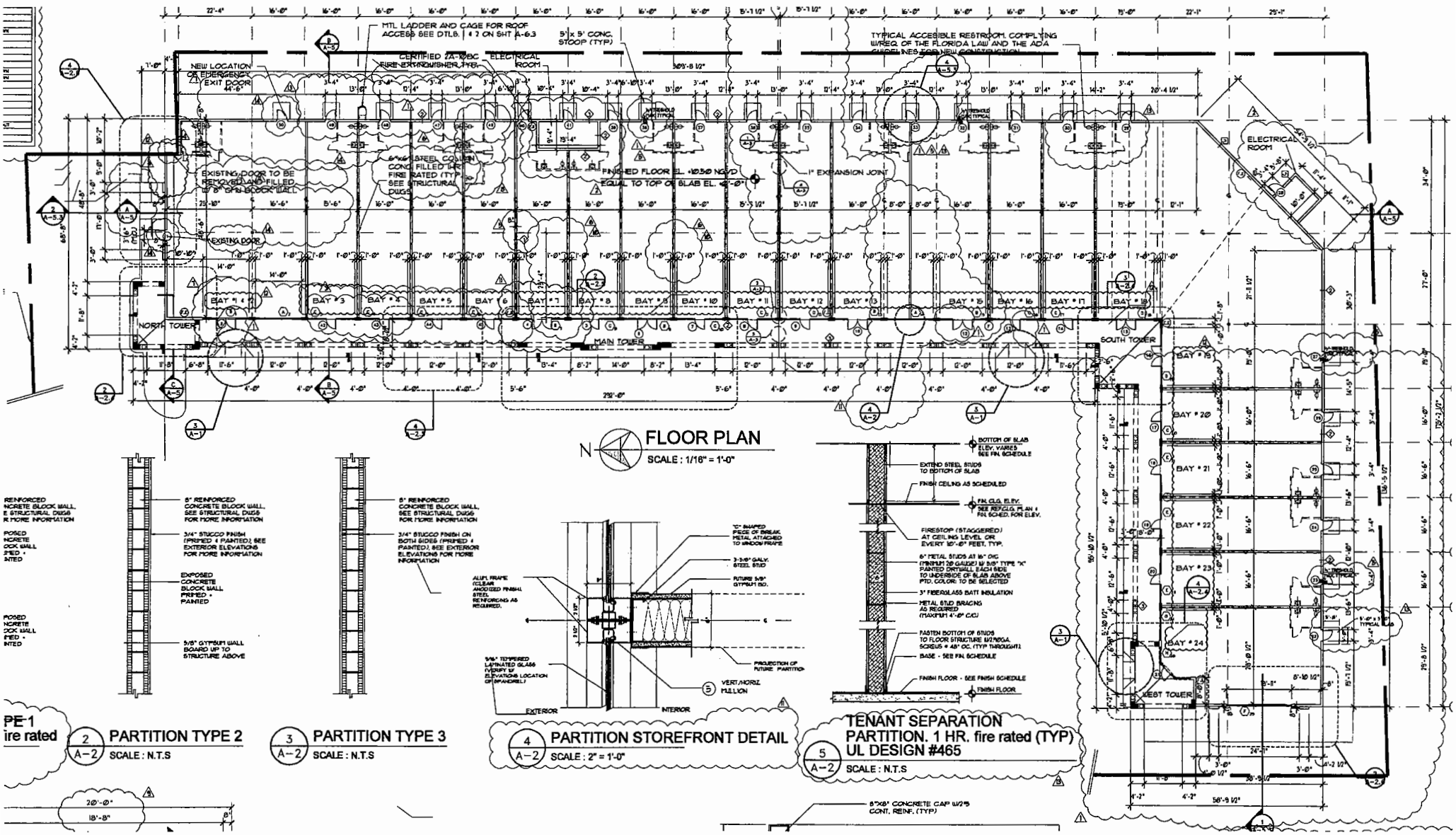

FLOOR PLAN

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

PE-1
ire rated

2 / A-2 PARTITION TYPE 2

SCALE : N.T.S

3 / A-2 PARTITION TYPE 3

SCALE : N.T.S

4 / A-2 PARTITION STOREFRONT DETAIL

SCALE : 2" = 1'-0"

5 / A-2 TENANT SEPARATION PARTITION. 1 HR. fire rated (TYP) UL DESIGN #465

SCALE : N.T.S

ENLARGED SITE PLAN

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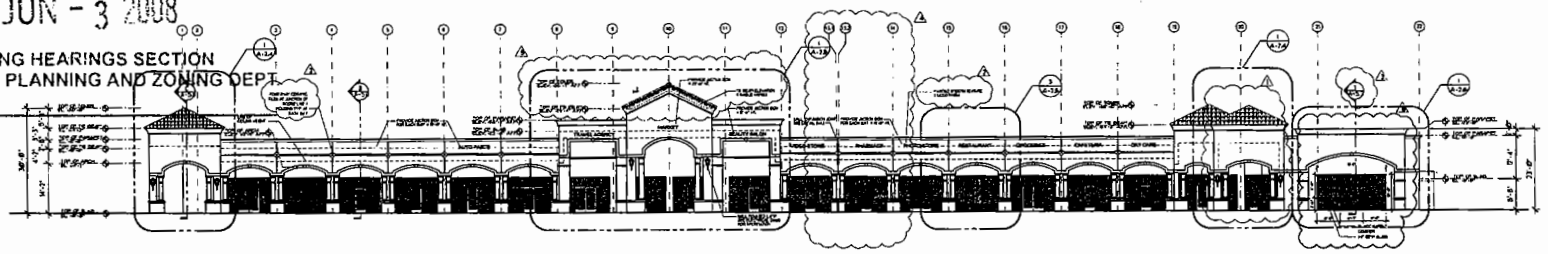
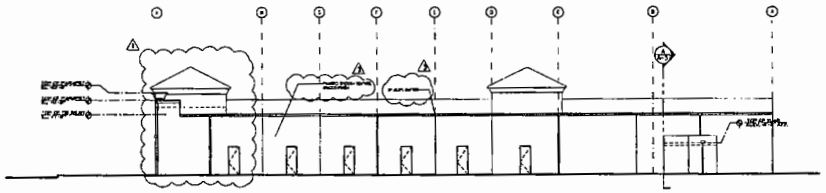
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

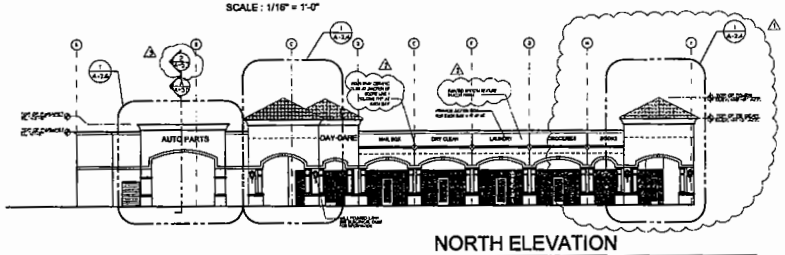
23



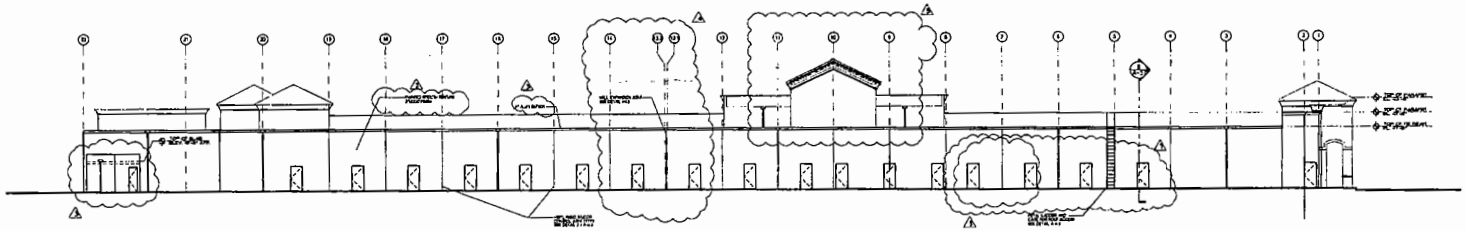
WEST ELEVATION
SCALE : 1/16" = 1'-0"



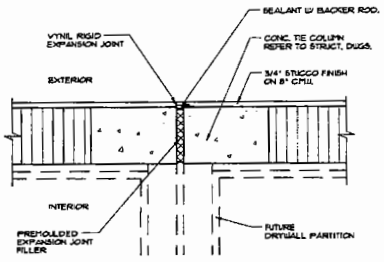
SOUTH ELEVATION
SCALE : 1/16" = 1'-0"



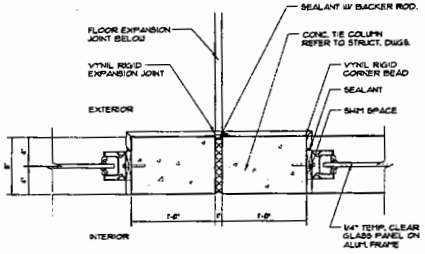
NORTH ELEVATION
SCALE : 1/16" = 1'-0"



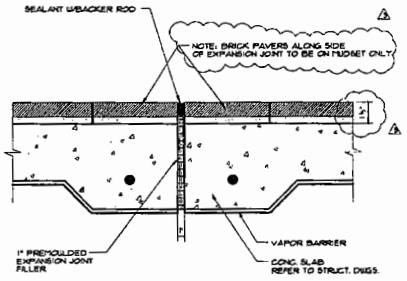
EAST ELEVATION
SCALE : 1/16" = 1'-0"



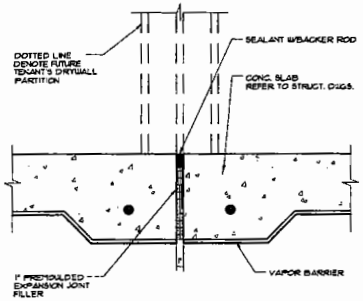
1 / A-3 REAR WALL EXPANSION JOINT DETAIL
SCALE : 2" = 1'-0"



2 / A-3 FRONT WALL EXPANSION JOINT DETAIL
SCALE : 2" = 1'-0"



3 / A-3 FLOOR EXPANSION JOINT DETAIL AT ARCADE - CORRIDOR
SCALE : 2" = 1'-0"



4 / A-3 INTERIOR FLOOR EXPANSION JOINT DETAIL
SCALE : 2" = 1'-0"

RECEIVED
JUN - 3 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ARCHITECTURE
PLANNING
INTERIORS
Certification No. AA0003451
4651 PONCE DE LEON BLVD
Coral Gables, Florida 33146
TEL: (305) 740-6442
FAX: (305) 740-5443
E-MAIL: INFO@SCHARFONT.NET

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SEAL:
AR 12067
03/10/2003
05/02/08

CONSULTANT:

OWNER:
NEWMAN & GREENSTEIN REAL ESTATE CO. INC.
7700 N. KENDALL DR. SUITE 5000
MIAMI, Florida 33156
TEL: (305) 271-8000
FAX: (305) 271-8084

KENDALL SHOPPES
8881 SW 157 th AVENUE
MIAMI, FL 33196

DATE:
10/15/02

REVISIONS:
1. BLDG DEPT COMM 12/09/2002
2. ADDENDUM No.1 12/16/2002
3. ARCHITECT REV. 02/25/2003
4. ARCH. CORDINATION 11/04/2004
5. OWNER'S REQ. 08/15/2006
6. CONTRACTOR REV 04/12/2007
7. BUILD. DEPT. COMM. 06/19/2007

PROJECT No.
01-070

DRAWN BY:
C.A.V

CHECKED BY:
J.F.

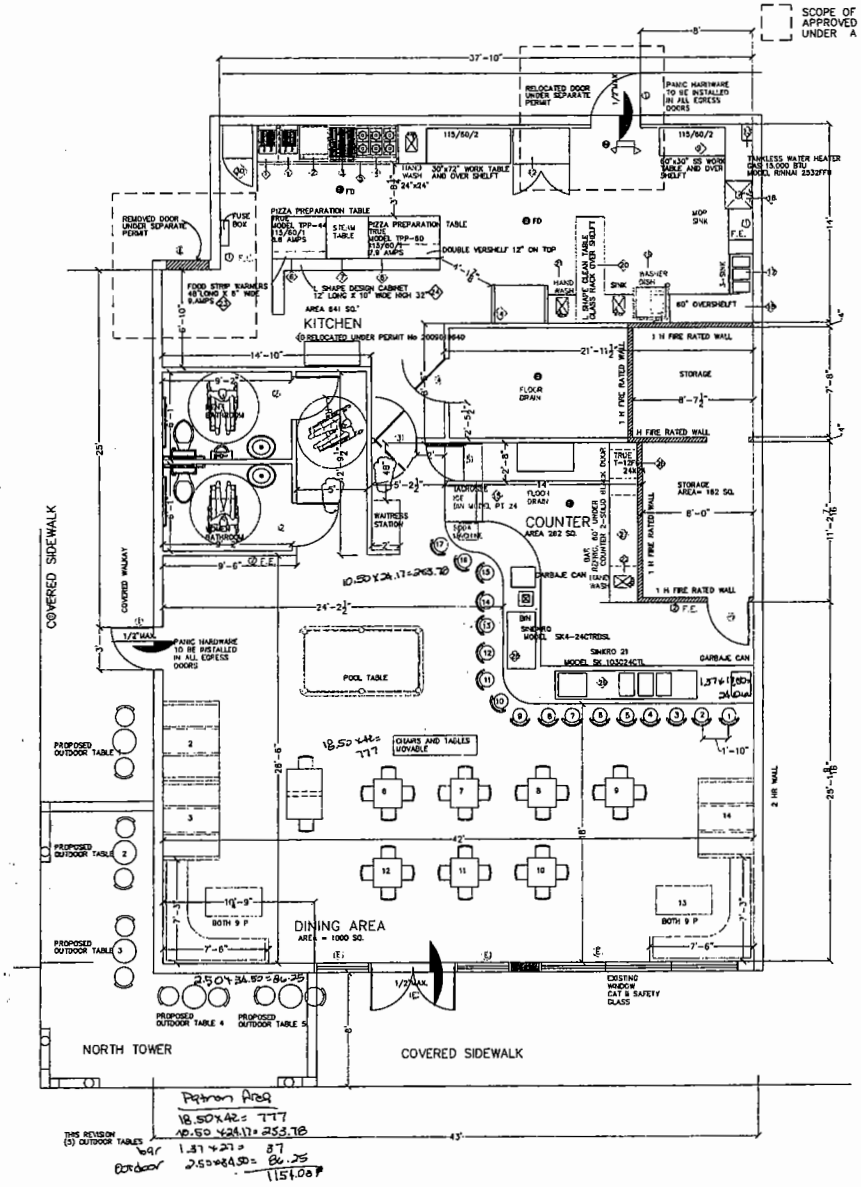
SCALE:
AS SHOWN

SHEET No.
A-3
OF

= E H A R • F O T & P A R T E R S • P • A •

24

SCOPE OF THIS REVISION:
APPROVED FLOOR PLAN TO MATCH CHANGES UNDER A SEPARATE PERMIT



FLOOR PLAN
SCALE 1/4" = 1'

FE FIRE EXTINGUISHER:

① FIRE EXTINGUISHER, TYPE ABC, 5 LBS CAPACITY, MOUNTED @48" AFF TO HANDLE.
② FIRE EXTINGUISHER, TYPE K, 5 LBS CAPACITY, MOUNTED @48" AFF TO HANDLE.

WINDOW SCHEDULE

MARK	LOCATION	WIDTH	HEIGHT	MATERIAL	TYPE	REMARKS
①	EXIST. WINDOWS TO REMAIN					

DOOR SCHEDULE

MARK	LOCATION	WIDTH	HEIGHT	THICK.	TYPE	MATER.	THRESH.	HEAD	JAMB	REMARKS
①	OUTSIDE	3'-0"	6'-8"	1-1/2"	MTL	MTL	–	WOOD	METAL	EXTERIOR DOOR.
②	BATHROOM/KITCHEN	3'-0"	6'-8"	1"	WD/HC	WOOD	–	WOOD	WOOD	HOLLOW CORE WD. DR.
③	KITCHEN	3'-0"	6'-8"	1"	WD/HC	WOOD	–	WOOD	WOOD	H.C. WD. DOUBLE SWING DR.
④	COOLER	3'-0"	6'-8"	1"	–	–	–	–	–	–
⑤	BAR	3'-0"	3'-0"	1"	WD/HC	WOOD	–	WOOD	WOOD	H.C. WD. DOUBLE SWING DR.

ⓒ REMOVED DOOR UNDER PERMIT No 2009019640

COUNTER AND SERVICE AREA
TO BE PROTECTED BY SNEEZE GUARD

EQUIPMENT SCHEDULE

MARK	EQUIPMENT	MANUFACTURER	MODEL No.	DIMENSIONS	ELECTRICAL	BTU	REMARKS
①	FRYER	IMPERIAL	IHR-F40	14"H X39 7/8"D X15.5"W	–	105,000	–
②	RADIANT CHAR-BROILER	IMPERIAL	IRB-30	25" H X 31" D X 30" W	–	75,000	–
③	36" HEAVY DUTY GRIDDLES	IMPERIAL	IHGA-2426	36" OVERALL WITH	–	90,000	–
④	6 OPEN BURNERS	IMPERIAL	IHR-6	30" D X 35" H X 37" W	–	180,000	–
⑤	HOOD	–	–	4'-8" X 12'		–	–
⑥	PIZZA PREPARATION TABLE	TRUE	MODEL TPP-60	L601/4"X032.1/4"H35.3/4"	115/60/1 7.9 AMPS	–	–
⑦	STEAM TABLE	–	–	–	–	25,000	–
⑧	PIZZA PREPARATION TABLE	TRUE	MODEL TPP-44	L601/4"X032.1/4"H35.3/4"	115/60/1 6.1 AMPS		–
⑨	WORK TABLE AND OVEN SHELF				115/60/2		–
⑩	GLASS DOOR FREEZER 2-DOOR	TRUE	T-49 F	13.2			–
⑫	60"x30" SS WORK TABLE AND OVER SHELFT						
⑬	HOT WATER HEATER					19,000	
⑭	ICE MAKER	HOSHIZAKI			115/60/2		
⑮	ICE BIN MODEL PT 24	IACROSSE			115/60/2		
⑯	MOP SINK						
⑰	L SHAPE 3 SINK						
⑱	L SHAPE OVER SHELF						
⑲	DISWASHER						
⑳	L SHAPE CLEAN TABLE GLASS RACK OVER SHELFT/WITH SINK						
㉑	HAND SINK				115/60/2		
㉒	HAND SINK						
㉓	FOOD STRIP WARMERS 48" L X 8" WIDE FLUSH MOUNTING BRACKET OVERSHELF 28 WATTS 8.0 AMPS						
㉔	L SHAPE DESIGN CABINET 12" LONG X 10" WIDE HIGH 32"						
㉕	ICE BIN MODEL PT 24	IACROSSE		24x12x12 ice capacity 139 lbs.			
㉖	TRUE T-12FG 24K24	TRUE		L 24 7/8"x23 3/8"x 83 1/2"	8.0 AMPS		
㉗	BAR REFRIG. 60" UNDER COUNTER 2=SOLID BLACK DOOR	CARRIER	00SBR-8	59x27x37 1/4"	15 VOLTS .5 AMPS		
㉘	BIN SINKRO MODEL SK4-24CTRBSL						
㉙	SINKRO 21	IACROSSE	MODEL SK 103C24CTL				
㉚	FREEZER	SUPERIOR	871203				

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MAR - 9 2009
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BY

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2008-105
MAR - 9 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

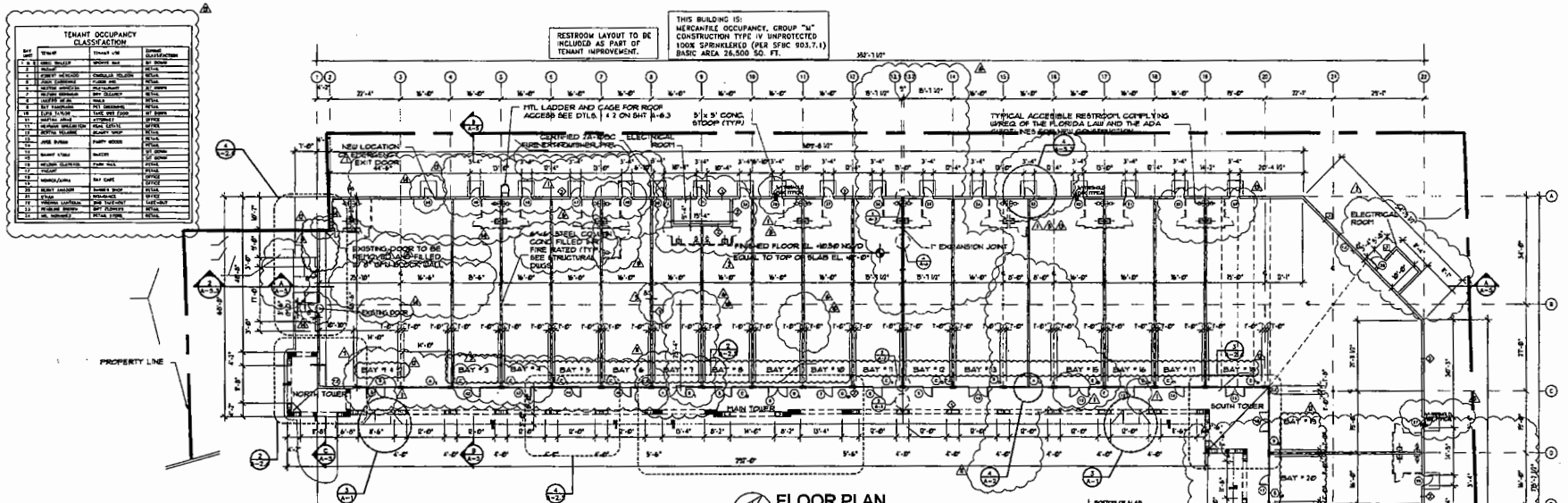
DESIGN 2004 PRODUCTIONS
EB # 9844
F.N # 00230900335
513854-0
0110318
Armando J. Bustos-P AIA
4471 N.W. 36 ST.
SUITE # 206
MIAMI SPRINGS
FLORIDA 33166
PH (305)-863 9427
PH (305)-883 9401
FAX (305) 863-4272
E-MAIL D2004@BELLSOUTH.NET

REVISION	BY:
OUTDOOR TABLE REVISION 5/4/09	
12 MATCH REVISION UNDER PERMIT 2009019640 05/04/2009	

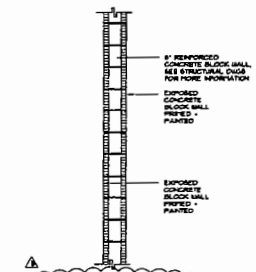
REGISTRATION NUMBER PB Armando J. Bustos P.E. #34484 STATE OF FLORIDA SEAL, SIGN AND DATE 2/4/09

PROPOSED A RENOVATION FOR:
GREG WALKER RESTAURANT
8881 S.W. 157TH AVE.
MIAMI FL, 33196

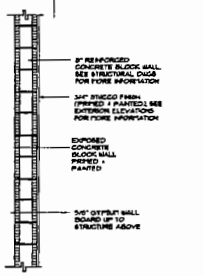
DRAWN BY: D2004
SCALE:
DATE: OCTOBER 2005
SHEET: A-4.1



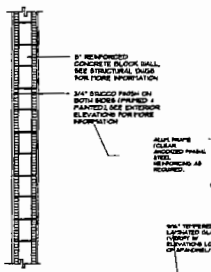
N FLOOR PLAN
SCALE : 1/16" = 1'-0"



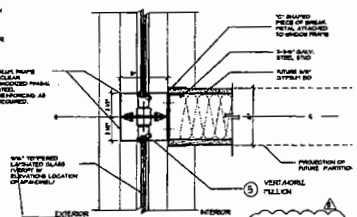
1 A-2 PARTITION TYPE 1
UL 905. 2 HR. fire rated
SCALE : N.T.S



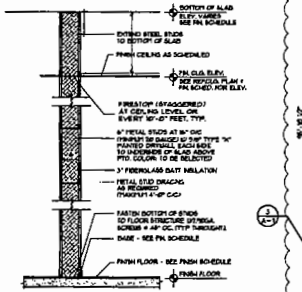
2 A-2 PARTITION TYPE 2
SCALE : N.T.S



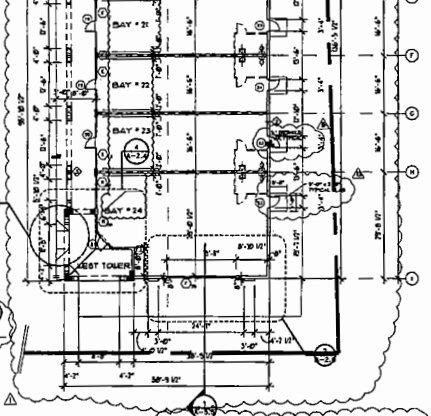
3 A-2 PARTITION TYPE 3
SCALE : N.T.S

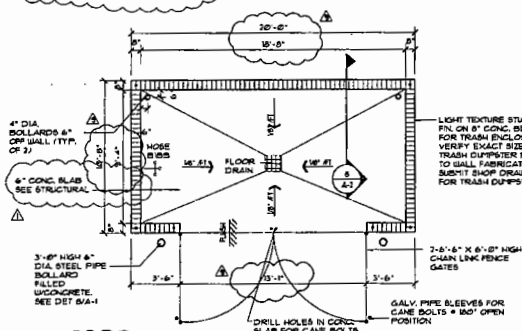


4 A-2 PARTITION STOREFRONT DETAIL
SCALE : 2" = 1'-0"

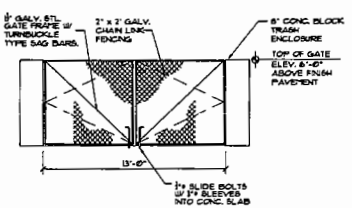


5 A-2 TENANT SEPARATION PARTITION. 1 HR. fire rated (TYP.) UL DESIGN #465
SCALE : N.T.S

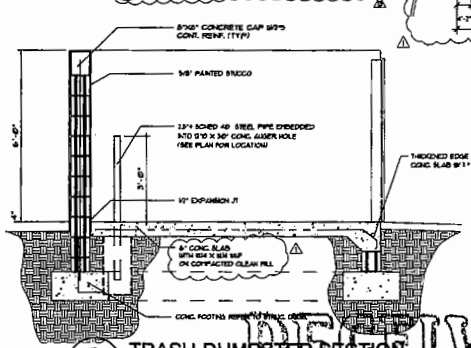




6 A-2 TRASH-DUMPSTER PLAN
SCALE : 1/4" = 1'-0"

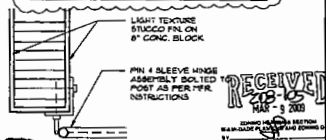


7 A-2 TRASH-DUMPSTER ELEVATION
SCALE : 1/4" = 1'-0"



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

NOTE:
COMPLY WITH 2004 FBC 2004 EDITION. CORRIDOR PARTITIONS, SMOKE BARRIERS, HORIZONTAL EXIT PARTITIONS, EXIT ENCLOSURES AND FIRE RATED WALLS REQUIRED TO HAVE PROTECTED OPENINGS SHALL BE PROTECTED IN ACCORDANCE WITH SECTION 715. OPENINGS SHALL BE LIMITED TO A MAXIMUM AGGREGATE WIDTH OF 25 PERCENT OF THE LENGTH OF THE WALL, AND THE MAX. AREA OF ANY SINGLE OPENING SHALL NOT EXCEED 120 SQUARE FEET.



A-2 TRASH-DUMPSTER GATE JAMB DETAIL
SCALE : 1-1/2" = 1'-0"

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208-105
MAR - 9 2009

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MAR - 9 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ARCHITECTURE
PLANNING
INTERIORS
Certification No. AA0002461
9400 PONCE DE LEON BLVD.
Coral Gables, Florida 33146
TEL: (305) 740-5442
FAX: (305) 740-5443
E-MAIL: INFO@C-HARFORM.NET

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SEAL:

CONSULTANT:

OWNER:
HERMAN & DREIDSTEIN REAL ESTATE CO., INC.
7100 N. KENDALL DR., SUITE 3000
MIAMI, Florida 33156
TEL: (305) 271-8000
FAX: (305) 271-5004

KENDALL SHOPPES

8881 SW 157 th AVENUE
MIAMI, FL. 33196

DATE:
10/15/02

REVISIONS:
1 BLDG DEPT COMM 12/09/2002
2 ARCHITECT REV 02/25/2003
3 OWNER REQUEST 04/02/2003
4 OWNER REQUEST 05/20/2003
5 BLDG DEPT. COMM. 06/16/2003
6 ARCH. CORDINATION 11/04/2004
7 OWNER'S REQUEST 05/12/2005
8 OWNER'S REQUEST 06/20/2005
9 OWNER'S REQUEST 07/18/2005
10 OWNER'S REQUEST 08/15/2006
11 OWNER'S REVISION 03/15/2007
12 CONTRACTOR REV. 04/04/2007
13 BUILD. DEPT. COMM. 06/19/2007
14 ARCH. CORD. 2/25/2009

PROJECT No.
01-070

DRAWN BY:
C.A.V

CHECKED BY:
J.F.

SCALE:
AS SHOWN

SHEET No.
A-2
OF

SKETCH OF SURVEY

SCALE 1" = 300

SURVEYOR'S NOTES
Miami-Dade County, Florida
6 February 2008
Section 4, Township 55 South, Range 39 East

LEGAL DESCRIPTION
PART OF TRACT "A" OF THE PLAT OF "HAMMOCKS WEST PLAZA" AS RECORDED IN PLAT BOOK 137 PAGE 66, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
MIAMI-DADE COUNTY FOLIO NO. FOLIO 30-5904-055-0010
ADDRESS PER TAX ROLLS = 8901 SW 157th AVENUE

1. The address of the proposed new Liquor establishment is at 8881 SW 157th Avenue.
2. This is not a boundary survey.
3. The purpose of this survey is to locate all liquor uses within 1500 feet (2000 feet measured) and all churches and schools within 2500 feet (3000 feet measured).
4. The method of measurement to churches and schools is from the front door of the new establishment to the nearest property corner of the church or school, and from the front door of the new establishment to the front door of the other liquor use.
5. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
6. The method of location and identification of the establishments was by our personnel in the field and only those establishments marked on this drawing were identified in the field.
7. The measurements for this survey were made on 6 February 2008.

One church is located within the prescribed distance by the prescribed method of measurement.
1. Templo El Rey Jesus, loc at 9353 SW 152nd Avenue is located Southeasterly at a distance of 2020 feet.

One school was located within the prescribed distance.
1. Felix Varella Senior High School at 15255 SW 96th Street is located Southeasterly at a distance of 1127 Feet.
Primary Learning Center is Southwesterly at a distance of 2777 feet and is outside the distance.

No liquor establishments is located within the prescribed distance.
Longhorn Steakhouse is a Restaurant is at 15135 SW 88th Street is located Northeasterly at a distance of 2044 feet.

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 F.S. AND CHAPTER 61G17-6 F.A.C.

JAMES S. BEADMAN P.L.S. NO. 2997

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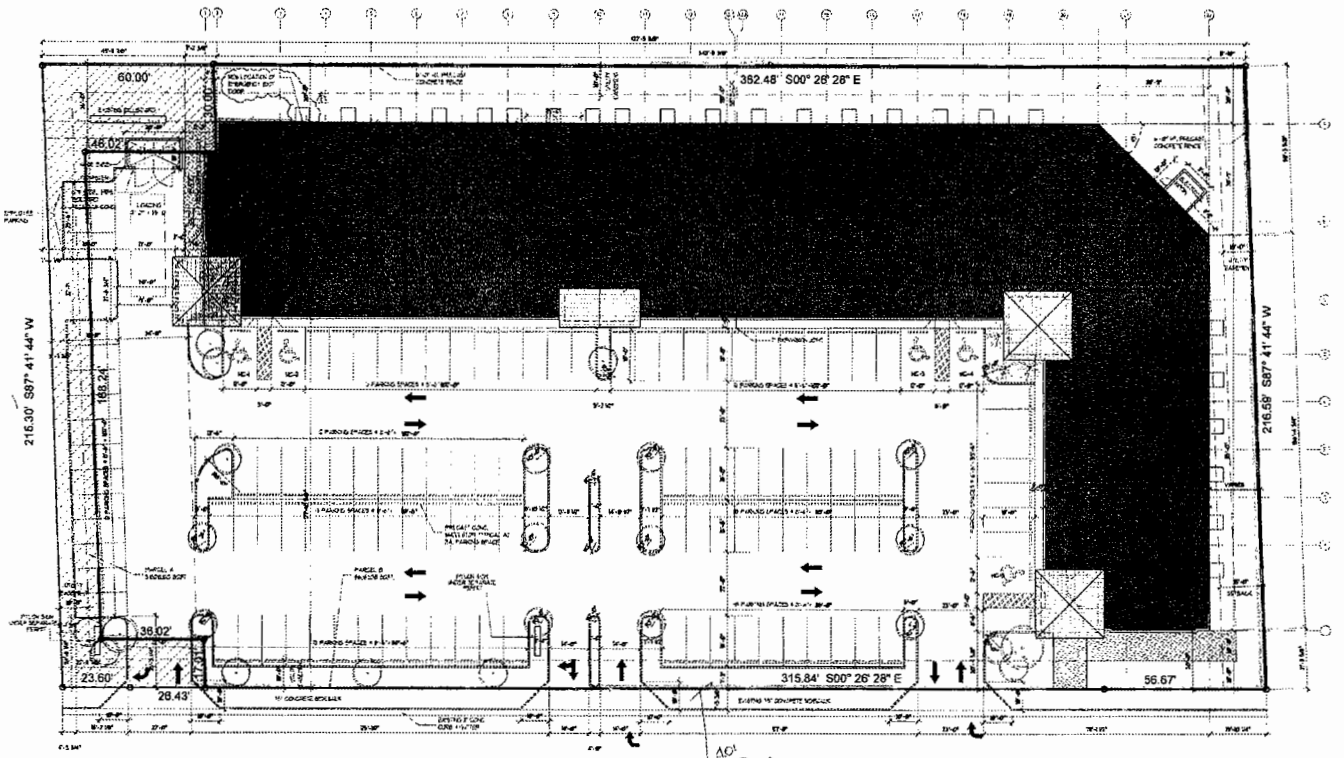
JUN - 3 2008

LIQUOR SURVEY
FOR
The Gridiron Grill

JAMES BEADMAN AND ASSOC., INC.
11501 SW 87th Terrace
MIAMI, FL 33176
Phone 305/255-0741 Fax 305/596-5894

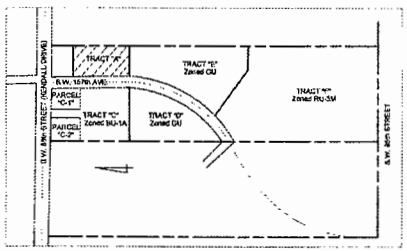
LIQUOR SURVEY
FOR
8881 SW 157th Avenue

SCALE 1" = 300'	DATE: 6 Jan 2008	PAGE: 01 OF 01
DWN BY: JSB	APP'D BY: J.S.B.	JOB No.: 5486



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

N



LOCATION MAP
SCALE : N.T.S

N

LEGAL DESCRIPTION:

PARCEL "A" (CONTROLLING PROPERTY)

"GREENVIEW PLAT" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, PAGE 1 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

AND

PARCEL "B" (SUBJECT PROPERTY)

TRACT "A", LESS THE NORTH 15 FEET, AND LESS THE SOUTH 40 OF THE EAST 30 OF THE NORTH 240 FEET AND ALSO LESS THE SOUTH 30 OF THE WEST 70 OF THE NORTH 225 FEET, "HAMPTON LEAF PLAT" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

ZONING/ CODE COMPLIANCE INFORMATION PARCEL "B"

ZONING: BU-1A LIMITED BUSINESS DISTRICT
AS LOT AREA: 68,361 SF / 1.5693 ACRES

B) ALLOWABLE LOT COVERAGE: 40% OF LOT = 34,434.48 SF
PROPOSED LOT COVERAGE: 31,551 SF (LOT) + 7,550 SF
a) COMMERCIAL AREA = 19,241 SF
b) COVERED WALKS = 1,859 SF

C) REQUIRED LANDSCAPED OPEN SPACE: MIN OF LOT = 3,789.74 SF
PROPOSED LANDSCAPED OPEN SPACE: 11% OF LOT = 14,149 SF

D) REQUIRED PARKING SPACES: ONE PER 200 SF OF COMMERCIAL SPACE (100 SPACES)
PROVIDED PARKING SPACES: NOS. = 93 + 11 SPACES
EMPLOYEE PARKING SPACES: = 3
LOADING AREA (12'-0" x 35'-0") = 1

E) REQUIRED PARKING FOR THE HANDICAPPED: 5
PROVIDED PARKING FOR THE HANDICAPPED: 5

ZONING: BU-1A LIMITED BUSINESS DISTRICT	FRONT	SIDE TO RESIDENTIAL	SIDE TO COMMERCIAL	REAR
A) REQUIRED SETBACKS	25FT	50 FT	0	20FT
PROVIDED SETBACKS	25FT	50'-0"±	10'	20FT

Rev
RECEIVED
JAN - 9 2009

ARCHITECTURE
PLANNING
INTERIORS
CORPORATION NO. AA26003431
4333 PONCE DE LEON BLVD.
Coral Gables, Florida 33146
TEL: (305) 740-9442
FAX: (305) 740-9443
E-MAIL: INFO@EHARCH.COM
SEAL:
CONSULTANT
OWNER
MOHAMAD & ORGANIZATION
REAL ESTATE DEVELOPMENT
7700 N. KENDALL DR. SUITE 300
MIAMI, Florida 33156
TEL (305) 271-8000
FAX: (305) 271-8054

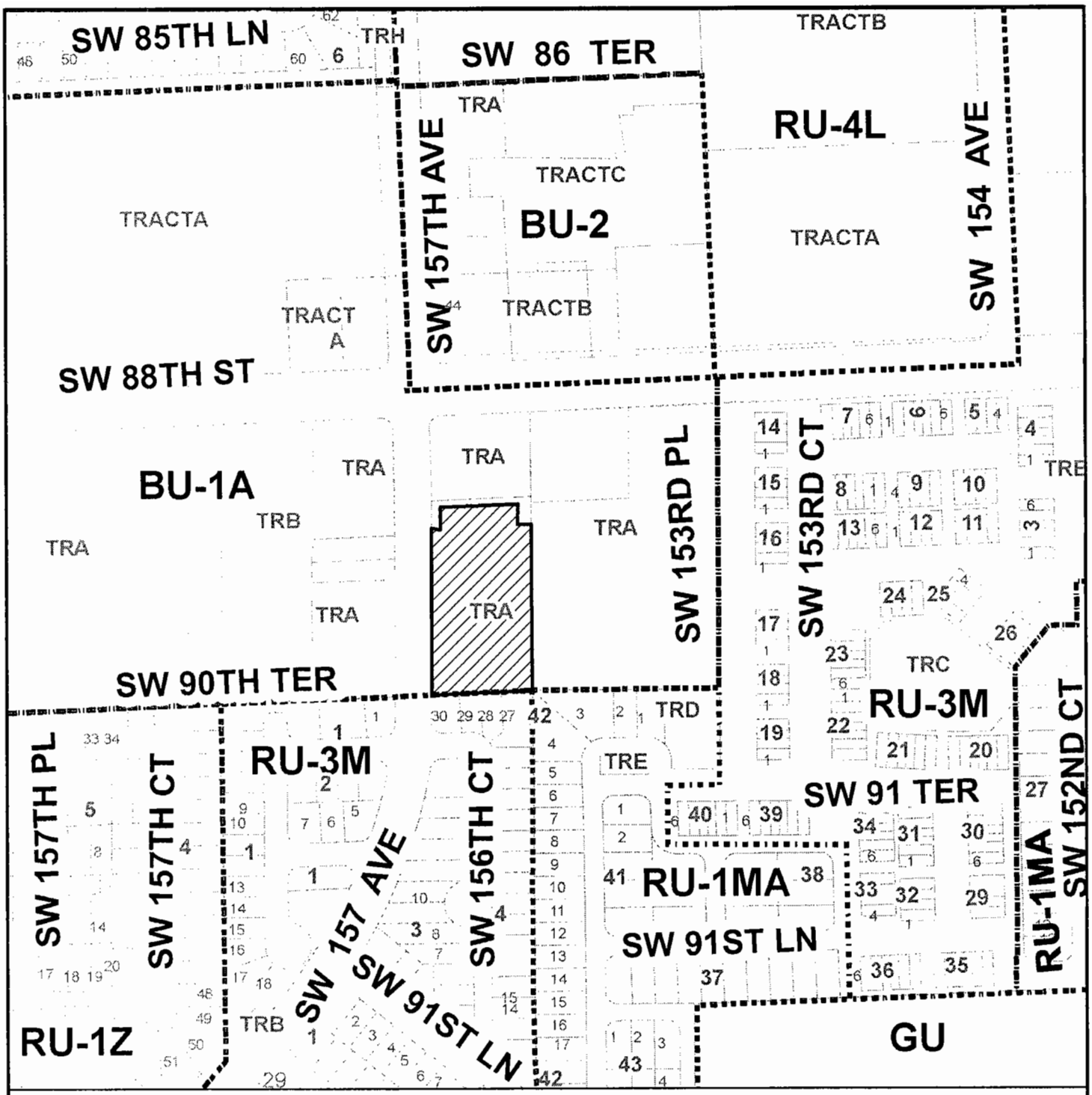
E H A R • F O U N T & P A R T N E R S , P . A .

KENDALL SHOPPES
8861 SW 157th AVENUE
MIAMI, FL 33196

DATE:
01-05-09
REVISIONS
1 ARCH. COMM. 2/25/2009

PROJECT No.
01-070
DRAWN BY:
ENC
CHECKED BY:
P.V.
SCALE:
AS SHOWN
SHEET No.
A-1.1
OF

27



MIAMI-DADE COUNTY

HEARING MAP

Section: 04 Township: 55 Range: 39

Applicant: GRIDIRON SPORTS GRILL, LCC

Zoning Board: C11

Commission District: 11

Drafter ID: JEFFER

Scale: NTS

---------- Zoning

Process Number

08-105

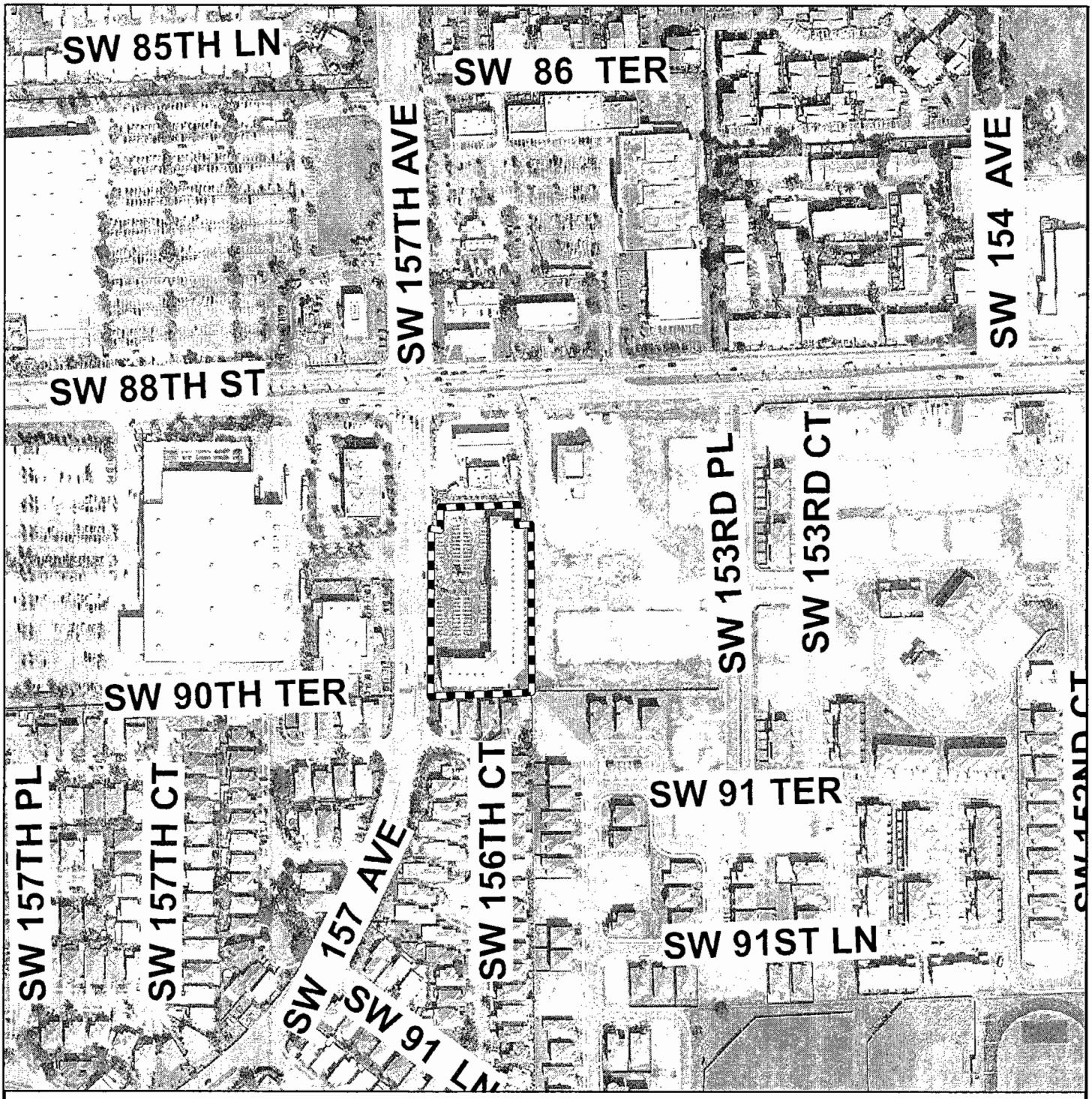
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/10/09

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY

AERIAL YEAR 2008
Section: 04 Township: 55 Range: 39
Applicant: GRIDIRON SPORTS GRILL, LCC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-105

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/10/09

REVISION	DATE	BY

3. ROLANDO & GRETHEL RUBI
(Applicant)

09-6-CZ11-3 (09-007)
Area 11/District 11
Hearing Date: 6/16/09

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	Marcia S.A.	- Zone Change from GU, EU-1 to RU-1, RU-TH, EU-1 - Unusual Use to lake excavation	BCC	Approved w/conds.
1981	Bird Lakes Development Corp.	- Special Exception to permit townhouse development & private drives - Non-Use Variance of lot frontage, area requirement, lot coverage requirements and 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: Rolando and Grethel Rubi **PH:** Z09-007 (09-6-CZ11-5)

SECTION: 23-54-39 **DATE:** June 16, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 3

==========

A. INTRODUCTION:

- **REQUEST:**

  (1) Applicants are requesting to permit an addition to a townhouse residence setback 2'6" (10' required) from the rear (northeasterly) property line.

  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 "Amnesty of Existing Addition for Mr. & Mrs. Rubi," as prepared by Filer and Hammond, Architects, Inc., dated stamped received 3/12/09 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:** The applicants are requesting to permit an existing family room addition to an existing townhouse residence to encroach into the rear setback area.

- **LOCATION:** 4613 SW 143 Court West, Miami-Dade County, Florida.

- **SIZE:** 34' x 90'

B. ZONING HEARINGS HISTORY:

In 1981, the subject property was part of a larger tract of land which was granted a special exception to the Zoning Regulations to permit a townhouse development, pursuant to Resolution #4-ZAB-124-81.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-TH; Townhouse	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-TH; Townhouses	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-TH; Townhouses	Low Density Residential, 2.5 to 6 dua
EAST: RU-TH; Townhouses	Low Density Residential, 2.5 to 6 dua
WEST: RU-TH; Townhouses	Low Density Residential, 2.5 to 6 dua

The subject property is located at 4613 SW 143 Court West, in an area characterized by townhouse 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:	**Unacceptable**
Buffering:	**Unacceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**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 applicants 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 applicants 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 site is located at 4613 SW 143 Court West in an area characterized by townhouse residences. The approval of the request would allow the applicants the maintenance and continued use of an existing family room addition to a townhouse residence. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Since the request will not add additional dwelling units to the subject property, the existing RU-TH zoned townhouse residence is **consistent** with the density threshold of the LUP map of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** also has **no objections** to this application. The **Miami-Dade Fire Rescue Department (MDFRD)** has **no objections** to this application and indicates in their memorandum that the estimated average response time is **2:30** minutes.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the 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 family room addition will provide additional indoor living space for the residents. However, it should be noted that no similar approvals as intense as the one sought in this request have been granted in the immediate vicinity of the subject property. As such, staff opines that approval of this request would be out of character with the immediate area and would be **incompatible** with same. Therefore, staff is of the opinion that the approval of the request will negatively affect the surrounding properties. As such, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the zoning regulations and previous zoning approvals, this application cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff opines that the request is excessive and **incompatible** with the surrounding area and will negatively affect the appearance of the community. Accordingly, staff recommends denial without prejudice of the request 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: 04/27/09
DATE TYPED: 04/27/09
DATE REVISED:
DATE FINALIZED: 05/11/09
MCF:MTF:NN:NC:AA

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

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 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 #Z2009000007
Rolando and Grethel Rubi
4613 S.W. 143rd Court West
Request to Permit an Addition to a Townhouse Residence with Setbacks that Exceed Requirements
(RU-TH) (0.07 Acres)
22-54-39

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.

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 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

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: Z2009000007

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000007
located at 4613 S.W. 143 COURT WEST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1580 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: 2:30 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

ROLANDO & GRETHEL RUBI	4613 S.W. 143 COURT WEST, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000007

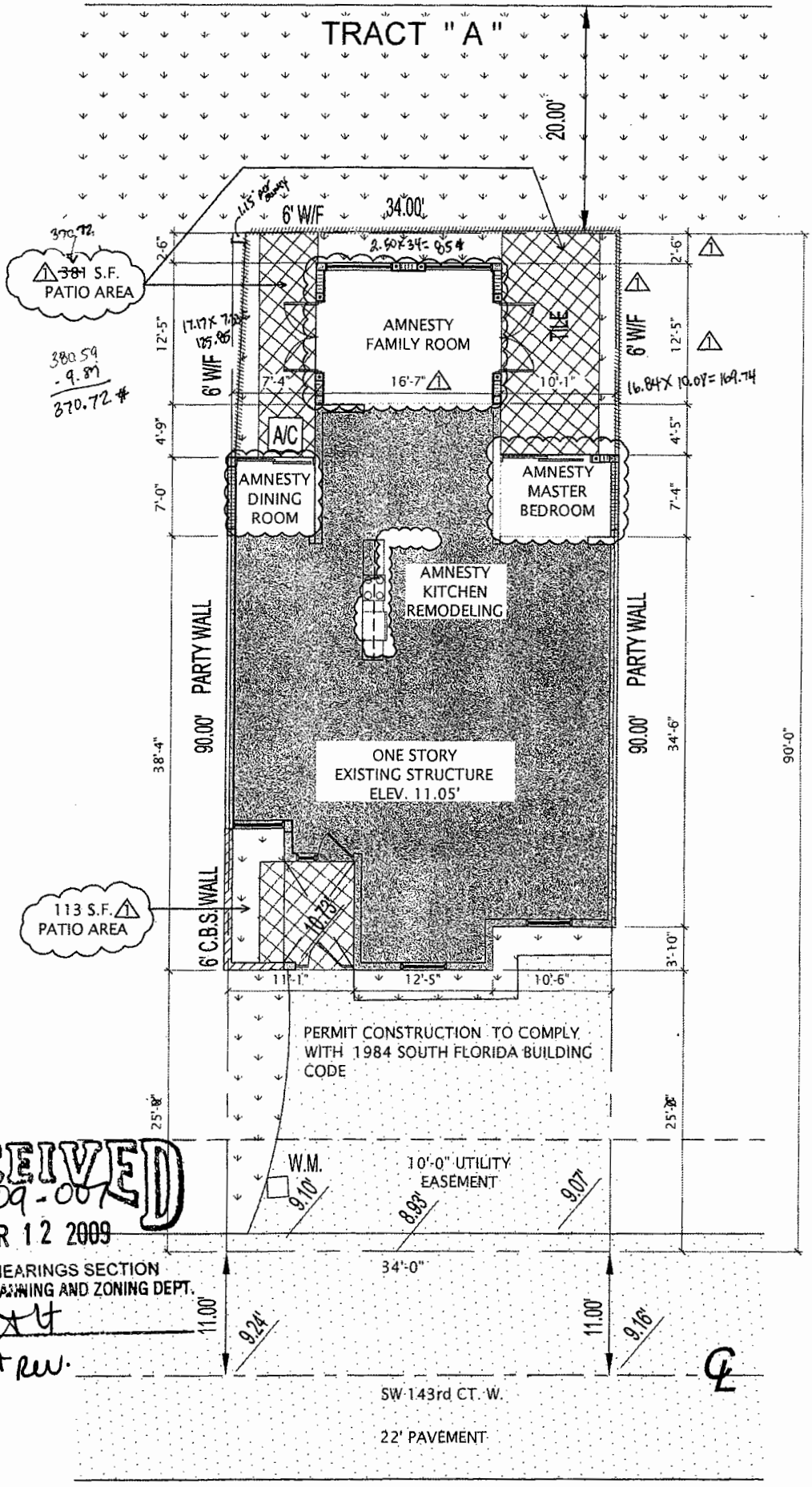
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT VIOLATIONS OBSERVED

ROLANDO & GRETHEL RUBI

JOSE MARTINEZ



RECEIVED
209-0071
MAR 12 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
1ST REV.

10

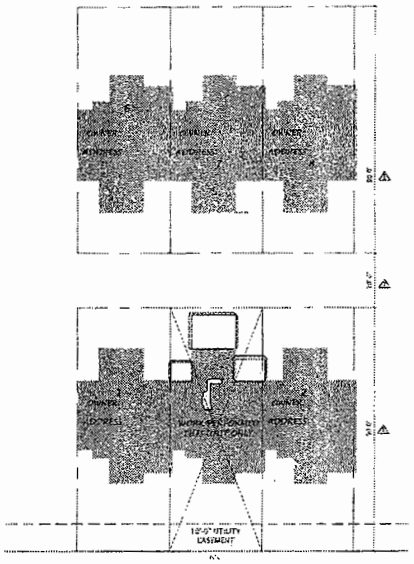
ENLARGED SITE PLAN

ESTIMADO VECINO, HACE 24 AÑOS EMPLEAMOS AL DESARROLLADOR DE NUESTRA COMUNIDAD DEL TOWNHOME PARA CONSTRUIR UNA AMPLIACION A NUESTRO TOWNHOME EN LA DIRECCION ARRIBA MENCIONADA. NOSOTROS ASUMIMOS QUE ESTE DESARROLLADOR OBTENDRIA UN PERMISO Y QUE TODO HABIA SIDO HECHO LEGALMENTE. NO SABÍAMOS QUE EL DESARROLLADOR NO OBTUVO EL PERMISO. POR LO TANTO ESTAMOS HACIENDO LAS GESTIONES PERTINENTES PARA OBTENER ESA APROBACION 24 AÑOS MAS TARDE, QUE REQUIERE UNA VARIACION.

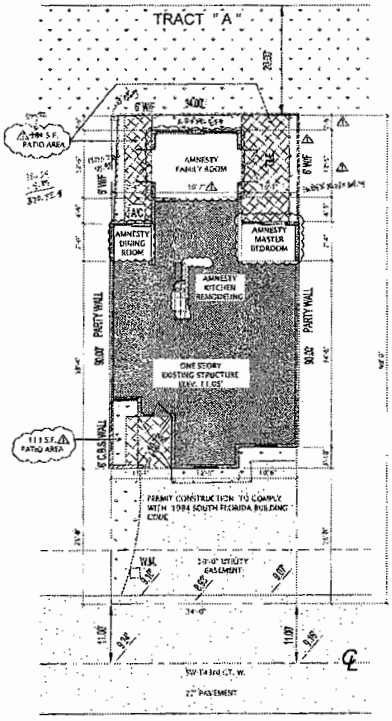
POR FAVOR, SERIA TAN AMABLE DE FIRMAR Y FECHAR ESTE DIBUJO EN EL NUMERO RELACIONADO CON SU HOGAR, PARA ASISTIRNOS CON ESTE PROCESO, Y DE TAL FORMA OBTENER EL PERMISO DEL CONDADO DE DADE.

DEAR NEIGHBOR, 24 YEARS AGO WE HIRED THE DEVELOPER OF OUR TOWNHOME COMMUNITY TO CONSTRUCT AN ADDITION TO OUR TOWNHOME AT THE ABOVE NOTED ADDRESS. WE PRESUMED THAT THIS DEVELOPER WOULD OBTAIN A PERMIT AND THAT EVERYTHING WAS BEING DONE LEGALLY. WE DID NOT KNOW THAT THE DEVELOPER DID NOT OBTAIN A PERMIT AND WE NOW SEEKING TO OBTAIN THAT APPROVAL, 24 YEARS LATER, WHICH REQUIRES A VARIANCE.

PLEASE, BE SO KIND TO SIGN AND DATE THIS DRAWING AT THE NUMBER RELATED TO YOUR NEARBY HOME, TO ASSIST US WITH THIS PROCESS. IN ORDER TO OBTAIN THE DADE COUNTY PERMIT.



NEIGHBORHOOD SITE PLAN
SCALE: 1/16"



NEW SITE PLAN
SCALE: 1/8"

LEGAL DESCRIPTION:

LOT 4, BLOCK 10, BIRD LAKES TOWNHOUSE SECTION ONE ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 118 AT PAGE 43 OF THE PUBLIC RECORDS, DADE COUNTY, FLORIDA.

⚠ ZONING AREA

DESCRIPTION	AREA, SQ FT.	ADJUSTED AREA F.A.R.	PERCENT
LAND USE CODE RD-TH			
LOT AREA	2,989.00		100.00 %
MINIMUM FLOOR AREA ALLOWED	1,500.00		49.00 %
GROUND FLOOR	1,672.78	1,672.78	54.33 %
EXISTING RESIDENCE	1,334.84	1,334.84	43.67 %
EXISTING REAR PORCH	169.00	169.00	10.99 %
EXISTING FRONT PORCH	78.40	78.40	1.34
AMNESTY AREA	339.20	339.20	11.04%
TOTAL FLOOR AREA	1,672.78	1,672.78	
LOT COVERAGE CALCULATION:			
⚠ TOTAL LOT COV. W. ROOF	1,672.78		54%
LOT COVERAGE PORCH	387.60		13%
LOT COVERAGE SCREENED	314.16		21%
LANDSCAPE AREA	282.73		17%
TOTAL	10,000.00		100%

DATE	REVISION
2-13-09	⚠ ZONING COMMENTS
	CORRECTIONS

THESE DRAWINGS AND SPECIFICATIONS NOTES ARE THE SOLE PROFESSIONAL PROPERTY OF FILER AND HAMMOND ARCHITECTS, INC. AND ARE IN THEIR ENTIRETY, NO PORTION MAY COPIED OR USED IN ANY FASHION OR MANNER WITHOUT APPROVAL IN WRITTEN FORM BY A PARTNER OF THIS FIRM.

Filer & Hammond Architects, Inc.
7438-A S.W. 48 ST., MIAMI, FL. 33155 444-5714

AMNESTY OF EXISTING ADDITION FOR MR. & MRS. RUBI
4613 SW 143 CT WEST MIAMI, FLORIDA 33175

DATE: 02-25-08
LIC.#AA-C002179
LIC.#FILER: 3144
HAMMOND: 5159
COMM. NO.: 0818
TITLE: SITE PLAN

SHEET: A-1

02-20-09

RECEIVED
2009-007
MAR 12 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH
1ST REV.

FINISH SCHEDULE

ROOM	FLOOR	BASE	WALL	CEILING	PAINT
FAMILY ROOM	TILE	WOOD	DRYWALL	DRYWALL	PAINT
DINING ROOM	TILE	WOOD	DRYWALL	DRYWALL	PAINT
BED ROOMS	TILE	WOOD	DRYWALL	DRYWALL	PAINT

WINDOW SCHEDULE

MARK	WIDTH	HEIGHT	FRAME	TYPE	REMARKS
24		4'-2 5/8"	ALUM.	AWNING	

DOOR SCHEDULE

MARK	MATERIAL	WIDTH	HEIGHT	THICKNESS	FRAME	TYPE/REMARKS	THRESHOLD
1	ALUM/GLASS	8'-0"-0"	6'-8"	1 3/4"	ALM.	★	METAL
2	ALUM/GLASS	8'-0"	6'-8"	1 3/4"	ALM.	SLIDING DOOR ★	METAL
3	ALUM/GLASS	5'-10"	6'-8"	1 3/4"	ALM.	SLIDING DOOR ★	METAL

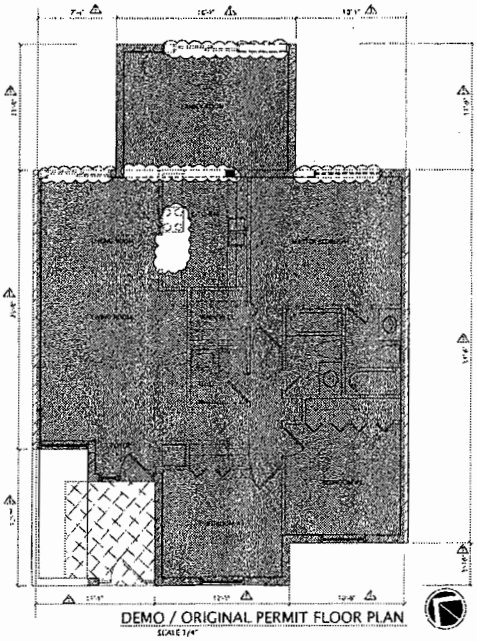
ALL CLOSET DOORS SHALL BE DEPARTURE FROM DISTRICT. ALL DOORS EXCEPT CLOSETS & A/C SHALL HAVE LOCKS

★ IMPACT RESISTANT GLASS

NOTE: ALL EXTERIOR WINDOWS AND DOORS SHALL EXCEPT PRODUCT APPROVAL

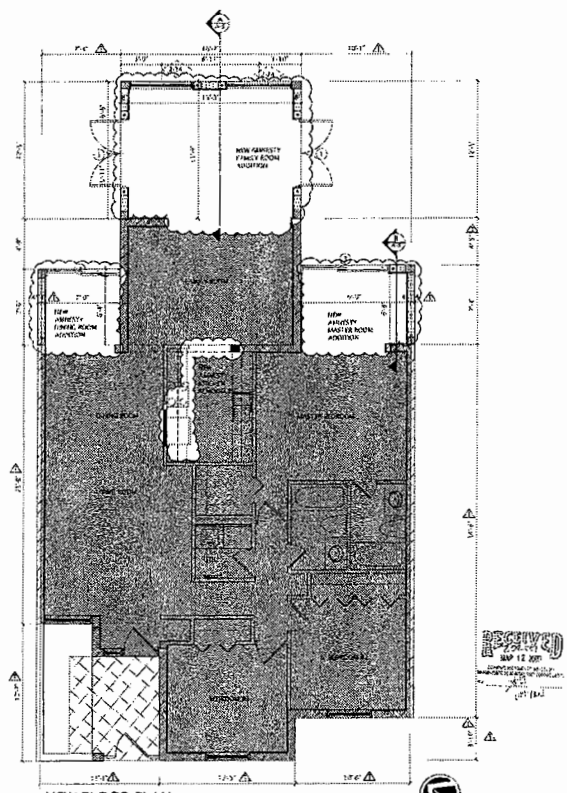
SYMBOL LEGEND

- 8" CONCRETE BLOCK WALL
- 6"x12" CONCRETE COLUMN 4#4
- REINFORCING, 47 TIES @ 8" O.C.
- CONCRETE FILLED CELL IN 8" CONCRETE BLOCK, 1/4 VERT. REINFORCING FROM FTG. TO T.O.
- NEW 4" INTERIOR WALL, 8" METAL STUDS @ 16" O.C.
- 8" INTERIOR WALL, 8" METAL STUDS @ 16" O.C.
- ALUMINUM FRAME GLASS SINGLE HORIZ. WINDOW
- UNLET AND FANGING ROD
- REMARKS FOR WINDOWS
- REMARKS FOR DOORS



DEMO / ORIGINAL PERMIT FLOOR PLAN

SCALE 1/4"



NEW FLOOR PLAN

SCALE 1/4"

FRAME CONSTRUCTION TO COMPLY WITH THE SOUTH FLORIDA BUILDING CODE

DATE	REVISION
2-12-09	ZONING COMMENTS

DIMENSIONS

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Filer & Hammond Architects, Inc.
7438-A S.W. 48 ST., MIAMI, FL. 33155 444-5714

AMNESTY OF EXISTING ADDITION FOR MR. & MRS. RUBI
4613 SW 143 CT WEST MIAMI, FLORIDA 33175

DATE: 02-25-08
LIC.#AA-C002179
LIC.#FILER: 3144,
HAMMOND: 5159
COMM. NO.: 0818
TITLE: 1st FLOOR PLAN

SHEET: A-2

02-20-09

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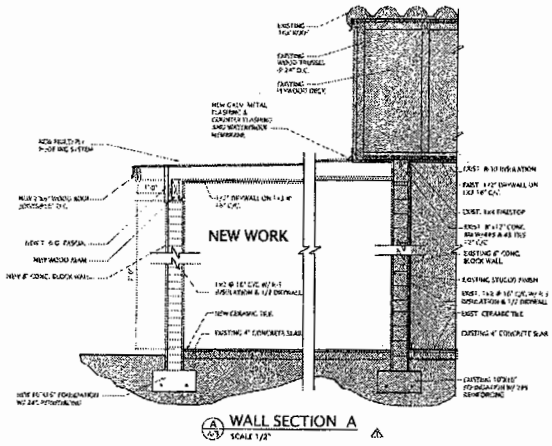
209-007
MAR 12 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH
1st RW.

12



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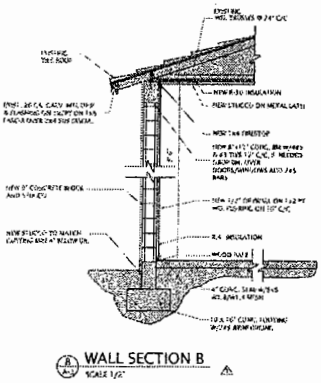

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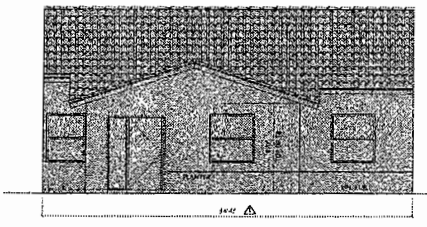
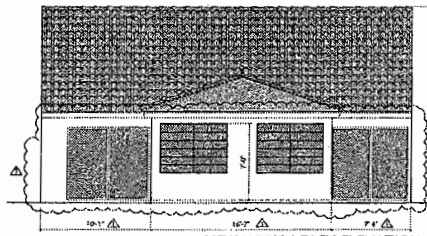
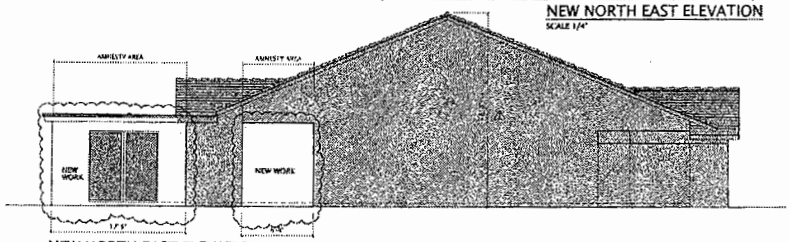
SCALE 1/2"



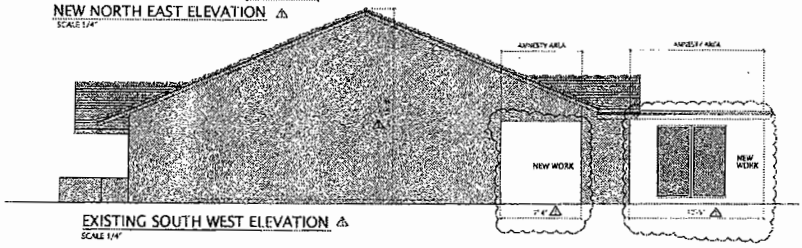
EXISTING SOUTH WEST ELEVATION ⚠ NO NEW WORK
SCALE 1/4"



NEW NORTH EAST ELEVATION
SCALE 1/4"



NEW NORTH EAST ELEVATION ⚠
SCALE 1/4"



EXISTING SOUTH WEST ELEVATION ⚠
SCALE 1/4"

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Filer & Hammond Architects, Inc.
7438-A S.W. 48 ST., MIAMI, FL. 33155 444-5714

AMNESTY OF EXISTING ADDITION FOR MR. & MRS. RUBI
4613 SW 143 CT WEST MIAMI, FLORIDA 33175

RECEIVED
MAR 12 2009

DATE: 02-25-08
LIC.#AA-C002179
LIC.#FILER: 3144,
HAMMOND: 5159
COMM. NO.: 0818
TITLE: ELEV.&SECT.

SHEET: A-3

02-26-09

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MAR 12 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

1st Rev.

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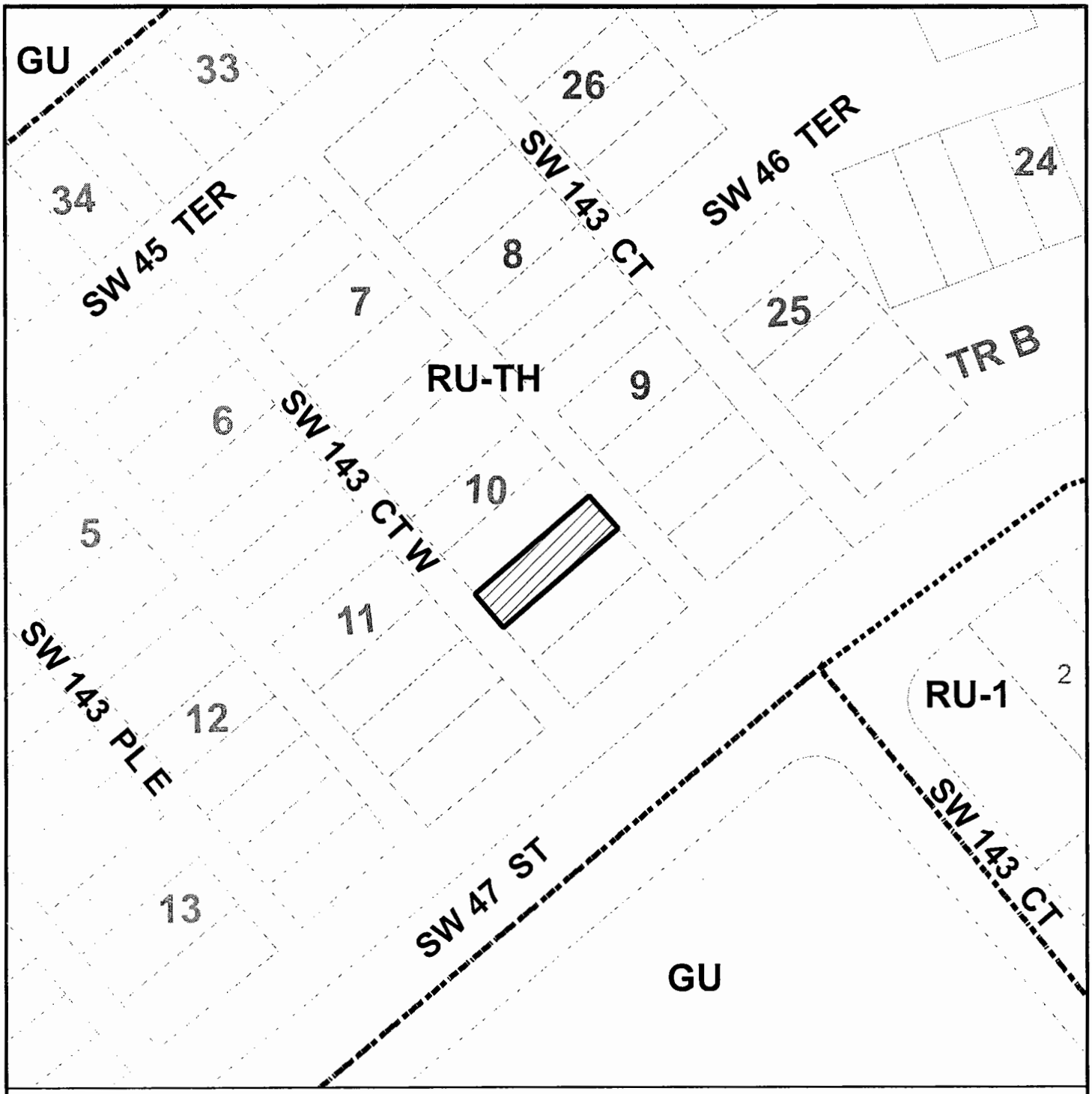


MIAMI-DADE COUNTY
HEARING MAP

Section: 22 Township: 54 Range: 39
Applicant: ROLANDO & GRETHEL RUBI
Zoning Board: C11
Commission District: 11
Drafter ID:KEELING
Scale: NTS
---------- Zoning

Process Number
09-007

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/23/09

REVISION	DATE	BY
		14

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 22 Township: 54 Range: 39
Applicant: ROLANDO & GRETHEL RUBI
Zoning Board: C11
Commission District: 11
Drafter ID:KEELING
Scale: NTS
---------- Zoning

Process Number
09-007

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/23/09

REVISION	DATE	BY

4. OSVALDO C. GARCIA
(Applicant)

09-6-CZ11-4 (09-008)
Area 11/District 11
Hearing Date: 6/16/09

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
	No History			

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

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

APPLICANT: Osvaldo C. Garcia **PH:** Z09-08 (09-6-CZ11-6)

SECTION: 10-55-39 **DATE:** June 16, 2009

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

==========

A. INTRODUCTION

- **REQUEST:**

  Applicant is requesting to permit an enclosed porch addition to a single-family residence setback 15.4' (25' required) from the rear (north) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Terrace Legalization for Existing Residence," as prepared by Juan A. Rodriguez-Jomolca, dated stamped received 1/21/09 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicant is seeking to legalize an existing enclosed porch addition to a single-family residence that encroaches into the rear setback area.

- **LOCATION:** 13861 S.W. 112 Street, Miami-Dade County, Florida.

- **SIZE:** 79' x 100'

B. ZONING HEARINGS HISTORY: In 1977, the subject site was part of a larger tract of land that was granted a zone change from GU, Interim District, to RU-1, Single-Family Residential District, with a minimum building requirement of 1250 sq. ft., pursuant to Resolution No. Z-145-77.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING		LAND USE PLAN DESIGNATION
Subject Property:		
RU-1; single-family residence		Low Density Residential, 2.5 to 6 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH:	GU; vacant	Environmentally Protected Parks
EAST:	RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1; home for the aged	Low Density Residential, 2.5 to 6 dua

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)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. the proposed development will meet the following:

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

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

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

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

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

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

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

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

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

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

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

undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 13861 S.W. 112 Street in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:24**. The **Public Works Department (PWD)** also has **no objections** to this application.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this application 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 enclosed porch addition provides an additional amenity for the residents of the single-family residence by providing additional indoor space as well as outdoor space that is sheltered from the elements and is adorned with architectural fenestration. Furthermore, staff acknowledges that there are several similar approvals in the area. For example, the property located at 13911 SW 112 Street, approximately 245' to the west of the subject site, was granted approval of a request to permit a covered patio addition to a single-family residence setback 12.5' from the rear property line, pursuant to Administrative Variance No. V1994000259. In addition, the property located at 13970 SW 111 Street, approximately 672' to the west of the subject site was granted approval of a request to permit a screened porch addition to a single-family residence setback 12.5' from the rear property line, pursuant to Administrative Variance No. 1980000138. Moreover, property located at 13920 SW 111 Street, approximately 296' to the northwest of the subject site was granted approval of a request to permit a roofed patio addition setback 14.19' from the rear property line, pursuant to Administrative Variance No. V1980000076. Notwithstanding the forementioned approvals, staff notes that the request sought in this application is more intense in terms of building mass than the structures approved in the surrounding area since said approvals were all for open-sided covered patio additions rather than enclosed patio additions. It should be noted that staff's research revealed that there are no approvals to permit enclosed patio additions to encroach onto the rear setback area within the immediate vicinity of the subject site. As such, staff opines that the approval of the request would be **incompatible** and would adversely affect the aesthetic character of the area. Therefore, staff recommends denial without prejudice of this application under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards as established. However, the applicant has 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)(14) (ASDO).

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 request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 02/20/09
DATE TYPED: 04/23/09
DATE REVISED: 04/27/09; 06/03/09
DATE FINALIZED: 06/03/09
MCL:MTF:NN:CH:NC

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

NON

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 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 #Z2009000008
Osvaldo Garcia
13861 S.W. 112th Street
Request to Permit a Single-Family Residence and Covered Porch Addition that Exceeds Setback Requirements and Lot Coverage
(RU-1) (0.18 Acres)
10-55-39

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.

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 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

Memorandum

Date: 11-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000008

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000008
located at 13861 S.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1886 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: 6:24 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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

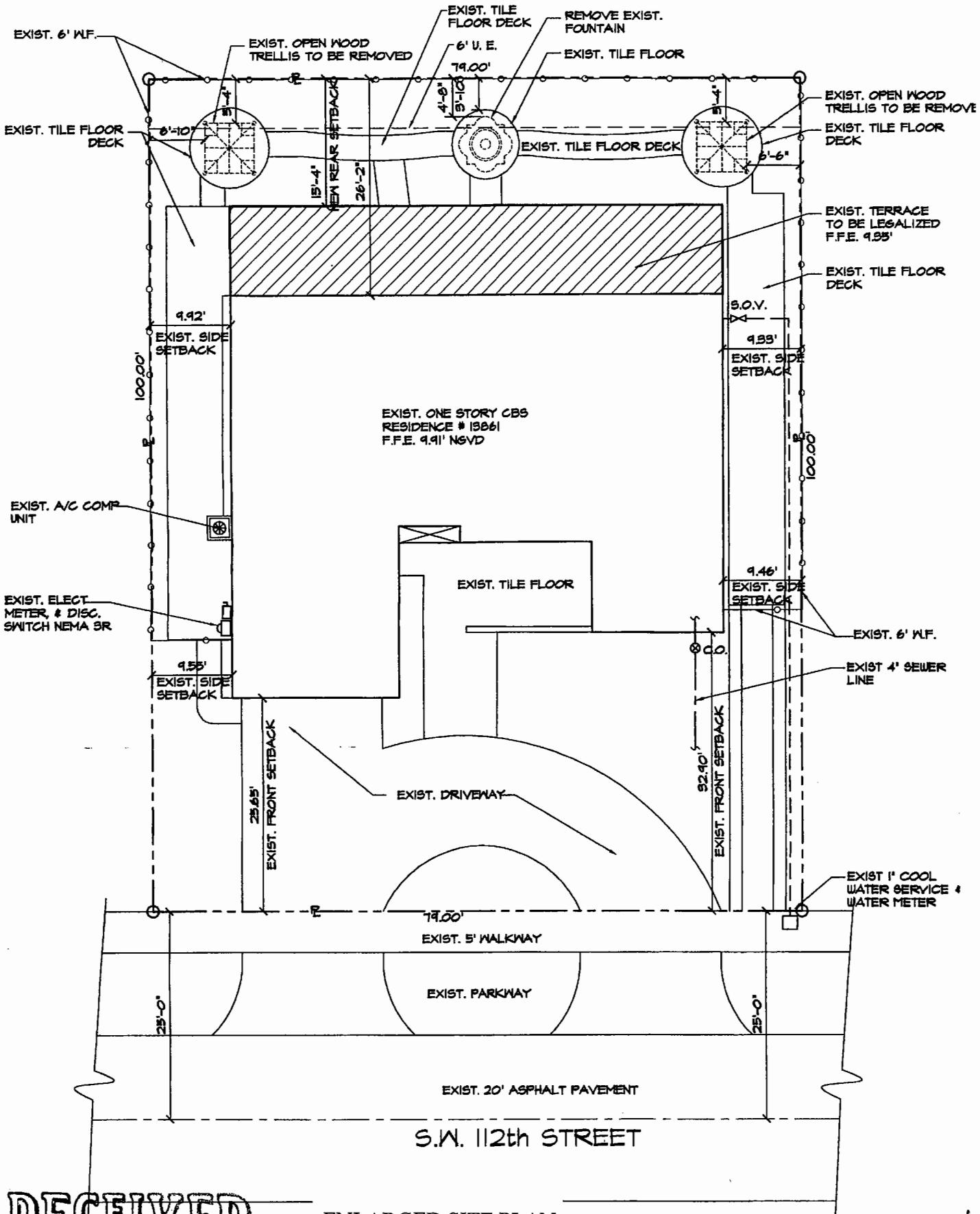
ENFORCEMENT HISTORY

OSVALDO C. GARCIA	13861 S.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
2/12/2009	Z2009000008
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:
200902000826 OPEN ISSUED CIVIL VIOLATION NOTICE # T000801 (FOUND IN VIOLATION CODE SECTION 33-199 UNAUTHORIZED USE MULTI-FAMILY-USE). 200902001454 CLOSED (ENFORCEMENT HISTORY).

VIOLATOR:

SUZEL CUELLAR



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JAN 21 2009
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BY

ENLARGED SITE PLAN

1 SITE PLAN

SCALE: 10' - 1"

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JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

15

GENERAL NOTES:

1. THE ARCHITECT/ENGINEER SHALL NOT BE RESPONSIBLE FOR, NOR HAVE CONTROL OR CHARGE OF THE CONSTRUCTION MEANS, METHODS, SEQUENCES OR PROCEDURES OR FOR SAFETY PRECAUTIONS AND PROGRAMS, ALL CONTRACTORS AND SUBCONTRACTORS SHALL HOLD HARMLESS THE OWNER, ARCHITECT AND HIS ENGINEER FOR ANY PERSONAL INJURY OR DAMAGE ON THE JOB AND/OR TO ADJACENT PROPERTIES, AND FOR WORK NOT INSPECTED OR NOT PROPERLY INSPECTED. PRIOR TO DEMOLITION AND/OR NEW CONSTRUCTION, CONTRACTOR AND HIS SUB-CONTRACTORS ARE SOLELY RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES AND STRUCTURAL ELEMENTS. ANY DAMAGES TO EXISTING UTILITIES AND/OR STRUCTURAL ELEMENTS SHALL BE REPLACED AT SOLE COST TO CONTRACTOR.

2. BIDDER/CONTRACTOR MUST REVIEW AND BECOME THOROUGHLY FAMILIAR WITH THE CONSTRUCTION DOCUMENTS. ON THE SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE HIS RESPONSIBILITY. IF DOUBT EXIST IN THE MIND OF THE BIDDER/CONTRACTOR AS TO THE TRUE MEANING OF ANY PART OF THE CONTRACT DOCUMENTS AND/OR ON-SITE CONDITIONS, HE/SHE MUST REQUEST CLARIFICATION IN WRITING. ARCHITECT AND HIS ENGINEERS SHALL RESPOND TO ANY INQUIRY IN LETTER FORM. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT IN WRITING BEFORE PROCEEDING WITH WORK INVOLVED. SURVEY OF EXISTING PROPERTY TO BE PROVIDED BY OWNER.

3. ALL WORK SHALL CONFORM WITH THE BUILDING CODES HAVING JURISDICTION AND THE LATEST VERSION OF OSHA, NFPA, INDUSTRY STANDARDS, MANUFACTURER'S SPECIFICATION.

4. ALL WOOD IN CONTACT WITH MASONRY SHALL BE PRESSURE TREATED. WOOD CASINGS, JAMBS AND TRIM SHALL BE STAIN GRADE OR CLEAR UNLESS SPECIFIED OTHERWISE.

5. CONTRACTOR SHALL SUBMIT AT LEAST 4 COPIES OF SHOP DRAWINGS FOR ALL CUSTOM FABRICATED WORK, AND/OR FOR ITEMS SO NOTED ON CONSTRUCTION DOCUMENTS. CONTRACTOR SHALL REVIEW/APPROVE ALL SUBMITTALS/SHOP DRAWINGS PRIOR TO SUBMITTING FOR ARCHITECTS REVIEW AND INDICATE SO WITH STAMPS AND SIGNATURES. THE CONTRACTOR SHALL PAY ALL APPLICABLE BOND, PERMITS, SHOP DRAWING REVIEW AND RE-INSPECTIONS FEES AND ANY APPLICABLE TAX AND/OR SALES TAXES.

6. DO NOT SCALE DRAWINGS. USE DIMENSIONS INDICATED ON DRAWINGS. DIMENSIONS OF LARGER SCALE DRAWINGS AND DETAILS SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS. ANY DISCREPANCIES BETWEEN ARCHITECTURAL DRAWINGS AND ENGINEERING DRAWINGS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. MEASUREMENTS ON ARCHITECTURAL DRAWINGS TAKE PRECEDENCE OVER ALL OTHER MEASUREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND VERIFY THE SAME IN FIELD. ALL FIXTURES, FINISHES, COLORS, AND MATERIALS NOT SPECIFIED IN THESE DRAWINGS SHALL BE SELECTED BY THE OWNER, THE ARCHITECT, IF REQUESTED BY THE OWNER, WILL ASSIST IN SELECTING THE ABOVE STATED ITEMS ON AN ADDITIONAL SERVICE BASIS. CONTRACTOR MUST SUBMIT SAMPLES OF ALL FINISHES FOR ARCHITECT APPROVAL.

7. N/A

8. INSULATE MASONRY WALLS, EXTERIOR STUD WALLS, AND ATTIC SPACE IN ACCORDANCE WITH THE DOCUMENTS AND ENERGY CALCULATIONS.

9. ALL WINDOW AND DOOR SIZES ARE NOMINAL, VERIFY MANUFACTURER'S ACTUAL AND ROUGH OPENING DIMENSIONS.

10. N/A

11. ALL DRYWALL, PLASTER AND STUCCO SHALL RECEIVE TWO COATS OF PREMIUM QUALITY PAINT OVER ONE COAT OF PRIMER. WOOD SHALL BE PAINTED OR STAINED. SEE OWNER FOR ALL PAINT/STAIN COLORS.

12. ALL WALLS IN POTENTIALLY WET AREAS SUCH AS THE KITCHEN AND BATHROOMS SHALL BE DENS GLASS GOLD SHEATHING (MOLD RESISTANT).

13. THE CONTRACTOR SHALL PROVIDE ALL SUPPLEMENTAL MATERIAL REQUIRED TO PROPERLY INSTALL, SUPPORT, AND BRACE ALL ITEMS AND COMPONENTS WITHIN THE WORK.

14. COMMENCEMENT OF, OR WORK BY ONE TRADE OR SUBCONTRACTOR OVER THE EXISTING FINISHED WORK OF A PREVIOUS TRADE OR SUBCONTRACTOR SHALL CONSTITUTE UNCONDITIONAL ACCEPTANCE OF THE PREVIOUS WORK BY THE NEW TRADE OR SUBCONTRACTOR.

15. FIXED GLASS AND/OR OPERABLE WINDOWS WITHIN 24" OF THE FINISH FLOOR SHALL BE SAFETY GLASS.

16. COMPLETION: CONTRACTOR TO NOTIFY OWNER AND/OR ARCHITECT IN WRITING AT LEAST ONE WEEK PRIOR TO FINAL INSPECTION. FINAL DISBURSEMENT TO CONTRACTOR SHALL NOT BE MADE UNTIL OWNER'S PUNCH LIST HAS BEEN SATISFIED. CONTRACTOR TO PROVIDE OWNER WITH WRITTEN GUARANTEE ON ALL EQUIPMENT. CONTRACTOR AT COMPLETION OF WORK SHALL REMOVE FROM THE PREMISES ALL RUBBISH, IMPLEMENTS, EQUIPMENT, AND SURPLUS MATERIALS, LEAVING THE PROJECT "BROOM CLEAN".

17. ALL SUBSTITUTIONS MUST BE REVIEWED AND APPROVED BY THE ARCHITECT.

18. CONTRACTOR OR SUBCONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING HIS OPERATION AND ANY LOSS AND/OR DAMAGE TO HIS WORK WHILE PROJECT IS UNDER CONSTRUCTION.

19. ALL WORK COMPLETED OR OTHERWISE, SHALL BE PROPERLY PROTECTED AT ALL TIMES. CONTRACTOR SHALL FOLLOW ALL ACCEPTED METHODS OR SAFETY PRACTICE AND PROVIDE ALL FENCES, BARRICADES, ETC. AS MAY BE NEEDED TO PROTECT LIFE AND PROPERTY AND AS MAY BE REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER THIS WORK. HE SHALL REPAIR AT HIS OWN COST ANY DAMAGES TO THE PREMISES OR ADJACENT WORK CAUSED BY HIS OPERATION.

20. ALTERING STRUCTURAL MEMBERS: NO STRUCTURAL MEMBERS SHALL BE CUTTED, NOTCHED, CUT BLOCKED OUT, OR RELOCATED WITHOUT PRIOR APPROVAL BY THE ARCHITECT, LANDLORD AND STRUCTURAL ENGINEER.

21. ALL WORK AND/OR MATERIAL SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS OR INDUSTRIES RECOMMENDATIONS AND SPECIFICATIONS.

22. IN THE EVENT OF DAMAGE TO THE BUILDING WHICH REQUIRE ASSESSMENT FOR AN INSURANCE CLAIM, THE CONTRACTOR MUST IMMEDIATELY NOTIFY THE OWNER OF THE CIRCUMSTANCES SURROUNDING THE LOSS, DOCUMENT DAMAGES, DETERMINE AND PRICE REPAIRS, DETERMINE IMPACT TO THE PROJECT SCHEDULE, SUBMIT ALL INFORMATION TO THE OWNER WITHIN 72 HOURS OF A LOSS.

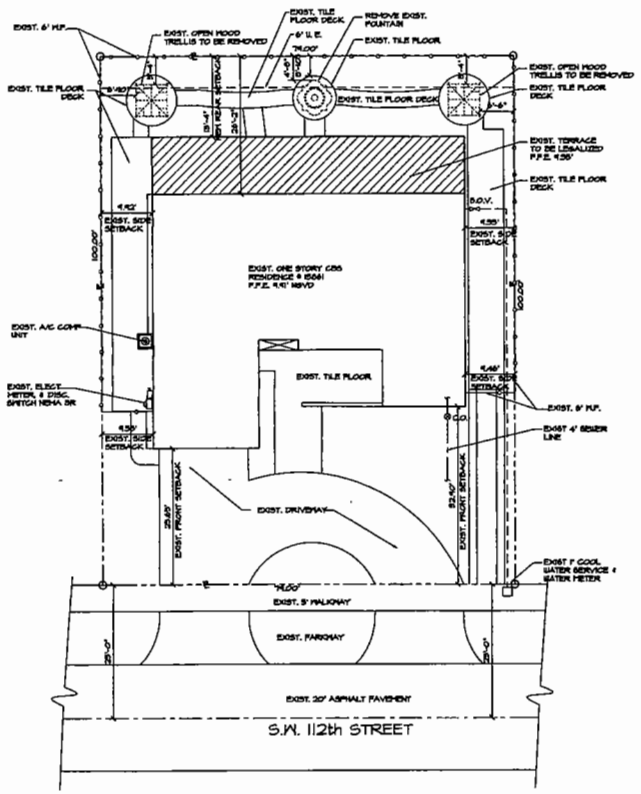
23. CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES AT THE TIME THE WORK IS PERFORMED. NO ADDITIONAL PAYMENTS SHALL BE MADE FOR THE CONTRACTOR'S FAILURE TO CORRECT CONFLICTING FIELD CONDITIONS AFTER THE WORK HAS BEEN COMPLETED.

LEGAL DESCRIPTION

LOT 20, BLOCK 7 OF "SHORES CALUSA" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106 AT PAGE 31 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ZONING INFORMATION

EXISTING RESIDENCE =	2,505 SF
COVERED TERRACE TO LEGALIZE=	647 SF
TOTAL RESIDENCE =	3,480 SF
EXIST. DRIVEWAY, WALKS & DECKS =	2,365 SF
GREEN AREA =	2,561 SF
LOT AREA=	7,900 SF
GREEN AREA REQ. (35% MIN) =	1,265 SF
GREEN AREA PROPOSED =	2,561 SF (50.5%)
MAX. FOOTPRINT ALLOWED (40%)=	3,160.0 SF
FOOTPRINT PROPOSED =	2,950.0 SF (37.5%)



1 SITE PLAN
SCALE: 10' = 1'

RECEIVED
709.008
JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
29006
JAN 21 2009

JUAN A. RODRIGUEZ JOMOLCA
architect
250 CATALONIA AVE. SUITE 503.
CORAL GABLES, MIAMI FL. 33134
R.A. # 6691 TEL: 305 444 4595

TERRACE LEGALIZATION FOR
EXISTING RESIDENCE
13861 S.W. 112th STREET
MIAMI, FLORIDA 33186

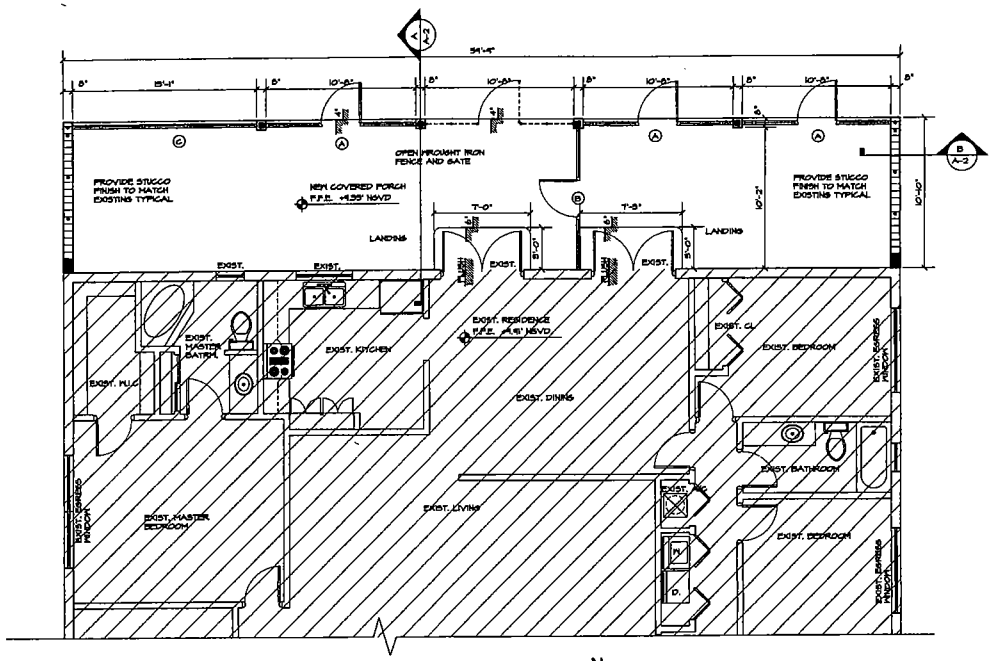
1/19/09

JOB NUMBER
0725

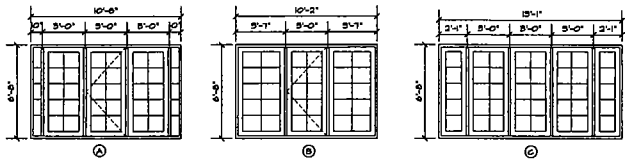
REVISIONS

FILE:
PLOT: 100%
DRAWN: LS
CHECKED:
DATE: 1/19/09

SHEET INDEX
SITE PLAN
SHEET NUMBER
A-1
1 OF 7

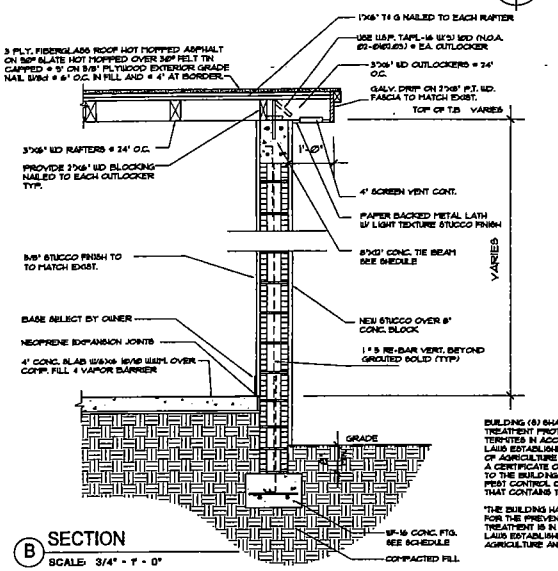


1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

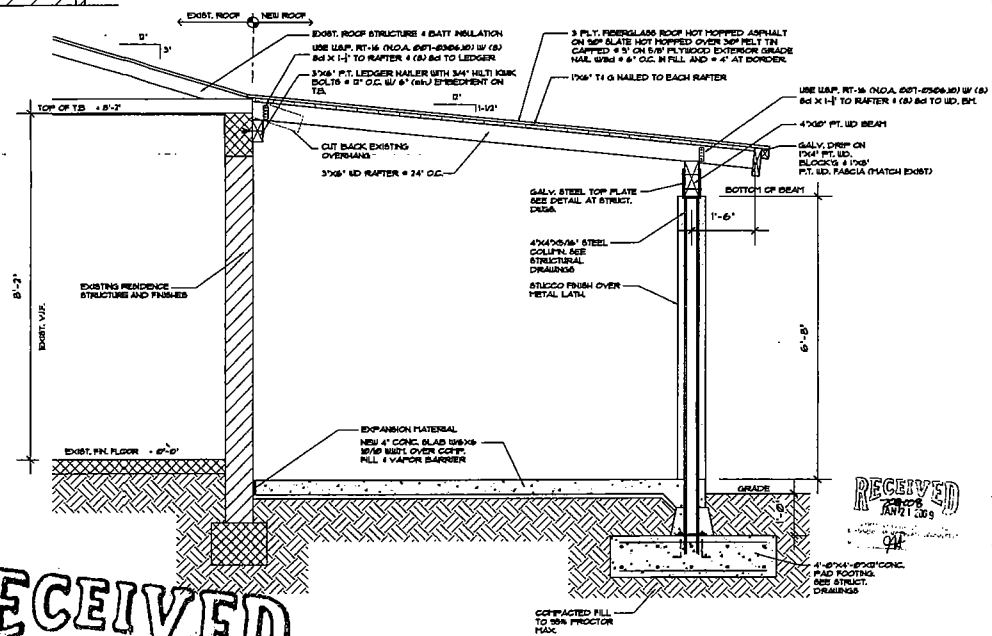


* NOTES
ALL DOORS, SIDE LITES AND FIXED PANELS TO BE WOOD AND SAFETY GLASS CAT. II
ALL DOORS AND WINDOWS SHALL COMPLY W/ FBC

2 DOORS ELEVATIONS
SCALE: 1/4" = 1'-0"



B SECTION
SCALE: 3/4" = 1'-0"



A SECTION
SCALE: 3/4" = 1'-0"

RECEIVED
JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
JAN 21 2009

JUAN A. RODRIGUEZ JOMOLCA
A R C H I T E C T
250 CATALONIA AVE. SUITE 503.
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R.A. # 6691 TEL: 305 444 4595

TERRACE LEGALIZATION FOR
EXISTING RESIDENCE
13861 S.W. 112th STREET
MIAMI, FLORIDA 33186

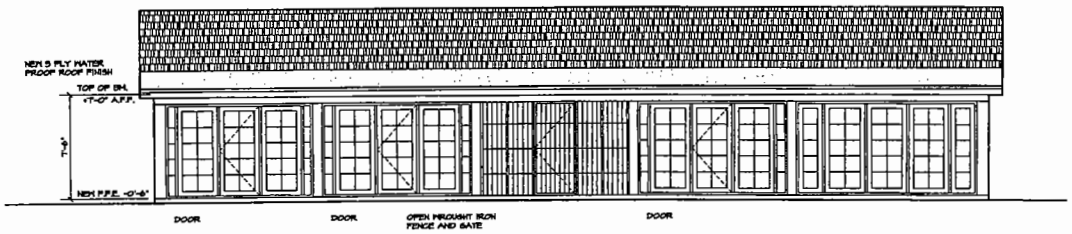
1/17/09

JOB NUMBER
0725

REVISIONS

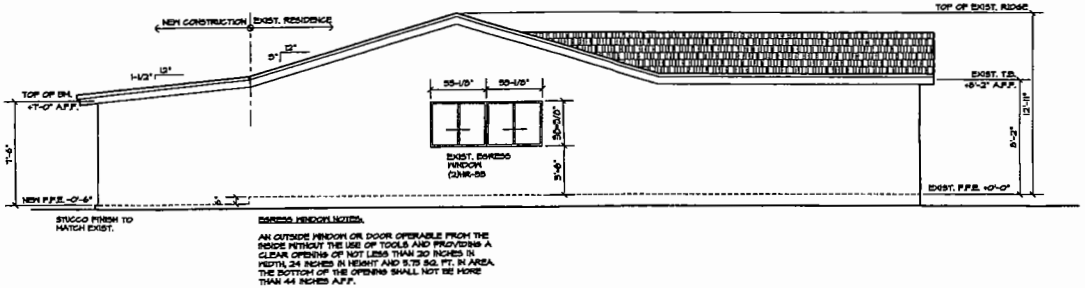
FILE:
PLOT 100%
DRAWN J.R.
CHECKED
DATE: 10/29/07

SHEET INDEX
FLOOR PLAN
SHEET NUMBER
A-2
OF 7



① NORTH (REAR) ELEVATION

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

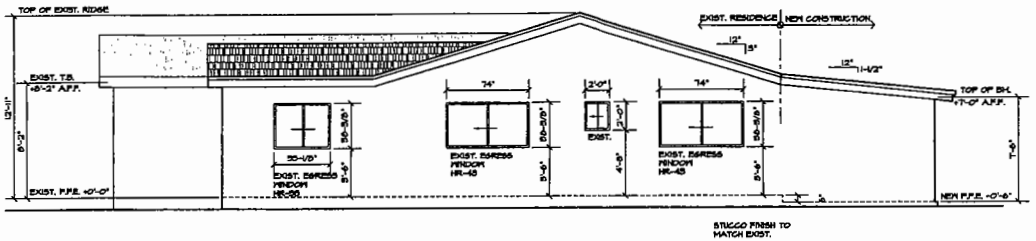


EGRESS WINDOW NOTES:

AN OUTSIDE WINDOW OR DOOR OPERABLE FROM THE INSIDE WITHOUT THE USE OF TOOLS AND PROVIDING A CLEAR OPENING OF NOT LESS THAN 20 INCHES IN WIDTH, 24 INCHES IN HEIGHT AND 5.75 SQ. FT. IN AREA. THE BOTTOM OF THE OPENING SHALL NOT BE MORE THAN 44 INCHES A.F.F.

② WEST (LEFT) ELEVATION

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



③ EAST (RIGHT) ELEVATION

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

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209.008
JAN 21 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY

RECEIVED
209.008
JAN 21 2009

JUAN A. RODRIGUEZ JOMOLCA
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R.A. # 6691 TEL: 305 444 4595

TERRACE LEGALIZATION FOR
EXISTING RESIDENCE
13861 S.W. 112th STREET
MIAMI, FLORIDA 33186

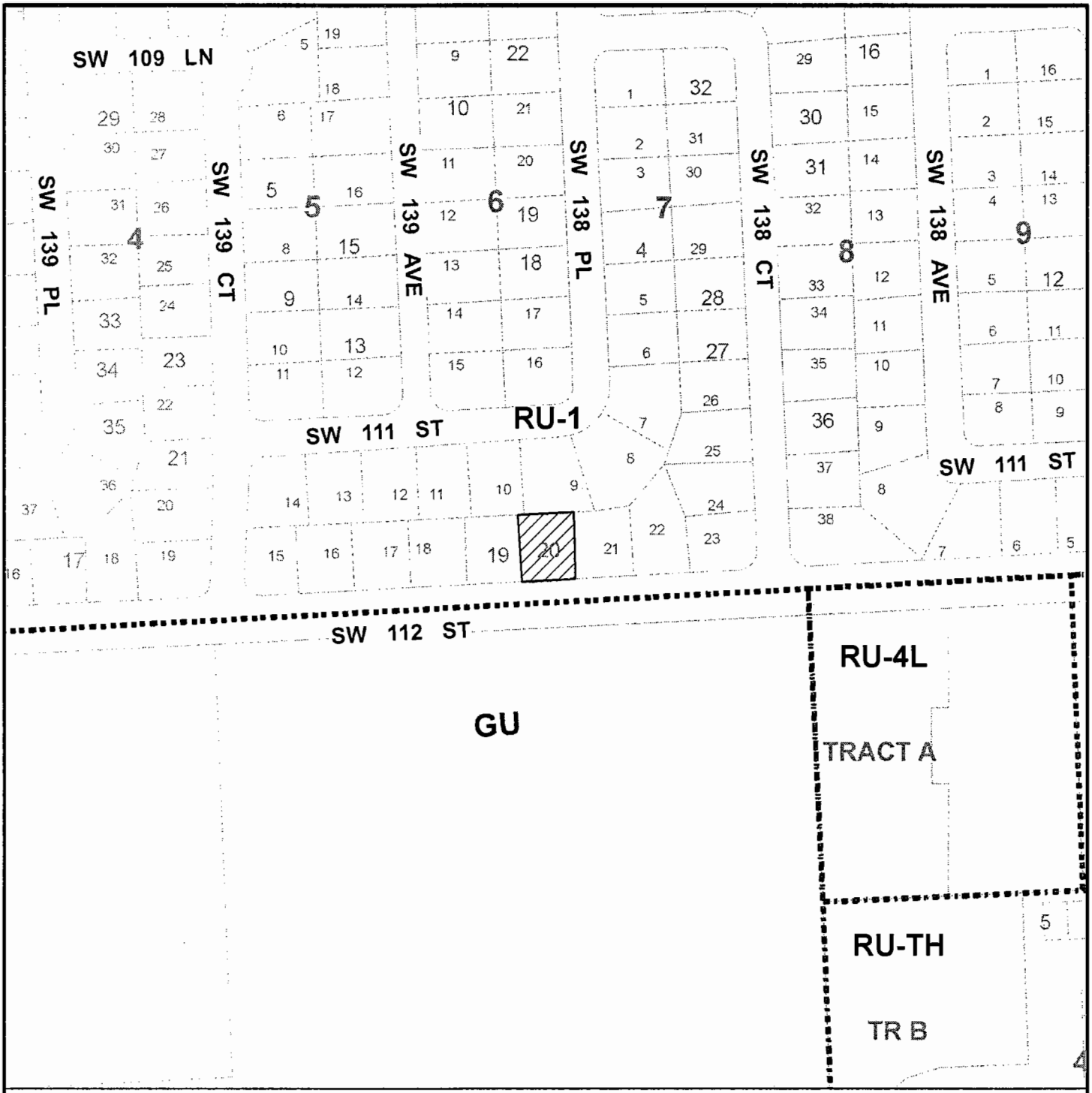
9/11/08

JOB NUMBER
0725

REVISIONS

FILE:
PLOT: 100%
DRAWN: LS
CHECKED:
DATE: 10/25/07

SHEET INDEX
ELEVATIONS
SHEET NUMBER
A-3
OF 7



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-008

Section: 10 Township: 55 Range: 39
Applicant: OSVALDO C. GARCIA
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

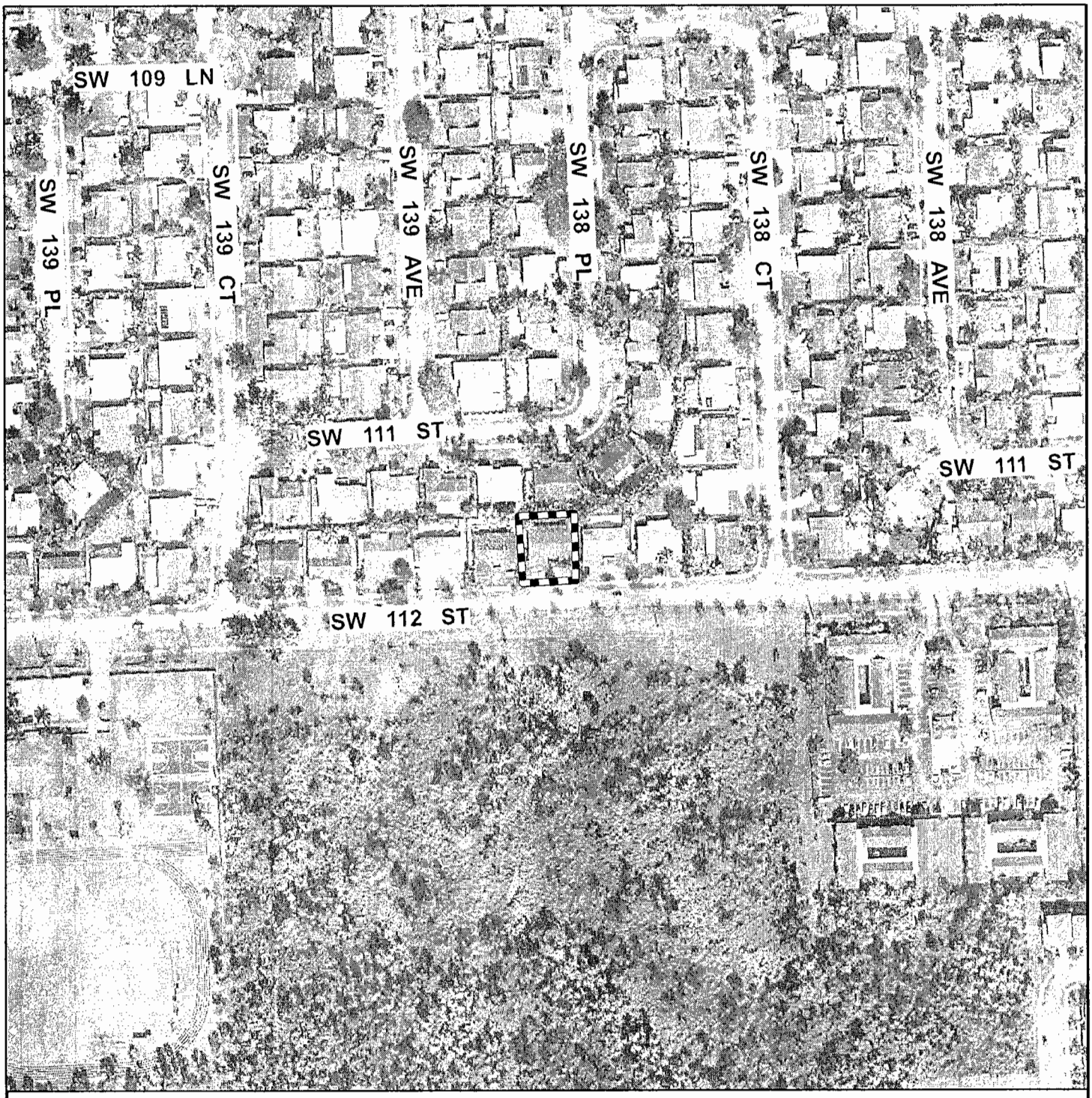
SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/22/09

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

09-008

Section: 10 Township: 55 Range: 39
Applicant: OSVALDO C. GARCIA
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/22/09

REVISION	DATE	BY

5. CARMEN & RAMON SARABIA
(Applicant)

09-6-CZ11-5 (09-036)
Area 11/District 10
Hearing Date: 6/16/09

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
1973	Cantisano Enterprises, INC.	- Special Exception multi family development.	ZAB	Approved w/conds.
1976	Building & Progress of Florida, INC.	- Modification of resolution plans - Special Exception townhouse - Fence Height	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: Carmen and Ramon Sarabia **PH:** Z09-36 (09-6-CZ11-7)

SECTION: 27-54-39 **DATE:** June 16, 2009

COMMISSION DISTRICT: 10 **ITEM NO.:** 5

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) Applicants are requesting to permit a family room addition to a townhouse setback 7.32' (10' required) from the rear (east) property line.

  (2) Applicants are requesting to permit the townhouse setback 24.7' (25' required) from the front (west) property line and setback 9.53' (10' required) from the interior side (north) property line.

  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 "Addition/Terrace to be Legalized," as prepared by Golaville K. Rao, Civil Engineer, dated stamped received 3/16/09, consisting of 3 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicants are requesting to permit the maintenance and continued use of an existing family room addition to a townhouse residence to encroach into the rear (east) setback area. In addition, the applicants are requesting to permit the maintenance and continued use of the existing townhouse residence to encroach into the front (west) and interior side (north) setback areas.

- **LOCATION:** 5701 S.W. 140 Avenue, Miami-Dade County, Florida.

- **SIZE:** 85' x 42.33'

B. ZONING HEARINGS HISTORY: In 1969, the subject site was part of a larger tract of land that was granted, among other requests, a zone change from RU-1, Single-Family Residential District, to RU-4L, Limited Apartment House District, pursuant to Resolution No. Z-171-69. In 1973, the subject site was included in an application that encompassed a larger portion of land which was approved a special exception to permit a multiple family development and a special exception to permit said multiple family development on private drives in lieu of public streets and roads, pursuant to Resolution No. 4-ZAB-543-73. In 1976, the subject site remained a part of a larger tract of land which was granted approval of a request to modify Condition #3 of Resolution 4-ZAB-401-76 in order to allow the then applicant to submit a revised site plan illustrating a less dense development featuring 123 townhouse units in lieu of the previously approved 348 units, a special exception to permit a townhouse development in the RU-4L zone, and a request to permit a 6' high (4' permitted) perimeter fence in the front and rear setback areas, pursuant to Resolution No. 4-ZAB-401-76.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-TH; townhouse residence	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:		
NORTH:	RU-TH; townhouse residences	Low-Medium Density Residential, 6 to 13 dua
SOUTH:	RU-TH; townhouse residence	Low-Medium Density Residential, 6 to 13 dua
EAST:	RU-TH; townhouse residence	Low-Medium Density Residential, 6 to 13 dua
WEST:	RU-TH; townhouse residence	Low-Medium Density Residential, 6 to 13 dua

E. SITE AND BUILDINGS:

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

*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 objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject site is located at 5701 S.W. 140 Avenue, in an area characterized by townhouse residences developed under the RU-TH zoning district regulations. 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 range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. Since the requests will not add additional dwelling units to the subject property, the RU-TH zoned, townhouse residence is **consistent** with the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department **(MDFR)** and the **Public Works Department (PWD)** have **no objections** to this application. The MDFR Department indicates that the estimated average travel response time is **6:10**.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of this application with conditions would be **compatible** with the surrounding area. Approval of request #1 will permit the maintenance and continued use of an existing family room addition to a townhouse residence setback 7.32' (10' required) from the rear (east) property line. Staff notes that similar approvals for relief of rear setback requirements are prevalent in the surrounding area. Specifically, property located at 13940 SW 56 Lane, approximately 43' to the northeast of the subject site was granted approval of a request to permit a townhouse setback 6' from the rear property line, pursuant to Resolution No. CZAB11-38-00. In addition, staff's research revealed that the property located at 13955 SW 57 Lane, approximately 93' to the southeast of the subject property, was granted approval to permit an addition to a townhouse residence setback 5.08' from the rear property line, pursuant to Resolution No. CZAB11-20-05. Moreover, property located at 14021 SW 56 Lane, approximately 204' to the northwest of the subject site was granted approval of a request to permit a townhouse setback varying from 4' to 17' from the rear property line, pursuant to Resolution No. CZAB11-21-06. Approval of request #2 will permit the maintenance and continued use of the existing townhouse residence setback 24.7' (25' required) from the front (west) property line and setback 9.53' (10' required) from the interior side (north) property line. It should be noted that property located at 13955 SW 57 Lane, approximately 93' to the southeast of the subject property was granted approval of a request to permit the existing townhouse residence setback 24.7' from the front property line, pursuant to Resolution No. CZAB11-20-05. In addition, staff opines that the requested encroachment of 0.3' into the front setback area and the requested encroachment of 0.47' into the interior side setback area are minor and are most likely due to an inadvertent construction error. As such, staff opines that approval of requests #1 and #2 subject to conditions would not result in an obvious departure from the aesthetic character of the surrounding area. Therefore, staff recommends approval with conditions of requests #1 and #2 under the NUV Standards.

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

I. RECOMMENDATION:

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

J. CONDITIONS:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing, entitled "Addition/Terrace to be Legalized," as prepared by Golaville K. Rao, Civil Engineer, dated stamped received 3/16/09, consisting of 3 pages. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the applicants apply for and secure a permit for the existing family room addition attached to the rear (eastern) portion of the townhouse residence from the Building Department within 120 days of the expiration of the appeal period for this Public Hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

5. That the existing covered terrace addition shown on the plans remain an open-sided structure and not be enclosed in any manner except for approved insect screening materials.

DATE INSPECTED: 04/09/09
DATE TYPED: 04/21/09
DATE REVISED: 04/22/09; 05/06/09; 06/03/09
DATE FINALIZED: 06/03/09
MCL:MTF:NN:TA:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: April 14, 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 #Z2009000036
Carmen and Ramon Sarabia
5701 S.W. 140 Avenue
Request to Permit an Addition to a Townhouse Setback less than Required from Property Lines
(RU-4L) (0.0826 Acres)
27-54-39

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.

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 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.

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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: 10-APR-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000036

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000036
located at 5701 SW 140 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1662 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: 6:10 minutes

Existing services:

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

Station 37 - West Bird - 4200 SW 142 Avenue
Rescue, 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: 04/01/09

TEAM METRO

ENFORCEMENT HISTORY

CARMEN & RAMON SARABIA	5701 S.W. 140 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000036

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CMS#200912001682 was opened on 03/31/09, for an Enforcement History inspection. No current zoning violations was observed.

CMS# 200712014503 was opened ON 12/07/07, for an Enforcement History inspection. No current zoning violations was observed.

CARMEN & RAMON SARABIA

SANTIAGO GONZALEZ, JR.

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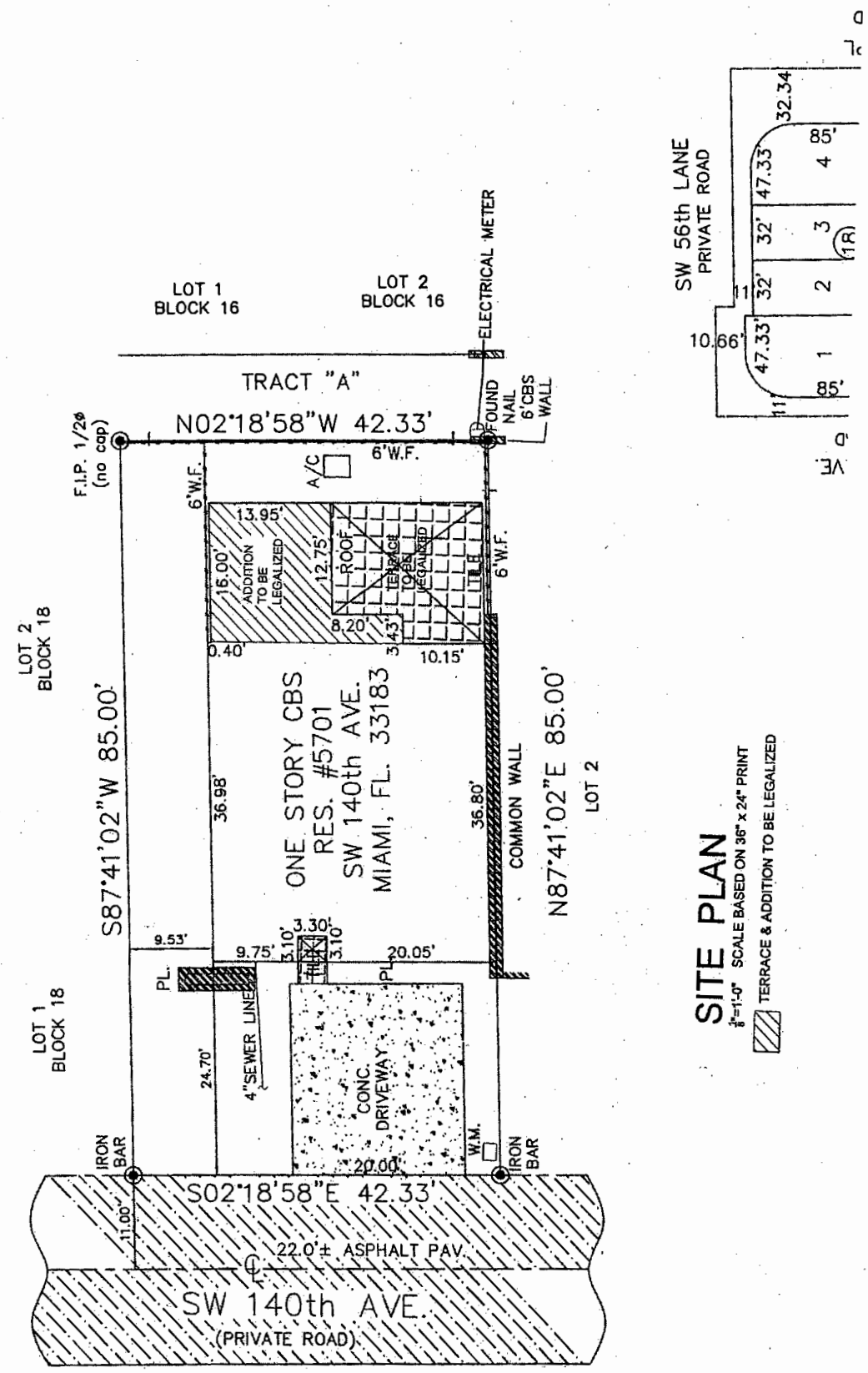

SITE PLAN

3/64"=1'-0" SCALE BASED ON 36" x 24" PRINT

TERRACE & ADDITION TO BE LEGALIZED

ENLARGED SITE PLAN

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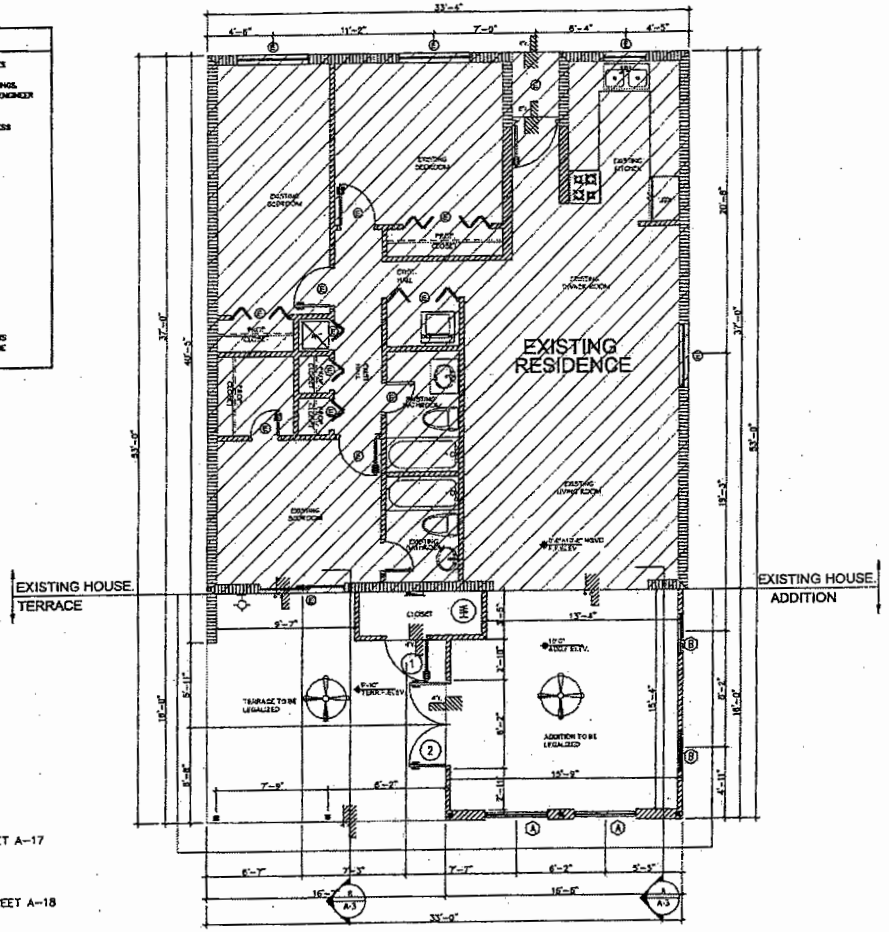
MAR 16 2009
11

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

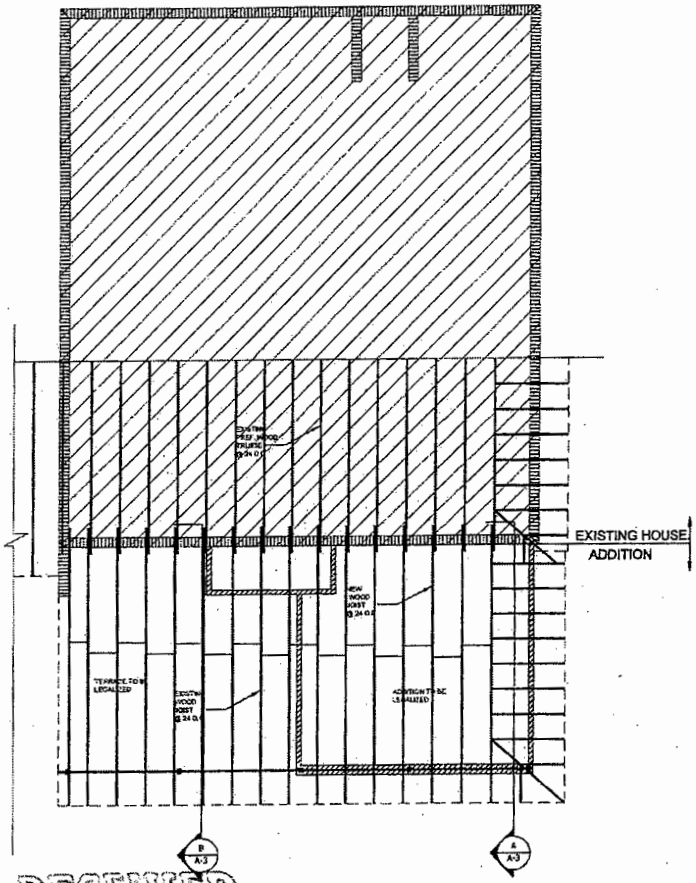
GENERAL NOTES:

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 PLUMBNESS 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 OF PROJECT.
7. THE OWNER SHALL BE SOLELY RESPONSIBLE FOR INVESTIGATION IN REFERENCE TO WHETHER STRUCTURE CAN BE BUILT ON SITE. PAYMENT OF THESE DRAWINGS CONSTITUTES ACCEPTANCE & AGREEMENT WITH THE FOLLOWING STATEMENT: NO PARTY SHALL INITIATE DELAY CLAIMS AGAINST EMILIO CASTRO &/OR E.C. ASSOCIATES, INC. LIABILITIES SHALL BE LIMITED TO FEES PAID TO THE DESIGN PROFESSIONAL.

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



N FLOOR PLAN
1/4"=1'-0"



N ROOF PLAN
1/4"=1'-0"

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20090360
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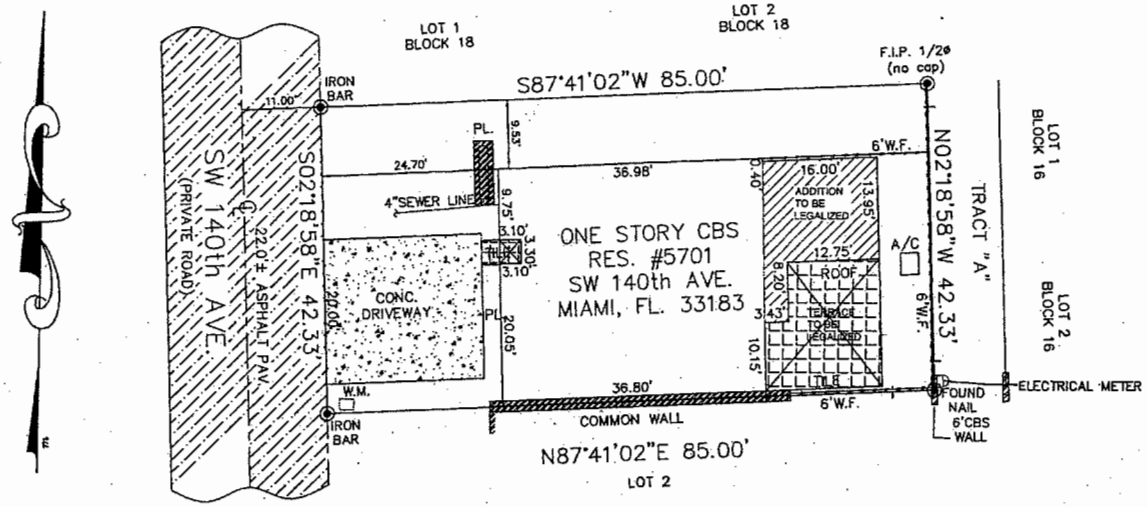
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LEGEND

- SEE DOOR SCHEDULE ON SHEET A-17
- NEW WINDOW SEE WINDOW SCHEDULE ON SHEET A-18
- EXISTING 8" CMU WALL
- EXISTING INT. PARTITION

Drawing No. A of 1	Project No.	PROJECT: ADDITION/TERRACE TO BE LEGALIZED ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183	OWNER: CARMEN SARAVIA ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183	APPROVED BY:	APPROVED BY: GOLAVILLE E. RAD	Revision No. Date

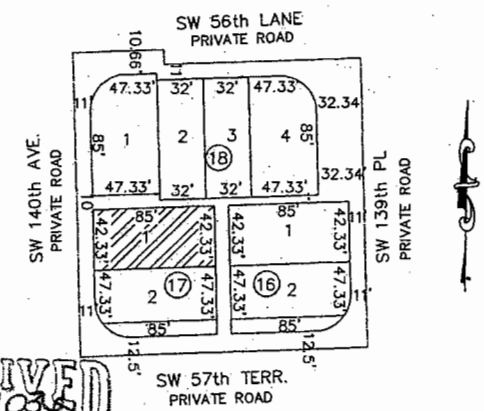
13



SITE PLAN

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

TERRACE & ADDITION TO BE LEGALIZED



LOCATION PLAN

N.T.S.

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209036
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LEGAL DESCRIPTION

FOLIO NUMBER : 30-4927-023-0620
OWNER NAME : RAMON P. SARAVIA & W. J. CARMEN
PROPERTY ADDRESS : 5701 SW 140 AVE. MIAMI , FL 33183
EVERGREEN HOMES VILLAS PB 106-84 LOT 1 BLK 17 PROP. INT.
& TO COMMON ELEMENTS LOT SIZE 3598 SQ.FT. OR 14499
2721 0390 5
PLAT BOOK 106 , PAGE 84 , MIAMI-DADE COUNTY,FLORIDA

COMMUNITY NUMBER : UNICORPORATE AREAS 120635
COUNTY NAME : MIAMI-DADE STATE : FL
PANEL NUMBER : 255 SUFFIX : J DATE OF FIRM INDEX : 7/17/1995
FLOOD ZONE : 8.00
TOP OF BOTTOM FLOOR.....10.72'
LOWEST ELEVATION OF MACHINERY.....10.08'
LOWEST ADJACENT GRADE.....9.7'
HIGHEST ADJACENT GRADE.....10.1'

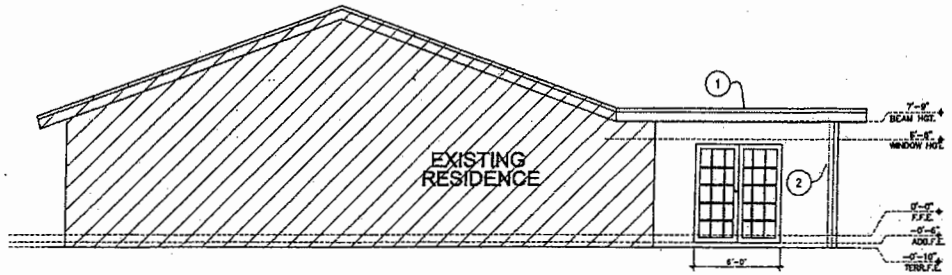
SURVEYOR CERTIFICATION
JOSE A. DIAZ LICENSE NUMBER : 2758
TITLE : PROFESSIONAL LAND SURVEYOR
COMPANY NAME : PROFESSIONAL LAND SURVEYOR
ADDRESS : 11865 SW 26 ST
MIAMI , FL 33175
TEL : (305) 227-7432

SCOPE OF WORK

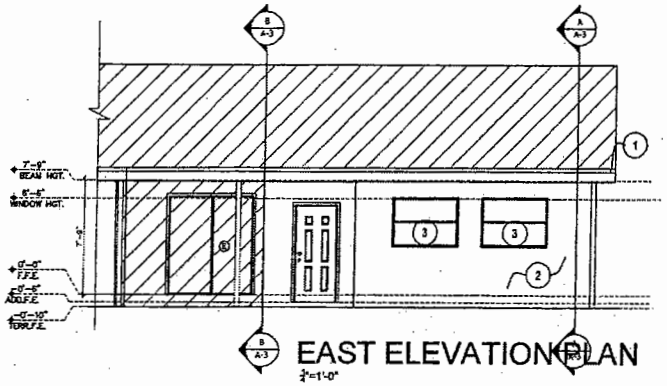
CONSTRUCTION:

-EXISTING ADDITION/TERRACE TO BE LEGALIZED

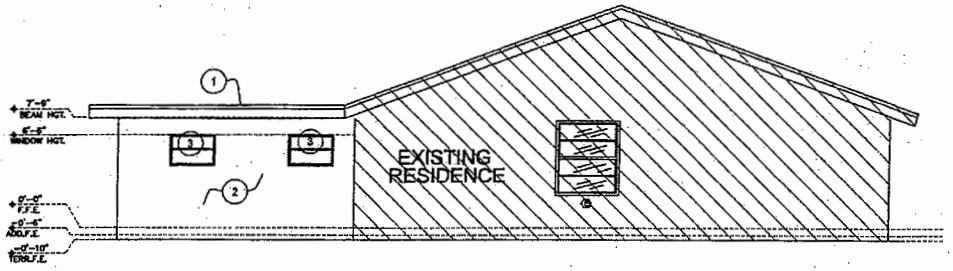
Drawing No.	Project No.	PROJECT:	OWNER:	APPROVED BY:	APPROVED BY:	Revision No.	Date	Plan - Notes
SP of 1	Date: DRAWN BY: CHECKED BY: E.K.	ADDITION/TERRACE TO BE LEGALIZED ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183	CARMEN SARAVIA ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183		GOLAVILLE E. RAO CIVIL ENGINEER REGN 6848			



SOUTH ELEVATION PLAN
¼"=1'-0"



EAST ELEVATION PLAN
¼"=1'-0"



NORTH ELEVATION PLAN
¼"=1'-0"

ELEVATION KEYED NOTES:

1. SHINGLE ROOF
2. 5/8" TEXTURED STUCCO FINISH, PAINTED
3. ALUMINUM AND GLASS WINDOW

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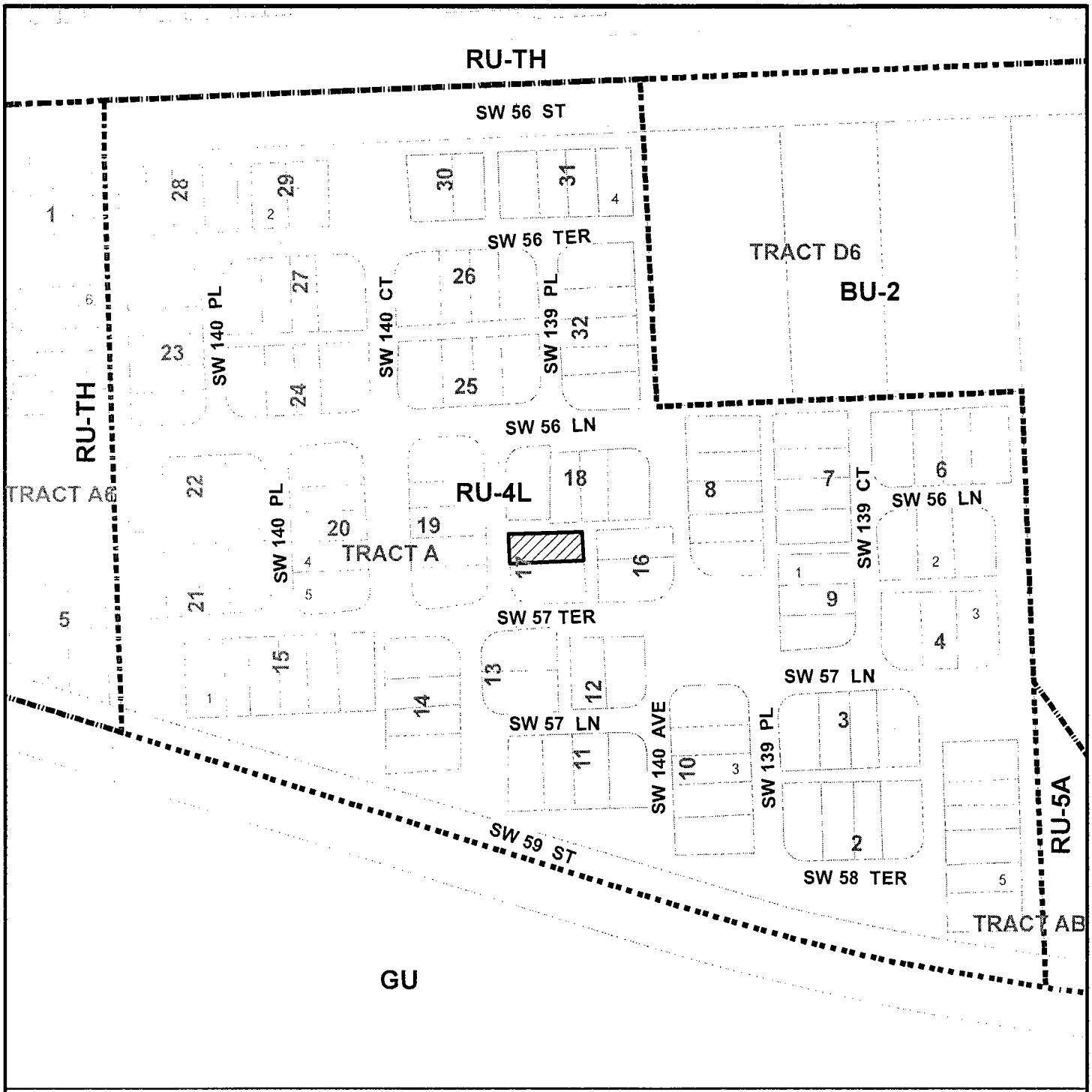
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Drawing No.	Project No.	PROJECT:	OWNER:	APPROVED BY:	APPROVED BY:	Revision No.	Date	Plan - North
A of 3	Date: DRAWN BY: CHECKED BY: C.K.	ADDITION/TERRACE TO BE LEGALIZED ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183	CARMEN SARAVIA ADDRESS: 5701 SW 140 AVE MIAMI, FLORIDA. 33183		COLAVILLE E. RAO CIVIL ENGINEER			



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-036

Section: 27 Township: 54 Range:39
Applicant: RAMON & CARMEN SARABIA
Zoning Board: C11
Commission District: 10
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

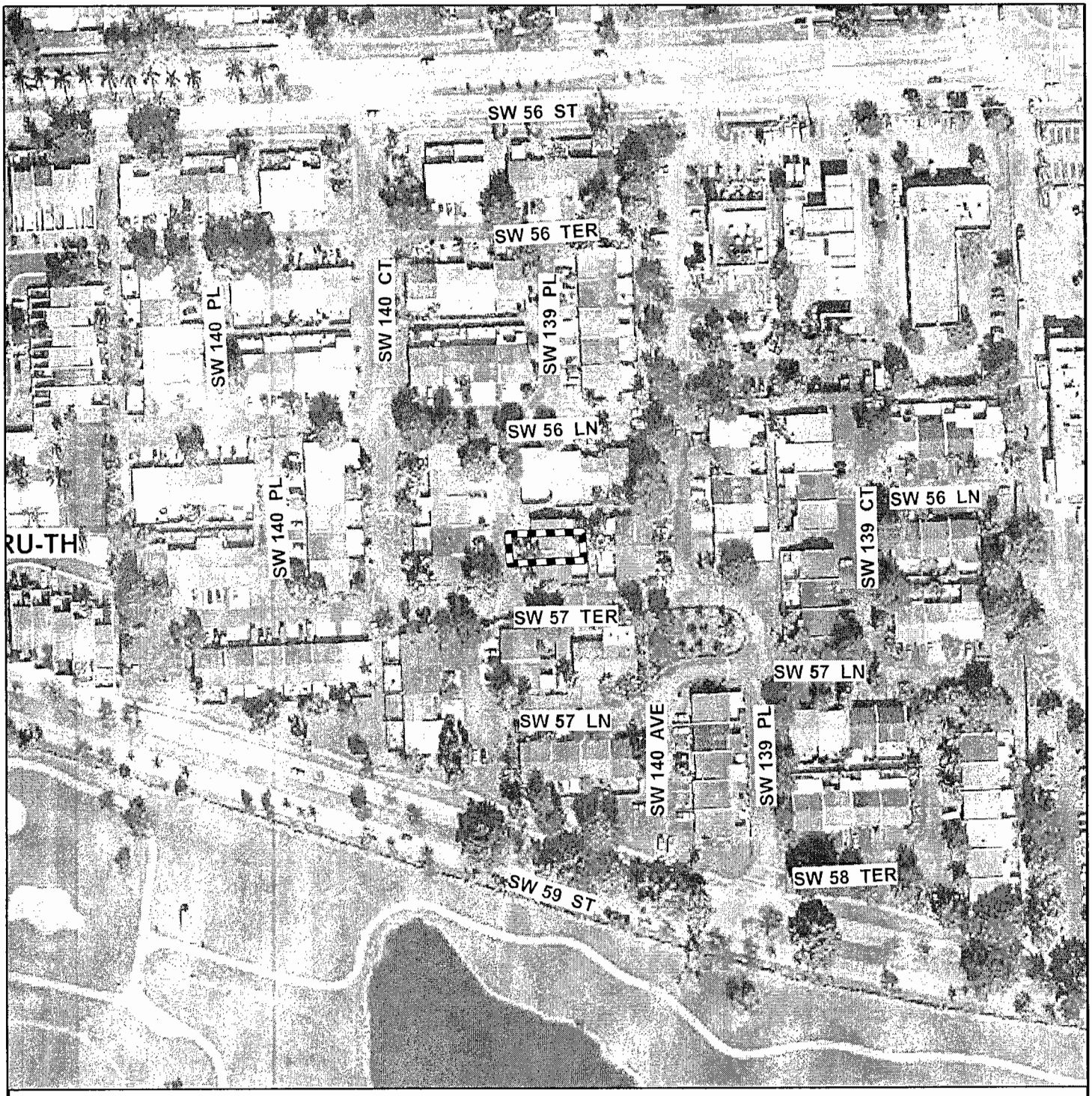
SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/16/09

REVISION	DATE	BY
		15



MIAMI-DADE COUNTY

AERIAL YEAR 2008

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