

KITS

1-28-2009 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, March 3, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

A. 09-1-CZ12-1 EIGHTY SEVENTH CT, LLC 07-317 28-54-40

CURRENT

1. 09-3-CZ12-1 KEY INVESTMENTS LTD. 07-289 30-54-41 N

2. 09-3-CZ12-2 LIDIA MARTINEZ 08-188 30-54-40 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, MARCH 3, 2009

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. EIGHTY SEVENTH CT., L. L. C. (09-1-CZ12-1/07-317)

**28-54-40
Area 12/District 7**

(1) RU-1 to BU-1A

(2) Applicant is requesting to permit an office building setback 5' (15' required) from the interior side (north and south) property lines.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Project for: 87 Ct. L. L. C.," as prepared by Oscar E. Matutes and consisting of 4 sheets: Sheets "A-2" and "A-3" last revised 10/13/08 and the remaining two sheets dated stamped received 9/5/07. Plans may be modified at public hearing.

LOCATION: 7027 S.W. 87 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 120' x 100'

Department of Planning and
Zoning Recommendation:

Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 1/6/09

1. KEY INVESTMENTS LTD. (09-3-CZ12-1/07-289)

**30-54-41
Area 12/District 7**

EU-M to RU-1

LOCATION: Lying north of SW 72 Street (Sunset Drive), and approximately 200' west of SW 52 Avenue, A/K/A 1209 Sunset Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 175' x 201.02'

Department of Planning and Zoning Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

2. LIDIA MARTINEZ (09-3-CZ12-2/08-188)

**30-54-40
Area 12/District 10**

- (1) Applicant is requesting to waive the zoning regulations requiring a minimum side yard of 15' to be provided between the end of a group of townhouses and a public or private street, 8' of which shall be unencumbered by walls, fences or other structures and not to extend in excess of 50% of the building depth; to permit a 6' high wood fence along the side street (west) property line and to extend 100% of the depth of the building.
- (2) Applicant is requesting to permit an existing townhouse residence setback 14.9' (15' required) from the side street (west) 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 "Site Plan for Lidia Martinez," as prepared by Lidia Martinez, dated 9/17/08 and consisting of one sheet. Plans may be modified at public hearing.

LOCATION: 10936 S.W. 71 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 41.44' x 69'

Department of Planning and Zoning Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. EIGHTY SEVENTH CT, LLC
(Applicant)

09-1-CZ12-1 (07-317)
Area 12/District 7
Hearing Date: 3/3/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-------------------------|--|---------------------|------------------------|
| 1988 | Harriet E. Barbara | - Use variance medical office. - Variance to waive required wall & parking requirements. - Variance of setbacks. | 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 12
MOTION SLIP

#1

APPLICANT'S NAME: **EIGHTY SEVENTH CT., L.L.C.**

REPRESENTATIVE: Tony Recio

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|----------------------|-----------------|-------------------|----|
| 09-1-CZ12-1 (07-317) | January 6, 2009 | CZAB12 | 09 |

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

| | | |
|--|--|---|
| <input type="checkbox"/> WITHDRAW: | <input type="checkbox"/> APPLICATION | <input type="checkbox"/> ITEM(S): _____ |
| <input checked="" type="checkbox"/> DEFER: | <input type="checkbox"/> INDEFINITELY | <input checked="" type="checkbox"/> TO: <u>March 3, 2009</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND |
| <input type="checkbox"/> DENY: | <input type="checkbox"/> WITH PREJUDICE | <input type="checkbox"/> WITHOUT PREJUDICE |
| <input type="checkbox"/> ACCEPT PROFFERED COVENANT | <input type="checkbox"/> ACCEPT REVISED PLANS | |
| <input type="checkbox"/> APPROVE: | <input type="checkbox"/> PER REQUEST | <input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C. |
| | <input type="checkbox"/> WITH CONDITIONS | |
| <input checked="" type="checkbox"/> OTHER: | To revise covenant (BU-1/covenant for office). | |

| TITLE | M/S | NAME | YES | NO | ABSENT |
|----------------|----------|-----------------------|-----|----|--------|
| COUNCIL WOMAN | | Peggy BRODEUR | X | | |
| COUNCIL MAN | | Jorge Luis GARCIGA | X | | |
| VICE-CHAIRMAN | | Alberto SANTANA | X | | |
| COUNCIL WOMAN. | | Carla Ascencio-SAVOLA | X | | |
| COUNCIL MAN | S | Jose I. VALDES | X | | |
| COUNCIL WOMAN | M | Angela VAZQUEZ | X | | |
| CHAIRMAN | | Elliot N. ZACK | X | | |
| VOTE: | | | 7 | 0 | |

EXHIBITS: YES NO

COUNTY ATTORNEY: ED SANCHEZ

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Eighty Seventh Ct., L. L. C.

PH: Z07-317 (09-1-CZ12-1)

SECTION: 28-54-40

DATE: March 3, 2009

COMMISSION DISTRICT: 7

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

- (1) RU-1 to BU-1A
- (2) Applicant is requesting to permit an office building setback 5' (15' required) from the interior side (north and south) property lines.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Project for: 87 Ct. L. L. C.," as prepared by Oscar E. Matutes and consisting of 4 sheets: Sheets "A-2" and "A-3" last revised 10/13/08 and the remaining two sheets dated stamped received 9/5/07. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant seeks to change the zoning on the subject property from RU-1, Single Family Residential District, to BU-1A, Limited Business District. Additionally, a request is being sought to permit an office building with lesser setbacks from the interior side (north and south) property lines.

o **LOCATION:**

7027 S.W. 87 Court, Miami-Dade County, Florida.

o **SIZE:** 120' x 100'

o **IMPACT:**

The approval of the requested district boundary change will provide commercial uses which could potentially generate additional traffic and noise in the area. The request to permit encroachments into the interior side setback areas could visually and aurally impact the surrounding properties.

B. ZONING HEARINGS HISTORY:

In 1988, the Board of County Commissioners (BCC), pursuant to Resolution #Z-181-88, granted a request to permit an existing accessory building to be used as an electronic medical equipment office and storage of goods in the RU-1 zone as would be permitted

in the BU-3 zone, in connection with an existing single-family residence. Other requests were also granted to waive a 5' high decorative masonry wall on the interior side (north and south) property lines, to permit a 10' (22' required) two-way drive, and to permit backing out onto SW 87 Court (none permitted), to permit the mail order building to be spaced 17.9' (20' required) from the existing residence, and to permit an existing single family residence setback 5.3' (7.5' required) from the interior side (north) property line.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the easterly 1.53-acres of subject property (Parcel "A") 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, 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.
2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; single-family residence

Business and Office

Surrounding Properties:

| | |
|---|---------------------|
| NORTH: RU-5A; office building | Business and Office |
| SOUTH: RU-1; single-family residence | Business and Office |
| EAST: BU-1A; shopping center | Business and Office |
| WEST: RU-1; single-family residence | Business and Office |

The subject property consists of two interior lots and is located at 7027 S.W. 87 Court. The area where the subject property lies is predominantly characterized by commercial and residential uses.

E. SITE AND BUILDINGS:

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

*Subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.

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

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

Section 33-311(A)(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.

- (c) **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
 - (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and

- (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
- (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
- (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
- (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
- (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and

- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - (B) 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 eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
 - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and

- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
 - (B) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
 - (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

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

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

- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the January 6, 2009 meeting at the applicant's request to meet with staff. The subject property consists of two interior lots and is located at 7027 S.W. 87 Court in an area predominantly characterized by commercial and residential uses. The applicant is seeking a zone change on the subject property from RU-1, Single Family Residential District, to BU-1A, Limited Business District. Additionally, a request to permit an office building setback 5' (15' required) from the interior side (north and south) property lines is being sought. Plans submitted for this application depict the development of the site with a one-story 4,500 sq. ft. office building fronting on SW 87 Court. Substantial landscaping in the form of Live Oak trees as well as Ixora hedges are provided throughout the site. It should be noted that the applicant has voluntarily proffered a covenant that restricts the development of the site to the submitted plans, to professional office use only and to construct sidewalks adjacent to the subject property along SW 87 Court.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria and will generate **5** additional daily PM peak hour vehicle **trips**. However, the traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the surrounding roadways which are currently operating at LOS "C" and "E". The Miami-Dade Fire Rescue Department (**MDFR**) does not object to this application and their memorandum indicates that the estimated average travel response time is **7:31** minutes.

The approval of this application will allow the applicant to utilize the subject property for office uses in accordance with the BU-1A zoning classification. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Business and Office** use. Uses permitted in these areas are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. 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. The BU-1A zoning district allows uses such as automobile new parts and equipment, sales only, automobile service stations, automobile self-service gas stations, banks, including drive-in teller service, billiard rooms and pool rooms, dog and pet hospitals in air-conditioned buildings, dry cleaning establishments, employment agencies, furniture stores, retail of new merchandise only, grocery stores, natatoriums, printing shops, self-service storage facility, supermarkets and variety stores. Existing uses already occurring in the area include shopping centers and office buildings. Therefore, the applicant's request to rezone the property from RU-1 to BU-1A to construct an office building on the subject site is **consistent** with the goals and objectives of the CDMP and consistent with the development trend toward commercial uses in the area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff opines that the rezoning of the subject site to BU-1A will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, the rezoning does not unduly burden or affect public transportation facilities since the 5 additional daily peak hour vehicle trips do not diminish the current LOS of the area roadways as indicated in the Public Works Department's memorandum. Staff's research reveals that several properties in the surrounding area have been granted requests for district boundary changes to RU-5A and BU-2. For example, in 2006, a property located at 7190 SW 87 Avenue, approximately 100' to the south of the subject site, was granted a district boundary change from RU-1 and BU-2 to BU-2, pursuant to Resolution #CZAB12-22-06. Additionally, in 1997, a property located immediately to the north of the subject site was granted a district boundary change from RU-1 to RU-5A, pursuant to Z-39-97. As such, staff opines that the approval of BU-1A zoning would be in keeping with the character of the surrounding commercial and office uses in the area, and therefore, would be **compatible** with same and **consistent** with the Business and Office land use designation of the CDMP. As previously mentioned, the applicant has voluntarily proffered a covenant that restricts the development of the site to the submitted plans, to professional office use only and to construct sidewalks adjacent to the subject property along SW 87 Court. As such, staff recommends approval of the district boundary change from RU-1 to BU-1A, subject to the Board's acceptance of the proffered covenant.

When request #2, to permit an office building setback 5' (15' required) from the interior side (north and south) property lines, is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not negatively affect the appearance of the community. Under said standard, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations 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. Staff opines that the office building's encroachments of 10' into the interior side setback areas are not intrusive and would not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes that other similar approvals already exist in the immediate vicinity. For example, in 2006, a property located at 7190 SW 87

Avenue, approximately 100' to the south of the subject site, was granted among other things a similar request to permit a parking garage building with interior side setbacks (north and south) of 2' where 15' were required, pursuant to Resolution #CZAB12-22-06. Staff notes that the submitted plans depict a 6' high CBS wall along the interior sides (north and south) property lines which, in staff's opinion, would be sufficient to mitigate any visual impact generated by the requested setback encroachment. Staff further notes that abundant landscaping located specifically along the interior sides (north and south) property lines in the form of Live Oak trees as well as Ixora hedges will further mitigate any visual impact generated by same. As such, staff recommends approval with conditions of request #2 under the Non-Use Variance Standards (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, request #2 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

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

Accordingly, staff opines that the application is **consistent** with the LUP map of the CDMP, is **compatible** with the surrounding properties and therefore recommends approval of the district boundary change from RU-1 to BU-1A, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV); and denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: For request #2 only.

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 shall include 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 entitled "Proposed Project for: 87 Ct. L. L. C.," as prepared by Oscar E. Matutes and consisting of 4 sheets: Sheets "A-2" and "A-3" last revised 10/23/08 and the remaining two sheets dated stamped received 9/5/07.
3. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 09/02/08
DATE TYPED: 11/19/08
DATE REVISED: 11/20/08; 11/24/08; 12/02/08; 12/08/08; 02/02/09; 02/12/09
DATE FINALIZED: 02/12/09
MCL:MTF:LVT:NC:JV

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

Memorandum



Date: October 22, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2007000317-Revised
Eighty Seventh Ct., LLC
7027 S.W. 87th Court
District Boundary Change from RU-1 to BU-1A and Non-Use Variance of
Setback Requirements to Permit an Office Building
(RU-1) (0.27 Acres)
28-54-40

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

Wellfield Protection, Potable Water Service and Wastewater Disposal

The subject property is located within the Basic Wellfield Protection Area for the Alexander Orr Wellfield. The site is situated within the 10-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.

Sewage loading restrictions are in effect within this wellfield protection area. According to Section 24-43 of the Code, the maximum sewage loading rate, for non-residential properties served by public water and public sanitary sewers, may not exceed 850 GPD/acre, which translates to a maximum of 3,024 square feet of office space. 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.

The site plan submitted shows a proposed office building with 4,500 square feet of office space; however, the sewage loading allowed within this wellfield protection area only allows a maximum office space of 3,024 square feet. In accordance with the Code, the property owner has obtained a variance from the requirements of the aforesaid Code Section from the Environmental Quality Control Board (EQCB), subject to the conditions stated in Board Order 08-28.

Furthermore, since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Stormwater Management

Section 24-43 of the Code also regulates stormwater disposal methods within public water supply wellfield protection areas. The Code requires that all stormwater runoff shall be retained on-site utilizing only infiltration or seepage type drainage systems on that part of the wellfield protection area that is beyond the 30-day travel time contour and infiltration only for that part comprehended between 100 feet from the wells to the 10-day travel time contour. The Code prohibits the disposal of stormwater within 100 feet of the wells. Accordingly, all stormwater collected within this area shall be diverted from the same via concrete swale. Oil and grease interceptors will be required at all catch basins preceding the exfiltration systems.

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

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

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

Operating Permits

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

Wetlands

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

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

Tree Preservation

The subject property contains tree resources. Section 24-49.2(II) of the Code requires that specimen (trunk diameter 18 inches or greater) trees be preserved whenever reasonably possible. However, a site plan submitted to DERM with tree removal permit application 2008-TREE-PER-00519 depicts all trees on the property to be non specimen and are existing within a single-family residence; therefore, no permit is required for this 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 Level of Service 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 discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EIGHTY SEVENTH CT, LLC

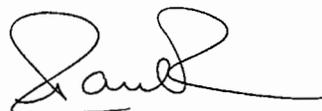
This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|--------|-------------------------------|-------------|---------------|
| F-1075 | SW 87 Ave. s/o SW 56 St. | C | C |
| F-1068 | SW 72 St. w/o Palmetto Expwy. | C | C |
| F-1076 | SW 87 Ave. n/o SW 85 St. | C | C |
| F-68 | SW 72 St. e/o SW 107 Ave. | E | E |

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



Raul A Pino, P.L.S.

20-SEP-07

Memorandum



Date: 25-SEP-07
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2007000317

Fire Prevention Unit:

- Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped September 5, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDRR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRR requirements.

Service Impact/Demand:

Development for the above Z2007000317
located at 7027 S.W. 87 COURT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1713 is proposed as the following:

| | | | |
|---------------------------|----------------|--------------------------------------|-------------|
| <u>N/A</u> residential | dwelling units | <u>N/A</u> industrial | square feet |
| <u>4,500</u> Office | square feet | <u>N/A</u> institutional | square feet |
| <u>N/A</u> Retail | square feet | <u>N/A</u> nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 0.99 alarms-annually.
The estimated average travel time is: 7:31 minutes

Existing services:

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

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 13 - East Kendall - 6000 SW 87 Avenue.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped September 5, 2007. Substantial changes to the plans will require additional service impact analysis.

**OFFICE of NEIGHBORHOOD
COMPLIANCE
TAMIAMI OFFICE**

ENFORCEMENT HISTORY

EIGHTY SEVENTH CT, LLC
APPLICANT

7027 SW 87 COURT
ADDRESS

DECEMBER 24, 2008
INSPECTION DATE

07-317
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CMS 200803012019 – NOT IN VIOLATION
CMS 200703003361 – WARNING NOTICE – DAMAGE FENCE – VIOLATION
CORRECTED – CLOSED CASE

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Eighty Seventh Ct. LLC

NAME AND ADDRESS _____ Percentage Interest _____

Miguel Sagre (Managing Member) _____ 100%
5001 SW 87 Avenue _____
Miami, Florida 33165 _____

RECEIVED
201-317
SEP 05 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS _____ Percentage of Stock _____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS _____ Percentage of Stock _____

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

NAME OF PURCHASER: _____

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

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SEP 05 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

Date of contract: _____

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

NOTICE: For 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: [Handwritten Signature] _____
(Applicant)

Sworn to and subscribed before me this 17 day of July, 2007. Affiant is personally known to me or has produced _____ as identification.

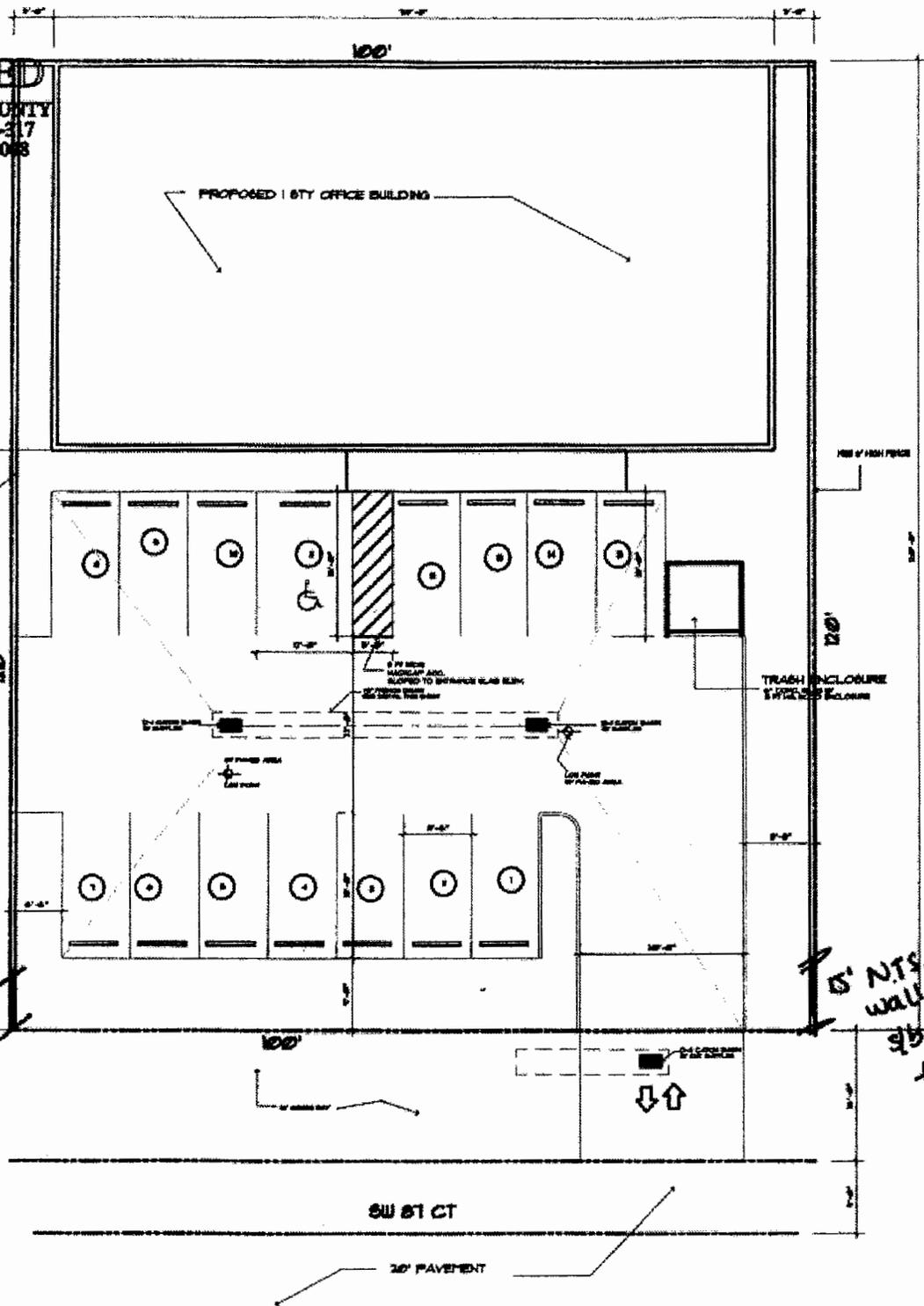
[Handwritten Signature]
(Notary Public)

My commission expires _____



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

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z07-217
DATE: OCT 16 2008
BY: SDE



NTS 15'
Wall will s/b 15' from the 7W
10/23/08

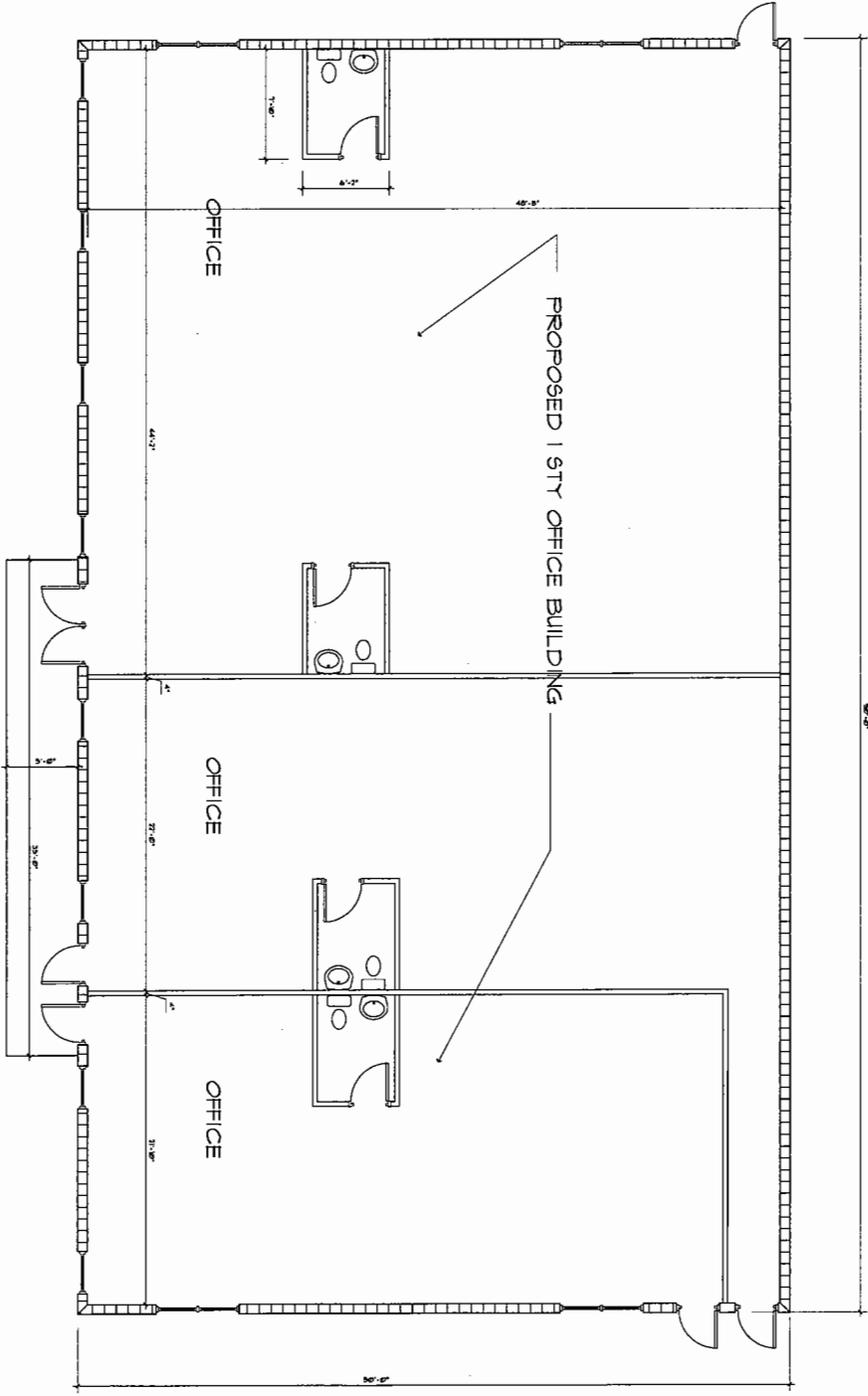
5' NTS wall will s/b 15' from the 7W.
[Signature]
10/23/08

ENLARGED SITE PLAN

RECEIVED
 MUNICIPAL CENTER
 1000 BAY ST
 MIAMI, FL 33133

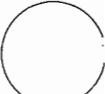
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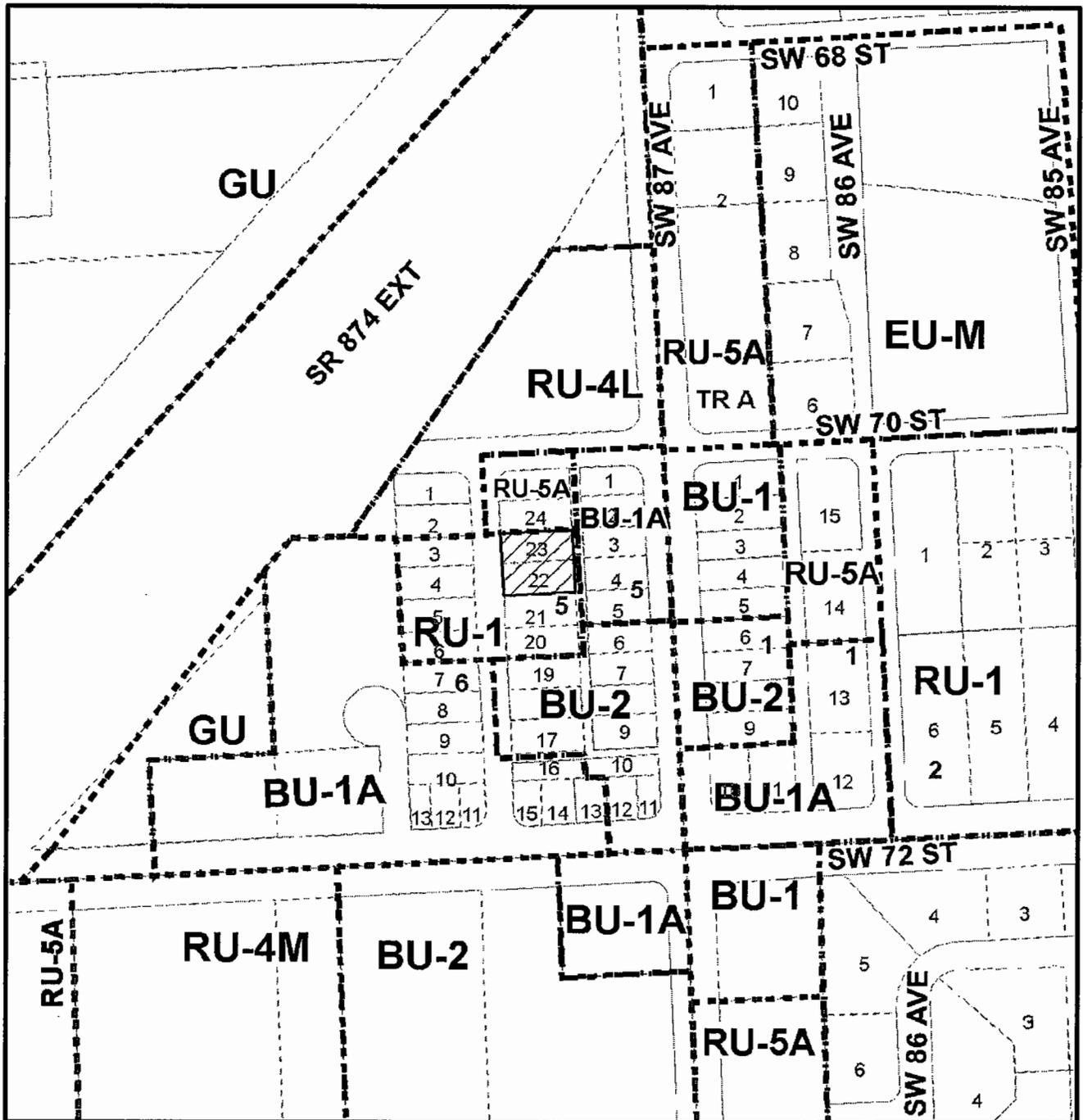
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XH



FLOOR PLAN 1/4"

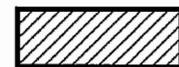
THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT. ANY COPIES OR USE OF THESE DOCUMENTS WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.

| | | | | | | |
|---|-------------------------------|------------------|--|---|--|---|
|  | COMMISSION NUMBER 20070701 | DATE 04/28/07 | PROPOSED PROJECT FOR: 81 CT LLC. ADDRESS: 7027 SW 87 CT MIAMI, FLORIDA |  | oscar e. matutes r.a. ARCHITECTURE INTERIORS 7811 CORAL WAY SUITE 100 MIAMI, FLA. 33155 PH. (305)-267-6610 <small>AR.20146</small> |  |
| | DRAWING NUMBER Aca | REVISIONS | | | | |



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
07-317



SUBJECT PROPERTY

Section: 28 Township: 54 Range: 40
 Applicant: EIGHTY SEVENTH CT, LLC
 Zoning Board: C12
 District Number: 7
 Drafter ID: N'NAGBE
 Scale: NTS



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

28



MIAMI-DADE COUNTY
AERIAL

Process Number
07-317



SUBJECT PROPERTY

Section: 28 Township: 54 Range: 40
Applicant: **EIGHTY SEVENTH CT, LLC**
Zoning Board: C12
District Number: 7
Drafter ID: N'NAGBE
Scale: NTS



CREATED ON: 09/14/07

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

1. KEY INVESTMENTS LTD.
(Applicant)

09-3-CZ12-1 (07-289)
Area 12/District 7
Hearing Date: 3/3/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-----------------------------------|--------------------------------|---------------------|--|
| 2003 | Lorena Marmol & Denise Catoira | Zone change from EU-M to RU-3. | CZAB-12 | Denied without prejudice |
| 2003 | Lorena Marmol & Denise Catoira | Zone change from EU-M to RU-3. | BCC | Appeal denied, application denied |

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. 12**

APPLICANT: Key Investments LTD

PH: Z07-289 (09-3-CZ12-1)

SECTION: 30-54-41

DATE: March 3, 2009

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION

o **REQUEST:**

EU-M to RU-1

o **SUMMARY OF REQUEST:** The applicant seeks to change the zoning on the subject property from EU-M, Estates Modified One Family, to RU-1, Single Family Residential District.

o **LOCATION:** Lying north of SW 72 Street (Sunset Drive), and approximately 200' west of SW 52 Avenue, A/K/A 1209 Sunset Drive, Miami-Dade County, Florida.

o **SIZE:** 175' x 201.02'

B. ZONING HEARINGS HISTORY:

In 2003, pursuant to Resolution #CZAB12-12-03, a request for a zone change from EU-M to RU-3 was denied without prejudice on the subject property.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; single-family residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH: EU-M; City of Coral Gables / residences

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

| | |
|--------------|--------------------------------|
| DERM | No objection* |
| Public Works | No objection* |
| Parks | No objection |
| MDT | No objection |
| Fire Rescue | No objection |
| Police | No objection |
| Schools | 1 Student/ No objection |

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is an interior lot that lies north of SW 72 Street (Sunset Drive), and approximately 200' west of SW 52 Avenue, A/K/A 1209 Sunset Drive, south of the City of Coral Gables. Sunset Elementary School is located to the southeast and a church and school are located to the east as well as to the west of the subject property. Single-family residences are located to the south. The applicant is seeking a zone change on the subject property from EU-M, Estates Modified One Family District, to RU-1, Single Family Residential District. Plans submitted in conjunction with this application depict the division of the subject property into 4 lots with a private one-way drive located in the middle of the site connecting San Ignacio Avenue to Sunset Drive (SW 72 Street). Further, the applicant has voluntarily proffered a covenant restricting the development of the site to the submitted site plans.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and their memorandum indicates that the estimated average travel response time is **5:19** minutes. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application. Their memorandum indicates that the proposed zoning will bring **1 additional student** to the area schools and that none of the schools impacted by the proposed development meet the review threshold and as such, no dialogue between the applicant and the School District is required.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low Density Residential** use. This designation permits a density range of a minimum of 2.5 to a maximum of 6 dwelling units per gross acre, yielding a minimum density permitted of 2 dwelling units and a maximum density permitted of 4

dwelling units on the 35,178 sq. ft. (175' x 201.02') subject site. Staff notes that the proposal to create 4 dwelling units on the subject site does not exceed the maximum density threshold allowed under the Low Density Residential use LUP map designation and, therefore, is **consistent** with the CDMP.

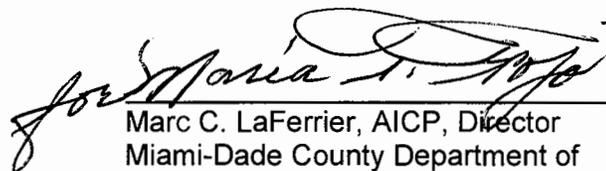
When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff opines that the rezoning of the subject site to RU-1 will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application and the development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, staff further opines that the rezoning does not unduly burden or affect public transportation facilities as indicated by the Public Works Department's memorandum. The subject property is located on the north side of SW 72 Street (Sunset Drive), south of the City of Coral Gables. Sunset Elementary School is located to the southeast and a church and school are located to the east as well as to the west of the subject property. Submitted plans depict a private one-way drive located in the middle of the site connecting San Ignacio Avenue to Sunset Drive (SW 72 Street) and dividing the property into two lots on the east portion and two lots on the west portion of the site. Staff's research reveals that several properties located to the south of the subject property range in sizes from 7,500 sq. ft. to 15,000 sq. ft. The applicant is proposing four lots with areas ranging from 8,479 sq. ft. to 9,044 sq. ft., which, in staff's opinion, are compatible with the lot areas of the residential properties in the area. As such, staff opines that the approval of RU-1 zoning would be in keeping with the character of the residential properties in the area, and therefore, would be **compatible** with same. Additionally, as previously mentioned, the applicant has proffered a covenant limiting the development of the site to the submitted site plans, which is **consistent** with the LUP map numerical density threshold of the CDMP. As such, staff recommends approval of the district boundary change from EU-M to RU-1, subject to the Board's acceptance of the proffered covenant, which restricts this application to the submitted plans.

I. **RECOMMENDATION:**

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

J. **CONDITION:** None.

DATE INSPECTED: 01/13/09
DATE TYPED: 02/03/09
DATE REVISED: 02/04/09; 02/05/09; 02/06/09; 02/12/09
DATE FINALIZED: 02/12/09
MCL; MTF; NN; NC; JV



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

NDN

Memorandum



Date: May 8, 2008

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

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

Subject: C-12 #Z2007000289-Revised
Key Investments, Ltd.
1209 Sunset Drive
District Boundary Change from EU-M to RU-1
(EU-M) (0.8 Acres)
30-54-41

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

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

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield, as a means for the disposal of domestic liquid waste.

The applicant has obtained an Administrative Approval (AAST 2008-5), issued by the DERM Office of Plan Review Services and dated April 30, 2008, said letter grants approval, subject to the conditions therein, of the proposed four single family residences to be served by public water and temporary septic tanks as a means for the disposal of the domestic liquid waste. Therefore, DERM may approve this application.

Stormwater Management

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

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

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

Wetlands

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

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

Tree Preservation

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:KEY INVESTMENTS LTD

This Department has no objections to this application.

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

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

14-DEC-07



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Temporary Chief Facilities Officer
Jaime G. Torrens

Planning Officer
Ana Rijo-Conde, AICP

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

September 19, 2007

Miami-Dade County School Board
Agustin J. Barrera, Chair
Dr. Martin Karp, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Perta Tabares Hantman
Dr. Robert B. Ingram
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

RECEIVED
SEP 24 2007

ZONING DEPT. OF PLANNING & ZONING

Re: **Key Investments Ltd. – No. 07-289**
1209 Sunset Drive

Received by
Zoning Agenda Coordinator
SEP 27 2007

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%.

Attached please find the School District's review analysis for the above referenced application which indicates that the school impacted by the proposed development does not meet the referenced review threshold. As such, no dialogue between the applicant and the School District is required.

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,


Corina S. Esquijarosa
Coordinator, III

CSE:rr
L-145
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuérne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: Key Investments, Ltd. – No. 07-289

REQUEST: Zoning change from EU-M TO RU-1

ACRES: 0.803 acre

LOCATION: 1209 Sunset Drive

MSA/

MULTIPLIER: 5.3 / .31 Single-Family (SF) Detached

**NUMBER OF
UNITS:**

3 additional units (1 unit allowed under current zone for a total of 4 units)

**ESTIMATED STUDENT
POPULATION:**

1*

ELEMENTARY:

1

MIDDLE:

0

SENIOR HIGH:

0

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Sunset Elementary – 5120 SW 72 Street

MIDDLE: Ponce de Leon Middle – 5801 Augusto Street

SENIOR: Coral Gables Senior High – 450 Bird Road

All schools are located in Regional Center V.

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2006:

| | STUDENT POPULATION | FISH DESIGN CAPACITY PERMANENT | % UTILIZATION FISH DESIGN CAPACITY PERMANENT | NUMBER OF PORTABLE STUDENT STATIONS | % UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE | CUMULATIVE STUDENTS** |
|--------------------------|--------------------|--------------------------------|--|-------------------------------------|--|-----------------------|
| Sunset Elementary | 1,050 | 790 | 133% | 252 | 101% | 1,051 |
| | 1,051 * | | 133% | | 101% | |
| Ponce de Leon Middle | 1,215 | 1,184 | 103% | 139 | 92% | 1,215 |
| | 1,215 * | | 103% | | 92% | |
| Coral Gables Senior High | 3,525 | 2,799 | 126% | 0 | 126% | 3,525 |
| | 3,525 * | | 126% | | 126% | |

*Student population increase as a result of the proposed development

**Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the impact elementary school does not meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

Projects in Planning, Design or Construction

| <u>School</u> | <u>Status</u> | <u>Projected Occupancy Date</u> |
|---------------|---------------|---------------------------------|
| N/A | | |

Proposed Relief Schools

N/A

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

CAPITAL COSTS: Based on the State's September 2007 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

| | |
|-------------------------------------|--------------------------------|
| ELEMENTARY | Does not meet review threshold |
| MIDDLE | Does not meet review threshold |
| SENIOR HIGH | Does not meet review threshold |
| Total Potential Capital Cost | \$0 |

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

Memorandum



Date: 17-JUL-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000289

Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated September 17, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped July 12, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2007000289
 located at 1209 SUNSET DRIVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1761 is proposed as the following:

| | | | |
|------------------|----------------|-------------------------------|-------------|
| 4 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: 1.12 alarms-annually.
 The estimated average travel time is: 5:19 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street
 Rescue, BLS Engine, Battalion.

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 July 12, 2008. Substantial changes to the plans will require additional service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

Key Investments, LTD

ADDRESS:

Lying north of SW 72 ST
approx 200' West of 52
Ave AKA 1209 Sunset Dr.
Folio# 3041300000085

DATE: 02/03/08

ZONING HEARING#:

07-289

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

PRIOR CASES:

CMS#200203006170. Illegal daycare from home. Found not in violation. Case closed.

CMS#200303006318. Illegal daycare from home. Found not in violation. Case closed.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: N/A

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-------------------------|----------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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

TRUST/ESTATE NAME: N/A

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: KEY INVESTMENTS LTD

| <u>NAME AND ADDRESS</u> | <u>Percent of Ownership</u> |
|----------------------------|-----------------------------|
| <u>MICHAEL C. GOLDBERG</u> | <u>100%</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**OWNERSHIP AFFIDAVIT
FOR
LIMITED PARTNERSHIP**

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

Public Hearing No. _____

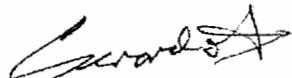
Before me, the undersigned authority, personally appeared **Micheal C. Goldberg**, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the general partner of the **Key Investments, LTD** limited partnership, at the following address: **5331 Hammock DR., Coral Gables Florida 33156.**
2. Affiant, as general partner, is authorized to file this application for a public hearing.
3. The limited partnership owns the property, which is the subject of the proposed hearing.
4. The subject property is legally described as:
SEE EXHIBIT 'A' ATTACHED HERETO
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

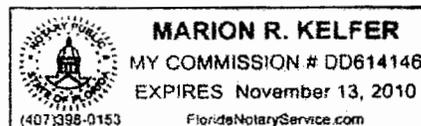

Name: RAMON COLLADO


Name: Michael C. Goldberg
General Partner


Name: Gerardo Castañeda

Sworn to and subscribed before me on the 17 day of JULY, 2007
Affiant is personally known to me.

Name: Marion Kelfer
Notary Public, State of Florida
My Commission Expires: _____



SAN IGNACIO AVENUE

30'-0" R.O.W.

PL 94.83'

PL 80.2'

15'-0"

PL 93.2'

LOT "A" 8,807 S.F. (NET)
TO CL. OF STREET

PL 86.28'

PL 107.9'

LOT "C" 8,479 S.F. (NET)
TO CL. OF STREET

PL 77.12'

PL 8.34'

PL 95.17'

ONE WAY DRIVE (FUTURE PRIVATE ACCESS ROAD)

PL 95.17'

PL 175.00'

LOT "D" 8,857 S.F. (NET)
TO CL. OF STREET

PL 97.83'

PL 89.6'

LOT "B" 9,044 S.F. (NET)
TO CL. OF STREET

PL 110.9'

PL 90.12'

ENLARGED SITE PLAN

207-289

SUNSET DRIVE (S.W. 72 STREET)

ONE WAY OUT

SITE PLAN (PROPOSED LOT DIVISION)

50'-0" R.O.W.

ZONING DATA:

PRESENT ZONING: EU-M
REQUESTED ZONING: RU-1
MINIMUM LOT AREA: 7,500 S.F.

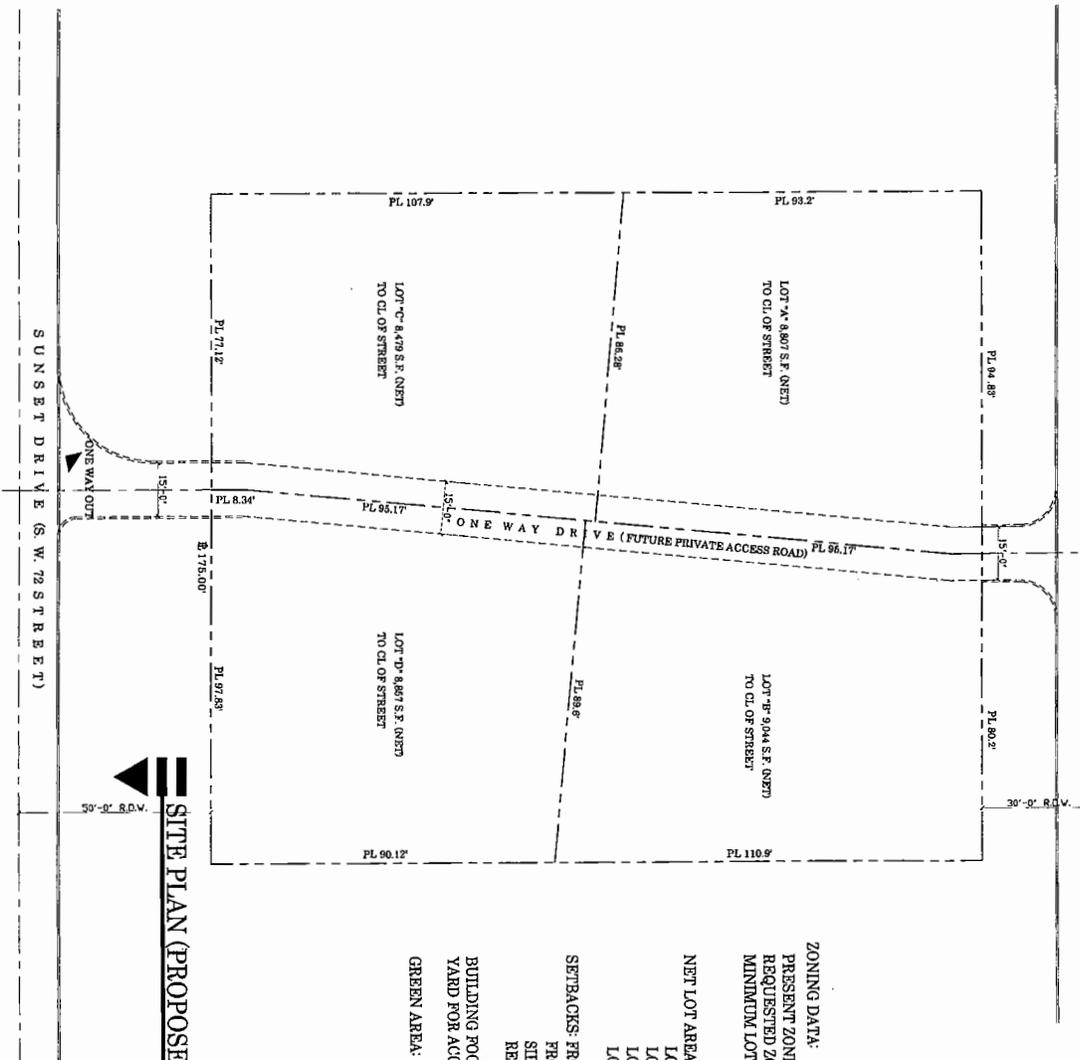
NET LOT AREA: 35,189.5 S.F. (.80 ACRES)

LOT "A": 8,807 S.F.
LOT "B": 9,044 S.F.
LOT "C": 8,479 S.F.
LOT "D": 8,857 S.F.

SETBACKS: FRONT (FROM SUNSET AND SA
FRONT (FROM ACCESS ROAD):
SIDE INTERIOR: 7'-6" (7.5)
REAR: 25'

BUILDING FOOTPRINT (LOT COVERAGE):
YARD FOR ACCESSORY STRUCTURE
GREEN AREA: N.A.

SAN IGNACIO AVENUE



SITE PLAN (PROPOSED LOT DIVISIONS / PLATTING) 1/16"

ZONING DATA:
 PRESENT ZONING: EU-M
 REQUESTED ZONING: RU-1
 MINIMUM LOT AREA: 7,500 S.F.
 NET LOT AREA: 35,189 S.F. (.80 ACRES)
 LOT 'A': 8,807 S.F.
 LOT 'B': 9,004 S.F.
 LOT 'C': 8,479 S.F.
 LOT 'D': 8,857 S.F.

SETBACKS: FRONT (FROM SUNSET AND SAN IGNACIO): 25' FROM PL.
 FRONT (FROM ACCESS ROAD): 15' FROM FACE OF CURB
 SIDE INTERIOR: 7'-6" (7.5)
 REAR: 25'
 BUILDING FOOTPRINTING LOT COVERAGE: 40% LOT AREA PLUS 30% REAR
 YARD FOR ACCESSORY STRUCTURE
 GREEN AREA: N.A.

SUNSET YARDS
 MIAMI DADE, FLORIDA

KEY INVESTMENTS LLC.



COLLADO

and partners, Inc.
 900 Brickell Avenue - Suite 2000
 Miami, Florida 33130
 Phone: (305) 382-9111
 Fax: (305) 382-9111
 E-Mail: info@collado.com
 T.C. A. 3000077

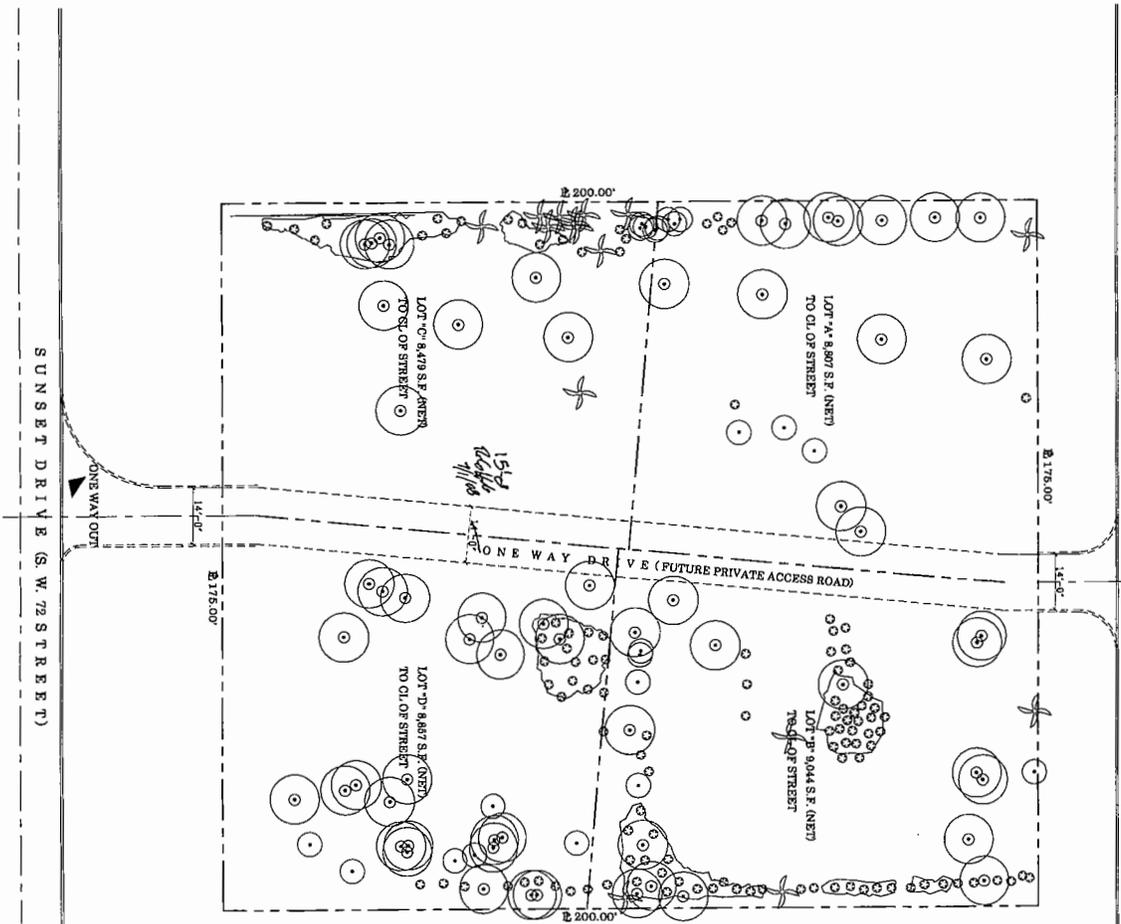


RAMON J. COLLADO
 P.L.A. REG. ARCHITECT
 No. 15891224
 SHEET NO. A-1.0

DATE: MAY 11, 2008

Handwritten signature and date: 11/1/08

SAN IGNACIO AVENUE



| LANDSCAPE SYMBOL LEGEND | |
|-------------------------|--------------------|
| SYMBOL | PLANT NAME NATIVE |
| | SHRUBS NO |
| | TROPICAL PLANTS NO |
| | OAK TREE YES |
| | SMALL TREE NO |
| | PALM TREE NO |

NOTE: LANDSCAPING WILL ADHERE TO LANDSCAPING WILL BE PERMITTED SEPARATELY AND WITH DRAWINGS, CALCULATIONS AND PERMITS.

SITE PLAN (EXISTING LANDS)

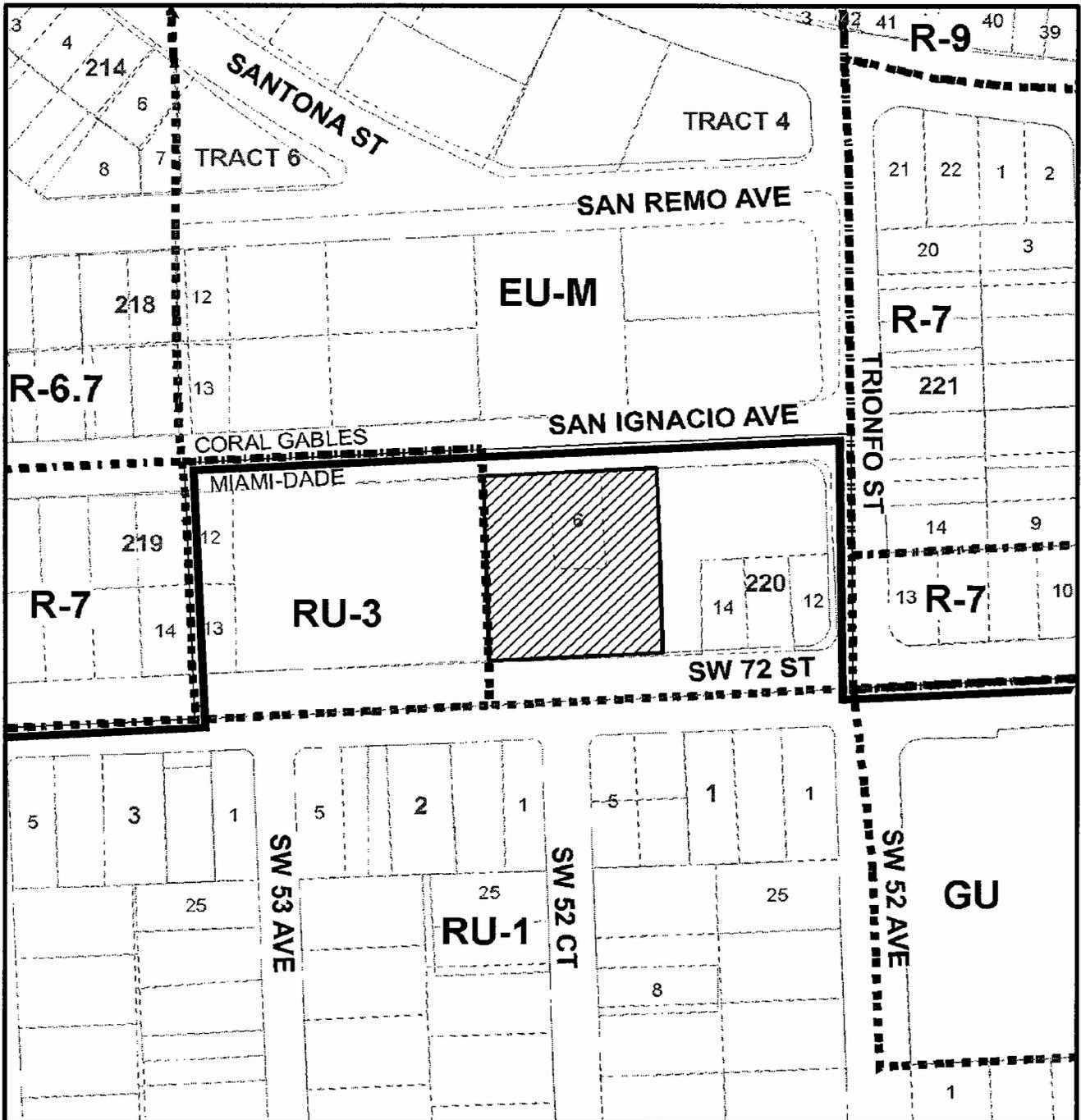
C
 COLLADO

and permits, Inc.
 200 Pacific Avenue - Suite 101
 Miami Beach, Florida 33139
 Tel: (305) 596-9600
 Fax: (305) 596-9342
 www.collado.com

SUNSET YARDS
 MIAMI DADE, FLORIDA

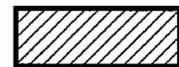
KEY INVESTMENTS LLC.

2011
 REGENT
 CONSULTANTS
 1000 N.W. 10th St.
 Ft. Lauderdale, FL 33304
 Tel: (954) 562-1000
 Fax: (954) 562-1001
 www.regentconsultants.com



**MIAMI-DADE COUNTY
HEARING MAP**

**Process Number
07-289**

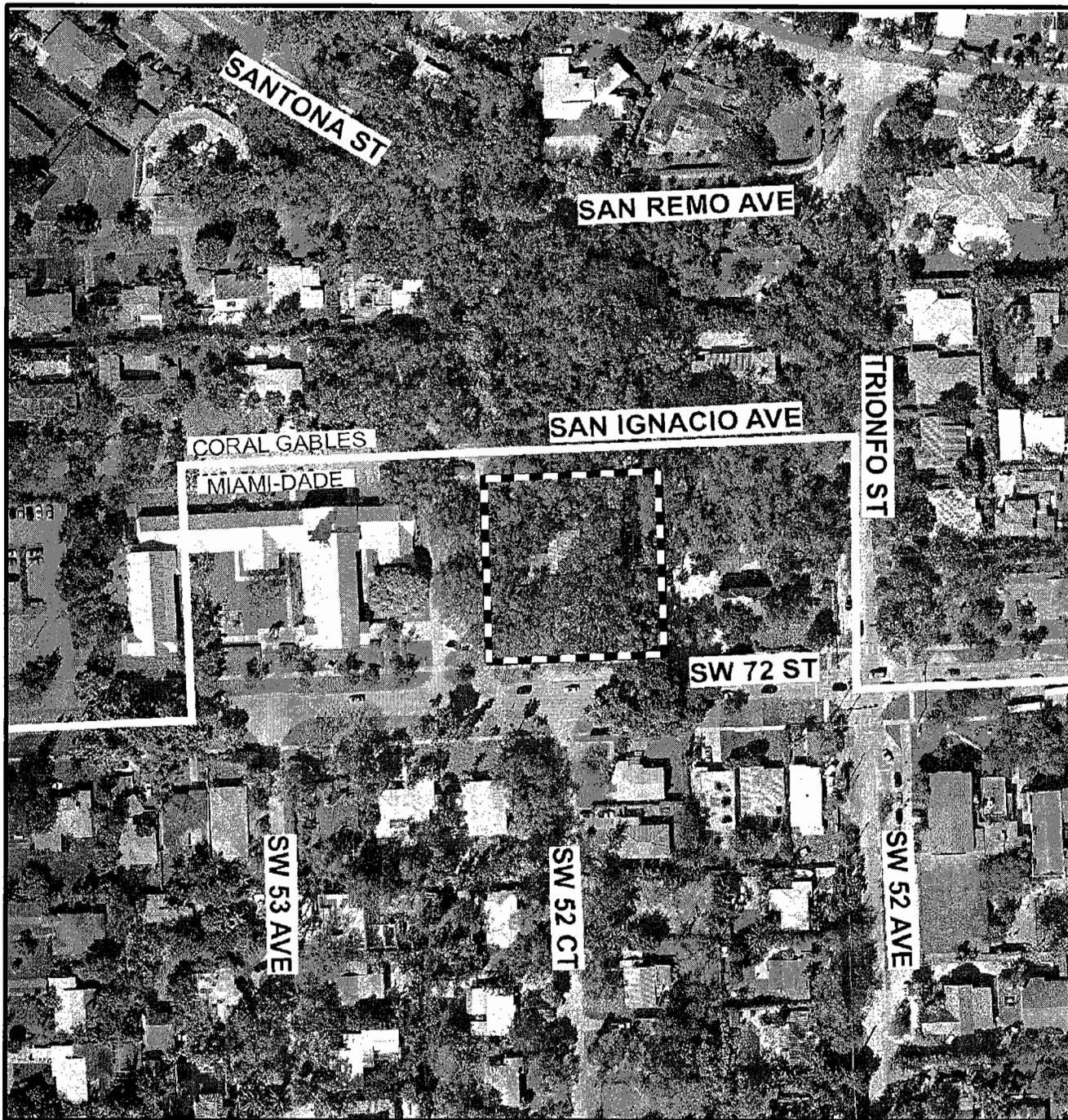


SUBJECT PROPERTY

**Section: 30 Township: 54 Range: 41
Applicant: KEY INVESTMENTS LTD.
Zoning Board: C12
District Number: 07
Drafter ID: ALFREDO
Scale: NTS**



| REVISION | DATE | BY |
|----------------------|----------|-----|
| Zone Boundary Change | 02/15/08 | APY |



MIAMI-DADE COUNTY
AERIAL

Process Number
07-289



SUBJECT PROPERTY

Section: 30 Township: 54 Range: 41
 Applicant: **KEY INVESTMENTS LTD.**
 Zoning Board: C12
 District Number: 07
 Drafter ID: **ALFREDO**
 Scale: NTS



CREATED ON: 08/31/07

| REVISION | DATE | BY |
|----------------------|----------|-----|
| Zemt Boundary Change | 03/15/08 | AFT |
| | | |

2. LIDIA MARTINEZ
(Applicant)

09-3-CZ12-2 (08-188)
Area 12/District 10
Hearing Date: 3/3/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-----------------------------------|---|---------------------|-----------------------------------|
| 1972 | Gadco Corp., Harold Brown, Tr. | - Zone change from RU-3M and AU to RU-TH. - Special exception to permit townhouse development. - Unusual Use to permit recreational area lake excavation and entrance gate. | ZAB | Approved in part with conditions. |
| 1972 | Gadco Corp., Harold Brown, Tr. | Zone change from RU-3M and AU to RU-TH. | BCC | Approved |
| 1994 | Lidia Martinez | Setback variance for TH. | N/A | Approved |

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Lidia Martinez

PH: Z08-188 (09-3-CZ12-2)

SECTION: 30-54-40

DATE: March 3, 2009

COMMISSION DISTRICT: 10

ITEM NO.: 2

A. INTRODUCTION:

- **REQUESTS:**

- (1) Applicant is requesting to waive the zoning regulation requiring 15' to be provided between the end of a group of townhouses and a public or private street, 8' of which shall be unencumbered by walls, fences or other structures, to permit a 6' high wood fence along the side street (west) property line.
- (2) Applicant is requesting to permit an existing townhouse residence setback 14.9' (15' required) from the side street (west) 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 "Site Plan for Lidia Martinez," as prepared by Lidia Martinez, dated 9/17/08 and consisting of one sheet. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:**

The applicant seeks to permit the continued use of an existing townhouse setback closer to the side street property line than permitted and to permit a 6' high wood fence within the entire required 15' distance between the end of a group of townhouses and a side street.

- o **LOCATION:** 10936 SW 71 Street, Miami-Dade County, Florida.

- o **SIZE:** 41.44' x 69'

B. ZONING HEARINGS HISTORY: In 1972, the subject property was granted a district boundary change from RU-3M, Minimum Apartment House District, to RU-TH, Townhouse District, pursuant to Resolution No. Z-48-72, by the Board of County Commissioners and also in 1972 the Zoning Appeals Board granted the approval for a townhouse development, private recreational area, lake excavation, and gate house pursuant to Resolution No. 4-ZAB-31-72.

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 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

Low Medium Density Residential, 6 to 13 dua

SURROUNDING PROPERTY:

NORTH: RU-TH; Townhouse

Low Medium Density Residential, 6 to 13 dua

SOUTH: RU-TH; Townhouses

Low Medium Density Residential, 6 to 13 dua

EAST: RU-TH; Townhouse

Low Medium Density Residential, 6 to 13 dua

WEST: RU-TH; Townhouse

Low Medium Density Residential, 6 to 13 dua

The subject property is a corner lot located at 10936 SW 71 Street. The townhouse residence fronts on SW 71 Street to the north, abuts SW 109 Avenue as a side street to the west and is located in an established townhouse development.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted)

Scale/Utilization of Site:

Acceptable*

Location of Buildings:

Acceptable*

Compatibility:

Acceptable*

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Acceptable

Urban Design:

N/A

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is a corner lot located at 10936 SW 71 Street, in an established townhouse development zoned RU-TH, Townhouse District. The applicants seek to waive the zoning regulations requiring a minimum of 15' from the side street (west) property line between the end of a group of townhouses and a public or private street, of which 8' shall be unencumbered by walls, fences or other structures; to waive same to permit a 6' high wood fence within the side street setback area (request #1) and to permit the continued use of an existing townhouse unit setback 14.9' (15' required) from the side street (west) property line (request #2). The applicant has submitted plans depicting the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. The Public Works Department (**PWD**) also has **no objections** to this application and **Miami-Dade Fire Rescue Department** memorandum mentions that the estimated response travel time to this site is approximately **7:06** 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 yielding a density threshold of a maximum of 1 dwelling unit on this site. Since the requests sought herein will not add additional dwelling units to the residence, the RU-TH-zoned townhouse residence is **consistent** with the Low Medium Density Residential designation as shown on the LUP map of the CDMP.

When the application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, and would not negatively affect the stability and appearance of the community. Request #1, will allow the applicant to waive the zoning regulations requiring a minimum setback of 15' from the side street (west) property line between the end of a group of townhouses and a public or private street of which 8' shall be unencumbered, to permit the continued use of an existing 6' high wood fence within the 15' side street setback area. The approval of the request will allow the applicant to maintain the aforementioned 6' high wood fence which runs along the side street (west) property line from the front building line to the north boundary of an existing 6' utility easement which runs along the rear (south) property line. Said fence continues along the north boundary of the existing 6' utility easement to the interior side (east) property line. The 6' high wood fence encloses the side street and rear yard area and provides security and visual screening to the applicant and her guests while enjoying the back yard and side street yard area. Staff does not object to this request and notes that the applicant has made aesthetic improvements that enhance the neighborhood. Specifically, the applicant has submitted pictures that depict abundant landscaping along the side street (west) property line and a well maintained 6' high wood fence. Request #2, to permit an existing townhouse setback 14.9' (15' required) from the side street (west) property line, would permit the continued use of the existing townhouse unit to encroach 0.1' into the side street (west) setback area. Staff is of the opinion that the 0.1' encroachment into the 15' side street setback area is minor and is probably due to an inadvertent construction error when the townhouse structure was originally built. Based on all of the aforementioned, staff opines that this application would not be detrimental to the community, would not be intrusive to the adjacent properties and would not negatively affect the appearance of the townhouse community. Therefore, staff recommends that requests #1 and #2 be approved with conditions under Section 33-311(A)(4)(b) (NUV).

When analyzing the requests 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-TH zoning regulations. Therefore, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(c) (ANUV).

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

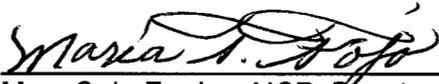
I. **RECOMMENDATION:**

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

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan," as prepared by Lidia Martinez, dated stamped received 9/17/08 and consisting of one sheet. 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 secure a building permit for the existing 6' high wood fence within the side street setback (west) from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning.

DATE INSPECTED: 02/03/09
DATE TYPED: 02/03/09
DATE REVISED: 02/04/09; 02/06/09; 02/12/09
DATE FINALIZED: 02/12/09
MCL:MTF:NN:NC:AA

for 

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

Date: September 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-12 #Z2008000188
Lidia Martinez
10936 S.W. 71st Street
Request to Permit an Existing Wood Fence Encroaching in Common Area
(RU-TH) (0.06 Acres)
30-54-40

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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 discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Date: March 8, 2006
To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 23-JAN-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000188

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000188
located at 10936 S.W. 71 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1708 is proposed as the following:

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

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

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 9 - Kendall - 7777 SW 117 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

Lidia Martinez

ADDRESS:

10936 SW 71 Street
Folio# 3040300210800

DATE: 02/03/08

ZONING HEARING#:

08-188

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

PRIOR CASES:

No prior cases.



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 30 Township: 54 Range: 40
 Applicant: LINDA MARTINEZ
 Zoning Board: C12
 Commission District: 10
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
08-188



SUBJECT PROPERTY



SKETCH CREATED ON: 09/25/08

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