

KITS

6-5-2009 Version # 2



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Wednesday, July 1, 2009 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|------------------------|---------------|----------|---|
| 1. | 09-7-CZ12-1 | <u>JOEL ARANGO</u> | <u>08-221</u> | 30-54-40 | N |
| 2. | 09-7-CZ12-2 | <u>MANUEL MENENDEZ</u> | <u>09-10</u> | 26-54-40 | N |
| 3. | 09-7-CZ12-3 | <u>CARLOS J LUIS</u> | <u>09-20</u> | 04-55-40 | N |
| 4. | 09-7-CZ12-4 | <u>KENDALL 77 LTD</u> | <u>09-31</u> | 03-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, JULY 1, 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

1. JOEL ARANGO (09-7-CZ12-1/08-221)

**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; to waive same to permit an existing shed and a 6' high wood fence along the side street (south) property line.
- (2) Applicant is requesting to waive the zoning regulations prohibiting accessory buildings to extend above the height of the wall enclosing the townhouse site; to permit a shed to be higher than the wall.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Arango's Family Request for Hearing Modification", as prepared by Carlos Silva, P. S. M., dated stamped received 11/17/08, for a total of 1 sheet. Plans may be modified at public hearing.

LOCATION: 10941 S.W. 70 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3,035 sq. ft.

Department of Planning and
Zoning Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. MANUEL MENENDEZ (09-7-CZ12-2/09-010)

**26-54-40
Area 12/District 7**

- (1) Applicant is requesting to permit a gazebo setback 17.7' (20' required) from the interior side (west) property line.
- (2) Applicant is requesting to permit a tennis court setback 5' (20' required) from the interior side (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Residence for Mr. & Mrs. Menendez," as prepared by Mark Reardon, Architect, consisting of 2 sheets, dated stamped received 1/21/09 and Sheet "A-1" with a last handwritten revision dated 3-20-09. Plans may be modified at public hearing.

LOCATION: 6930 S.W. 62 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.06 Gross Acres

Department of Planning and
Zoning Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. **CARLOS J. LUIS (09-7-CZ12-3/09-020)**

**04-55-40
Area 12/District 8**

- (1) SPECIAL EXCEPTION to permit night lighting for an existing tennis court.
- (2) MODIFICATION of Condition #2 of Resolution CZAB12-19-06, passed and adopted by the Community Zoning Appeals Board #12, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Detached Gazebo for Mr. & Mrs. Luis,' as prepared by A. Taquechel Assoc., Inc., consisting of two pages dated stamped received 2/13/06, except as 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."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Site Plan,' and "Mr. Carlos Luis Residence,' as prepared by RLS Lighting, Inc., dated stamped received 2/18/09, consisting of 2 sheets, and 'Site Plan,' as prepared by Carlos Luis, dated stamped received 3/10/09 for a total of 3 sheets. Except as 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) DELETION of Condition #4 of Resolution #4ZAB-67-79, passed and adopted by the Zoning Appeals board, reading as follows:

"4. That no lights be permitted in connection with the use."

(4) DELETION of Condition #5 of Resolution #CZAB12-19-06, passed and adopted by the Community Zoning Appeals Board #12, reading as follows:

“5. That no lights be permitted in connection with the use of the tennis court.”

The purpose of requests #2 - #4 is to allow the applicant to delete conditions that prohibited tennis court lighting and to submit a new site plan showing tennis court lighting.

(5) Applicant is requesting to permit a porte-cochere setback 24' (50' required/25' previously approved) from the front (south) property line.

(6) Applicant is requesting to permit the tennis court and 10' high chain link fence setback 44' (75' required/45' previously approved) from the front (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #5 and #6 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 8741 S.W. 102 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 175' x 218'

Department of Planning and Zoning Recommendation:

Denial without prejudice of request #1, #3 and #4 under Section 33-311(A)(17), approval with conditions of requests #2 on a **modified basis** to remove the light poles from the site plan under Section 33-311(A)(7) and approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b) of the NUV standards and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and Section 33-311(A)(4)(c) (ANUV).

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. KENDALL 77 LTD (09-7-CZ12-4/09-031)

03-55-40
Area 12/District 8

(1) DELETION of Paragraph #2, Items #1 and #27 of the Declaration of Restrictions, recorded in Official Record Book 10243, Pages 851-856, last modified by a modification of a Declaration of Restrictions, recorded in Official Record Book 26870, Pages 123-125, reading as follows:

"1. Grocery stores of the type of 7-11 or U-Tote'M, meat and fish markets; provided, however, that this restriction shall not prevent the use of the premises for specialty or gourmet food and grocery stores, a delicatessen, fruit store or health food store, any one of which must have not more than 4,000 square feet of floor area, including storage areas;"

"27. Supermarket"

The purpose of the request is to delete provisions that prohibit grocery store and supermarket uses in order to allow the applicant to include grocery/supermarket stores at the previously approved retail center.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

LOCATION: 7700-98 North Kendall Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 8.71 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of the request under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

Protests: 47

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. JOEL ARANGO
(Applicant)

09-7-CZ12-1 (08-221)
Area 12/District 10
Hearing Date: 7/1/09

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 to RU-TH - Special Exception to permit townhouse development. - Unusual Use to permit recreational area, lake excavation and entry gate.	BCC	Approved
1972	Gadco Corp., Harold Brown, Tr.	Zone change from RU-3M to RU-TH	ZAB	Recommended for Approval

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: Joel Arango

PH: Z08-221 (09-3-CZ12-2)

SECTION: 30-54-40

DATE: July 1, 2009

COMMISSION DISTRICT: 10

ITEM NO.: 1

A. INTRODUCTION:

o **REQUESTS:**

(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; to waive same to permit an existing shed and a 6' high wood fence along the side street (south) property line.

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

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Arango's Family Request for Hearing Modification," as prepared by Carlos Silva, P. S. M., dated stamped received 11/17/08, for a total of 1 sheet. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant seeks to permit the continued use of an existing shed and a 6' high wood fence located within the required 15' distance between the end of a group of townhouses and a side street.

o **LOCATION:** 10941 SW 70 Terrace, Miami-Dade County, Florida.

o **SIZE:** 3,035 sq. ft.

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. 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 10941 SW 70 Terrace. The townhouse residence fronts on SW 70 Terrace to the west, abuts SW 71 Street as a side street to the south, abuts SW 109 Place to the east as the rear 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 10941 SW 70 Terrace, in an established townhouse development zoned RU-TH, Townhouse District. The subject property is designated for **Low Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 6 to a maximum of 13 dwelling units per gross acre 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.

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** also has no objections as stated

in their memorandum and mentions that the estimated response travel time to this site is approximately **7:38** minutes.

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 (south) 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 shed and a 6' high wood fence within the 15' side street setback area. The approval of the request will allow the applicant to maintain the aforementioned shed and 6' high wood fence which runs along the side street (south) property line from the front building line to the rear of the property. Staff notes that said 6' high fence is located within the boundaries of an existing 6' utility and access easement which runs along the rear (east) property line. The 6' high wood fence continues north along said 6' utility and access easement to the interior side (north) property line enclosing the rear yard area of the townhouse unit. Staff notes that the 6' high wood fence encloses the side street and rear yard area and provides security and visual screening to the applicant and 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 (south) property line and a well maintained 6' high wood fence. However, staff recommends as a condition of the approval of request #1 that the applicant obtains the approval of the Utility Companies prior to the issuance of the building permit for the 6' high wood fence. Approval of request #2, will allow the applicant the maintenance and continued use of an existing shed that is higher than the existing 6' high wood fence. Staff notes that the applicant has submitted an approval letter from the Home Owners Association supporting the location and design of the shed. Additionally, staff opines that the existing shed provides additional storage space to the resident and that the shed is sufficiently buffered from the side street by the aforementioned 6' high wood fence. Staff opines that the existing shed would not be detrimental to the community, would not be visually intrusive to the adjacent properties and would not negatively affect the appearance of the townhouse community. As such, staff recommends approval request #2 with a condition that the applicant obtain a building permit for such shed. 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 with conditions 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 with conditions 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 "Arango's Family Request for Hearing Modification," as prepared by Carlos Silva, P.S.M., dated stamped received 11/17/08, for a total of 1 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 applicant secure a building permit for the existing shed and 6' high wood fence located within the side street setback (south) 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.
5. That the applicant obtain the approval from the Utility Companies at the time of building permit allowing the continued use of the existing 6' high wood fence within the utility and access easement.

DATE INSPECTED: 05/12/09
DATE TYPED: 05/12/09
DATE REVISED: 05/29/09; 06/22/09
DATE FINALIZED: 06/22/09
MCL:MTF:NN:NC:AA



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

NDN

Memorandum



Date: November 25, 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".

Subject: C-12 #Z2008000221
Joel Arango
10941 S.W. 70th Terrace
Request to Permit a Shed that Exceeds Height Requirements and Fence
that Exceeds Setback Requirements
(RU-TH) (0.07 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 (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.

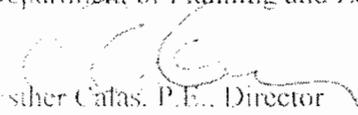
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 01-DEC-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000221

Fire Prevention Unit:

Fire Engineering & Water Supply has no objection to this application.

Service Impact/Demand:

Development for the above Z2008000221
located at 10941 SW 70 TERR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1708 is proposed as the following:

residential	dwelling units	_____	square feet
	square feet	_____	square feet
Office		_____	square feet
Retail	square feet	_____	square feet
		_____	nursing home/hospitals

Based on this development information, estimated service impact is: 0 alarms-annually.
The estimated average travel time is: 7:38 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station No. 9 - 7777 SW 117 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments:

N/A

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

Joel Arango

ADDRESS:

10941 SW 70 Terrace
Folio# 3040300200540

DATE: 06/08/09

ZONING HEARING#:
08-221

CURRENT ENFORCEMENT HISTORY:

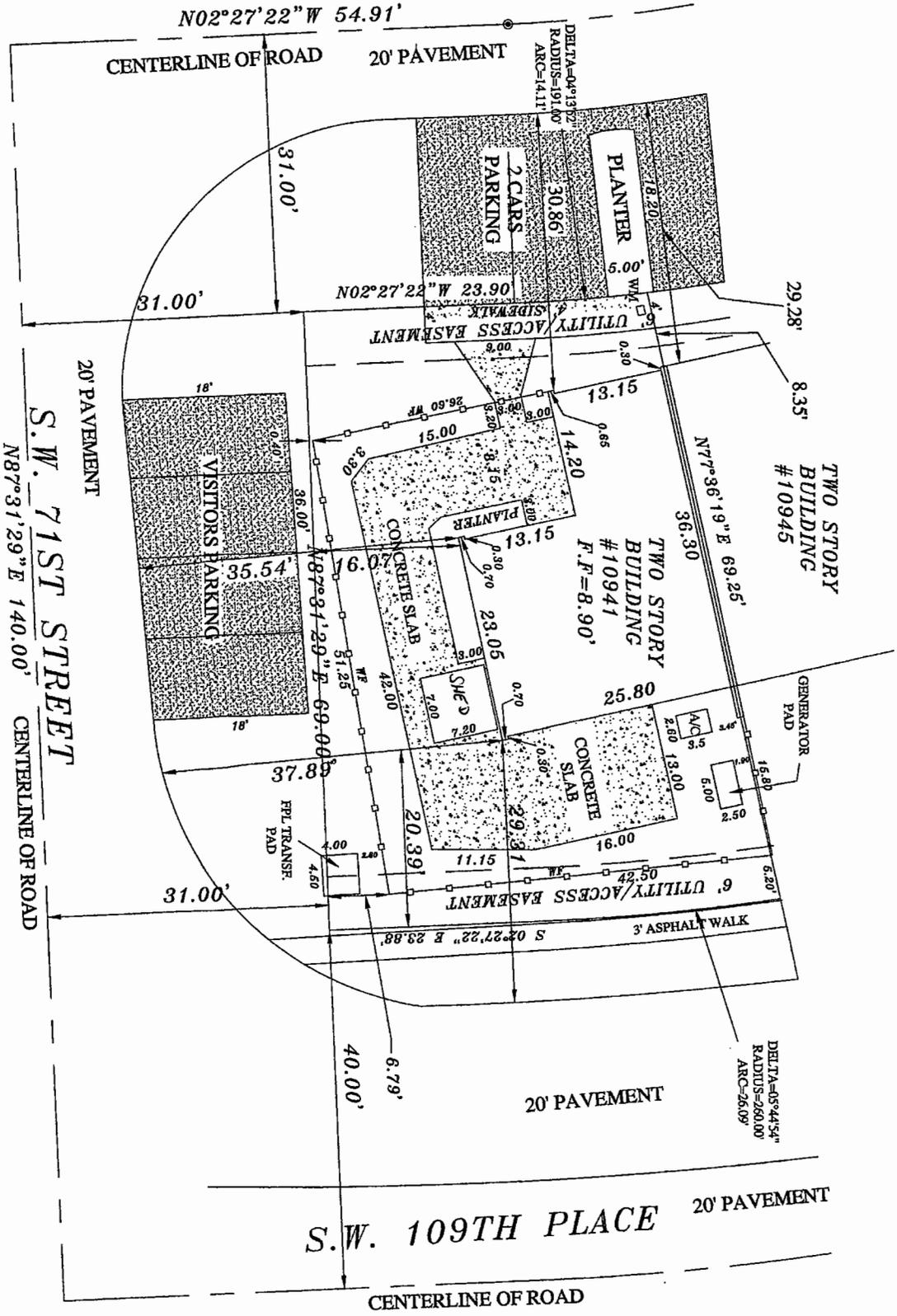
No open cases. No current violations.

PRIOR CASES:

No prior cases.

S.W. 70TH TERRACE

N02°27'22"W 54.91'



PROPERTY ADDRESS:

ENLARGED SITE PLAN

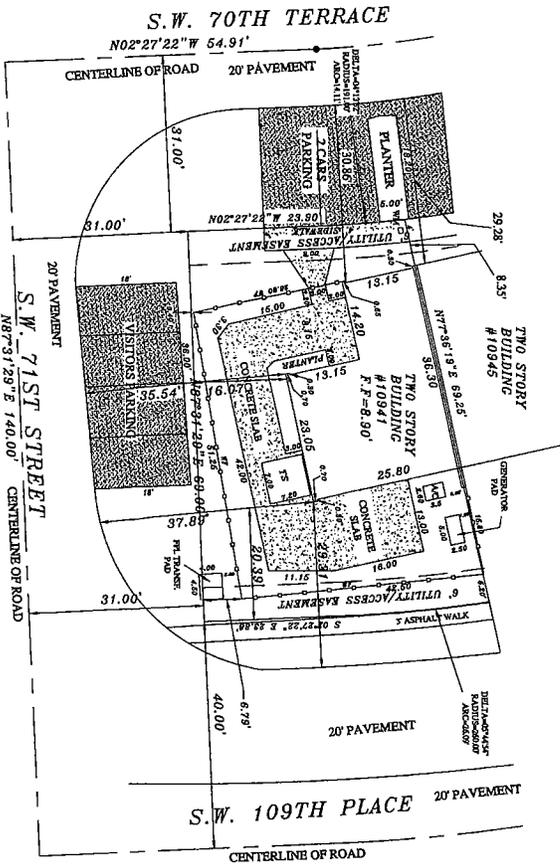
RECEIVED
NOV 17 2008

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

- LEGEND:**
- A/C = AIR CONDITIONER
 - C.L.F. = CHAIN LINK FENCE
 - CONC. = CONCRETE
 - F.F.E. = FINISH FLOOR ELEV.
 - L.P. = LIGHT POLE
 - PL = PLANTER

SITE PLAN

GRAPHIC SCALE



LEGAL DESCRIPTION:
 Lot 14, Block 36, SNAPPER CREEK TOWNHOMES, according to the Plat thereof as recorded in Plat Book 97, at Page 6, of the Public Records of Miami Dade County, Florida.

SITE LEGEND

Zoning of Property: RU-TH	Square feet and	0.07	Acres
Total net land:	3.035	Square feet and	0.02
Gross building coverage :	780	Square feet and	44.7
Total Landscape area :	1,357	Square feet and	13.2
Total parking area	400	Square feet and	29.9
Total Walks	908	Square feet and	

ZONING LEGEND

Height (to ridge of roof)	3.035	Square feet	
Net Land Area :	3.035	Square feet	
Lot Coverage (everything under roof)	780	Square feet	
SETBACKS:	REQUIRED	PROVIDED	
Front	15'	18.20'	
Side	15'	16.07'	
Side street	15'	35.54'	
Rear	10'	20.39'	

LEGEND:

- A/C = AIR CONDITIONER PAD
- C.L.F. = CHAIN LINK FENCE
- CONC. = CONCRETE
- F.F.E. = FINISH FLOOR ELEVATION
- L.P. = LIGHT POLE
- PL. = PLANTER
- P.P.W. = POWER POLE WOOD
- W.M. = WATER METER
- WF. = WOODENCE

- [Symbol] = CONCRETE
- [Symbol] = WOODENCE
- [Symbol] = CATCH BASIN
- [Symbol] = UTILITY POLE
- [Symbol] = WOOD FENCE
- [Symbol] = FIRE HYDRANT
- [Symbol] = TILE
- [Symbol] = CHAINLINK FENCE

COMMUNITY: 120635
 PANEL: 12025C00260 J
 FLOOD ZONE : 8.00'

CARLOS SILVA P.S.M.
 P.S.M. #3630 JOB: 2-101508-P
 11010 SW 140TH AVE
 MIAMI FLA 33186
 PH: (305) 388-4098
 FAX: (305) 388-4098

PROPERTY ADDRESS:
 10941 S.W. 70TH TERRACE
 MIAMI, FLORIDA. 33173

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

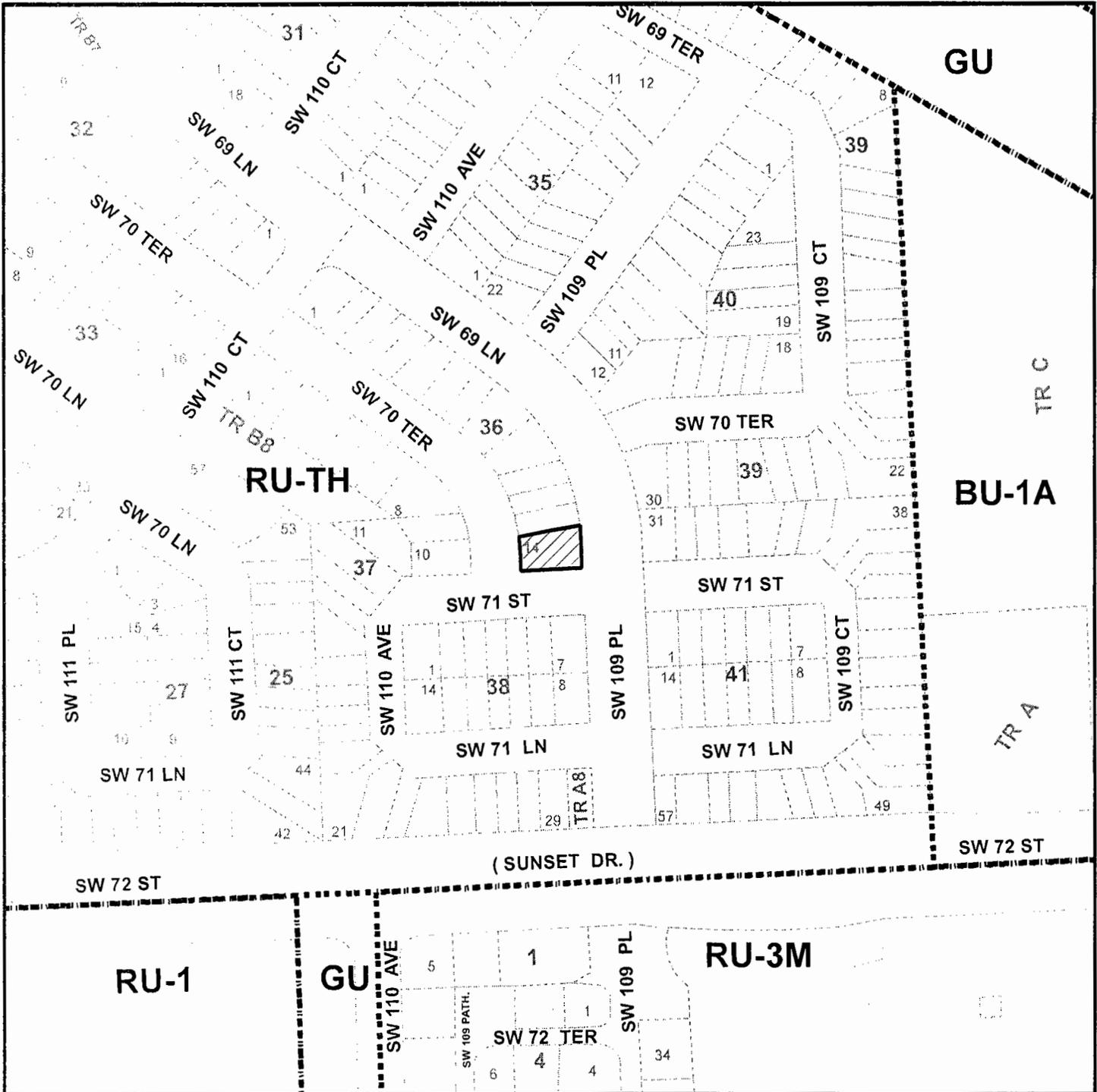
FOLIO NUMBER : 30-4030-020-0540
 PROJECT NAME : ARANGO'S FAMILY REQUEST FOR HEARING MODIFICATION.

OWNERS NAME : JOEL ARANGO AND WIFE GLORIA J. ARANGO

DATE : 10/30/2008

SCALE : 1" = 10'

RECEIVED
 NOV 17 2008



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-221

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

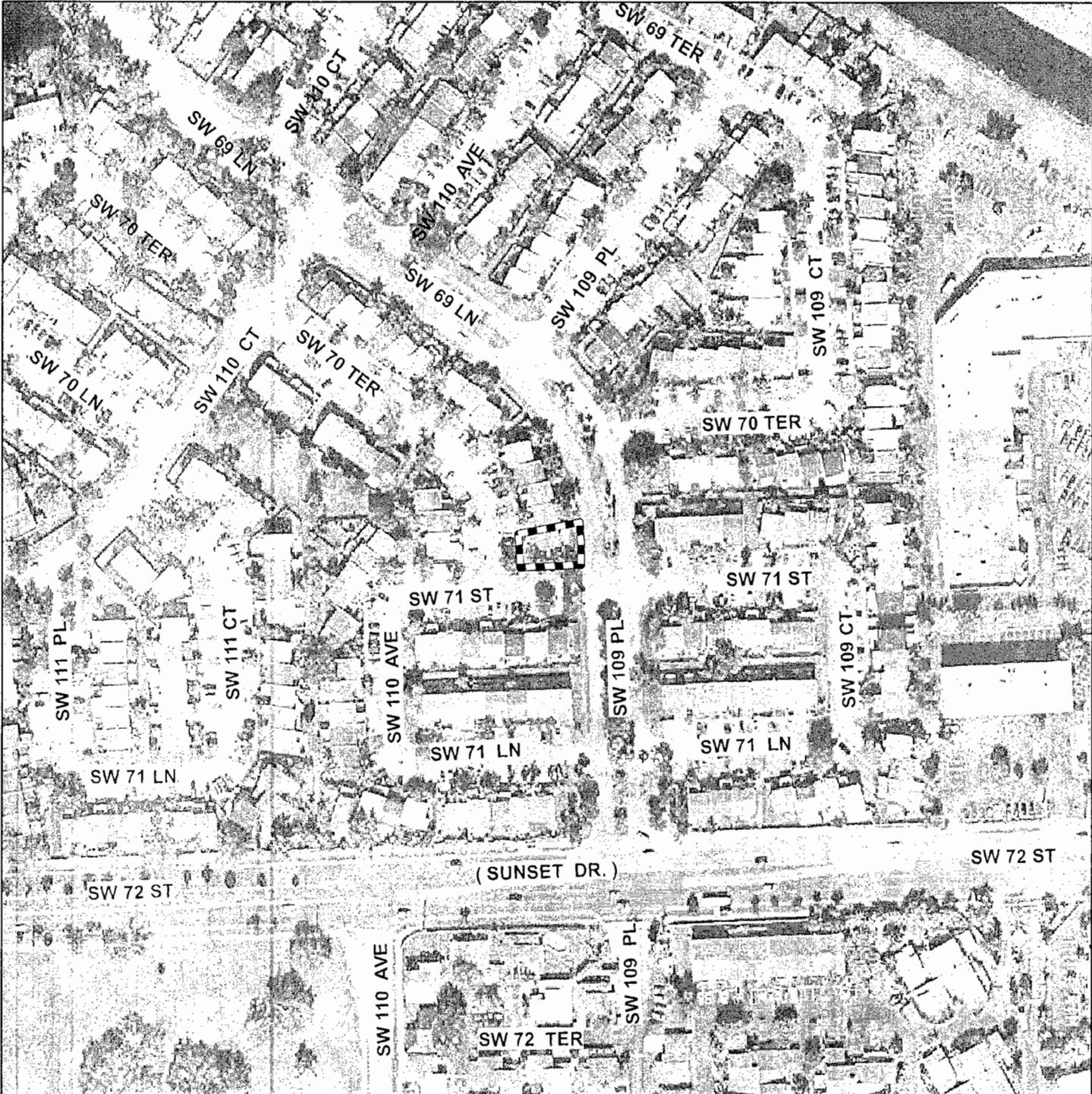


SUBJECT PROPERTY



SKETCH CREATED ON: 11/17/08

REVISION	DATE	BY
		13



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
08-221

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



SUBJECT PROPERTY



SKETCH CREATED ON: 11/17/08

REVISION	DATE	BY

2. MANUEL MENENDEZ
(Applicant)

09-7-CZ12-2 (09-010)
Area 12/District 7
Hearing Date: 7/1/09

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>
1969	Frank P. Sherry	- Special Exception Church and Sabbath school	ZAB	Approved w/conds.
1969	Frank P. Sherry	- Special Exception Church and Sabbath school	BCC	Appeal Approved 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: Manuel Menendez

PH: Z09-10 (09-07-CZ12-4)

SECTION: 26-54-40

DATE: July 1, 2009

COMMISSION DISTRICT: 7

ITEM NO.: 2

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicant is requesting to permit a gazebo setback 17.7' (20' required) from the interior side (west) property line.
- (2) Applicant is requesting to permit a tennis court setback 5' (20' required) from the interior side (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Residence for Mr. & Mrs. Menendez," as prepared by Mark Reardon, Architect, consisting of 2 sheets, dated stamped received 1/21/09 and Sheet "A-1" with a last handwritten revision dated 3-20-09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit a proposed gazebo setback closer to the interior side (west) property line than permitted and to permit a proposed tennis court setback closer to the interior side (east) property line than permitted.
- o **LOCATION:** 6930 S.W. 62 Street, Miami-Dade County, Florida.
- o **SIZE:** 1.06 Gross Acres

B. ZONING HEARINGS HISTORY:

The subject property was a part of a tract of land that was approved by the Zoning Appeals Board to allow a Special Exception to permit a church and Sabbath school pursuant to Resolution #4-ZAB-562-69 in October 1969. Said resolution was subsequently overturned on appeal by the Board of County Commissioners in November 1969 pursuant to Resolution #Z-331-69.

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 **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be

authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre. The subject property is located within and along the eastern edge of the Urban Development Boundary (UDB).

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; Single-family residence under Construction

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; F.E.C. railroad right-of-way

Transportation

WEST: EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

The subject property is located at 6930 S.W. 62 Street in an area characterized by single-family residences developed under the EU-1, Single-Family One-Acre Estate and EU-M, Single-Family Modified Estate District regulations. The vacant Florida East Coast (F.E.C.) railway right-of-way is located immediately to the east of the subject site and delineates the western boundary of the City of South Miami.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable*

Location of Buildings:

Acceptable*

Compatibility:

Acceptable*

Landscape Treatment:

N/A

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

Acceptable

Urban Design:

N/A

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings. The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:
1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
 2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
 3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
 4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
 5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
 6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
 7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
 8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
 9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the

trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
 - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
 16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
1. will result in a significant diminution of the value of property in the immediate vicinity; or
 2. will have substantial negative impact on public safety due to unsafe

automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 6930 S.W. 62 Street in an area characterized by single-family residences developed under the EU-1, Single-Family One-Acre Estate and EU-M, Single-Family Modified Estate, zoning district regulations. Approval of this application will permit a gazebo and tennis court addition to a single-family residence which will provide outdoor amenities for the residents and their guests. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Estate-Density Residential** use, which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre. This application will not generate any additional housing units. As such, the proposed gazebo addition to the single-family residence is **consistent** with the Estate-Density Residential designation as shown in the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objection** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works** and **Miami-Dade Fire Rescue (MDFR)** Departments also **have no objections** to this application.

When analyzing requests #1 and #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area, would not negatively affect the stability

and appearance of the community, and would not be detrimental to the area. Approval of these requests will permit the addition of a proposed gazebo encroaching into the interior side (west) setback area (request #1) as well as a tennis court encroaching into the interior side (east) setback area (request #2). The proposed gazebo addition has been designed, as depicted in the submitted plan, to match the architectural style and scale of the residence that is presently under construction and therefore, will not result in an obvious departure from the aesthetic character of the surrounding area. Staff further notes that similar requests were approved through hearings and through the Administrative Adjustment process within less than a ½ mile of the subject property. For example, in 1987, pursuant to Resolution #4-ZAB-79-87, a residence west of the subject property on SW 62 Street was approved for a request to permit a chickee hut setback 11' from the interior side (east) property line. Additionally, in 2001, a residence located at 6501 SW 72 Court, was approved for a variance to permit a single-family residence setback 13' from an interior side property line pursuant to Administrative Variance #V01-017. However, staff recommends that as a condition for the approval of the request, that the open sided portion of the gazebo remain open sided and, not be enclosed in any manner except for approved insect screen materials and that the applicant install a 6'-8' tall opaque fence or hedge along a portion of the interior side (west) property line as a visual buffer for the gazebo.

Additionally, although there have been no previous approvals for tennis courts with encroachments as intensive as that embodied in request #2, staff opines that the requested variance along the eastern property line, abutting the vacant railroad right-of-way, will not be visually or aurally intrusive to the abutting residential properties to the south and west. Further, in staff's opinion, the 50' wide railroad right-of-way provides a sufficient buffer to the single-family residences to the east, located in the City of South Miami. However, to prevent any negative visual effects from the spillage of light onto the properties located to the east and to the south, staff recommends that as a condition for approval, no night lighting for the tennis court be allowed. As such, staff recommends approval with conditions of the requests #1 and #2 under Section 33-311(A)(4)(b) (NUV).

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

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. Even so, the ASDO standards, which are articulated in Section 33-311(A)(14) require additional mitigation and documentation for approval thereunder. Staff has not received this information from the applicant and, as such, the requests cannot be properly analyzed under the ASDO Standards and should be denied without prejudice under same.

Accordingly, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

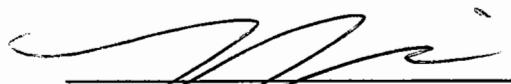
I. RECOMMENDATION:

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

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Residence for Mr. & Mrs. Menendez," as prepared by Mark Reardon, Architect, consisting of 2 sheets, dated stamped received 1/21/09, with Sheet "A-1" bearing last handwritten revision dated 3-20-09. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing.
3. That the use be established and maintained in accordance with the approved plan.
4. That the open-sided portion of the gazebo addition remain open sided and not be enclosed in any manner except for approved insect screen materials.
5. That the applicant install a 6'-8' tall opaque fence or hedge along the interior side (west) property line; said hedge shall be 3' high at the time of planting, which shall grow to and be maintained at a height of 6'-8'.
6. That no lights be permitted in connection with the use of the tennis court.

DATE INSPECTED: 05/01/09
DATE TYPED: 05/13/09
DATE REVISED: 05/15/09, 06/17/09
DATE FINALIZED: 06/17/09
MCL:MTF:NN:NC:CH



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

Memorandum

Date: February 19, 2009

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

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

Subject: C-12 #Z2009000010
Manuel Menendez
6930 S.W. 62nd Street
Request to Permit an Addition That Exceeds Setback Requirements
(EU-1) (1 Acre)
26-54-40

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.

Enforcement History

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

Concurrency Review Summary

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

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

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

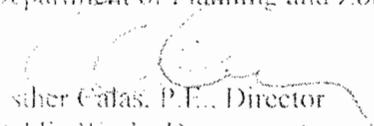
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

From:  Fisher Galas, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 05-FEB-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000010

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000010
 located at 6930 S.W. 62 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1675 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:00 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, ALS Engine, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

MANUEL MENENDEZ

ADDRESS:

6930 S.W. 62 STREET, MIAMI-
DADE COUNTY, FLORIDA
Folio# 3040260000261

DATE: 04/07/09

ZONING HEARING#:

Z2009000010

CURRENT ENFORCEMENT HISTORY:

No current cases open.

PRIOR CASES:

CMS#200803000474. Unauthorized Use. Not in Violation. Case Closed.

CMS#200603001064. Overgrowth and junk & trash. Initial inspection was conducted on March 25, 2006. Debris was found on right of way. Referral to solid waste department. Case closed.

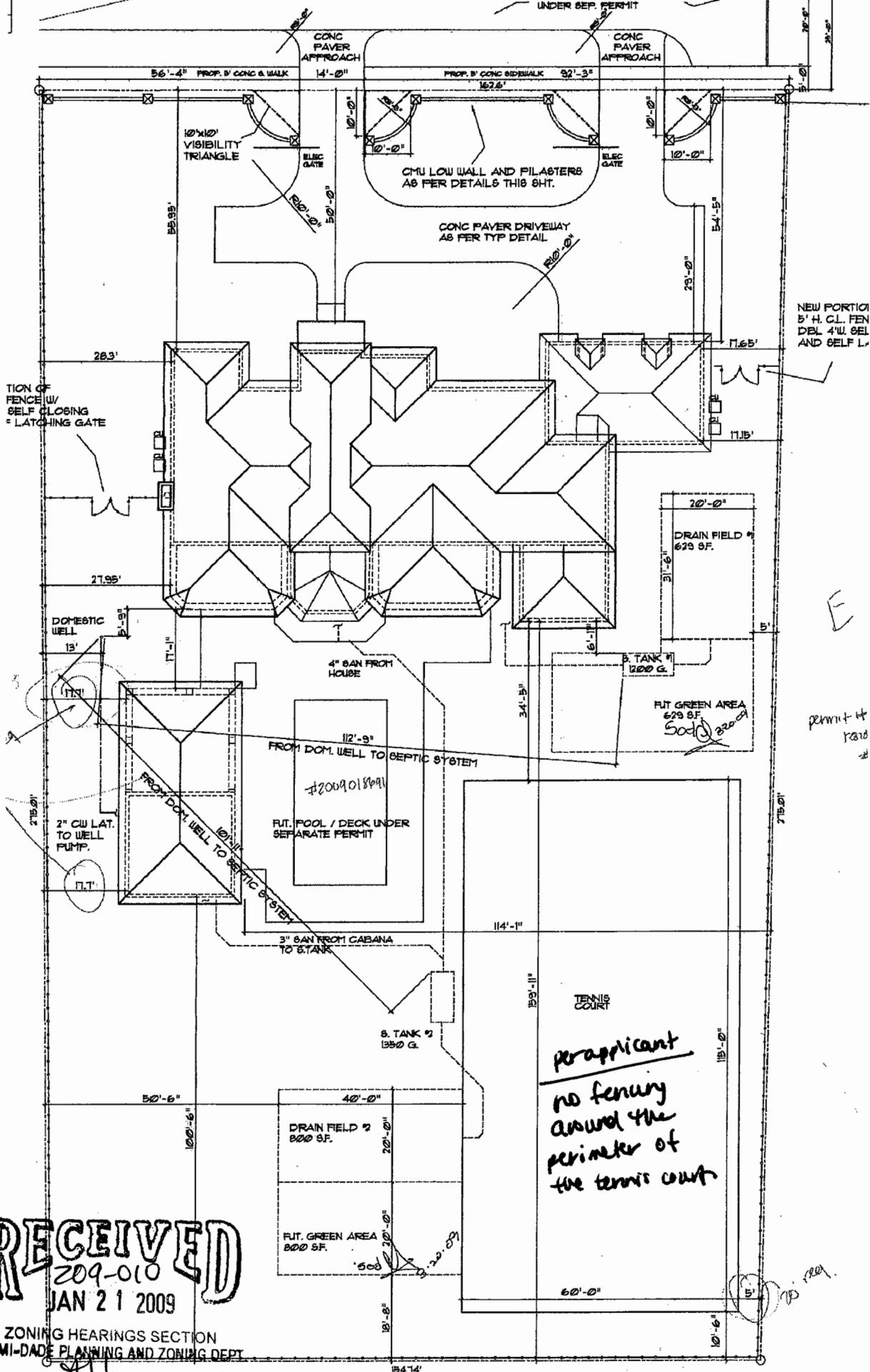
CMS#200703013093. Overgrowth and junk & trash. Notice of violation issued on February 6, 2008. Violation corrected and case closed.

CMS#200803000485. Junk and trash. Notice of violation issued January 14, 2008. Violation corrected by owner. Case closed.

CMS#200803000486. Junk and trash. Notice of violation issued on January 14, 2008. Violation corrected by owner. Case closed.

CMS#200803000487. Overgrowth. Notice of violation issued on January 14, 2008. Violation corrected by owner. Case closed.

CMS#200803001214. Overgrowth. Notice of violation issued on February 7, 2008. Violation corrected and case closed.



RECEIVED
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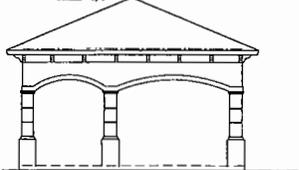
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT

BY

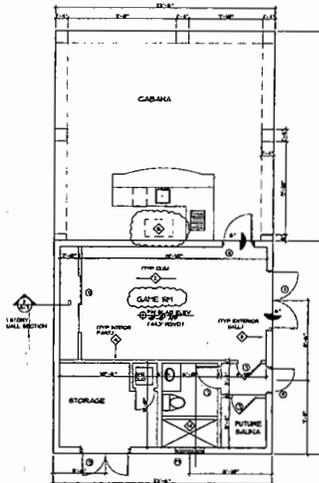
ENLARGED SITE PLAN



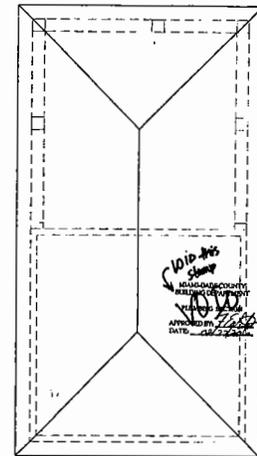
SOUTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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



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



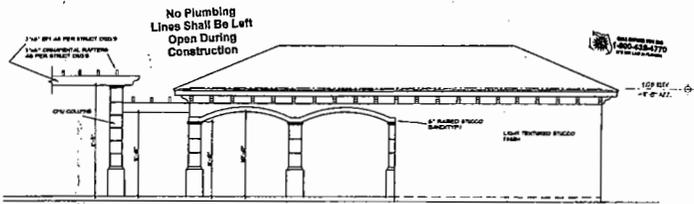
CABANA ROOF PLAN
SCALE: 1/4" = 1'-0"

- KEY NOTES**
- 1. All dimensions shall be taken to the centerline of walls and columns.
 - 2. All doors shall be 2'-0" wide and 6'-8" high.
 - 3. All windows shall be 4'-0" wide and 6'-0" high.
 - 4. All exterior walls shall be 8" thick concrete block masonry.
 - 5. All exterior floors shall be 4" thick concrete.
 - 6. All interior floors shall be 4" thick concrete.
 - 7. All exterior walls shall be finished with stucco.
 - 8. All exterior walls shall be finished with 1/2" gypsum board.
 - 9. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 10. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 11. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 12. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 13. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 14. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 15. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 16. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 17. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 18. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 19. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.
 - 20. All exterior walls shall be finished with 1/2" gypsum board and 1/2" stucco.

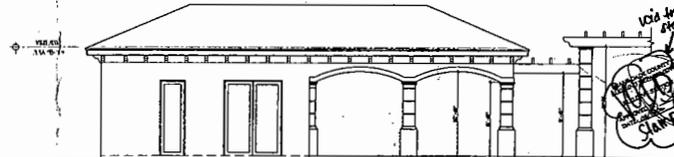
- LEGEND**
- CONSTRUCTION TYPE: TYPE V-B
 - FOR DIMENSIONS FROM STREET CORNER TO EXTERIOR WALL, SEE PLAN AND SECTION.
 - NEW WINDOW PARTITION OF 36 GAL. RAIN WATER TIGHT, 1/2" O.C. J.C. BOARD ATTACHING TO WALL, 1/2" O.C. J.C. BOARD ATTACHING TO WALL.
 - DOOR TYPE SYMBOL, SEE DOOR SCHEDULE ON SHEET A-1.
 - WINDOW TYPE SYMBOL, SEE WINDOW SCHEDULE ON SHEET A-1.

NOTES

1. ALL PLUMBING AND ELECTRICAL ROUTINGS SHALL BE SELECTED BY OWNER. ALL ALL TRADES TO BE SELECTED BY OWNER.



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



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

REVISION BY

MARK REARDON
Architect

15790 SW 88TH AVE
MIAMI, FL 33157
305-442-2222

APPROVED BY
DATE: 01/21/09

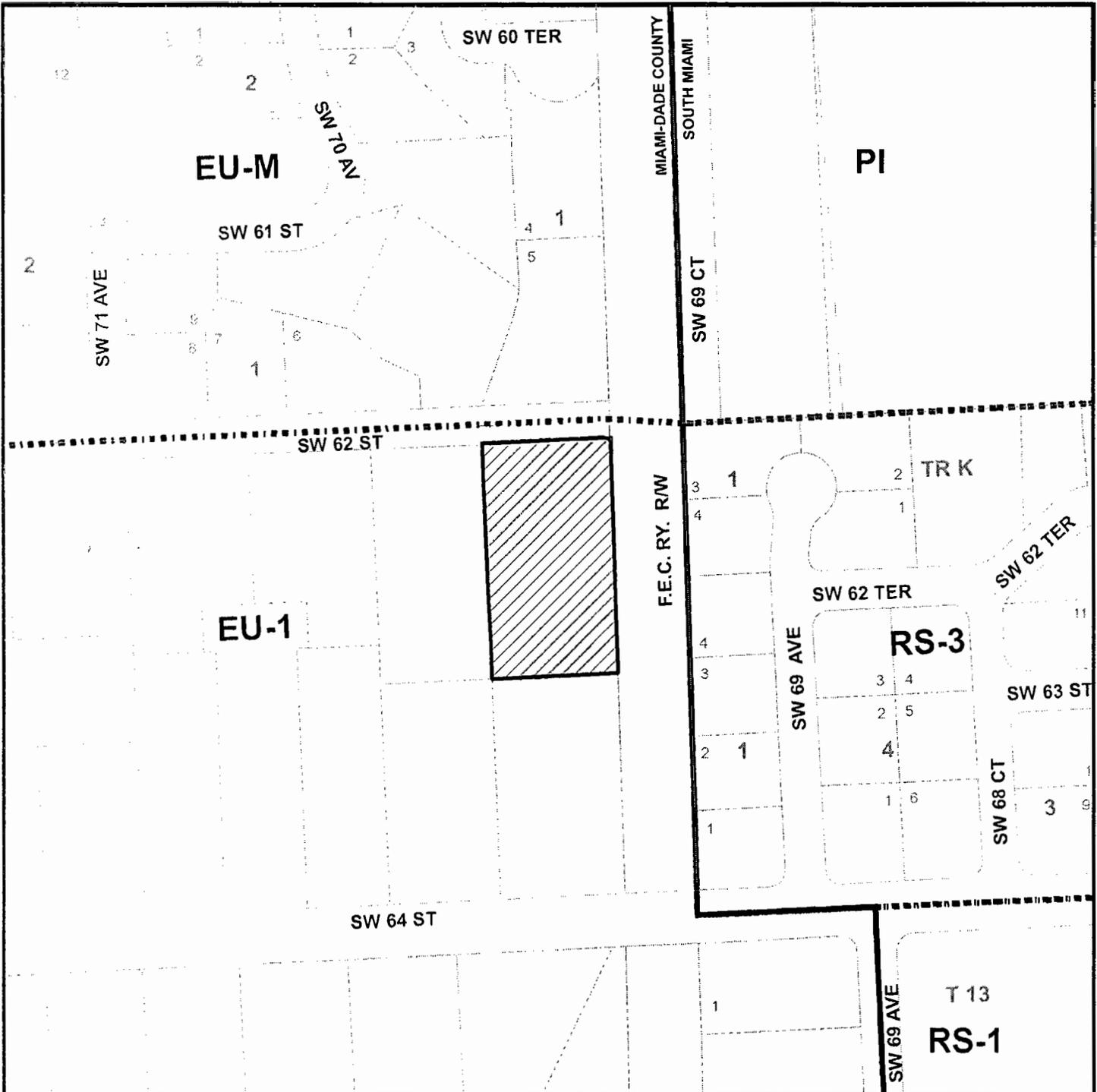
NEW RESIDENCE FOR
MR & MRS MENENDEZ
8830 SW 92 ST
MIAMI, FL

DATE: 01/21/09
SCALE: AS SHOWN
SHEET NO: A-2.1

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209-010
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

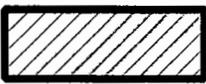
BY *AS*



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-010

Section: 26 Township: 54 Range: 40
 Applicant: MANUEL MENENDEZ
 Zoning Board: C12
 Commission District: 07
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 01/27/09

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 26 Township: 54 Range: 40

Applicant: MANUEL MENENDEZ

Zoning Board: C12

Commission District: 07

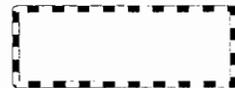
Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

09-010



SUBJECT PROPERTY



REVISION	DATE	BY

3. CARLOS J. LUIS
(Applicant)

09-7-CZ12-3 (09-020)
Area 12/District 8
Hearing Date: 7/1/09

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>
1979	Dade Development Service Corp.	- Non-Use Variance setback for tennis court and a 10' chain link fence.	ZAB	Approved w/conds.
1986	Mike Sundar	- Non-Use Variance setbacks for Porte-cochere.		Approved
2006	Carlos Luis & Patricia Rossique	- Non-Use Variance for 10' fence around tennis court. - Setback request of 6.45' - Setback request for gazebo of 10' - Rear lot coverage	CZAB-12	Approved w/conds.

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

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

APPLICANT: Carlos J. Luis

PH: Z09-20 (09-7-CZ12-4)

SECTION: 4-55-40

DATE: July 1, 2009

COMMISSION DISTRICT: 8

ITEM NO.: 3

A. INTRODUCTION

o REQUESTS:

- (1) SPECIAL EXCEPTION to permit night lighting for an existing tennis court.
- (2) MODIFICATION of Condition #2 of Resolution CZAB12-19-06, passed and adopted by the Community Zoning Appeals Board #12, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Detached Gazebo for Mr. & Mrs. Luis,' as prepared by A. Taquechel Assoc., Inc., consisting of two pages dated stamped received 2/13/06, except as 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."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Site Plan,' and "Mr. Carlos Luis Residence,' as prepared by RLS Lighting, Inc., dated stamped received 2/18/09, consisting of 2 sheets, and 'Site Plan,' as prepared by Carlos Luis, dated stamped received 3/10/09 for a total of 3 sheets. Except as 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) DELETION of Condition #4 of Resolution #4ZAB-67-79, passed and adopted by the Zoning Appeals board, reading as follows:

"4. That no lights be permitted in connection with the use."

- (4) DELETION of Condition #5 of Resolution #CZAB12-19-06, passed and adopted by the Community Zoning Appeals Board #12, reading as follows:

"5. That no lights be permitted in connection with the use of the tennis court."

The purpose of requests #2 - #4 is to allow the applicant to delete conditions that prohibited tennis court lighting and to submit a new site plan showing tennis court lighting.

- (5) Applicant is requesting to permit a porte-cochere setback 24' (50' required/25' previously approved) from the front (south) property line.
- (6) Applicant is requesting to permit the tennis court and 10' high chain link fence setback 44' (75' required/45' previously approved) from the front (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #5 and #6 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- o **SUMMARY OF REQUESTS:** This application will allow the modification of a condition of a Resolution that will allow the applicant to submit a new site plan indicating the location of an existing tennis court and 10' high chain link fence. Additionally, the new plans indicate proposed night lighting for the existing tennis court. A deletion of a condition of a Resolution adopted in 1979 and a deletion of a condition adopted in 2006, both restricting the use of night lighting in connection with the tennis court are also sought in order to allow the applicant to provide night lighting for the tennis court. The new plans also indicate an existing porte-cochere setback closer to the front property line than previously approved by a Resolution adopted in 2006.
- o **LOCATION:** 8741 SW 102 Street, Miami-Dade County, Florida.
- o **SIZE:** 175' x 218'

B. ZONING HEARINGS HISTORY:

In 1986, the property was granted approval for a porte-cochere addition to setback 25' from the front (south) property line where 50' is required, pursuant to Administrative Variance #86-AV-238. Subsequently, in 1979, the Zoning Appeals Board, pursuant to Resolution 4-ZAB-67-79, granted approval for a tennis court and 10' high chain link fence setback 7'6" from the interior side property line where 20' is required and setback 45' from the front property line where 75' is required. In 2006, the Zoning Appeals Board, pursuant to Resolution CZAB12-19-06, granted approval for a tennis court and 10' high fence setback 6.45' from the interior side property line and approval of a gazebo setback 10' where 20' is required from the interior side property line, as well, as to allow a rear yard lot coverage of 7.18% where 5% is permitted.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-S; Single-family residences

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

WEST: EU-1; Single-family residences

Estate Density Residential, 1 to 2.5 dua

The subject parcel is an interior lot located at 8741 SW 102 Street, approximately 375' west of SW 87 Avenue. The area where the subject property lies is characterized by single-family estate homes.

E. SITE AND BUILDINGS:

Site Plan Review:	(plans submitted)
Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Not acceptable (lighting)
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	Not Acceptable (lighting)
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been

constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

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

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

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

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
 - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(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

8

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 comment
MDTA	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is located at 8741 SW 102 Street, within an established EU-1, One Acre Estate Single-Family Residential District. The applicants have submitted plans depicting this site with an existing single-family residence and the proposed light poles to serve the existing tennis court. The surrounding area is predominately developed with single-family residences. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use. Since the requests will not add additional units to the community, the existing single-family residence is **consistent** with the Estate Density Residential use designation on the LUP map of the CDMP and is **compatible** with the surrounding area, which is characterized by single-family residences.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the average response travel time for this site is **7:56** minutes.

The approval of requests #1, #3 and #4, will allow night lighting for the existing tennis court. As previously mentioned the existing tennis court was previously approved and constructed encroaching 31' into the front 75' setback area and encroaching 12.85' into the interior side 20' setback area. Staff opines that the proposed 21' high light poles which will provide night lighting for the tennis court at a proximity of 6.15' from the interior side (west) property line would encourage the applicant guests to gather during the night on the tennis court area which in staff's opinion, will result in excessive noise and create a negative visual and aural impact on the neighboring property to the west. As such, staff recommends denial without prejudice of requests #1, #3 and #4 under Sections 33-311(A)(3) and 33-311(A)(17).

When request #2 is analyzed for the modification of the previously approved plans to allow the erection of the light poles for the tennis courts and to allow the continued use of the tennis court and 10' high chain link fence and porte-cochere setback 1' closer to the front property line, staff notes that the tennis court, 10' high chain link fence and porte-cochere are existing and would not require any physical alterations to the site and will remain at their present location. Further, staff opines that the additional 1' encroachment into the required front setback area is probably due to an inadvertent construction error. However, staff opines that the modification of the plans should exclude the requested light poles from the tennis court area. As such staff recommends that the modification of plans be approved on a **modified basis** to exclude to light poles from the site plan. Based on the aforementioned, staff recommends approval of request #2 on a **modified basis** to remove the light poles from the site plan under Section 33-311(A)(7).

When requests #5 and #6 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community and would not be a detriment to same. Staff notes that the existing tennis court and previously approved 10' high chain link fence, as depicted on the submitted plans, have been designed and arranged so as to minimally impact the adjacent properties by providing ample buffering, including an approximately 5 to 6 foot high landscape hedge and recurring, equally spaced architectural columns that surround the tennis court on the north, south and west sides. Staff is of the opinion that the additional 1' encroachment of the tennis court, 10' high chain link fence and porte-cochere into the previously approved setback area are minor and are probably due to an inadvertent construction error which will be adequately mitigated by the abovementioned landscaping. Further, the immediate vicinity contains several properties in the area that were approved with similar setback requests for tennis courts. On the subject property's block alone, research indicates that three other lots were approved for tennis court setback requests, including the previous approval for the subject property. Staff notes Resolution No.4-ZAB-67-79, which previously approved, in addition to the subject property's requests, the tennis court and fence height for the neighboring property to the east, and Resolution No.4-ZAB-461-77, which granted approval for a 10' high chain link fence and tennis court setback 6' (20' required) from the interior side (east) property line on a lot abutting to the west of the subject property. Staff notes that no requests to permit night lighting for a tennis court were approved in the vicinity of the subject property. As such, staff recommends approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b) of the NUV standards.

When requests #5 and #6 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the EU-1 zoning regulations. Therefore, staff recommends denial without prejudice of requests #5 and #6 under the Alternative Non-Use Variance (ANUV) Standards.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, requests #5 and #6 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Accordingly, staff recommends denial without prejudice of requests #1, #3 and #4 under Section 33-311(A)(17), approval with conditions of request #2 on a **modified basis** to remove the light poles from the site plan under Section 33-311(A)(7) and approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b) of the NUV standards and denial without prejudice of same under Section 33-311(A)(14)(ASDO) and Section 33-311(A)(4)(c)(ANUV).

I. RECOMMENDATION:

Denial without prejudice requests #1, #3 and #4 under Section 33-311(A)(17), approval with conditions of request #2 on a **modified basis** to remove the light poles from the site plan under Section 33-311(A)(7) and approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b) of the NUV standards and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and 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, among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Site Plan,' and "Mr. Carlos Luis Residence,' as prepared by RLS Lighting, Inc., dated stamped received 2/18/09, consisting of 2 sheets, and 'Site Plan,' as prepared by Carlos Luis, dated stamped received 3/10/09 for a total of 3 sheets. Except as hereby modified to exclude the light poles for the tennis court and except as hereby 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 all conditions of Resolutions #4ZAB-67-79 and #CZAB12-19-06 remain in full force and effect.

4. That no lights be permitted in connection with the use of the tennis court.

DATE INSPECTED: 05/27/09
DATE TYPED: 05/27/09
DATE REVISED: 05/28/09; 06/04/09; 06/22/09
DATE FINALIZED: 06/22/09
MCL:MTF:NN:NC:AA



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

NDN

Memorandum



Date: March 6, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2009000020
Carlos J. Luis
8741 S.W. 102 Street
Modification of a Condition of Previously Approved Resolution to Allow
Tennis Court Lights
(EU-1) (.880 Acres)
04-55-40

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.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CARLOS J LUIS

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

07-APR-09

Memorandum



Date: 19-MAR-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000020

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000020
located at 8741 S.W. 102 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1893 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:56 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75, Ladder

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

CARLOS J LUIS

8741 S.W. 102 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000020

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

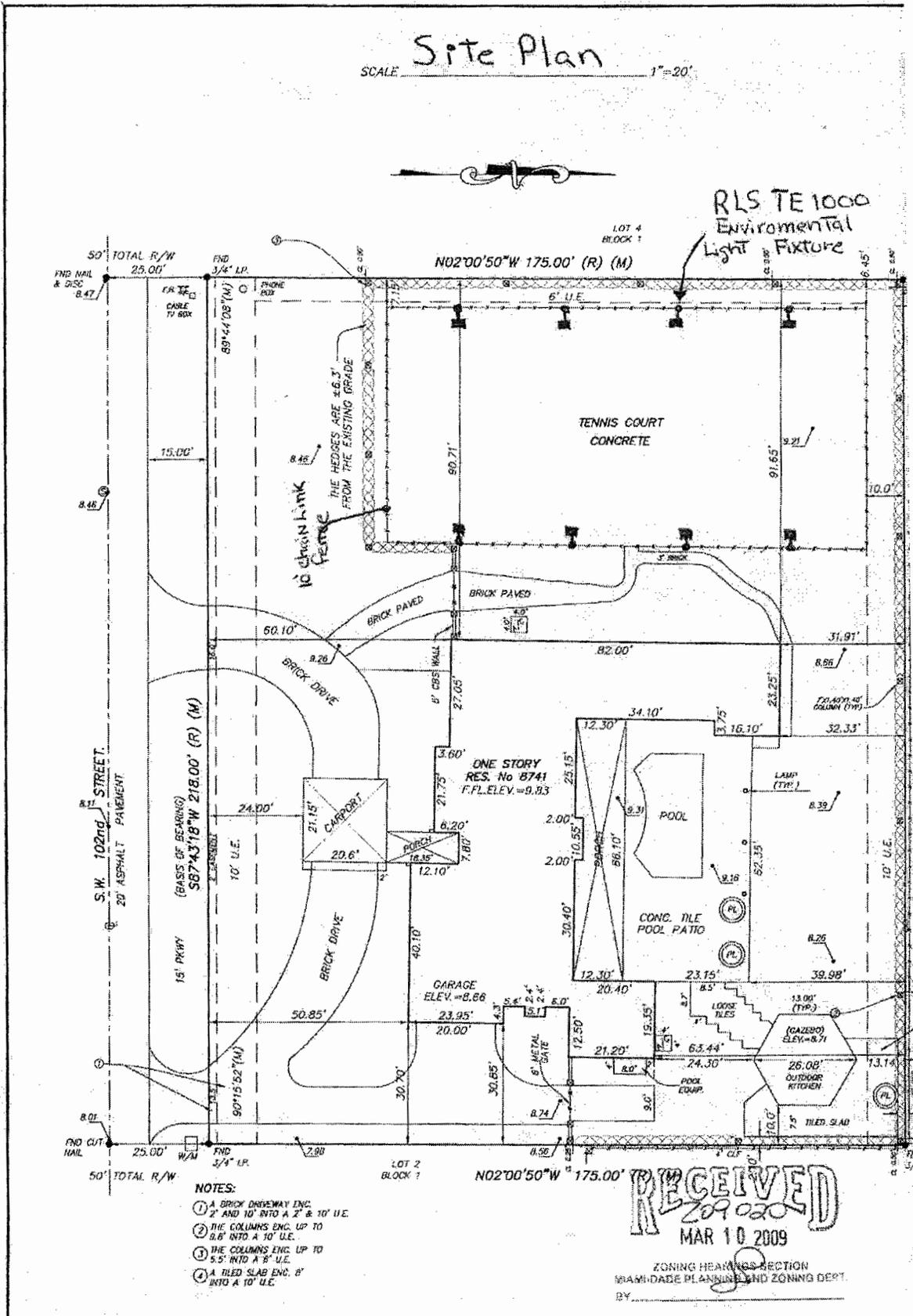
200902002051 CLOSED NO VIOLATION FOUND (ENFORCEMENT HISTORY)

200202006417 CLOSED (FAILURE TO OBTAIN ZONING PERMIT) UNABLE TO OBSERVED
VIOLATION/NO ACCESS.

Timothy McCrink

Site Plan

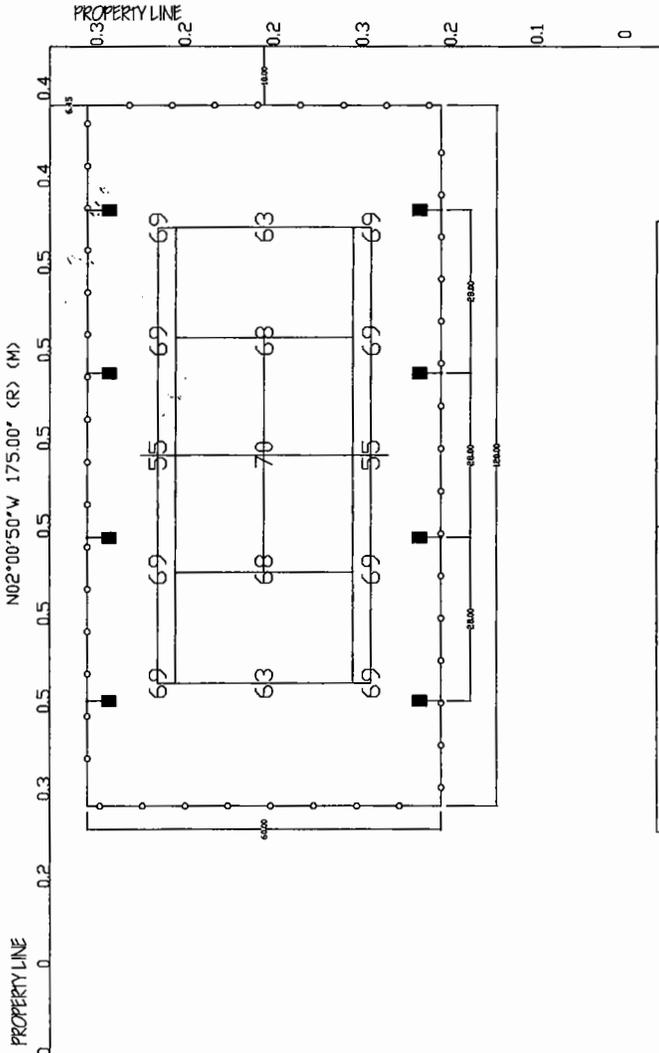
SCALE 1" = 20'



- NOTES:**
- ① A BRICK DRIVEWAY ENC. 2' AND 10' INTO A 2' & 10' U.E.
 - ② THE COLUMNS ENC. UP TO 8.8' INTO A 10' U.E.
 - ③ THE COLUMNS ENC. UP TO 5.5' INTO A 8' U.E.
 - ④ A TILED SLAB ENC. 8' INTO A 10' U.E.

RECEIVED
209 030
MAR 10 2009

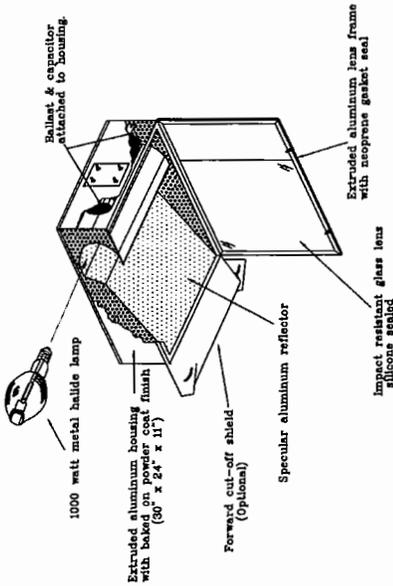
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



RECEIVED
 FEB 18 2009
 ZONING HEARING DEPARTMENT
 PLANNING AND ZONING DEPT.
 BY: _____

RLS-TE-1000 E.C. ITL45909 21' MOUNTING HT. 0° TILT FILE: ALX2975	Average 66 Maximum 70 Minimum 55 Avg:Min 1.20 Max:Min 1.27 Coef Var 0.07 UnifGrad 1.25
--	--

RLS-TE-1000 E.C. HIGH OUTPUT ENVIRONMENTAL LUMINAIRE
 Acc. #28106



NOTES

- ILLUMINATION LEVELS ARE CALCULATED WITH A 0.8 LIGHT LOSS FACTOR AT 3' ABOVE PLAYING SURFACE AND COMPUTED FROM ITL45909.
- BASED ON 100 HOURS OF USE COMPUTER CALCULATIONS ARE PREPARED WITH A BALLAST FACTOR OF 1.00 AND A LAMP LUMEN FACTOR OF 107,800 AS PER LAMP MANUFACTURERS SPECIFICATIONS. FIELD PERFORMANCE MAY DIFFER FROM LABORATORY PERFORMANCE.
- TO MAINTAIN OPTIMUM ILLUMINATION LEVELS LAMP REPLACEMENT AND CLEANING OF GLASS LENS AND REFLECTORS AT REGULAR INTERVALS IS REQUIRED. ALSO ILLUMINATION READINGS MUST BE TAKEN EVERY SIX MONTHS.
- ANY CHANGES IN LOCATION, ORIENTATION OR ILLUMINATION OBSTRUCTIONS (ie: LANDSCAPING, SIGNS, STRUCTURES) WILL VOID PHOTOMETRIC DATA AS PER DRAWING ALX2975



RLS LIGHTING, INC.
 203 ANSN BLVD, HALLANDALE BCH, FL 33009- P. 954-658-0345 F. 954-658-0223

SCALE: NTS APPROVED BY: _____
 DATE: 01-22-09 DRAWING NAME: RLS-TE1000E.C. SPILLAGE
 DRAWING NUMBER: ALX2975

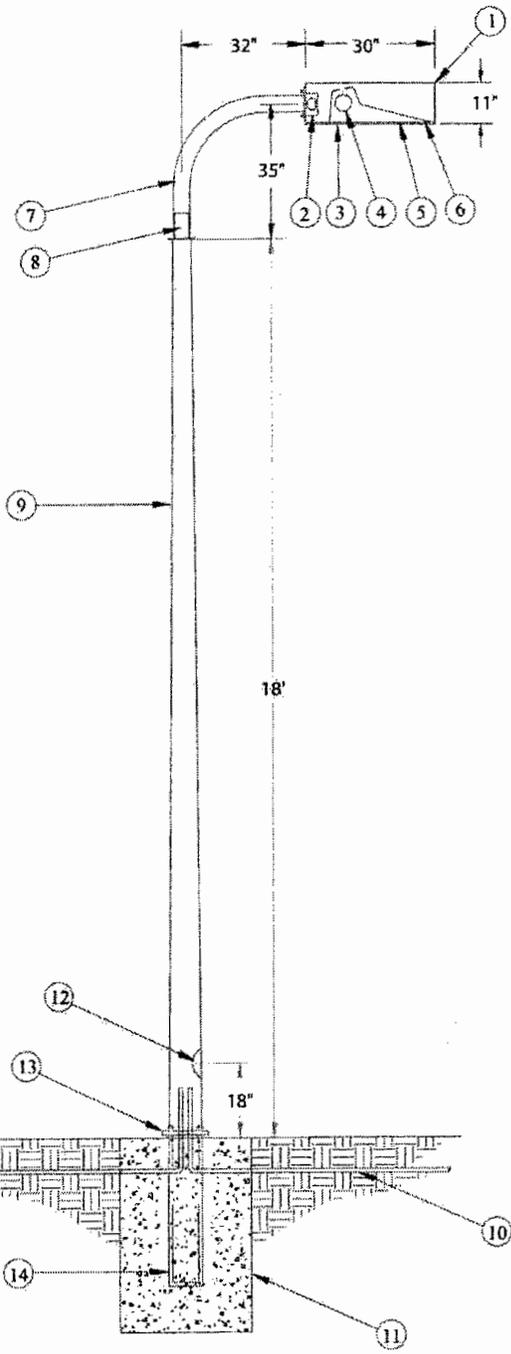
COMMENTS: MR. CARLOS LUIS RESIDENCE
 8741 SW 102 ST.
 MIAMI, FL, 33176

STRUCTURAL SUPPORT FOR SINGLE RLS-TE-1000 E.C. LUMINAIRE

EACH LUMINAIRE: 2.3 EPA/65 LBS.
 SINGLE 90° BRACKET: 1.62 EPA/18 LBS.
 TOTAL EPA: 3.92/TOTAL WEIGHT: 83 LBS.

RECEIVED
 FEB 18 2009

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



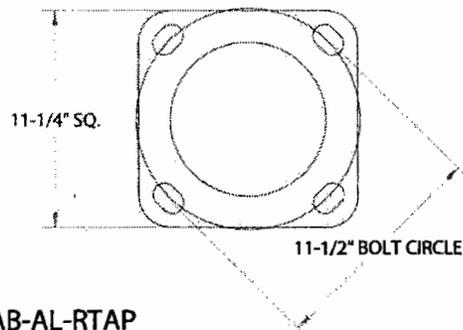
SPECIFICATIONS

1. EXTRUDED ALUMINUM HOUSING (30" x 24" x 11").
2. 1000 H.P.F. CWA BALLAST W/CAPACITOR ATTACHED TO HOUSING.
3. EXTRUDED ALUMINUM FRAME.
4. 1000 WATT METAL HALIDE LAMP.
5. CLEAR-TEMPERED, IMPACT RESISTANT GLASS.
6. DIE-FORMED SPECULAR ALUMINUM REFLECTOR.
7. ALUMINUM DAVIT ARM.
8. TENON, SLIP-FIT MOUNT (3-1/2" x 6").
9. 18' ROUND TAPERED .188" THK. ALUMINUM POLE (BOTTOM 8" O.D./TOP 4-1/2" O.D.).
10. CONDUIT, SUPPLIED BY OTHERS.
11. CONCRETE FOUNDATIONS ARE BASED ON LOCAL CODES AND SOIL CONDITIONS. SUGGESTED DIMENSIONS: 2'x 4'-6"
12. ELECTRICAL ACCESS HANDHOLE W/WP COVER AS PER (N.E.C. 410-15). (SEE NOTE #2)
13. BASE PLATE A356 ALLOY CAST ALUMINUM BASE HEAT TREATED TO T6 TEMPER. BPC 12-8.25 (SEE DETAIL)
14. ANCHOR BOLTS (4 REQUIRED 1"Ø Nom. x 36" x 4").

NOTES

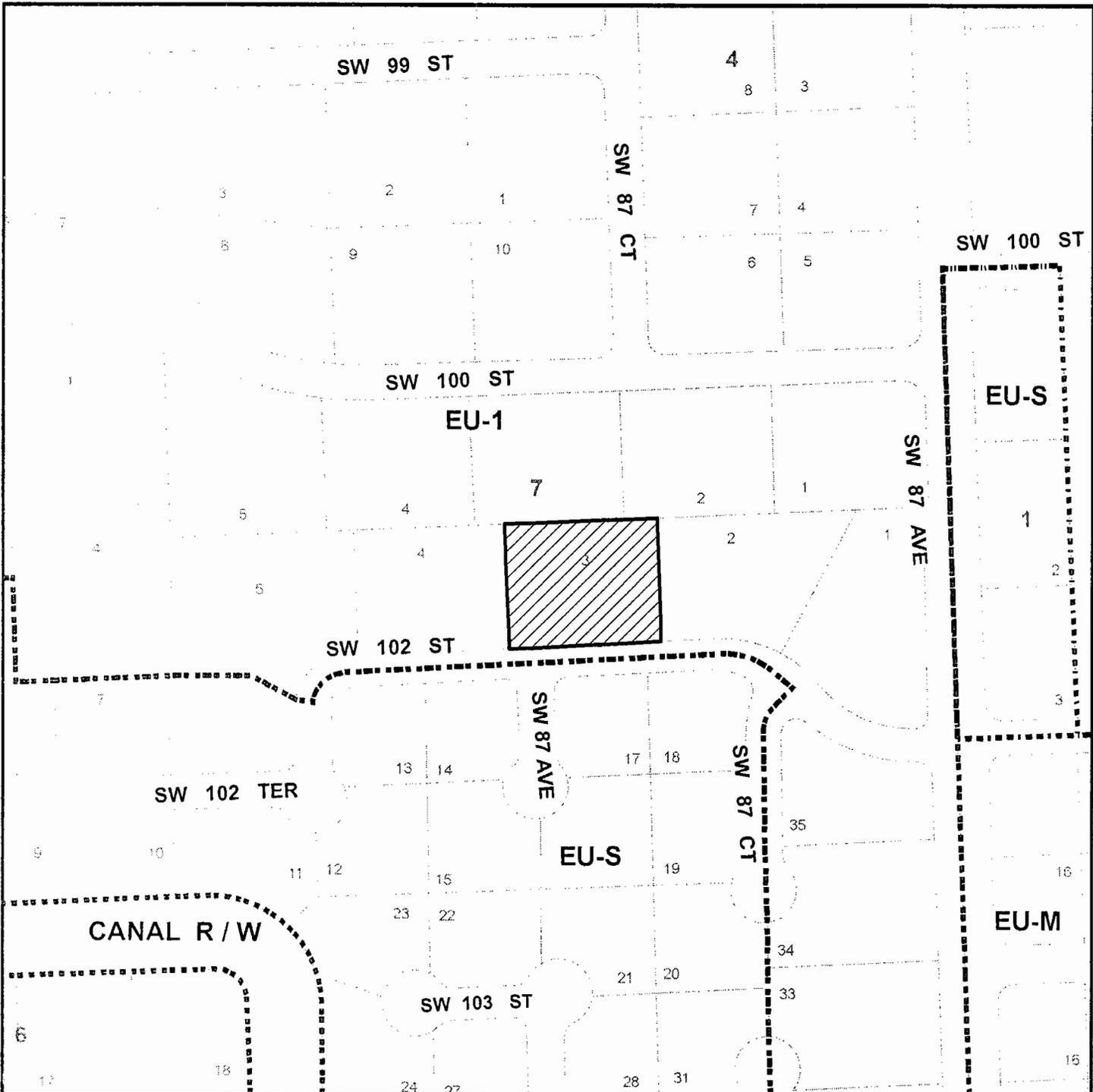
1. LUMINAIRE, POLE AND HARDWARE ARE DESIGNED TO WITHSTAND WINDLOADS AS PER FLORIDA BUILDING CODE 2004/ASCE7-00 (150 MPH).
2. FUSE EACH POLE AT ELECTRICAL HANDHOLE WITH BUSSMAN INLINE FUSE HOLDER OR EQUAL

BASEPLATE



ANCHOR BASE

RLS-18-AB-AL-RTAP



MIAMI-DADE COUNTY
 HEARING MAP
 Section: 04 Township: 55 Range: 40
 Applicant: CARLOS J LUIS
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JGURD
 Scale: NTS
 ----- Zoning

Process Number
09-020

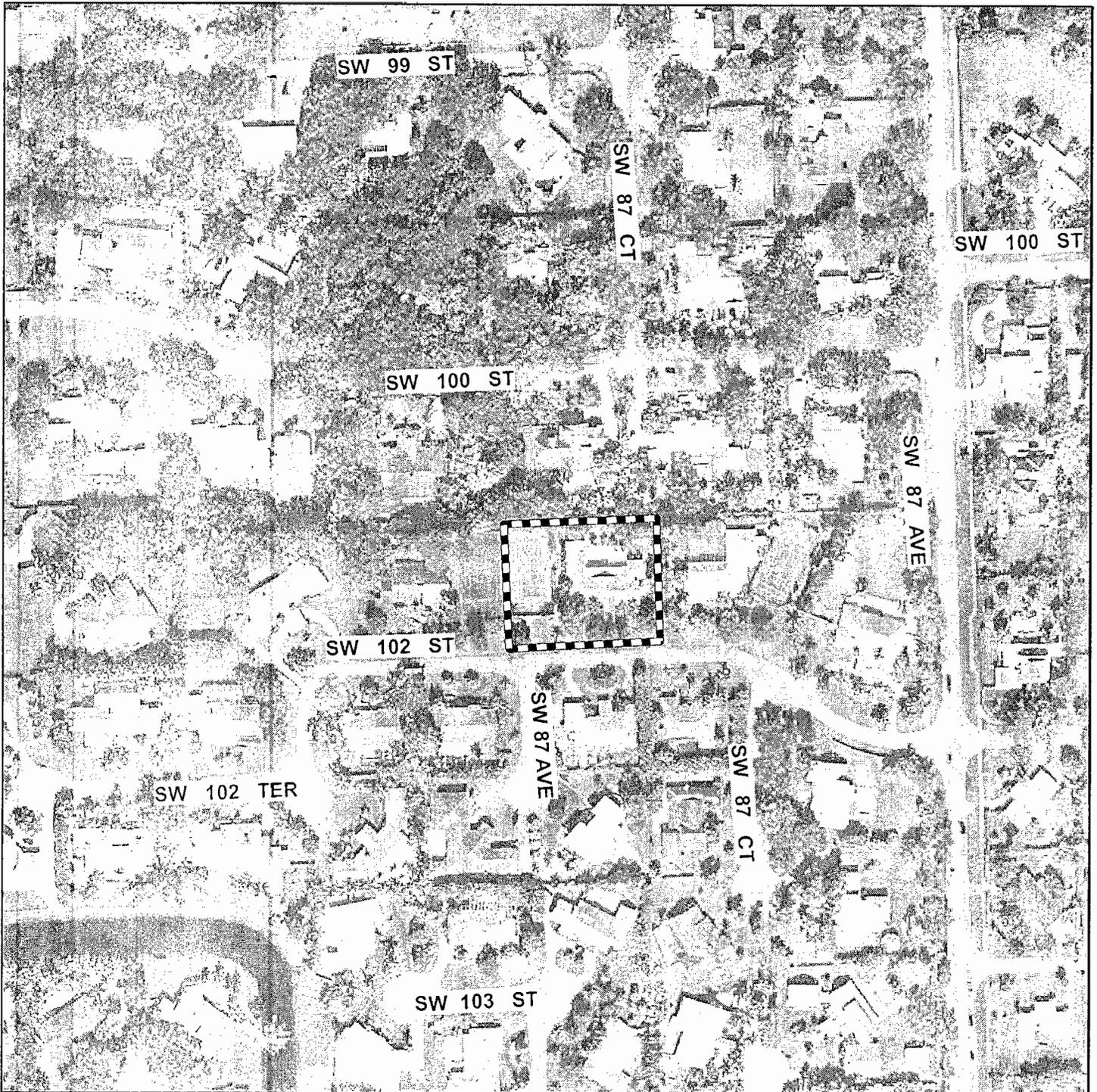


SUBJECT PROPERTY



SKETCH CREATED ON: 02/20/09

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

HEARING MAP

Section: 04 Township: 55 Range: 40
 Applicant: CARLOS J LUIS
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JGURD
 Scale: NTS
 ----- Zoning

Process Number

09-020



SUBJECT PROPERTY



SKETCH CREATED ON: 02/20/09

REVISION	DATE	BY

4. KENDALL 77 LTD.
(Applicant)

09-7-CZ12-4 (09-031)
Area 12/District 8
Hearing Date: 7/1/09

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	Mary Onesty	- Zone change from EU-M to RU-5A	BCC	Denied without Prejudice
1973	Mary Miller Onesty	- Zone change from EU-M to RU-3M & BU-2. - Special Exception Multi-Family apartment. - Unusual Use to permit non-commercial parking. - Special Exception to permit residential & studio apartment. - Non-Use Variances	BCC	Approved w/conds.
1973	Mary Miller Onesty	- Zone change from EU-M to RU-3M & BU-2. - Special Exception Multi-Family. - Non-Use Variance	ZAB	Approved
1973	Mary Miller Onesty	- Zone change from EU-M to RU-3M & BU-2. - Special Exception Multi-Family. - Non-Use Variance	BCC	Denied without Prejudice
1978	Mary Miller Onesty & Olive Square Association	- Modification of resolution - Modification of agreement - Unusual Use for commercial parking - Non-Use Variance for parking	ZAB	Approved w/conds.
1980	Kendall 77 LTD.	- Modify conditions of resolution - Special Exception to permit a hotel	ZAB	Approved in Part
1981	Kendall 77 LTD.	- Modify conditions of resolution - Use Variance to permit office use - Non-Use Variance for parking - Waive required 5' CBS wall - Unusual Use to permit non-commercial Parking - Modification of a portion of 2 covenants	ZAB	Approved in Part w/conds.

1982	Kendall 77 LTD.	- Special Exception for spacing cocktail lounges and package store	ZAB	Approved
1982	Kendall 77 LTD.	- Use Variance to permit a health and fitness club	ZAB	Approved w/conds.
1984	Kendall 77 LTD.	- Special Exception spacing for alcohol - Modification of conditions - Unusual Use ingress and egress	ZAB	Approved w/conds.
1984	Kendall 77 LTD.	- Modification of conditions of resolution - Usual Use to permit ingress & egress through a zone more restrictive.	ZAB	Approved w/conds.
1984	Mr. Clydes Dadeland Kendall	- Special Exception spacing cocktail lounge - Amending of condition 3 of declaration of restriction	ZAB	Approved w/conds.
1987	Kendall 77 LTD.	- Non-Use variance of zoning regulation to permit a 3 rd wall sign.	ZAB	Approved w/conds.
1997	Starbucks Corp.	- Usual Use to permit outdoor patio dinning	ZAB	Approved w/conds.
1997	Sprint Spectrum	- Usual Use to permit a proposed cellular communications facility roof top.	ZAB	Approved w/conds.
1997	Kendall 77 LTD.	- Modification of conditions on a declaration of restrictions to allow fast food facilities.	CZAB-12	Approved w/conds.
2000	Guitar Center Stores	- Use Variance to permit the sale of used musical instruments and equipment.	CZAB-12	Approved w/conds.

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

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

APPLICANT: Kendall 77 LTD.

PH: Z09-31 (09-7-CZ12-5)

SECTION: 3-55-40

DATE: July 1, 2009

COMMISSION DISTRICT: 8

ITEM NO.: 4

A. INTRODUCTION

o **REQUEST:**

(1) DELETION of Paragraph #2, Items #1 and #27 of the Declaration of Restrictions, recorded in Official Record Book 10243, Pages 851-856, last modified by a Modification of a Declaration of Restrictions, recorded in Official Record Book 26870, Pages 123-125, reading as follows:

“1. Grocery stores of the type of 7-11 or U-Tote’M, meat and fish markets; provided, however, that this restriction shall not prevent the use of the premises for specialty or gourmet food and grocery stores, a delicatessen, fruit store or health food store, any one of which must have not more than 4,000 square feet of floor area, including storage areas;”

“27. Supermarket”

The purpose of the request is to delete provisions that prohibit grocery store and supermarket uses in order to allow the applicant to include grocery/supermarket stores at the previously approved retail center.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

o **SUMMARY OF REQUEST:** The applicant is seeking to delete provisions of a previously recorded declaration of restrictions that prohibit grocery store and supermarket uses in order to allow the applicant to include such uses within the previously approved retail center.

o **LOCATION:** 7700-98 North Kendall Drive, Miami-Dade County, Florida.

o **SIZE:** 8.71 Acres

B. ZONING HEARINGS HISTORY: In 1973, the Board of County Commissioners (BCC) rezoned this site from EU-M, Estate Modified District, to RU-3M, Minimum Apartment House District, and BU-2, Special Business District. Several unusual uses and non-use variance requests were also granted, pursuant to Resolution No. Z-352-73. In 1978, 1980, and 1981, the Zoning Appeals Board (ZAB) granted modifications of previous resolutions. In 1982, the ZAB granted a special exception of the spacing requirements as applied to alcoholic beverage uses to permit two proposed restaurants with cocktail lounges and one proposed package store, pursuant to

Resolution No. 4-ZAB-153-82. In 1982, a use variance was granted by the ZAB permitting a health and fitness club on the site, pursuant to Resolution No. 4-ZAB-309-82. In 1984, a special exception for spacing, a modification of a covenant, a modification of a previously approved resolution, and an unusual use for an ingress and egress through a zone more restrictive than the use it serves were granted by the ZAB, pursuant to Resolution No. 4-ZAB-103-84. In 1987, the ZAB granted a variance request permitting a third wall sign on the site, pursuant to Resolution No. 4-ZAB-166-87. In February 1997, the ZAB granted approval of a request to permit a cellular communication facility consisting of 4 panel antennas housed on top of an existing building, pursuant to Resolution No. 5-ZAB-71-97. In April 1997, the ZAB granted approval of an unusual use to permit outdoor patio dining in conjunction with an existing restaurant, pursuant to Resolution No. 5-ZAB-131-97. In January 1998, the Community Zoning Appeals Board 12 (CZAB-12) approved a modification of a previously recorded declaration of restrictions in order to allow the applicant to have fast food operation establishments excluding drive-through service, pursuant to Resolution No. CZAB12-16-97. In November 2000, the CZAB-12 approved a use variance to permit the sale of used musical instruments and equipment in the BU-2 district as would be permitted in the BU-3 district, pursuant to Resolution No. CZAB12-37-00.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-2 and RU-3M; Shopping center

Business and Office

Surrounding Properties:

NORTH:	RU-5A; Medical offices RU-4M; Multi-family apartments	Business and Office Medium-High Density Residential, 25-60 dua
SOUTH:	RU-3M and RU-4L; Multi-family apartments	Medium-High Density Residential, 25-60 dua
EAST:	RU-4A; Hotel RU-4; Multi-family apartments	Business and Office Medium-High Density Residential, 25-60 dua
WEST:	RU-1; Single-family residences	Low Density Residential, 2.5-6 dua

E. SITE AND BUILDINGS:

Site Plan Review:	(No 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
Energy Considerations:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof, which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon

demonstration at public hearing that the requirements of at least one of the following paragraphs have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 7700-98 North Kendall Drive, is improved with a shopping center, and lies to the west of the Palmetto Expressway. A mixture of multi-family apartments, offices, and single-family residences characterize the surrounding area. Additionally there is a hotel located to the east of the subject site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, **retail**, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. As such the requested deletion of provisions of a previously recorded Declaration of Restrictions that prohibit grocery store and supermarket uses in order to allow the applicant to include grocery/supermarket stores at the previously approved retail center is **consistent** with the Business and Office LUP map designation of the Master Plan.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates in their memorandum that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the subject site may require platting in accordance with Chapter 28 of the Miami-Dade County Code. Their memorandum also indicates that this application does not generate any new additional daily peak hour trips and as such the application meets the traffic concurrency criteria set forth for an Initial Development Order. Additionally, 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 **5:32**.

The applicant's request seeks to delete Paragraph #2, Items #1 and #27 of the Declaration of Restrictions, recorded in Official Record Book 10243, Pages 851-856, last modified by a Modification of a Declaration of Restrictions, recorded in Official Record Book 26870, Pages 123-125, in order to allow the applicant to delete provisions that prohibit grocery store and supermarket uses and to instead allow said uses within the previously approved retail shopping

center. When that request is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed deletion will not, in staff's opinion, generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. Staff acknowledges that the intent of the use restrictions effectuated by said Declaration of Restrictions was to ensure that the commercial uses on the subject site would not generate a large volume of traffic. However staff opines that the requested deletion will not unduly burden or affect public transportation facilities since in accordance with Public Work's determination the request will not generate any new additional daily peak hour vehicle trips, therefore the subject property meets traffic concurrency criteria as indicated by the Public Works Department's memorandum. Further, staff notes that the existing retail center is well buffered from the existing single-family residences located to the west of the site by a surface parking area that is approximately 130' wide and is further buffered by an existing 6' high wall and mature trees which line the western property line. Furthermore, staff notes that despite the release of said restrictions prohibiting grocery stores and supermarkets, the inclusion of said uses on the site would be subject to compliance with the Zoning Code parking requirements for establishment of food or grocery stores, for example at the time of application for a certificate of use or a building permit. As such, staff has no objection to the deletion of the portions of the aforementioned Declaration of Restrictions, subject to conditions. Thus, when considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the request will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that the approval with conditions of the request would be **compatible** with the surrounding area. As such, staff recommends approval, subject to conditions, of the request under Section 33-311(A)(7) (Generalized Modification Standards).

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

I. RECOMMENDATION:

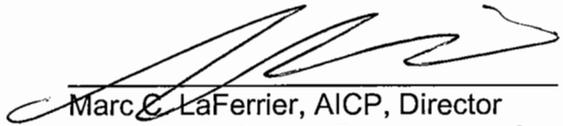
Approval with conditions of the request under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

J. CONDITION:

1. That a revised Declaration of Restrictions be submitted to the Department within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director for good cause shown.
2. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments.

Kendall 77 LTD.
Z09-31
Page 6

DATE INSPECTED: 06/01/09
DATE TYPED: 06/08/09
DATE REVISED: 06/09/09; 06/18/09
DATE FINALIZED: 06/18/09
MCL:NN:CH:NC



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

Nbw

Memorandum



Date: March 17, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2009000031
Kendall 77, Ltd.
7700-98 N. Kendall Drive
Request to Delete a Paragraph of a Covenant Prohibiting Supermarket
Stores
(BU-1) (8.71 Acres)
03-55-40

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 standards (LOS) 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: KENDALL 77 LTD

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

07-APR-09

Memorandum



Date: 10-MAR-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000031

Fire Prevention Unit:

No objection to Letter of Intent date stamped March 4, 2009. Any development plan must be submitted for Site Review.

Service Impact/Demand:

Development for the above Z2009000031
located at 7700-98 NORTH KENDALL DRIVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1831 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:32 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75' Ladder

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 at this stage.

TEAM METRO

ENFORCEMENT HISTORY

KENDALL 77 LTD

7700-98 NORTH KENDALL DRIVE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000031

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200902002543 CLOSED (ENFORCEMENT HISTORY)

200202004834 CLOSED (LACK OF BICYCLE RACKS ISSUED WARNING # 81415).

200102007844 CLOSED (HADICAP ACCESSIBILITY ENTRANCE THROUGH THE MALL IS NOT WIDE ENOUGH REFERRERAL TO PLANNING AND ZONING).

200002005215 CLOSED (SIGN VIOLATION ON PRIVATE PROPERTY CORRECTED BY OWNER).

TIMOTHY MCCRINK

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: KENDALL - 77, LTD., a Florida limited partnership

NAME AND ADDRESS Percentage of Stock

<u>Names of Members</u>	<u>Class of Partner</u>	<u>Interest In Profits and Losses</u>
Dadeland Square, Inc.	General Partner	1.000%
Dadeland Square, Ltd. *	Limited Partner	99.000%

*See Schedule I

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: Not applicable.

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

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.

EXECUTION PAGE TO FOLLOW

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 COMMUNITY PLANNING AND ZONING DEPT

SCHEDULE 1

DADELAND SQUARE, LTD., a Florida limited partnership:

<u>Partner</u>	<u>Class of Partner</u>
DADELAND SQUARE, INC. (The Revocable Living Trust of Herschel V. Green and The Revocable Living Trust of Nancy F. Green, shareholders)	General
THE HVG FAMILY TRUST (EXEMPT)	Limited
THE HVG FAMILY TRUST (NONEXEMPT)	Limited
THE NANCY GREEN FAMILY TRUST U/A/D MARCH 19, 2007	Limited
THE REVOCABLE LIVING TRUST OF HERSCHEL V. GREEN	Limited
THE REVOCABLE LIVING TRUST OF NANCY F. GREEN	Limited
ELIZABETH A. GREEN	Limited
ROBERT B. GREEN	Limited
GEORGE R. BROWN, JR.	Limited
RICHARD M. HORTON	Limited
SUSAN A. GRAD	Limited

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

KENDALL - 77, LTD.,
a Florida limited partnership

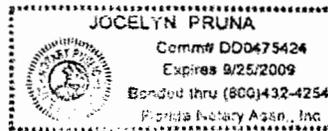
BY: DADELAND SQUARE, INC.,
a Florida corporation

BY: *Richard M. Horton*
Richard M. Horton, Director

Sworn to and subscribed before me this 26th day of February, 2009. Affiant is personally known to me or has produced as identification.

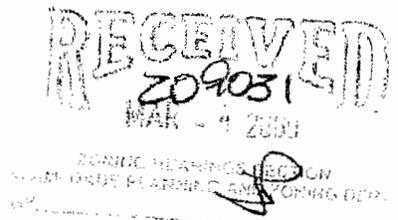
Joelyn Pruna
(Notary Public)

My commission expires 9/25/2009



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

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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: DADELAND SQUARE, INC., a Florida corporation

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
BROWN, GEORGE R., JR., PRESIDENT 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	40%
GREEN, ELIZABETH A., VICE PRESIDENT 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	40%
GRAD, SUSAN A, SECRETARY 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	10%
HORTON, RICHARD M. DIRECTOR 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	10%

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: THE REVOCABLE LIVING TRUST OF HERSCHEL V. GREEN

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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OF THE PROBATE AND ESTATE DEPT.
CASA

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: THE REVOCABLE LIVING TRUST OF NANCY F. GREEN

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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: THE HVG FAMILY TRUST (EXEMPT)

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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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: THE HVG FAMILY TRUST (NONEXEMPT)

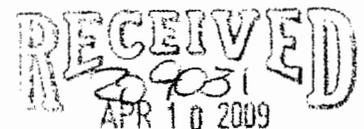
<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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: THE NANCY GREEN FAMILY TRUST U/A/D MARCH 19, 2007

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
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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: THE HVG FAMILY TRUST (EXEMPT)

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
ELIZABETH A. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
ROBERT B. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
CAROLYNN FRIEDMAN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
FLORENCE GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%
SUSANN D. GREEN 9155 SOUTH DADELAND BLVD., STE. 1812 MIAMI FL 33156 US	20%

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: KENDALL - 77, LTD., a Florida limited partnership

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
DADELAND SQUARE, INC., A FLORIDA CORPORATION 9155 SOUTH DADELAND BOULEVARD, SUITE 1812 MIAMI, FLORIDA 33156	100%

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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: Not applicable.

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

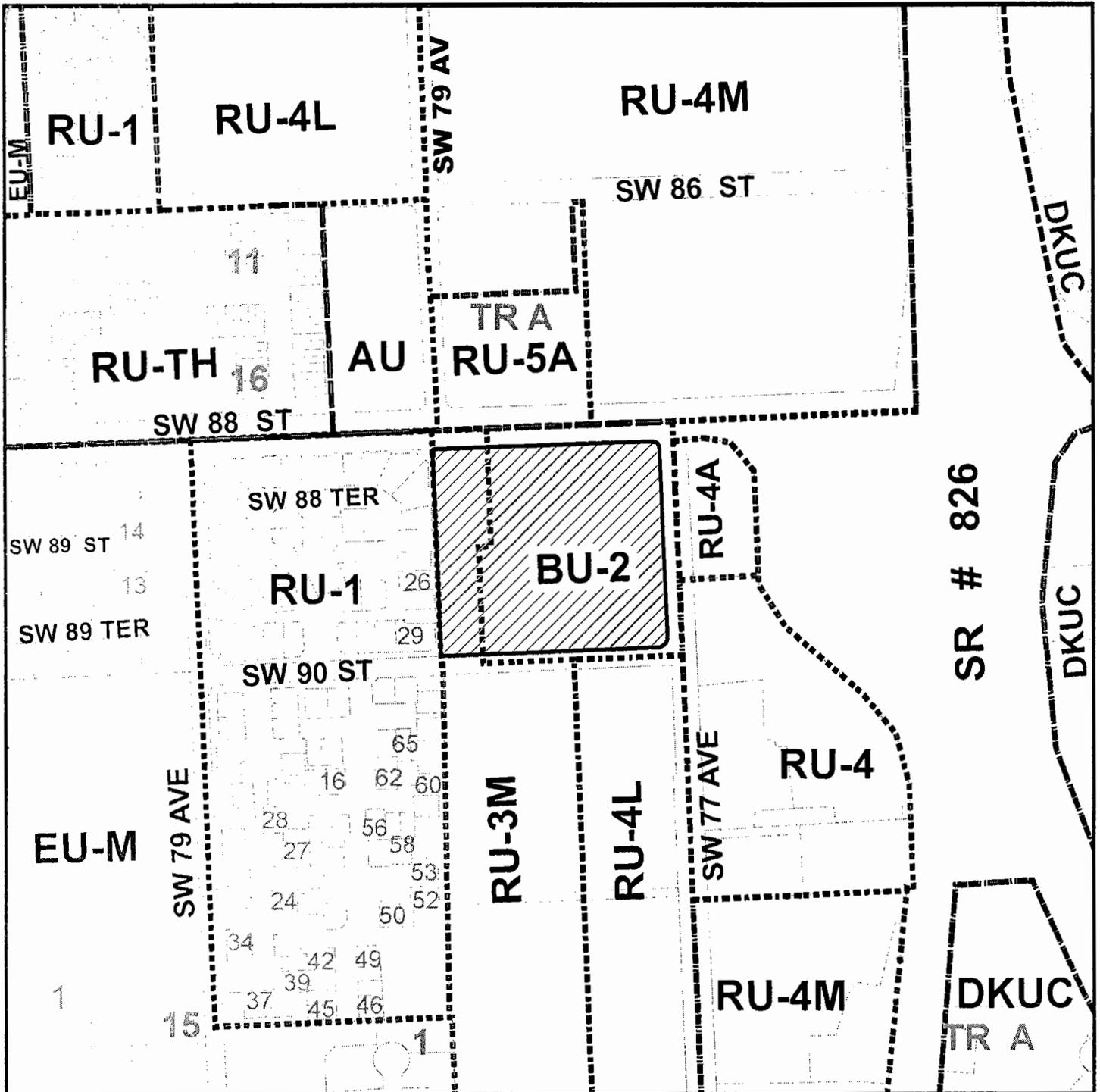
Date of contract: _____

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.

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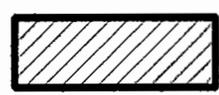
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ZONING & TRAFFIC SECTION
MIAMI-DADE COUNTY DEPT. OF PUBLIC WORKS



SR # 826

MIAMI-DADE COUNTY
HEARING MAP
 Section: 03 Township: 55 Range: 40
 Applicant: KENDALL 77 LTD
 Zoning Board: C12
 Commission District: 08
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
09-031

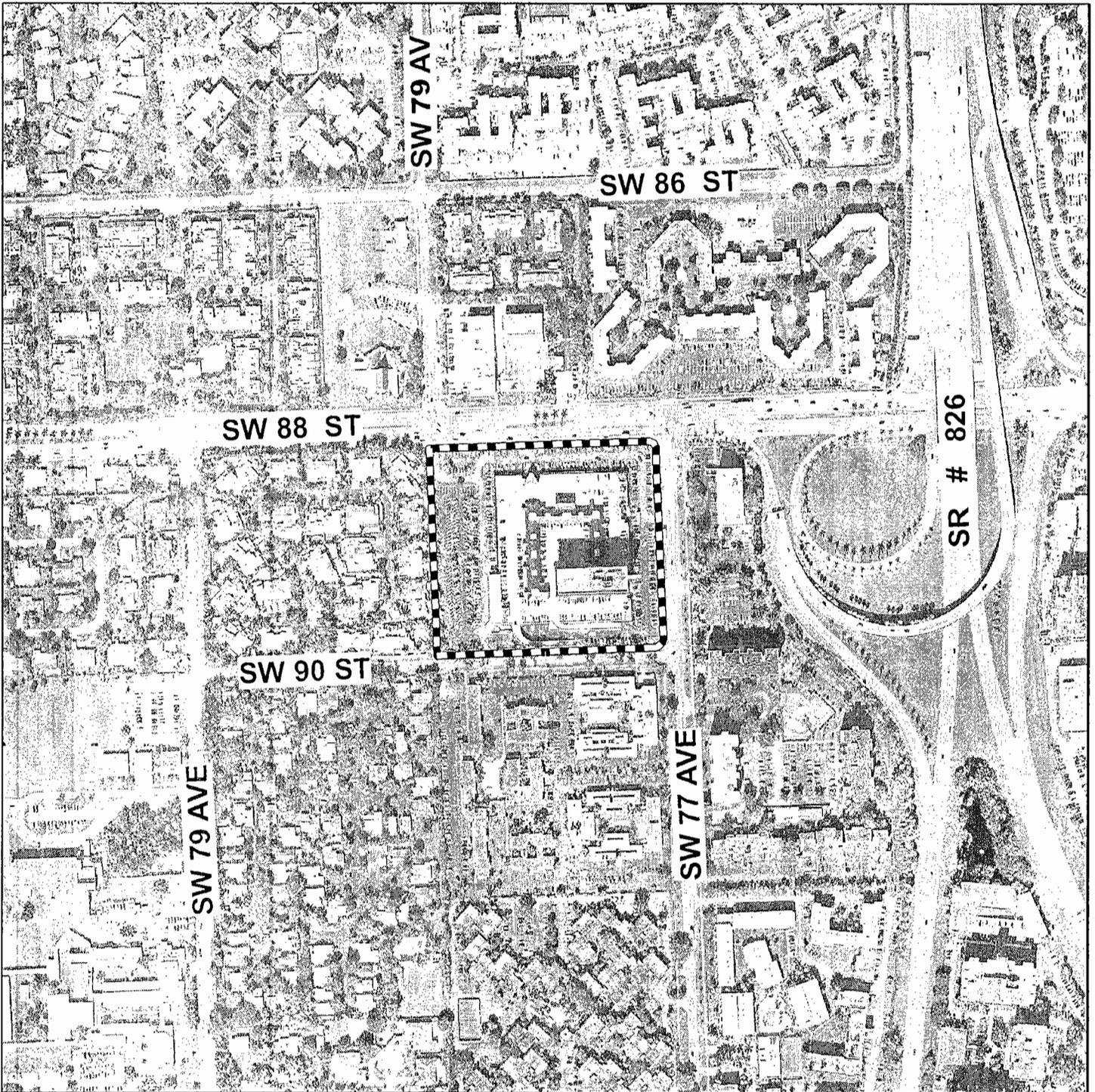


SUBJECT PROPERTY



SKETCH CREATED ON: 03/09/09

REVISION	DATE	BY
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MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 03 Township: 55 Range: 40
 Applicant: KENDALL 77 LTD
 Zoning Board: C12
 Commission District: 08
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
09-031



SUBJECT PROPERTY



SKETCH CREATED ON: 03/09/09

REVISION	DATE	BY