KITS

10-13-2009 Version # 2

COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Wednesday, November 4, 2009 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	09-7-CZ12-4	KENDALL 77 LTD	09-31	03-55-40	
B.	09-9-CZ12-1	ALFREDO GARCIA-MENOCAL	08-239	06-55-40	
C.	09-9-CZ12-4	DONALD & HAYDEH BRACKIN, ET AL	09-111	36-54-40	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, NOVEMBER 4, 2009

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. 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: 137 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 10/06/09

B. ALFREDO GARCIA-MENOCAL (09-9-CZ12-1/08-239) **06-55-40**
Area 12/District 8

AU to RU-5A

LOCATION: 11605 S.W. 95 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3 Acres

Department of Planning and Zoning Recommendation: Approval, subject to the acceptance of the proffered covenant.

Protests: 2 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 10/06/09

C. DONALD & HAYDEN BRACKIN (09-9-CZ12-4/09-111) **36-54-40**
Area 12/District 7

(1) Applicants are requesting to permit an addition to a single-family residence setback varying from 13.06' to 13.61' (25' required) from the rear (south) property line.

(2) Applicants are requesting to permit the single-family residence setback varying from 63.42' to 63.87' (50' maximum permitted) from the front (north) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Specs House for: Wayne & Shaida Brackin," as prepared by David Wearne Johnson AIA Architect, dated stamped received 7/22/09 and consisting of 3 sheets and "Plan of Survey," as prepared by Thomas J. Kelly, Inc., P. S. & M., consisting of 1 sheet, dated stamped received 9/22/09 for a total of 4 sheets. Plans may be modified at public hearings.

LOCATION: 6500 S.W. 85 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.46 Acres

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 09/01/09

NOTICE

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

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

A. KENDALL 77 LTD.
(Applicant)

09-7-CZ12-4 (09-031)
Area 12/District 8
Hearing Date: 11/04/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
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 3rd 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
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

C

APPLICANT'S NAME: **KENDALL 77 LTD**

REPRESENTATIVE: Stanley Price

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-7-CZ12-4 (09-31)	October 6, 2009	CZAB12		09

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: Nov 4, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ **OTHER:** At Board's request to allow objectors to submit expert witness info to staff.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR			X
COUNCIL MAN		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL WOMAN.	S	Carla Ascencio-SAVOLA	X		
COUNCIL MAN	M	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	5	0	

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

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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

B

APPLICANT'S NAME: **KENDALL 77 LTD**

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-7-CZ12-4/09-31	September 1, 2009	CZAB12		09

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: October 6, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: **To meet with the neighbors.**

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

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **EDUARDO SANCHEZ** 4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#4

APPLICANT'S NAME: **KENDALL 77 LTD**

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-7-CZ12-2 (09-010)	July 1, 2009	CZAB12		09

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: Sept 1, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

☐ OTHER: To allow the applicant additional time to meet with the neighbors.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCIL MAN		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL WOMAN.	S	Carla Ascencio-SAVOLA	X		
COUNCIL MAN	M	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	6	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **THOMAS ROBERTSON** 5

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:** November 4, 2009

COMMISSION DISTRICT: 8 **ITEM NO.:** A

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A. INTRODUCTION

- **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).

- **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.

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

- **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-though 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:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
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:

This application was deferred from the September 1, 2009 and on July 1, 2009 meetings to meet with the neighbors and was deferred from the October 6, 2009 meeting to allow objectors to submit expert witness information to staff. 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.

DATE INSPECTED: 06/01/09
DATE TYPED: 06/08/09
DATE REVISED: 06/09/09; 06/18/09; 07/02/09; 07/30/09; 10/14/09
DATE FINALIZED: 10/14/09
MCL:NN:CH:NC:TA

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

NDN

11

Memorandum

MIAMI-DADE COUNTY

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

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 discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

PH# Z2009000031
CZAB - C12

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

MIAMI-DADE COUNTY

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.

DATE: 09/15/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

KENDALL 77 LTD

APPLICANT

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

ADDRESS

Z2009000031

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENF HISTORY:

200902011294 NO VIOLATION FOUND 09-08-09 CASE CLOSED.

200902002543 CLOSED (ENFORCEMENT HISTORY) 200202004834 CLOSED (LACK OF BICLYCLE 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).

LUIS CARCAMO

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

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

*See Schedule 1

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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ZONING HEARING SECTION
MIAMI-DADE PLANNING & ZONING DEPT.

SCHEDULE 1

DADELAND SQUARE, LTD., a Florida limited partnership:

Partner	Class of Partner
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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MIAMI-DADE PLANNING AND ZONING DEPT

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, Director

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

_____
(Notary Public)

My commission expires 9/25/2009

JOCELYN PRUNA
Comm# DD0475424
Expires 9/25/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc

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

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COMMUNITY PLANNING AND ZONING DEPT

DISCLOSURE OF INTEREST

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or 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

NAME AND ADDRESS	Percentage of Interest
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**

NAME AND ADDRESS	Percentage of Interest
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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PLANNING, DIRECTION
AND ZONING DEPT.

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**

NAME AND ADDRESS	Percentage of Interest
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)**

NAME AND ADDRESS	Percentage of Interest
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
BY

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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)**

NAME AND ADDRESS	Percentage of Interest
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**

NAME AND ADDRESS	Percentage of Interest
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)**

NAME AND ADDRESS	Percentage of Interest
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

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

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MIAMI-DADE PLANNING AND ZONING DEPT

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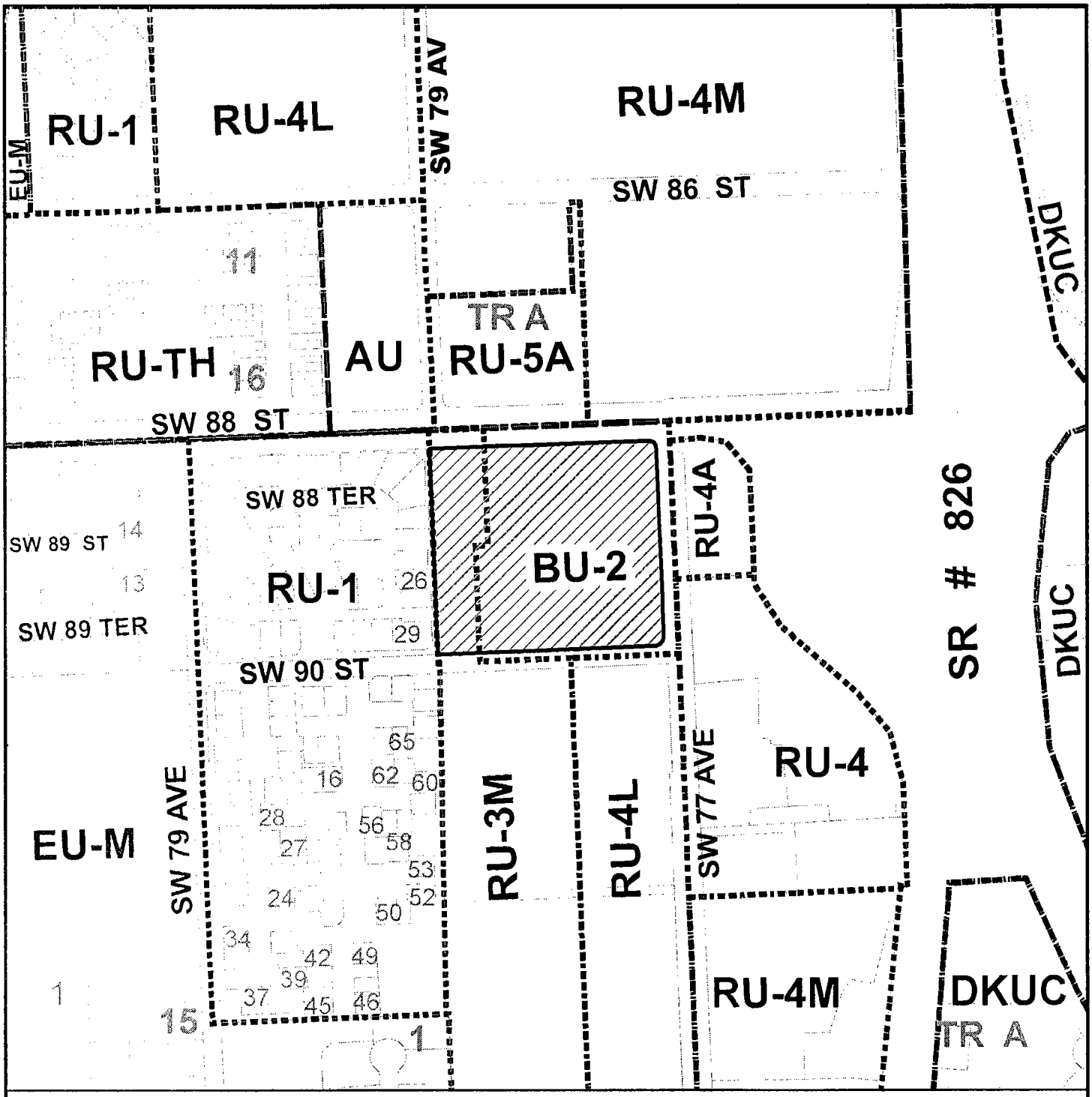
ZONING ADMINISTRATION SECTION
MIAMI-DADE COUNTY



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

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/09/09

REVISION	DATE	BY
	24	

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

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/09/09

REVISION	DATE	BY

B. ALFREDO GARCIA-MENOCAL
(Applicant)

09-9-CZ12-1 (08-239)
Area 12/District 8
Hearing Date: 11/04/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2006	Marcos Centurion	- Zone change from AU to EU-M - Lesser Lot Frontage	C12	Denied Without Prejudice
2006	Marcos Centurion	- Appeal CZAB 12-10-2006	BCC	Denied Without Prejudice

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

D

APPLICANT'S NAME: **ALFREDO GARCIA-MENOCAL**

REPRESENTATIVE: Miguel Diaz de la Portilla

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-9-CZ12-1 (08-239)	October 6, 2009	CZAB12		09

REC: Approval, subject to the acceptance of the proffered covenant.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Nov 4, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR			X
COUNCIL MAN		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL WOMAN.	M	Carla Ascencio-SAVOLA	X		
COUNCIL MAN	S	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	5	0	

2

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#1

APPLICANT'S NAME: **ALFREDO GARCIA MENOCAL**

REPRESENTATIVE: Applicant absent from the hearing.

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-9-CZ12-1/08-239	September 1, 2009	CZAB12		09

REC: Approval subject to the acceptance of the proffered covenant.

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

■ DEFER: ☐ INDEFINITELY ■ TO: October 6, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: **At staff's request to correct an error in the advertisement.**

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN	M	Alberto SANTANA	X		
COUNCIL WOMAN.		Carla Ascencio-SAVOLA	X		
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ		X	
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	6	1	

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

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

APPLICANTS: Alfredo Garcia-Menocal **PH:** Z08-239 (09-9-CZ12-2)

SECTION: 6-55-40 **DATE:** November 4, 2009

COMMISSION DISTRICT: 8 **ITEM NO.:** B

==========

A. INTRODUCTION:

- **REQUEST:**

  AU to RU-5A

- **SUMMARY OF REQUEST:**

  The applicant is seeking a zone change from AU, Agricultural District, to RU-5A, Semi-Professional Office District.

- **LOCATION:**

  11605 S.W. 95 Street, Miami-Dade County, Florida.

- **SIZE:** 3 Gross Acres

B. ZONING HEARINGS HISTORY: In April 2006, pursuant to Resolution #CZAB12-10-06, the subject property was denied a request to rezone the property from AU to EU-M, Single-Family Modified Estate District, by Community Zoning Appeals Board (CZAB) 12. This decision was upheld on appeal by the Board of County Commissioners (BCC), in September 2006, pursuant to Resolution #Z-33-06.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site

should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
AU; Vacant building	Office/Residential
SURROUNDING PROPERTY:	
NORTH: AU; single-family residences	Estate Density Residential, 1 to 2.5 dua
SOUTH: AU; church	Estate Density Residential, 1 to 2.5 dua
EAST: AU; vacant lot	Estate Density Residential, 1 to 2.5 dua
WEST: RU-1; single-family residences	Low-Medium Density Residential, 6 to 13 dua

E. SITE AND BUILDINGS:

Site Plan Review:	(No site plan submitted)
Scale/Utilization of Site:	**N/A**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**Acceptable***
Access:	**Acceptable***
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**Acceptable***
Urban Design:	**N/A**

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the September 1, 2009, meeting to allow for a re-advertisement of the correct address. Subsequently, the application was again deferred from the October 6, 2009, meeting due to a lack of time. The 3-acre subject property, is located at 11605 SW 95 Street. The 3-acre site underwent a Comprehensive Development Master Plan (CDMP) Amendment (Application No. 4) during the October 2007 Amendment Cycle, for a change of LUP Map designation from Estate Density Residential use to Office/Residential use, which was approved pursuant to Ordinance #08-131, in November 2008.

The applicant is requesting a zone change from AU, Agricultural District, to RU-5A, Semi-Professional Office District. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Office/Residential** use. In the approval of the CDMP amendment, a Declaration of Restrictions was proffered which, among other things, restricts the use and development of the property for Estate residential use, restricts the development of the site to two (2) stories, or 28' above finished grade and prohibits medical office use on the site. Said covenant also requires ingress and egress to the property along SW 117 Avenue, requires that egress along SW 95 Street be permitted to only travel west and further requires that development of the property include landscaping beyond the minimum required by the County Code. The applicant has also voluntarily proffered a covenant in conjunction with this application, which in addition to the restrictions and guidelines for development previously agreed to, restricts the use of the property to prohibit call centers and restricts the development of the site to two (2) stories, or 24' above finished grade. As such, staff is of the opinion that the request for a zone change to RU-5A, when coupled with the applicant's proffered covenant containing restrictions and guidelines for the development of the subject property, is **consistent** with the LUP Map of the CDMP and is **compatible** with the surrounding agricultural and residentially zoned properties.

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 Miami-Dade County Code. However, the applicants will have to comply with all conditions as set forth in their memorandum. The **Public Works Department** has **no objections** to this application and has indicated that the applicants must provide paved public access to the site. Their memorandum further indicates that this application will generate **75** additional PM daily peak hour **vehicle trips**, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "D" and "E". Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:15** minutes.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the

adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff notes that the rezoning, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County. The subject property is located on a section line road, SW 117 Avenue, and SW 95 Street, which effectively functions like a half-section line road in this area. This intersection and the subject property is located a ½ mile south of SW 88 Street, a well travelled roadway in this section of the county, and within 1 mile of the Florida Turnpike Extension that crosses SW 88 Street. As such, staff opines that the subject property is easily accessible and will not burden the area roadways, as the distribution of trips will not exceed the acceptable level of service as indicated by the Public Works Department. Further, as indicated in the DERM memorandum, public water and sanitary sewer can be made available to the property, which will not reduce the Levels of Service (LOS) standards for same as set forth in the CDMP.

Staff notes that the property immediately to the south of the subject property is a church that was approved pursuant to Resolution #Z-403-76, in December 1976. Additionally, staff notes that the development for this section of the County, indicates commercial developments along the surrounding section line roads, thereby providing a theoretical buffer for the less intensive residential developments located primarily internal to the section. For example, the properties along SW 88 Street, the northern section boundary, and SW 107 Avenue, the eastern boundary, are primarily developed with offices and commercial or multifamily apartments or townhomes. Further, as previously mentioned, the applicant has proffered a covenant in conjunction with the application, which staff opines, minimizes any adverse visual and traffic impacts that may result from the rezoning of the property on the surrounding residential and agricultural properties. As such, staff is of the opinion that the proposed zone change to RU-5A is **compatible** with the area and therefore recommends approval of the zone change, subject to the acceptance of the proffered covenant.

I. **RECOMMENDATION:** Approval, subject to the acceptance of the proffered covenant.

J. **CONDITIONS**: None.

DATE INSPECTED: 07/02/09
DATE TYPED: 06/29/09
DATE REVISED: 06/30/09, 07/20/09, 07/29/09, 09/14/09, 10/14/09
DATE FINALIZED: 10/14/09
MCL:NN:AA:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: August 31, 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 #Z2008000239-2nd Revision
Alfredo Garcia-Menocal
11605 S.W. 95 Street
Request District Boundary Change from AU to RU-5A
(AU) (3 Acres)
06-55-40

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.

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

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

with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

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

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

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

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

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

Please be advised that an aerial review performed by DERM staff revealed that tree resources have been removed from the property without first obtaining the required Miami-Dade County Tree Removal Permit. Please be advised that based on the above, the referenced site is being referred for review for an After-the-Fact Permit and /or follow up enforcement action which is required to resolve this issue.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

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

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

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

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

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

PH# Z2008000239
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ALFREDO GARCIA-MENOCAL

This Department has no objections to this application.

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

Additional improvements may be required at time of platting.

This application does meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate 75 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9748	SW 117 Ave. s/o SW 88 St.	D	D
9750	SW 117 Ave. s/o SW 112 St.	D	D
9716	SW 104 St. w/o SW 107 Ave.	E	E
9718	SW 104 St. w/o HEFT	E	E

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

(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.

Raul A Pino, P.L.S.
04-FEB-09

REVISION 1

Memorandum

Date: 28-AUG-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000239

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated January 20, 2009.
APPROVAL
No objection to Zoning change.

Service Impact/Demand

Development for the above Z2008000239
located at 11605 S.W. 95 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1825 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
4,800 (Office)	square feet	N/A (institutional)	square feet
N/A (Retail)	square feet	N/A (nursing home/hospitals)	square feet

Based on this development information, estimated service impact is: 1.05 alarms-annually.
The estimated average travel time is: 6:15 minutes

Existing services

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

Station 9 - Kendall - 7777 SW 117 Avenue
Rescue, ALS Engine.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on approval of Zoning change and survey drawing date stamped December 17, 2008.

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

OFFICE OF NEIGHBORHOOD COMPLIANCE

ENFORCEMENT HISTORY

ALFREDO GARCIA-MENOCAL	11605 S.W. 95 ST, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
9/11/2009 8:35:00 AM	Z2008000239
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:
CURRENT ENFORCEMENT HISTORY:

200902011312 CASE CLOSED ON 09-09-09 ENFORCEMENT HISTORY NO VIOLATION FOUND.

200902010090 CITATION # T004038 ISSUED ON 08-12-09 FOR OVERGROWTH OF GRASS & WEEDS CASE STILL PENDING.

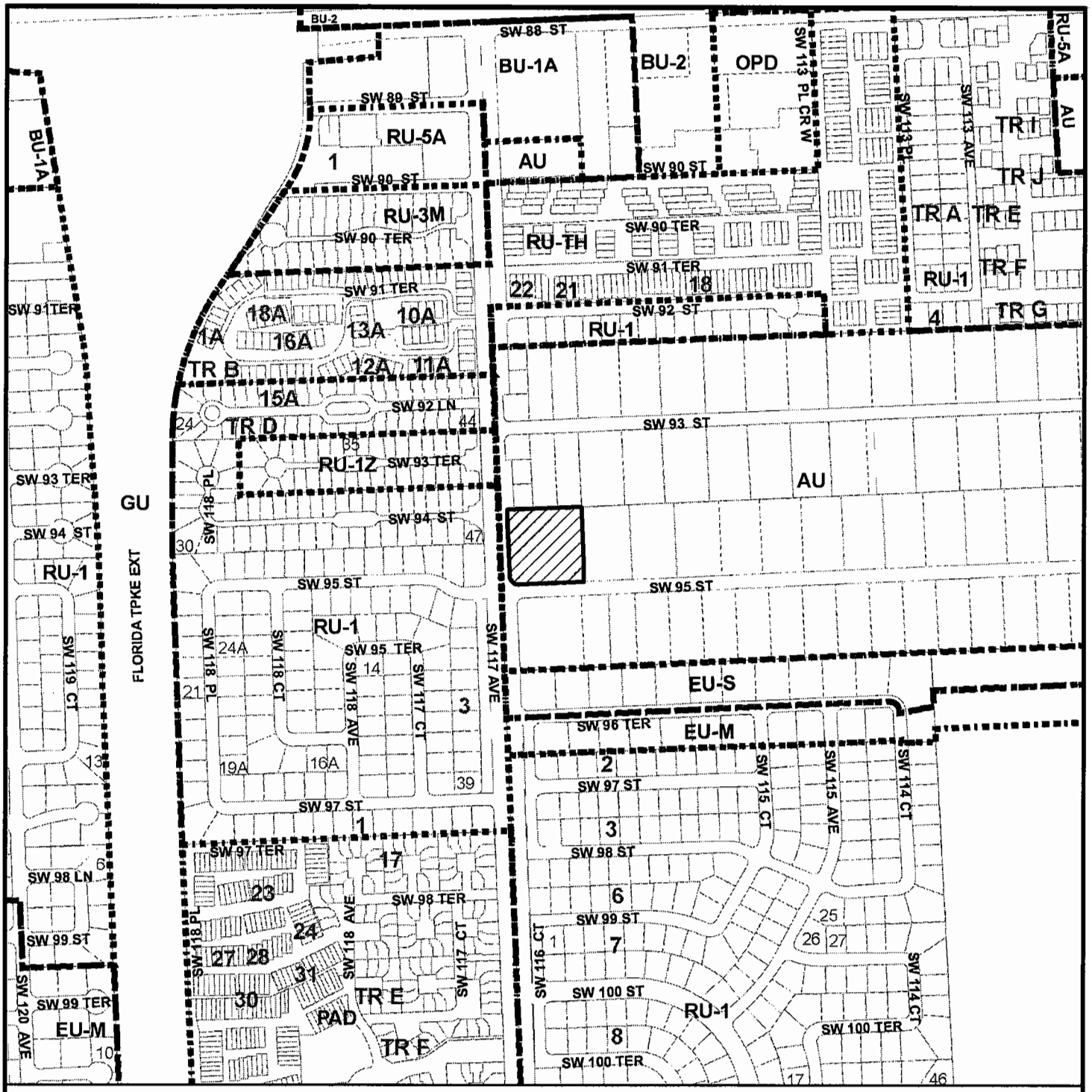
200802001749 ISSUED WARNING# R96848 CORRECTED BY OWNER GRAFFITI CASE CLOSED ON 2-29-8.

200802000214 CITATION # B025373 ISSUED ON 01-08-08 FOR OVERGROWTH OF GRASS & WEEDS CORRECTED BY OWNER CASE CLOSED ON 01-07-09.

200702006960 CITATION # B013327 ISSUED ON 05-29-07 OVERGORTH OF GRASS & WEEDS CORRECTED BY OWNER CASE CLOSED 08-06-07.

VIOLATOR:

Luis Carcamo



MIAMI-DADE COUNTY

HEARING MAP

Section: 06 Township: 55 Range: 40
Applicant: ALFREDO GARCIA-MENOCAL
Zoning Board: C12
Commission District: 08
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number

08-239

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 12/23/08

REVISION	DATE	BY
	15	

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-239

Section: 06 Township: 55 Range: 40
Applicant: ALFREDO GARCIA-MENOCAL
Zoning Board: C12
Commission District: 08
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 12/23/08

REVISION	DATE	BY

C. DONALD & HAYDEN BRACKIN
(Applicant)

09-9-CZ12-4 (09-111)
Area 12/District 7
Hearing Date: 11/04/09

Property Owner (if different from applicant) **DONALD & HAYDEN BRACKIN & SOUTH FLA. WATER MANAGEMENT DISTRIBUTION.**

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
NO HISTORY				

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#4

APPLICANT'S NAME: **DONALD & HAYDEN BRACKIN**

REPRESENTATIVE: Jerry Proctor

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-9-CZ12-4/09-111	September 1, 2009	CZAB12		09

REC: Approval with conditions of 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).

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

■ DEFER: ☐ INDEFINITELY ■ TO: November 4, 2009 ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: To obtain extra signatures from Dept of Water Managament.

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

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

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

APPLICANTS: Donald and Haydeh Brackin & South Florida Water Management District

PH: Z09-111 (08-12-CZ12-C) (Old #Z08-115)

SECTION: 36-54-40

DATE: November 4, 2009

COMMISSION DISTRICT: 7

ITEM NO.: C

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) Applicants are requesting to permit an addition to a single-family residence setback varying from 13.06' to 13.61' (25' required) from the rear (south) property line.

  (2) Applicants are requesting to permit the single-family residence setback varying from 63.42' to 63.87' (50' maximum permitted) from the front (north) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Specs House for: Wayne & Shaida Brackin," as prepared by David Wearne Johnson AIA Architect, dated stamped received 7/22/09 and consisting of 3 sheets and "Plan of Survey," as prepared by Thomas J. Kelly, Inc., P. S. & M., consisting of 1 sheet, dated stamped received 9/22/09 for a total of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing single-family residence setback closer to the rear and further from the front property lines than permitted.

- **LOCATION:** 6500 S.W. 85 Street, Miami-Dade County, Florida.

- **SIZE:** 0.46 Acre

- **ZONING HEARINGS HISTORY:** None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the western **0.29 acre (gross)** (12,980 sq. ft.) of the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could

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

2. The Adopted 2015 and 2025 Land Use Plan designates the eastern **0.17 acre (gross)** (7,470 sq. ft.) of the subject property subject property as being within the Urban Development Boundary for **Estate Density Residential**. 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 units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
EU-M/GU; Single-family residence	Estate Density Residential, 1 to 2.5 dua Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: EU-M; Single-family residences	Estate Density Residential, 1 to 2.5 dua Low Density Residential, 2.5 to 6 dua
SOUTH: GU; Canal	Water
EAST: EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
WEST: EU-M; Single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is located at 6500 S.W. 85 Street in an area characterized by single-family residences developed under the EU-M zoning district regulations. The Snapper Creek Canal is located immediately to the south of the subject site and delineates the northern boundary of the City of Pinecrest.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plans 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**

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 memoranda.

H. ANALYSIS:

This item was deferred indefinitely with leave to amend from the December 2, 2008, CZAB 12 meeting, and was again deferred from the September 1, 2009, meeting to allow the applicants to again revise the application. The applicants have now submitted a revised application containing a reconfigured lot based on an agreement to transfer land between the applicants Donald and Haydeh Brackin and the South Florida Water Management District (SFWMD). Said agreement resulted in an additional 555.52 sq. ft. being added to the southeast portion of the subject property from the SFWMD and the conveyance of a 362.76 sq. ft. triangular portion of the subject property from the owner to the SFWMD.

Approval of the request would allow the applicants, Donald and Haydeh Brackin and the SFWMD the maintenance and continued use of the existing single-family residence setback 13.06' to 13.61' (25' required) from the rear (south) property line, and setback 63.42' to 63.87' (50' maximum permitted) from the front (north) property line. The western 0.29 acre (gross) (12,980 sq. ft.) of the subject property is designated for **Low Density Residential** use and the eastern 0.17 acre (gross) (7,470 sq. ft.) of the subject property is designated for **Estate Density Residential** on the LUP map of the CDMP. Because the approval of this application will not authorize any additional dwelling units to the property, the EU-M, Single-Family Modified Estate District and GU, Interim District zoned subject property is **consistent** with the LUP Map designation 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. However, the applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and indicate in their memorandum that the land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and MDFR indicates in their memorandum that the estimated average travel response time is **6:06** minutes.

When requests #1 and #2 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. As previously mentioned, the applicants entered into an agreement, which will result in a reconfiguration of the subject property into a rectangularly shaped lot. As a result of the reconfiguration, the revised plans indicate that the master bedroom at the southeast end of the residence is now setback 13.06' to 13.61' from the new rear (south) property line resulting in an 11.39' to 11.94' encroachment into the rear setback area of the reconfigured lot. Staff notes that the property abuts the Snapper Creek Canal which lies to the south of the reconfigured subject property, the right-of-way of which runs at an angle to the rear (south) property line of the subject property. The canal right-of-way extends for approximately 150' from the south property line of the subject property. As such, staff opines that the encroachment will not have a negative visual impact on the property to the south of the canal containing a private school play field and buildings. Further, staff notes that the property located at 6641 SW 81 Street, was approved pursuant to Resolution #2-ZAB-618-63, in November 1963, to allow the existing residence to setback 15' from the rear (east) property line. As such, staff opines that the approval of request #1 would not be out of character with the surrounding area and would not set a precedent for requests of greater intensity. Although staff did not find any similar approvals in the surrounding area of requests for front setbacks, such as request #2, staff opines that approval of the 13.42' to 13.87' increase of the maximum front setback area allowed will not be visually intrusive to the surrounding residential properties. Further, based on a review of the aerial photographs of the area in the Miami-Dade Property Appraiser records, staff opines that the location of the residence on this tract of land is similar to that of the two properties located immediately to the east of the subject property. Therefore, in staff's opinion, the approval of the 63.42' to 63.87' front setback (request #2) for the subject property is not out of character with the surrounding area. Based on the aforementioned, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the 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. However, since the property can be utilized in accordance with the EU-M zoning regulations, this application cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

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 applicants have not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on all of the foregoing, staff opines that the approval of the requests would not be out of character with the area, and are **compatible** with the neighborhood. Accordingly, staff recommends approval with conditions of the requests #1 and #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) 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 Specs House for: Wayne & Shaida Brackin," as prepared by David Wearne Johnson AIA Architect, dated stamped received 7/22/09 and consisting of 3 sheets and "Plan of Survey," as prepared by Thomas J. Kelly, Inc., P. S. & M., consisting of 1 sheet, dated stamped received 9/22/09 for a total of 4 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing.

3. That deeds from applicant South Florida Water Management District to applicants Donald and Haydeh Brackin and from applicants Donald and Haydeh Brackin to applicant South Florida Water Management District be exchanged conveying properties between the applicants such that, upon delivery of the deeds: (1) Donald and Haydeh Bracken will be the title owners of the "AREA ADDED" and of the full reconfigured Subject Property, as described on the "Plan of Survey," prepared by Thomas J. Kelly, Inc., P. S. & M., consisting of 1 sheet, dated stamped received 9/22/09, as submitted for the hearing; and (2) the South Florida Water Management District will be the title holder of the triangular-shaped parcel that is identified as the "AREA LESSED OUT" on the "Plan of Survey," prepared by

Thomas J. Kelly, Inc., P. S. & M., consisting of 1 sheet, dated stamped received 9/22/09.

4. That the deeds identified in condition #3 be recorded before a permit, a certificate of use, or a certificate of occupancy is issued.

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

6. That a new plat or waiver of plat be approved by Miami-Dade County.

7. That no permit, certificate of use, or certificate of occupancy be issued until either a waiver of plat is approved or a new plat is approved and recorded.

8. That the applicants comply with all applicable conditions and requirements of DERM and the Public Works Department.

DATE INSPECTED: 11/04/08
DATE TYPED: 10/10/08
DATE REVISED: 10/15/08; 10/31/08; 11/04/08; 11/05/08, 07/28/09, 08/11/09, 09/30/09, 10/23/09
DATE FINALIZED: 10/23/09
MCL:NN:JV:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 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 #Z2009000111-1st Revision
Donald and Haydeh Brackin
6500 S.W. 85 Street
Non-Use Variance of Rear Setback Requirements
(EU-M) (.46 Acres)
36-54-40

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

Potable Water Service

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

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

Wastewater Disposal

The closest public sanitary sewers is an abutting 24-inch force main along S.W. 85th Street; consequently, the existing single-family residence is served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management

DERM has no objection to this application provided that final approval by the South Florida Water Management District Board of Governors is obtained by the applicant and that property is re-platted if so required.

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

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

Tree Preservation
The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code. The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

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

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

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

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

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

PH# Z2009000111
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DONALD & HAYDEN BRACKIN

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code.

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.
14-AUG-09

Memorandum

Date: 06-AUG-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000111

Fire Prevention Unit:

AAPROVAL
No objection to Letter of Intent date stamped July 22, 2009 Via Case # Z2009000111. Any modifications to site plan must be submitted for review by the Miami-Dade Fire Department.

Service Impact/Demand

Development for the above Z2009000111
located at 6500 S.W. 85 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1798 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: 6:06 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.

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

DATE: 08/13/09

TEAM METRO

ENFORCEMENT HISTORY

DONALD & HAYDEN BRACKIN

APPLICANT

6500 S.W. 85 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000111

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history:
Case 200903006713 was opened based on enforcement history request and inspected on 07/28/09. No violations were observed and case was closed.

Joseph Mesler

ADDRESS: 6500 SW 85 STREET
MIAMI, FL 33143

LEGAL DESCRIPTION: LOT 6 IN BLOCK 5 OF SNAPPER CREEK GROVES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 44 AT PAGE 88 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA LESS THE SOUTHERLY 10 FEET OF ALL THAT PART OF LOT 6, BLOCK 5, LYING WEST OF THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, SAID 10 FEET BEING MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 6 AND LESS THE SOUTHERLY 15 FEET OF ALL THAT PART OF LOT 6, BLOCK 5, LYING EAST OF THE EAST LINE OF THE NW ¼ OF THE SW ¼ OF THE SW ¼ OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, SAID 15 FEET BEING MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 6.

LESS:
BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LANDS THENCE DEFLECTING 85° 53' 22" TO THE RIGHT RUN FOR A DISTANCE OF 57.76 FEET TO A POINT, THENCE DEFLECTING 94° 08' 59" TO THE RIGHT RUN FOR A DISTANCE OF 12.60 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 81° 41' 24" TO THE LEFT RUN FOR A DISTANCE OF 58.22 FEET TO THE POINT OF BEGINNIG.

AND TOGETHER WITH:
COMMENCE AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LANDS THENCE DEFLECTING 85° 53' 22" TO THE RIGHT FOR A DISTANCE OF 57.76 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE A DISTANCE OF 42.50 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 94° 06' 38" TO THE RIGHT RUN FOR A DISTANCE OF 8.47 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 98° 20' 22" TO THE RIGHT RUN FOR A DISTANCE OF 42.83 FEET TO A POINT, THENCE DEFELCTING AN INCLUDED ANGLE OF 81° 41' 58" TO THE RIGHT RUN FOR A DISTANCE OF 17.73 FEET TO THE POINT OF BEGINNING.

FLOOD ZONE: AE
__X__THIS IS A FLOOD HAZARD ZONE ____ THIS IS NOT A FLOOD HAZARD ZONE
COMMUNITY PANEL NO. 120635
PANEL NO. 276 SUFFIX: J DATE OF FIRM: 07/17/95
BASE FLOOD ELEV. 10.00 FINISH FLOOR ELEV: N/A LOWEST ADJ. GRADE: N/A

NOTE: UNDERGROUND ENCROACHMENTS, IF ANY, NOT LOCATED. ENCROACHMENTS NOTED: N/A
I HEREBY CERTIFY THAT THIS SKETCH OF THIS PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEET THE MINIMUM REQUIREMENTS ADOPTED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND THE FLORIDA LAND TITLE ASSOCIATION AND ALSO CH-61G17 F.A. CODE. THERE ARE NO ENCROACHMENTS, EXCEPT AS SHOWN.

NOTES:
1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN PLAT)
2. IF SHOWN, ELEVATIONS ARE REFERRED N.G.V. DATUM 1929
3. THIS IS A BOUNDARY SURVEY.
   CLOSURE ABOVE 1:7500
4. LICENSE BUSINESS NO. 6486
5. DENOTES ELEVATIONS
6. BM OF ORIGIN: PIPE AT INTERSECTION OF SNAPPER CREEK DRIVE & SW 62ND AVENUE ELEV. 6.88'

_____ 11/19/2008
JOSE A. PEREA (DATE OF FIELD WORK)
PROFESSIONAL LAND SURVEYOR #4858
STATE OF FLORIDA
(NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL)

THOMAS J. KELLY, INC. P.S. & M.

8125 SW 120 STREET
PINECREST, FL 33156
REVISED 1/8/2009

Date: 11/19/2008
Survey No.: 08-2068

RECEIVED
JUL 22 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

RECEIVED
209.111
JUL 22 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

18

THE FOLLOWING IS THE LEGAL DESCRIPTION IN FAVOR OF DONALD AND HAYDEL BRACKIN.

A PORTION OF LOT 6 IN BLOCK 5 OF SNAPPER CREEK GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 88 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A PORTION OF LAND LYING EAST OF THE EAST LINE OF THE NW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 6, THENCE RUN NORTHERLY ALONG THE WEST BOUNDARY OF SAID LOT 6 FOR A DISTANCE OF 10.11 FEET TO A POINT, THENCE DEFLECTING AN ANGLE OF 85° 53' 22" TO THE RIGHT FOR A DISTANCE OF 57.76 FEET TO THE POINT OF BEGINNING,THENCE CONTINUE A DISTANCE OF 42.50 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 94° 06' 38" TO THE RIGHT RUN FOR A DISTANCE OF 8.47 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 98° 20' 22" TO THE RIGHT RUN FOR A DISTANCE OF 42.83 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 81° 41' 58" TO THE RIGHT RUN FOR A DISTANCE OF 17.73 FEET TO THE POINT OF BEGINNING.

THOMAS J. KELLY , INC.

L.B # 6486
SURVEYORS–MAPPERS–LAND PLANNERS
8125 SW 120 STREET PINECREST, FLORIDA 33156
(786) 242–7692 DADE (954) 779–3288 BRWD
(786) 242–6494 DADE FAX (954)779–3260 BRWD FAX

DATE FIELD WORK	SCALE	SURVEY NO.
04/14/2009	1"=15'	08–2068

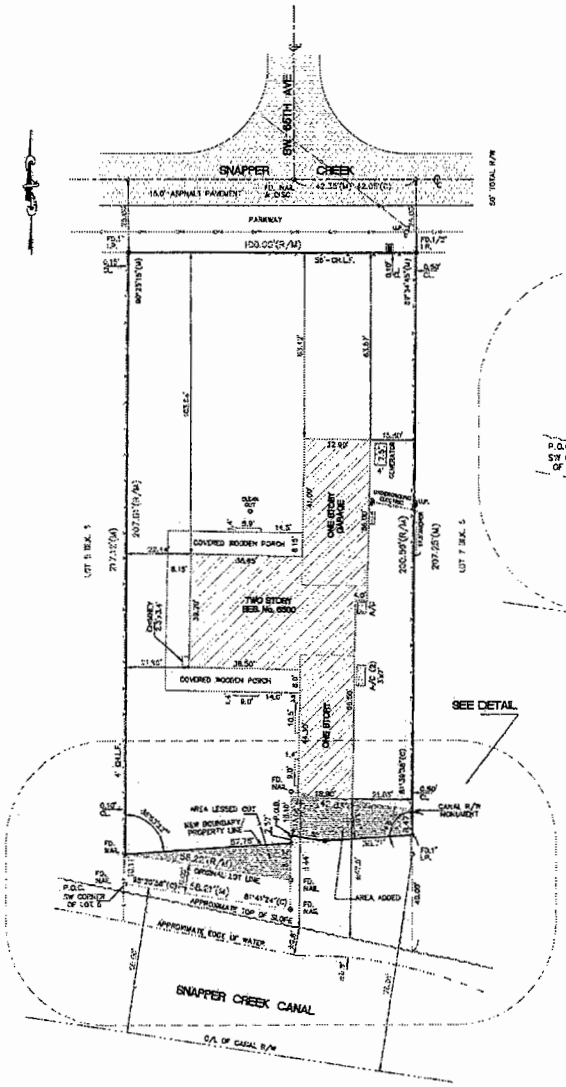
RECEIVED
JUL 2 2 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

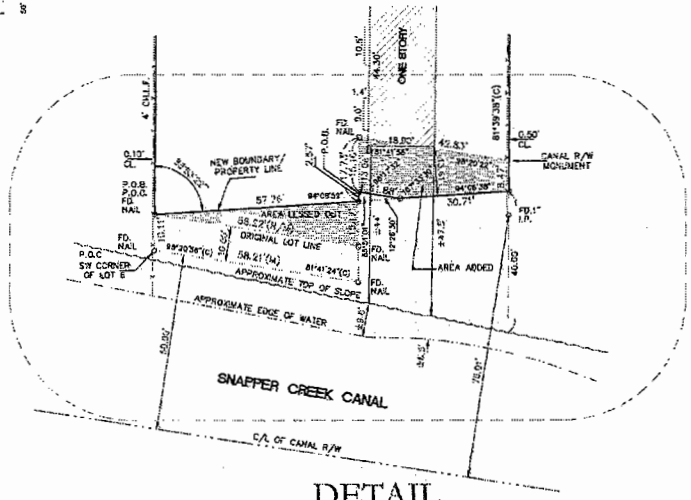
RECEIVED
2009.111
JUL 2 2 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

20

PLAN OF SURVEY

SCALE: 1"= ..... 20'





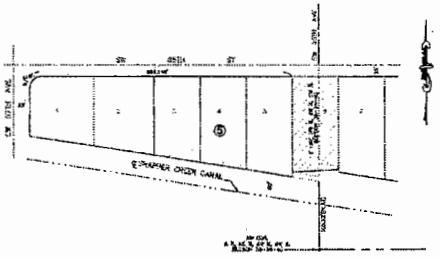
DETAIL

SCALE: 1"= .....N.T.S.

RECEIVED
209.111
SEP 2 2 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LOCATION SKETCH

SCALE: 1"= ..... N.T.S.



LEGEND OF SURVEY ABBREVIATIONS

A.....ARC DISTANCE	P.O.C....POINT OF COMMENCEMENT	M.....PROPERTY LINE
A/C....AIR CONDITIONER	R/W.....RIGHT OF WAY	CONC....CONCRETE
CBS....CONCRETE BLOCK STRUCTURE	FP.....FOUND IRON PIPE	F.H.....FIRE HYDRANT
NGVD...NATIONAL GEODETIC VERTICAL DATUM	P.O.B....POINT OF BEGINNING	U.E.....UTILITY EASEMENT
C.....CALCULATED	BLDG....BUILDING	UP.....UTILITY POLE
C.B.....CATCH BASIN	SEC.....SECTION	F.D.....FOUND
O.U.E....OVERHEAD UTILITY LINE	OR.....OVER DRAIN	R.....RADIUS
P.C.....POINT REVERSE CURVATURE	W.M.....WATER METER	P.W.L....SIDE WALK
CL.....CLEAR	C.D.....CROSS DISTANCE	C.F.....CHAIN LINK FENCE
C/L.....CENTER LINE	SCR.....SCREENED	W.F.....WOODEN FENCE
P.C.C....POINT OF COMPOUND CURVE	P.B.....PLAT BOOK	M.E.....MAINTENANCE EASEMENT
RAD....RADIAL	M.....MEASURED	M.C.....BLOCK CORNER
ENC....ENCROACHMENT	D.E.....DRAINAGE EASEMENT	C.G.....CURB/GUTTER
P.C.....POINT OF CURVATURE	S.P.....SET IRON PIPE	E.E.....EXISTING ELEVATION
(S.M)....RECORD & MEASURED	(T)....SOUTHERN BELL TOWER	
(M)....MEASURED	(E)....ELECTRIC METER	
(C)....CALCULATED		

CERTIFY TO: DONALD W. BRACKEN & HAYDEE S. BRACKEN

ADDRESS: 6500 SW 65 STREET
MIAMI, FL 33143

LEGAL DESCRIPTION: LOT 6 IN BLOCK 5 OF SNAPPER CREEK GROVES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 44 AT PAGE 88 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA LESS THE SOUTHERLY 10 FEET OF ALL THAT PART OF LOT 6, BLOCK 5 LYING WEST OF THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, SAID 10 FEET BEING MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 6 AND LESS THE SOUTHERLY 15 FEET OF ALL THAT PART OF LOT 6, BLOCK 5, LYING EAST OF THE EAST LINE OF THE NW ¼ OF THE SW ¼ OF THE SW ¼ OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, SAID 15 FEET BEING MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 6.

LESS:
BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LANDS THENCE DEFLECTING 85° 53' 22" TO THE RIGHT RUN FOR A DISTANCE OF 57.76 FEET TO A POINT; THENCE DEFLECTING 94° 08' 59" TO THE RIGHT RUN FOR A DISTANCE OF 12.60 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 81° 41' 24" TO THE LEFT RUN FOR A DISTANCE OF 58.22 FEET TO THE POINT OF BEGINNIG.

AND TOGETHER WITH:
COMMENCE AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LANDS THENCE DEFLECTING 85° 53' 22" TO THE RIGHT RUN FOR A DISTANCE OF 57.76 FEET TO A POINT; THENCE DEFLECTING AN ANGLE OF 85° 51' 01" TO THE LEFT RUN FOR A DISTANCE OF 2.57 FEET TO THE POINT OF BEGINNING, THENCE DEFLECTING AN ANGLE OF 98° 17' 32" TO THE RIGHT RUN FOR A DISTANCE OF 11.68 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 167° 35' 30" TO THE RIGHT RUN FOR A DISTANCE OF 30.71 FEET TO A POINT; THENCE DEFLECTING AN INCLUDED ANGLE OF 54° 06' 38" TO THE RIGHT RUN FOR A DISTANCE OF 8.47 FEET TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 98° 20' 22" TO THE RIGHT RUN FOR A DISTANCE OF 42.83 TO A POINT, THENCE DEFLECTING AN INCLUDED ANGLE OF 81° 41' 38" TO THE RIGHT RUN FOR A DISTANCE OF 15.16 FEET TO THE POINT OF BEGINNING

FLOOD ZONE: AE
_X_ THIS IS A FLOOD HAZARD ZONE ____ THIS IS NOT A FLOOD HAZARD ZONE
COMMUNITY PANEL NO. 120635
PANEL NO. 226 SUFFIX: J DATE OF FIRM: 07/17/95
BASE FLOOD ELEV. 10.00 FINISH FLOOR ELEV: N/A LOWEST ADJ. GRADE: N/A

NOTE: UNDERGROUND ENCROACHMENTS, IF ANY, NOT LOCATED. ENCROACHMENTS NOTED: N/A
I HEREBY CERTIFY THAT THIS SKETCH OF THIS PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEET THE MINIMUM REQUIREMENTS ADOPTED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND THE FLORIDA LAND TITLE ASSOCIATION AND ALSO CH.61G17 F.A. CODE. THERE ARE NO ENCROACHMENTS, EXCEPT AS SHOWN.

NOTES:
1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN PLAT)
2. IF SHOWN, ELEVATIONS ARE REFERRED N.G.V. DATUM 1929
3. THIS IS A BOUNDARY SURVEY.
CLOSURE ABOVE 1:7100
4. LICENSED BUSINESS NO. 6486
5. DENOTES ELEVATIONS
6. BAS OF BEARING: PER AT INTERSECTION OF SNAPPER CREEK DRIVE & SW 62ND AVENUE ELEV. 6.88'

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SEP 2 2 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

11/19/2008
FIELD WORK (DATE OF FIELD WORK)
PROFESSIONAL LAND SURVEYOR #4856
STATE OF FLORIDA
(NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL)

THOMAS J. KELLY, INC. P.S. & M.
8125 SW 120 STREET
PINECREST, FL 33156

Date: 11/19/2008
Survey No.: 08-2068

REVISED 1/8/2009 / REVISED 9/18/2009

L.B. # 4486
8125 S.W. 120th STREET
PINECREST, FLORIDA 33156
TELEPHONE: (305) 778-3268
TELECOPIER: 245-1947 CELL: (305) 778-3268
FAX: 245-1934 CELL: (305) 778-3268
E-MAIL: SURVEYING@BELLSOUTH.NET

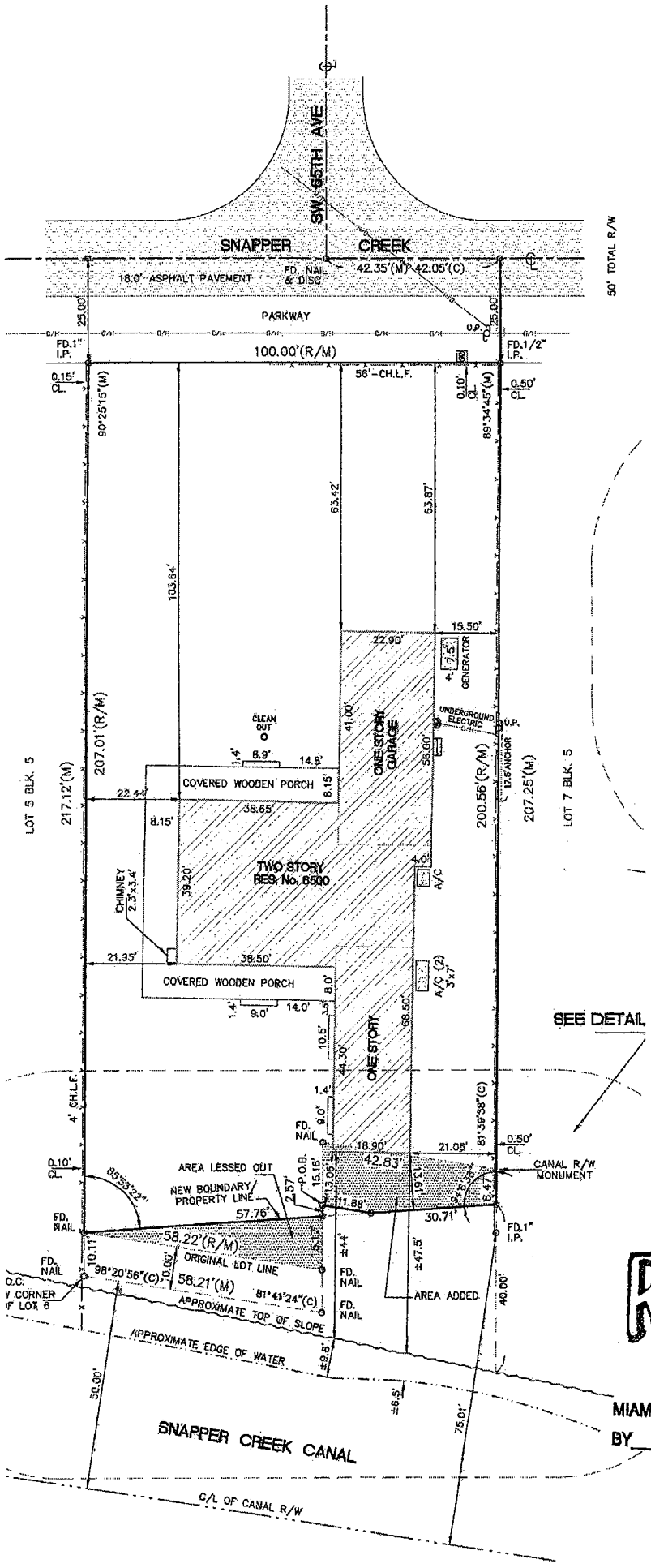
THOMAS J. KELLY
SURVEYORS—MAPPERS
LAND PLANNERS

BOUNDARY SURVEY

DATE	11/19/2008
SCALE	1"=20'
DRAWN BY	M.T.J.
ORDER No.	08-2068
SHEET	1 of 1

PLAN OF SURVEY

SCALE: 1" = ... 20'



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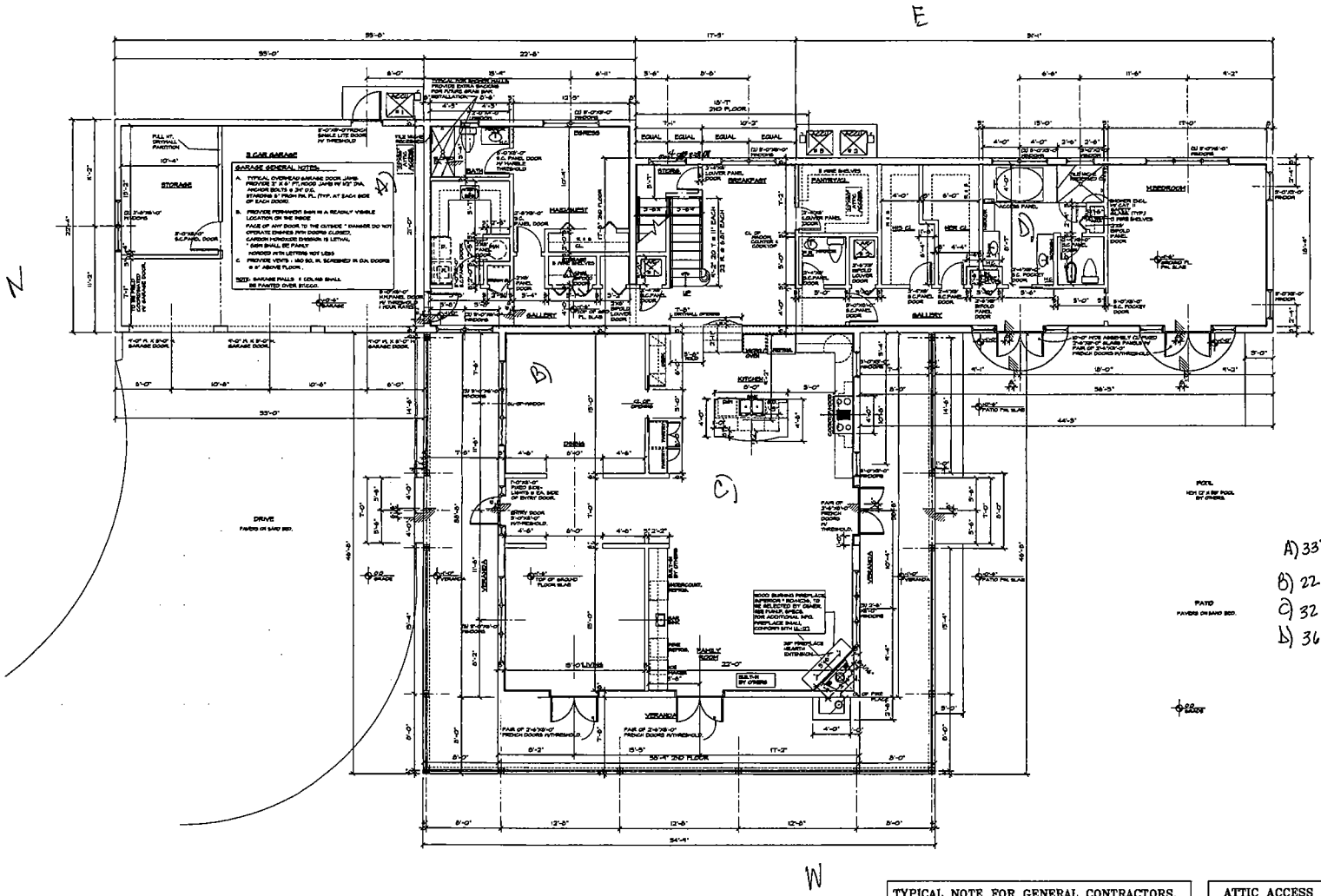

GROUND FLOOR PLAN.

SCALE: 3/16" = 1'-0"

0.0 GRADE = 16.75 TOP OF FINISH SLAB = GROUND FLOOR

TYPICAL NOTE FOR GENERAL CONTRACTORS, SHELL CONTRACTOR AND A/C CONTRACTOR.

GENERAL/SHELL CONTRACTOR AND A/C CONTRACTOR SHALL COORDINATE LOCATIONS, SIZES AND POSSIBLE SLEEVES THROUGH NEW CONCRETE BEAMS TO ACCOMMODATE NEW DUCT SYSTEM. GENERAL CONTRACTOR AND A/C CONTRACTOR SHALL COORDINATE AND VERIFY ALL FIELD CONDITIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

ATTIC ACCESS NOTE

AS PER F.B.C., 2004 EDITION, R807.1

IN BUILDING WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION, AN ATTIC ACCESS OPENING SHALL BE PROVIDED TO ATTIC AREAS THAT EXCEED 30 SQ.FT. & HAVE A VERTICAL HEIGHT OF 30 INCHES OR GREATER. THE ROUGH- FRAMED OPENING SHALL NOT BE LESS THAN 22" X 30" & SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A 30" MIN. UNOBSTRUCTED HEADROOM IN THE ATTIC SPACE SHALL BE PROVIDED @ SOME POINT ABOVE THE ACCESS OPENING.

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

22

SEAL:

DAVID WEARNE JOHNSON AIA ARCHITECT
7740 SW 104th Street, Suite 101 Miami, FL 33156
PH. (305)661-8387 FAX. (305)661-7821
AR 0008024

PROJECT TITLE: New "Spec House" for : Wayne & Shaida Brackin
8500 S.W. 85 th Street, Miami - Florida
(305) 661-8387

THIS DRAWING IS THE PROPERTY OF DAVID WEARNE JOHNSON AIA ARCHITECT UNLESS OTHERWISE PROVIDED FOR BY CONTRACT. THE CONTENTS OF THIS DRAWING ARE CONFIDENTIAL AND SHALL NOT BE TRANSMITTED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY THE ARCHITECT.

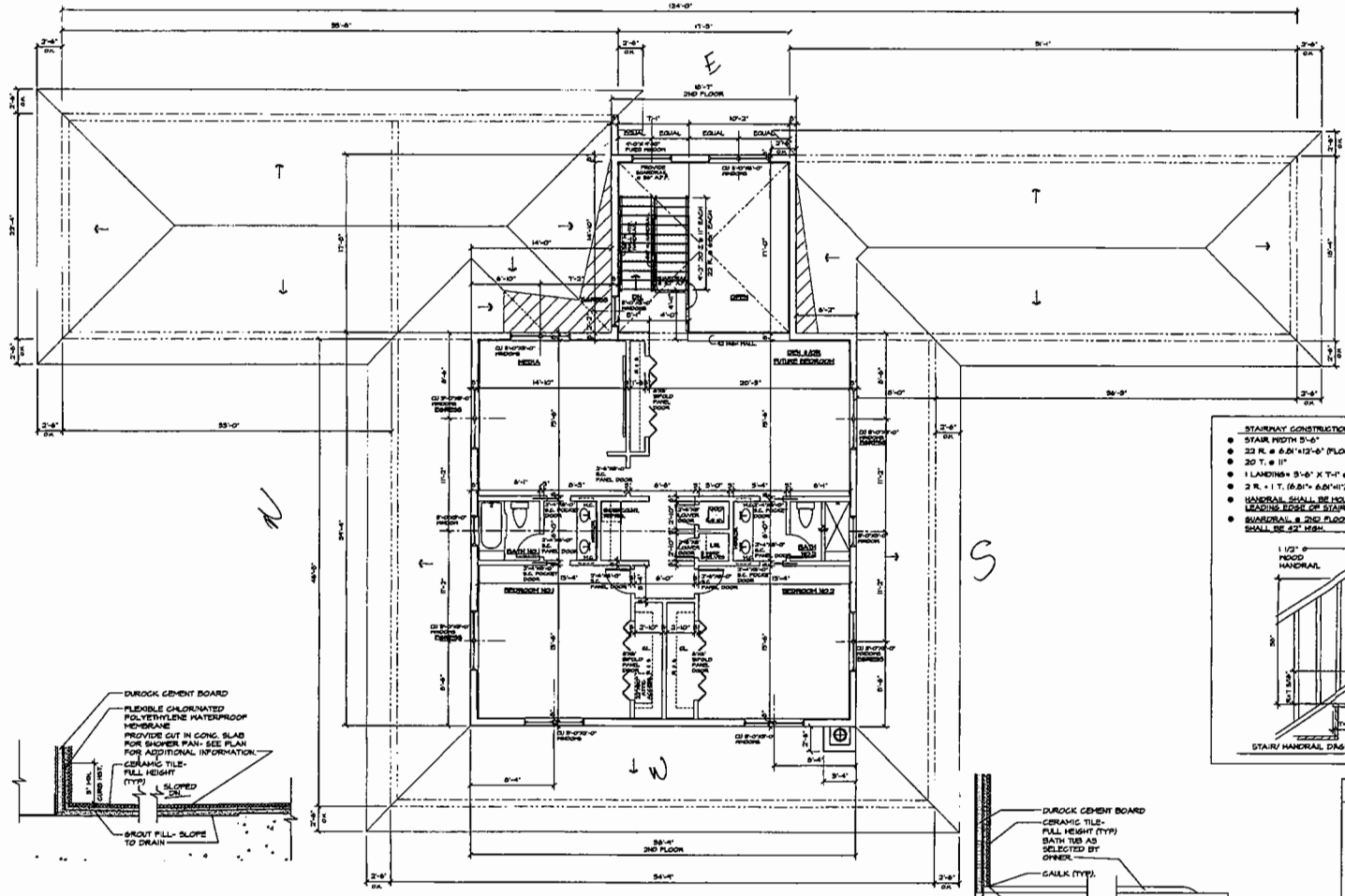
CONSULTANT

DRAWING TITLE

REVISION

DATE 9/08/04 (PERMIT)

SHEET NO. A-2



2ND FLOOR PLAN & LOWER ROOF PLAN.
SCALE: 3/16" = 1'-0"

STAIR NOTES

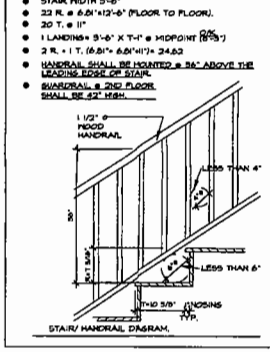
CHAPTER 10, FLORIDA BUILDING CODE, SECTION 1007.3.1
IN RESIDENTIAL TREADS AND RISERS OF STAIRS SHALL BE PERMITTED TO BE SQ PROPORTIONED THAT THE SUM OF TWO RISERS + ONE TREADS (EXCLUSIVE OF PROJECTION OF NOSING) IS NOT LESS THAN 25 INCHES.
EVERY TREAD LESS THAN 10 INCHES SHALL HAVE A NOSING, APPROXIMATELY 1 INCH.
CHAPTER 10, FLORIDA BUILDING CODE, SECTION 1007.5
HANDRAILS
HANDRAILS SHALL COMPLY WITH SECTION 1007.5.1, 1007.5.2, 1007.5.3, 1007.5.4, 1007.5.5, 1007.5.6 STAIRWAYS SHALL BE EQUIPPED WITH HANDRAILS MIN. 34 INCHES AND MAX. 38 INCHES ABOVE THE LEADING EDGE OF A TREAD. HANDRAILS SHALL BE PROVIDED ON EACH SIDE.
GUARDRAILS SHALL BE 42 INCHES ABOVE FINISH FLOOR.

STAIR NOTES: (TYPICAL FOR ALL INTERIOR STAIRS)

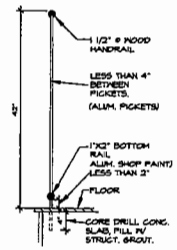
1. STAIR GUARDRAIL TO BE 42" A.F.F.& TO HAVE A 34' A.F.F. HANDRAIL, SEE SECTION ABOVE.
2. WALL MOUNTED HANDRAIL TO BE @ 34" A.F.F.
3. STAIR HANDRAILS TO BE SELECTED BY DEVELOPER, G.C. TO PROVIDE SHOP DRAWINGS, DETAILS, SAMPLES & METHODS OF INSTALLATION FOR APPROVAL PRIOR FABRICATION.
4. G.C. TO SUBMIT HANDRAIL SHOP DRAWINGS FOR ALL STAIRS FOR APPROVAL, PRIOR FABRICATION AND INSTALATION.

STAIRWAY CONSTRUCTION (F.B.C. 1007.3-1007.7)

- STAIR WIDTH 5'-6"
- 23 R. @ 6.61"=12'-6" (FLOOR TO FLOOR).
- 20 T. @ 11"
- 1 LANDING= 3'-6" X 7'-1" @ MIDPOINT (8'-3")
- 2 R. + 1 T. (6.61"+ 6.61"+11")= 24.83
- HANDRAIL SHALL BE MOUNTED @ 36" ABOVE THE LEADING EDGE OF STAIR.
- GUARDRAIL @ 2ND FLOOR SHALL BE 42" HIGH.



STAIR/ HANDRAIL DIAGRAM.



GUARDRAIL DIAGRAM.

NOTE: HANDRAIL TO SUPPORT 200 LBS. LOAD MIN.

ATTIC ACCESS NOTE

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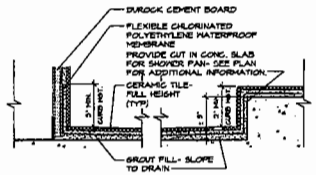
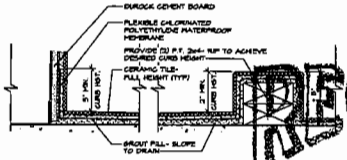
17.3' x 17.8' = 307.94
39.4' x 38.9' = 1,532.66
1,840.6 2nd FLR

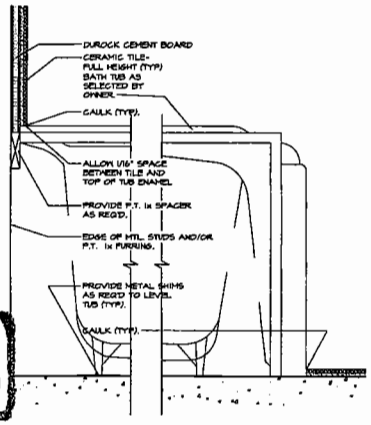
SHOWER SECTION/DETAIL AT MAID/GUEST BATHROOM (GRD. FL.)
SCALE: 3" = 1'-0"



SHOWER SECTION/DETAIL AT MASTER BATH.
SCALE: 3" = 1'-0"



SHOWER SECTION/DETAIL AT 2ND FLOOR.
SCALE: 3" = 1'-0"



TYPICAL BATH TUB SECTION/DETAIL.
SCALE: 3" = 1'-0"

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SEAL:

DAVID WEARNE JOHNSON AIA ARCHITECT
7740 SW 104th Street, Suite 101 Miami, FL 33156
PH. (305)661-5387 FAX. (305)661-7621
AR 0006824

PROJECT TITLE: New "Spec House" for : Wayne & Shaida Brackin
6500 S.W. 85 th Street, Miami , Florida
(305) 661-5387

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CONSULTANT

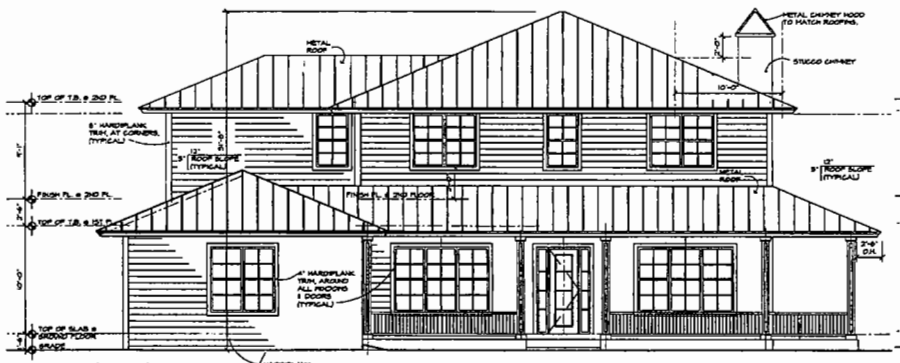
DRAWING TITLE: SECOND FLOOR PLAN, LOWER ROOF PLAN, AND STAIR DETAILS & NOTES.

REVISION
1 REVISED PER PERMIT
2 REVISED
3 REVISED
4 REVISED 1-23-07
5 REVISED 10-15-07
6 REVISED
7 REVISED 8-15-07
8 REVISED
9 REVISED

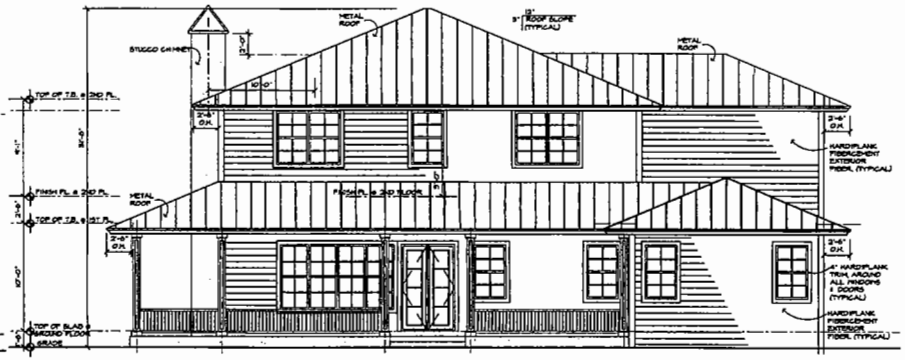
DATE 9/08/04 (PERMIT)

SHEET NO. A-3

23



NORTH (FRONT) ELEVATION.
SCALE: 3/16" = 1'-0"



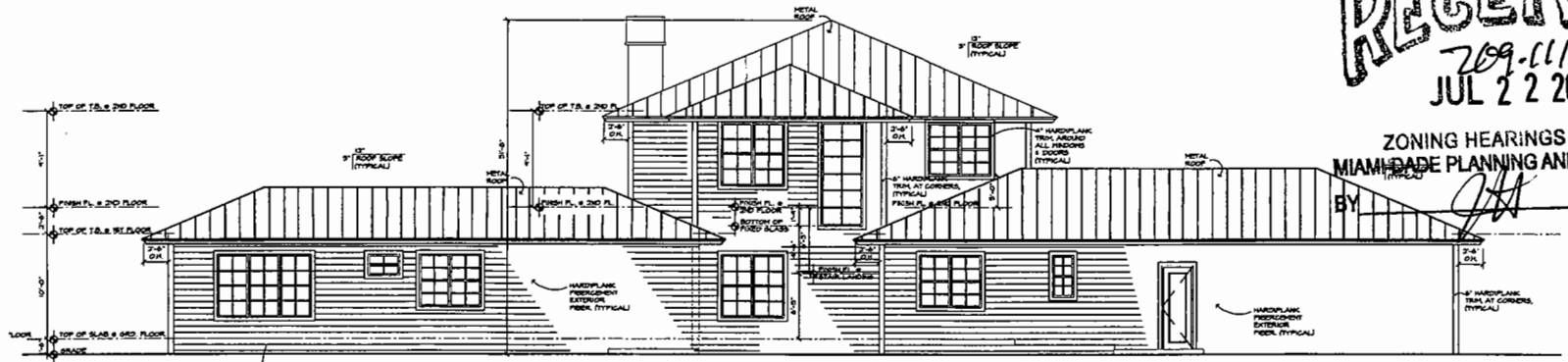
SOUTH (REAR) ELEVATION.
SCALE: 3/16" = 1'-0"

EXTERIOR & INTERIOR PAINT NOTES:

. PAINT AS MANUFACTURED BY BENJAMIN MOORE & CO. (COLOR AS SELECTED BY OWNER & ARCHITECT AS FOLLOWS.
EXTERIOR TRIM : 2 COATS IMPERIO ENAMEL (133) OVER 1 COAT MOORWHITE PRIMER (100).
WALLS : 2 COATS MOORGARD (613) OVER 1 COAT MOORWHITE PRIMER (100).
INTERIOR TRIM : 2 COATS PEDIGO ADVALOID (333) OVER 1 COAT UNDERBODY (345).
WALLS/CEILINGS : 2 COATS REGAL WALL SATIN (313) OVER 1 COAT UNDERBODY (345).

WEST (RIGHT) ELEVATION.
SCALE: 3/16" = 1'-0"

NOTE: SEE WINDOW AND DOOR SIZES ON SHEETS A-2 AND A-3.



EAST (LEFT) ELEVATION.
SCALE: 3/16" = 1'-0"

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7740 SW 104th Street, Suite 101 Miami, FL 33156
PH. (305)661-8387 FAX. (305)661-7821
AR 0008824

PROJECT TITLE: New "Spec House" for : Wayne & Shalda Brackin
6500 S.W. 85 th Street, Miami , Florida
(305) 661-8387

THE DRAWING & THE PROJECT OF THIS SERVICE SHALL REMAIN THE PROPERTY OF DAVID WEARNE JOHNSON AIA ARCHITECT. DRAWINGS PROVIDED FOR THE OWNER. THE OWNERS OF THE DRAWING ARE CONFIDENTIAL AND SHALL NOT BE TRANSFERRED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY THE ARCHITECT.

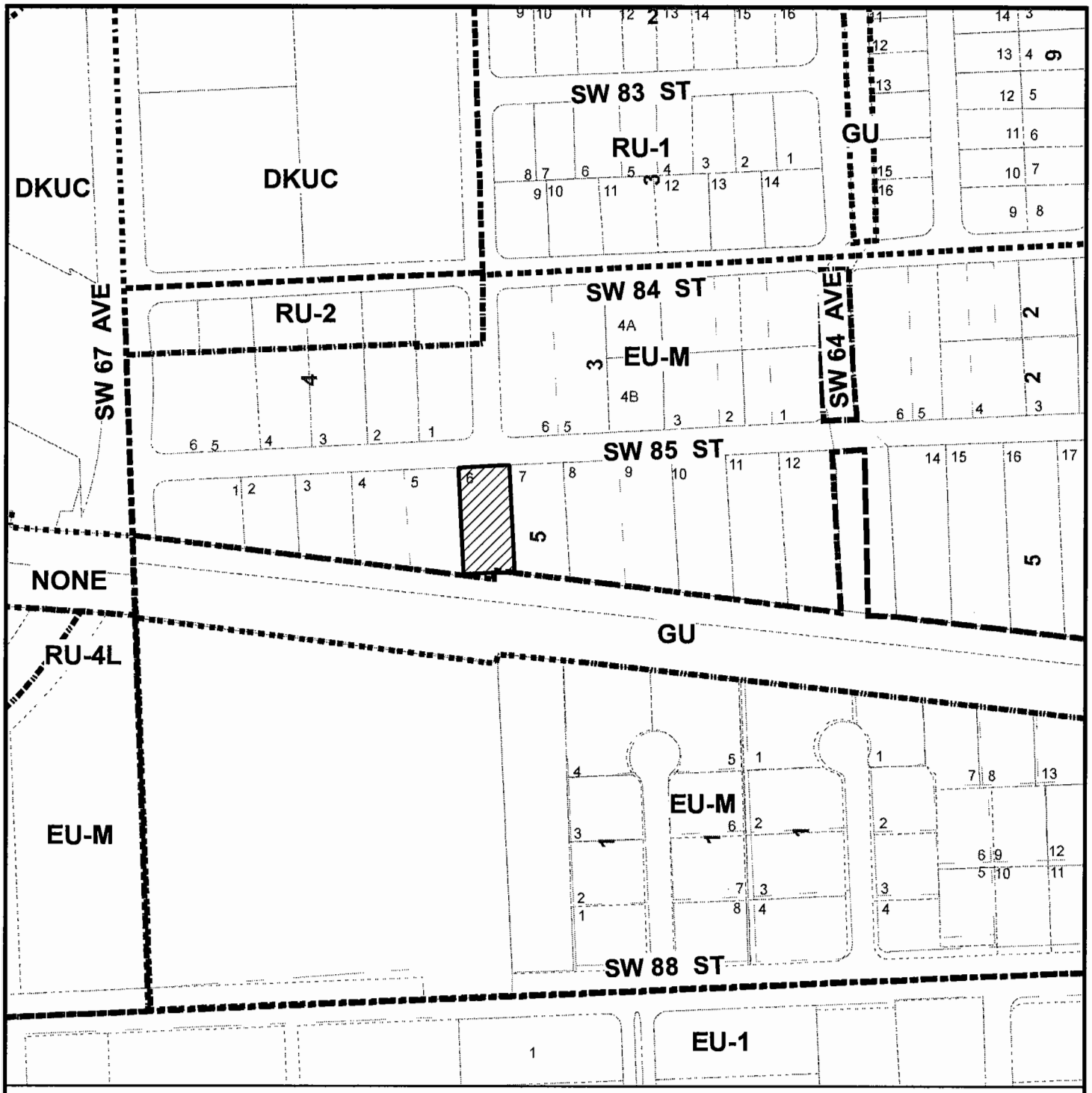
CONSULTANT

DRAWING TITLE: EXTERIOR ELEVATIONS

REVISION
1 PLANNING DEPARTMENT COMMENTS 7-20-01
2 REVISION 7-23-01
3 REVISION 7-25-01
4 REVISION 8-9-01
5 REVISION 8-20-01
6 REVISION 9-10-01
7 REVISION 9-28-01

DATE 9/08/04 (PERMIT)

SHEET NO. A-5



MIAMI-DADE COUNTY
HEARING MAP

Process Number

09-111

Section: 36 Township: 54 Range: 40
Applicant: DONALD & HAYDEN BRACKIN
Zoning Board: C12
Commission District: 07
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/24/09

REVISION	DATE	BY

25

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

09-111

Section: 36 Township: 54 Range: 40
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SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/24/09

REVISION	DATE	BY