



**PRE-KIT REVIEW COMMENTS
COMMUNITY ZONING APPEALS BOARD 12**

Tuesday, October 9, 2012 at 6:30 p.m.

- A. JUAN CARLOS & MARGARITA FERNANDEZ 11-46
Recommendation Ok _____ OIC
- B. RAUL & EVELYN MARRERO 12-52
Recommendation Ok _____ OIC
- C. LYDIA MANRIQUE 12-48
Recommendation Ok _____ OIC
1. JUAN CARLOS BILLOCH 12-41
Insert Revised Recommendation _____ OIC
2. SERGIO PINTO , ET AL 12-45
Insert Revised Recommendation _____ OIC
3. THE FALLS SHOPPING CENTER ASSOCIATES, LLC 12-66
Insert Revised Recommendation _____ OIC
- ***
CAO - Approved CAO Review Comments

C: ACA ABBIE SCHWADERER

Revised: 09/12/12

Reviewed: 09/12/12

FINAL AGENDA

9-6-2012 Version # 3



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, October 9, 2012 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|-------------|--|-------|----------|
| A. | 12-7-CZ12-1 | <u>JUAN CARLOS & MARGARITA FERNANDEZ</u> | 11-46 | 27-54-40 |
| B. | 12-9-CZ12-2 | <u>RAUL & EVELYN MARRERO</u> | 12-52 | 03-55-40 |
| C. | 12-9-CZ12-1 | <u>LYDIA MANRIQUE</u> | 12-48 | 28-54-40 |

CURRENT

- | | | | | | |
|----|--------------|--|-------|----------|---|
| 1. | 12-10-CZ12-1 | <u>JUAN CARLOS BILLOCH</u> | 12-41 | 08-55-40 | N |
| 2. | 12-10-CZ12-2 | <u>SERGIO PINTO , ET AL</u> | 12-45 | 23-54-40 | N |
| 3. | 12-10-CZ12-3 | <u>THE FALLS SHOPPING CENTER ASSOCIATES, LLC</u> | 12-66 | 16-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, OCTOBER 9, 2012

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. JUAN CARLOS & MARGARITA FERNANDEZ (12-7-CZ12-1/11-046)

27-54-40

Area 12/District 07

- (1) NON-USE VARIANCE to permit a single family residence setback a minimum of 17.3' (25' required) from the rear (north) property line.
- (2) NON-USE VARIANCE to permit a curvilinear lot frontage of 73.59' (85' required).
- (3) NON-USE VARIANCE to permit a fence to encroach onto a dedicated right-of-way of SW 79 Avenue (not permitted).
- (4) NON-USE VARIANCE to permit fence to be within the safe sight distance triangle at the driveway entrance (not permitted).

REQUEST #1 - #4 ON PROPOSED LOT 1

- (5) NON-USE VARIANCE to permit gates and columns with a maximum height of 8' (6' permitted).

REQUEST #5 ON PROPOSED LOTS 1 & 2

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Site Plan" as prepared by Manuel Felipe, Professional Land Surveyor, "Floor Plan" by J. Bonfill & Associates. Inc., and "Fence Gate Site Plan" by American Services of Miami, Corp., consisting of 3 sheets and dated stamped received 1/27/12. Plans may be modified at public hearing.

LOCATION: 6550 SW 79 Avenue & 7895 SW 66 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.1 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 22

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from July 31, 2012

DEFERRED: _____

B. RAUL & EVELYN MARRERO (12-9-CZ12-2/12-052)

03-54-40

Area 12/District 8

DISTRICT BOUNDARY CHANGE from EU-1 (Estates 1 Family 1 Acre Gross) to EU-M (Estates Modified 1 Family 15,000 sq. ft.).

LOCATION: 8395 SW 96 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 159.87' X 290.79'

Department of Regulatory and
Economic Resources
Recommendation:

Denial without prejudice.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from September 5, 2012

DEFERRED: _____

C. LYDIA MANRIQUE (12-9-CZ12-1/12-048)

**28-54-40
Area 12/District 07**

- (1) NON-USE VARIANCE to permit an existing storage room addition to a single family residence setback 8'6" (25' required) from the rear (east) property line and setback 5' (7'6" required) from the interior side (north) property line.
- (2) NON-USE VARIANCE to permit an existing seating room addition to the single family residence setback 6'11" (7'6" required) from the interior side (south) property line.

Plans are on file and be examined in the Department of Regulatory and Economic Resources entitled "Storage Legalization for Manrique's Residence" dated stamped received 3/19/12 with sheet A-2 dated stamped received 7/6/12 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 6041 SW 93 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 13,822 sq. ft.

Department of Regulatory and
Economic Resources
Recommendation:

Approved with conditions of request #2,
denial without prejudice of request #1.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from September 5, 2012

DEFERRED: _____

1. JUAN CARLOS BILLOCH (12-10-CZ12-1/12-041)

**08-55-40
Area 12/District 08**

- (1) MODIFICATION of Condition #2 of Resolution # CZAB12-24-05 passed and adopted by Community Zoning Appeals Board # 12, and reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Addition for: Mr. & Mrs. Gilbert

Fiorentino" as prepared by Pacetti Architects; Sheet A-1 dated stamped received 2/11/05 and the remainder dated stamped received 12/22/04 and consisting of 5 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property, which conform to Zoning Code requirements, will not require further substantial compliance or public hearing action.

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Addition To An Existing Residence Juan Carlos Billoch Residence" as prepared by Jose L. Perdomo, Architect, dated stamped received March 6, 2012, consisting of 6 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property, which conform to Zoning Code requirements, will not require further substantial compliance or public hearing action.

The purpose of the request is to allow the applicant to submit revised plans showing the addition of a guest bedroom and porch to the existing single family residence.

(2) NON-USE VARIANCE to permit the proposed planter to setback 39'-7" from the front (S) property line (50' required) and setback 9'.4" (15' required) from the interior side (east) property line.

(3) NON-USE VARIANCE to permit a lot covered of 23.2% (15% permitted, 20.65% previously approved).

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

LOCATION: 9766 SW 111 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 22,004 sq. ft.

Department of Regulatory and Economic Resources

Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. SERGIO PINTO, ET AL (12-10-CZ12-2/12-045)

**23-54-40
Area 12/District 07**

(1) DISTRICT BOUNDARY CHANGE from RU-1 to BRDI.

(2) NON-USE VARIANCE to permit a parcel of land with a lot frontage of 53' (75' required) and a lot area of 6,126 sq. ft. (7,500 required).

(3) NON-USE VARIANCE to permit a commercial building setback 13.67' (20' required) from the rear (south) property line and setback 13' (15' required) from the interior side (e) property line.

(4) NON-USE VARIANCE to permit a stairway setback 10' (20' required) from the rear (south) property line and setback 11.92' (15' required) from the interior side (east) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Mr. Sergio Pinto" prepared by DDSM consulting, LLC., dated stamped received 5/14/12 with sheet L-1 last handwritten revision dated 5/23/12 and consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 7170 SW 42 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 53' X 115'

Department of Regulatory and
Economic Resources
Recommendation:

Approval of request #1, approval with conditions of request #2 and denial without prejudice of requests #3 and #4.

Protests: _____ 0 _____

Waivers: _____ 2 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. THE FALLS SHOPPING CENTER (12-10-CZ12-3/12-066)
ASSOCIATES, LLC**

**16-55-40
Area 12/District 08**

(1) NON-USE VARIANCE of sign regulations to permit four (4) additional 39.95 sq. ft. detached point of sale signs for a total of seven (7) detached signs, (either one - 300 sq. ft. sign or two - 200 sq. ft. signs for shopping centers with more than 500 ft. of lineal street frontage is permitted; shopping centers on a corner lot are permitted and additional 40 sq. ft. sign on a side street).

(2) NON-USE VARIANCE of sign regulations to permit 3 projecting (blade) signs – one of 24 sq. ft. and two of 15.7 sq. ft. each (projecting signs not permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "The Falls" as prepared by Integrated Sign & Graphic Inc., dated stamped received 6/18/12 consisting of 12 sheets. Plans may be modified at public hearing.

LOCATION: 8888 SW 136 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 54.37 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z11-046 (12-7-CZ12-1)

October 9, 2012

Item No. A

Recommendation Summary	
Commission District	7
Applicants	Juan Carlos and Margarita Fernandez
Summary of Requests	The applicants are seeking to permit an existing single-family residence with reduced rear setback and less lot frontage than permitted. Additionally, the applicants seek to permit the residences with a fence and gate that encroach into the right-of-way and within the safe-sight distance triangle.
Location	6550 SW 79 Avenue & 7895 SW 66 Street, Miami-Dade County, Florida.
Property Size	2.1-acres
Existing Zoning	EU-1
Existing Land Use	Single-family residences
2015-2025 CDMP Land Use Designation	Estate Density, 1 to 2.5 dua (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

This item was deferred from the July 31, 2012 meeting of Community Zoning Appeals Board (CZAB 12) pending the result of the applicants' road closing petition.

REQUESTS:

- (1) NON-USE VARIANCE of zoning and subdivision regulations to permit a single family residence setback a minimum of 17.3' (25' required) from the rear (north) property line.
- (2) NON-USE VARIANCE to permit a curvilinear lot frontage of 73.59' (85' required).
- (3) NON-USE VARIANCE to permit a fence to encroach onto a dedicated right-of-way (SW 79 Ave).
- (4) NON-USE VARIANCE to permit a fence to be within the safe sight distance triangle at the driveway entrance to permit is requesting.

REQUESTS #1 - #4 ON PROPOSED LOT 1

- (5) NON-USE VARIANCE to permit gate and columns with a maximum height of 8' (6' permitted).

REQUEST # 5 ON PROPOSED LOTS 1 AND 2

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Site Plan " as prepared by Manuel Felipe, Professional Land Surveyor,

"Floor Plan" by J. Bonfill & Assoc. Inc. and "Fence Gate Site Plan" by American Services of Miami, Corp. consisting of 3 sheets dated stamped received 1/27/12. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plan submitted depicts the 2.1 acre subject site consisting of Lot 1 and Lot 2 that are separated by an existing roadway, SW 79 Avenue. The subject parcel contains the two (2) existing single-family residences with the existing decorative gate, fence and columns that also encroach into the right-of-way.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)
North	EU-1; single-family residence GU: cemetery	Estate Density Residential (1 to 2.5 dua)
South	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)
East	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
West	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The 2.1 acre EU-1, Single-Family One Acre District subject site, consists of two (2) lots, approximately 1-acre in size located at the northwest corner of SW 79 Avenue and SW 66 Street containing two (2) single-family residences. The submitted plans depict the existing residences located on abutting parcels with the existing gate and fences. The area surrounding the subject property is primarily characterized by single-family residences on similar sized parcels as well as a cemetery located to the north.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicants to permit the existing residences with reduced setbacks and a reduced curvilinear frontage. Additionally, approval will allow the continued use of the existing fence and gate within the right-of-way. Although the existing additions provide the applicants with additional lot area, staff opines that it may currently have a minimal visual impact on the surrounding area and may impact traffic on the abutting right-of-way.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential*

densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per acre. Staff notes that because this application will not generate any additional residential units, approval with conditions of the requests is **consistent** with the density requirement of the CDMP.

ZONING ANALYSIS:

When requests #1 through #5 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Additionally, staff opines that the approval of the application would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations.

Lot 1 of the subject parcel which is located at 6550 SW 79 Avenue currently fronts onto SW 79 Avenue and separates the parcel from Lot 2 that is located to the east. The applicants' letter of intent states that the purpose of the application is to comply with replat and road closure applications filed with the Public Works and Waste Management Department. The proposed road closure will result in the refacing of Lot 1 of the subject property from fronting onto SW 79 Avenue to now front onto SW 66 Street to the south. As a result, the original interior side (north) property line of the existing single-family residence will now become the rear (north) property line. Approval of the replat and refacing of Lot 1 will cause the existing residence to encroach 7.7' into the rear (north) setback area (request #1). Additionally, the refacing of the parcel that will result from the road closure will create a substandard curvilinear frontage for the existing residence onto SW 66 Street (request #2). Staff notes that the residence is existing and although the curvilinear frontage will be new, the approval of the aforementioned requests will not create any new visual impacts that will be detrimental to the surrounding residences.

In addition, staff opines that the existing fence encroaching into the right-of-way at the intersection of 79 Avenue and SW 66 Street (request #3), will not create a hazard to traffic in this area. Instead, staff opines that the fence which is a noticeable, visual impediment that will forewarn motorists of the closure of the approximately 300' long portion of SW 79 Avenue going north from SW 66 Street that ends in a cul-de-sac at the cemetery. Further, since the existing roadway only served the subject parcel and the contiguously owned parcel, Lot 2, located to the east and does not provide connectivity to any other roadway, staff opines that the closure of the roadway may improve the traffic flow on the abutting roadways, SW 66 Street and SW 79 Avenue, by reducing unnecessary vehicular traffic along this portion of SW 79 Avenue. As such, staff opines that the approval of requests #1 through #3 would not be detrimental to the character of the surrounding residential neighborhood.

When request #4, to permit the fence within the safe-sight triangle at the driveway entrance and requests #5 to permit both Lot 1 and Lot 2 with the 8' high gate and columns where a maximum of 6' is permitted are similarly analyzed under the Non-Use Variance (NUV) Standards, staff opines that approval of these requests would not be detrimental to the surrounding neighborhood and would not have a negative visual impact on same. Staff notes that the existing gate and columns are a part of the fence that is the subject of request #3. In staff's opinion, the existing fencing to include the 8' high columns provides the residences with added curb appeal while providing a visual deterrence to traffic trying to access this portion of SW 79 Avenue. In addition, staff opines that the wrought iron fence allows adequate visibility for cars entering or leaving the residence from the safe sight triangle area. Staff also notes that the Public Works and Waste Management Department does not object to request #4. However,

staff notes that approval of this application is conditional on the applicants obtaining approval of a road closing petition. **As such, staff recommends approval with conditions of requests #1 through #5 under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b) (NUV).**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan " as prepared by Manuel Felipe, Professional Land Surveyor, "Floor Plan" by J. Bonfill & Assoc. Inc. and "Fence Gate Site Plan" by American Services of Miami, Corp. consisting of 3 sheets dated stamped received 1/27/12. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants comply with all applicable conditions and requirements of the Department of Public Works and Waste Management, including obtaining approval of a road closing petition for SW 79 Avenue.

ES:MW:NN:AN:CH



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department
of Regulatory and Economic Resources

NDW

ZONING RECOMMENDATION ADDENDUM

Juan Carlos and Margarita Fernandez
Z11-046

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Environmental Division, Regulatory and Economic Resources	No objection*
Public Works and Waste Management	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Estate Density Residential (Pg. I-31)</p>	<p><i>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.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>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.</i></p>
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A. JUAN CARLOS & MARGARITA FERNANDEZ
(Applicant)

12-7-CZ12-1 (11-046)
Area 12/District 07
Hearing Date: 10/09/12

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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None

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

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

#1

APPLICANT'S NAME: **JUAN CARLOS & MARGARITA FERNANDEZ**

REPRESENTATIVE: Antonio Toledo

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
12-7-CZ12-1 (11-046)	July 31, 2012	CZAB12 12

REC: Approved with conditions.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: October 9, 2012 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 at Board's request to see whether the Board of County Commissioners will grant
 the applicant's request for a road closing.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR			X
COUNCILMAN	M	Anthony PETISCO	X		
COUNCILMAN		Alberto SANTANA			X
VICE CHAIRMAN		Jose I. VALDES	X		
COUNCIL WOMAN	S	Angela VAZQUEZ		X	
COUCILMAN		Elliot N. ZACK	X		
CHAIRMAN		Jorge Luis GARCIGA		X	
VOTE:			3	2	

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

Memorandum

Date: May 13, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2011000046
Juan Carlos and Margarita Fernandez
6550 S.W. 79th Avenue
To Permit an Existing Fence Setback Less than Required from Property
Lines and to Permit the Existing Residence Setback Less than Required
from Property Lines
(EU-1) (1 Acres)
27-54-40

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 is not available to the subject property. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters and any other source of contamination.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. 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. Based on available information, the proposed single family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

Stormwater Management

The proposed change will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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

According to the site plan submitted with this zoning application, the proposal to permit an existing fence and residence setback will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

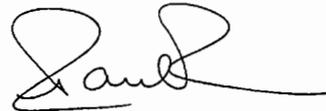
PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: JUAN CARLOS & MARGARITA FERNANDEZ

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required 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-JUN-11

Memorandum



Date: June 13, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.N.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000046: Fernandez Residence

Application Name: Fernandez Residence

Project Location: The site is located at 6550 SW 79th Avenue, Miami-Dade County.

Proposed Development: The applicant is requesting non-use variances to permit 1) a reduction to the required rear yard setback; 2) a card reader post and encroachment into the r/w of SW 79th Avenue; 3) driveway gate; and 4) variance of the safe-site distance triangle for an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 16-MAY-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2011000046

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2011000046
 located at 6550 SW 79 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1714 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:12 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 13 - East Kendall - 6000 SW 87 Avenue BLS 75' Ladder, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 18-MAY-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

JUAN CARLOS & MARGARITA
FERNANDEZ

6550 SW 79 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000046

HEARING NUMBER

HISTORY:

Enforcement History :11-46

Applicant: Juan Carlos & Margarita Fernandez

Location: 6550 SW 79 Ave

Folio Number: 3040270040090 , 3040270052181

Enforcement History: NC: No open cases. BNC: Folio 3040270040090 BSS case 20080121078-B opened on April 23, 2008 against contractor on file. Civil Violation Notice B048358 issued on April 23, 2008 for expired permit 2007056009. A referral was made on July 17, 2009 to Building Code Compliance Office for performing work outside of the scope of work of the permit. Final Notice of Intent to Lien was issued on July 30, 2009. Due to non compliance Lien was recorded on October 21, 2009. CVN was paid on August 6, 2010. Case remains open in non compliance.

BSS case 2006097206-B opened on March 27, 2006. Notice of Violation issued on April 5, 2006 for Failure to obtain building permit(s) prior to commencing work on: concrete fence/gate with underground electrical work. Civil Violation Notice 964418 issued on June 21, 2006. CVN 964418 was voided on August 31, 2006 and new CVN 991589 issued with updated pictures. CVN paid May 4, 2007. Final Notice of Intent to Lien issued on July 30, 2009. Due to non compliance, lien was recorded on October 21, 2009, case remains open.

BSS case A2008002490-X opened on March 12, 2008. Notice of Violation issued on March 12, 2008 for expired permit 2007056009. Civil Violation Notice B0448357 issued on June 30, 2008. CVN was paid on March 2, 2010. Final Notice of Intent to Lien was issued on April 6, 2010. Due to non compliance lien recorded on December 7, 2011. Case remains open.

BSS case 20090130789-B opened on June 16, 2009. Notice of Violation issued on June 16, 2008 for Failure to obtain required building permit(s) prior to commencing work on: surveillance camera(s) without permits. Civil Violation Notice (CVN) B089295 issued February 1, 2010. CVN paid on February 18, 2010. Final Notice of Intent to Lien issued on September 10, 2010. Final letter to comply issued on March 16, 2012, case remains open.

BSS case A2011002875-X opened on June 11, 2011. Notice of Violation issued on June 11, 2011

for expired permit 2010050543. Civil Violation Notice P005378 issued on September 19, 2011. Due to non compliance Final Notice of Intent to Lien was issued on April 9, 2012. Case remains open. Folio 3040270052181 BSS case 20080121117-B opened on April 24, 2008. Notice of Violation issued on April 24, 2008 for failure to obtain required building permit(s) prior to commencing work on: installation of concrete columns and metal fence without permits and onto the public area. Civil Violation Notice B048360 issued on April 28, 2008. Final Notice of Intent to Lien issued on October 29, 2008. Lien was recorded on January 22, 2009. Case remains open.

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



Date: July 2, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Ramiro Martinez, Zoning Services Inspector
Department of Permitting, Environment and Regulatory Affairs

Subject: Hearing Application Process No. Z2011000046 – 6550 SW 79 AVE

A site inspection conducted at 6550 SW 79 AVE for the above-referenced hearing application revealed a parcel of land consisting of two residential lots zoned EU-1. The gate located at the main entrance to the property was locked making the property inaccessible. However, an aerial view from Google Earth shows that all the improvements on the property are depicted correctly on the site plan submitted for hearing with the exception of one structure which appears to be located too close to the north, rear property line of lot 2. Applicant must remove this structure or revise the site plan to include it in the variance.

For the exception of the violations that were already noted in this report and in BNC's enforcement letter, there were no the other violations observed.

METAL FENCE AND GATE SITE PLAN FOR FERNANDEZ ESTATES

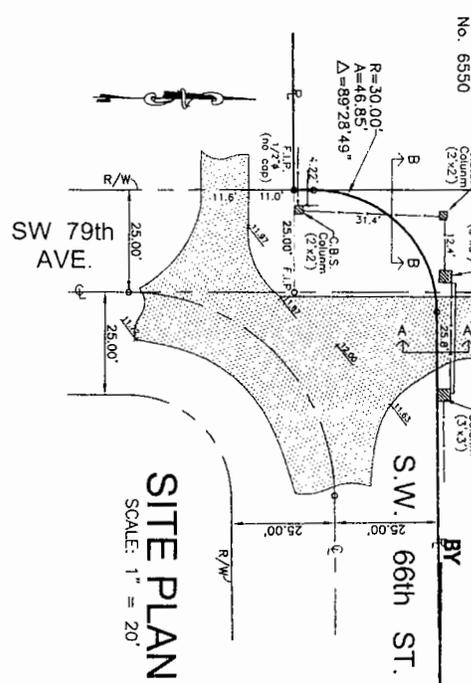
RECEIVED
 Z 11-0410
 JAN 27 2012

Lot 5
 (PB 40-Pg 95)
 No. 6550

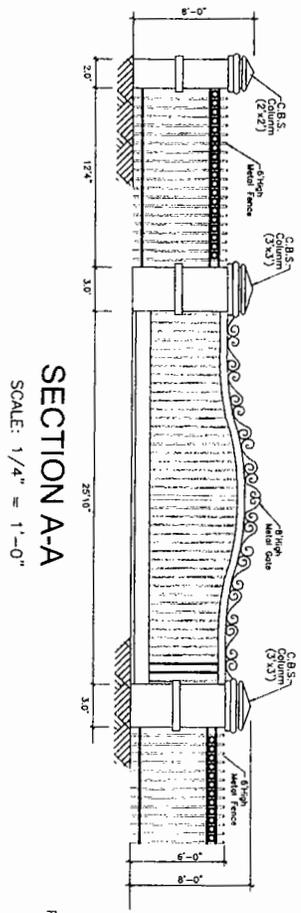
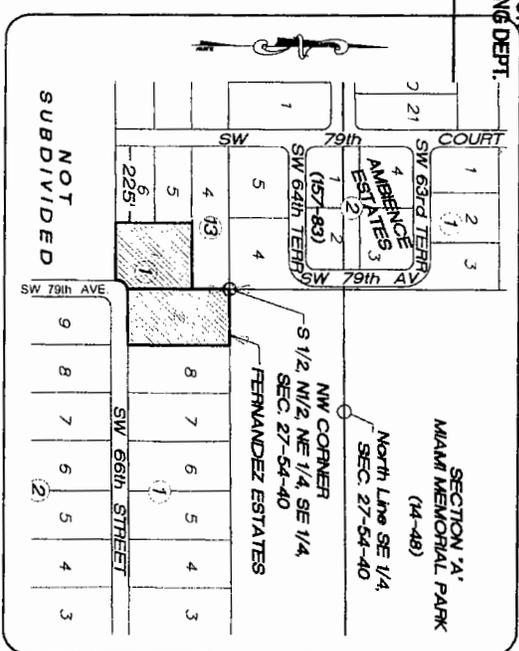
Lot 9, Blk. 1
 (PB 56-Pg 25)
 No. 7895

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

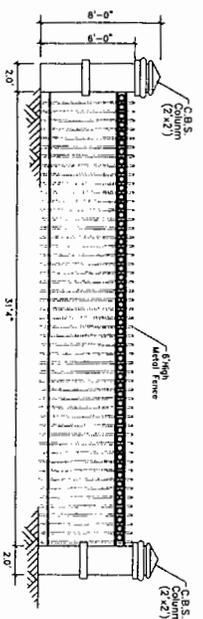
LOCATION MAP
 SCALE: NTS



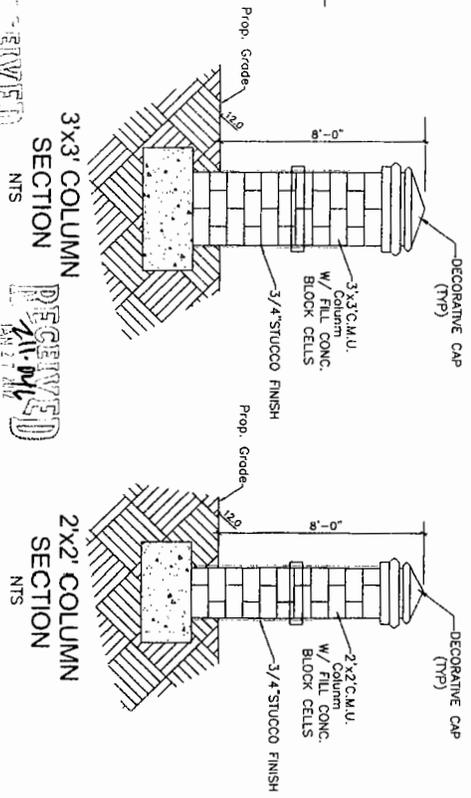
SITE PLAN
 SCALE: 1" = 20'



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



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

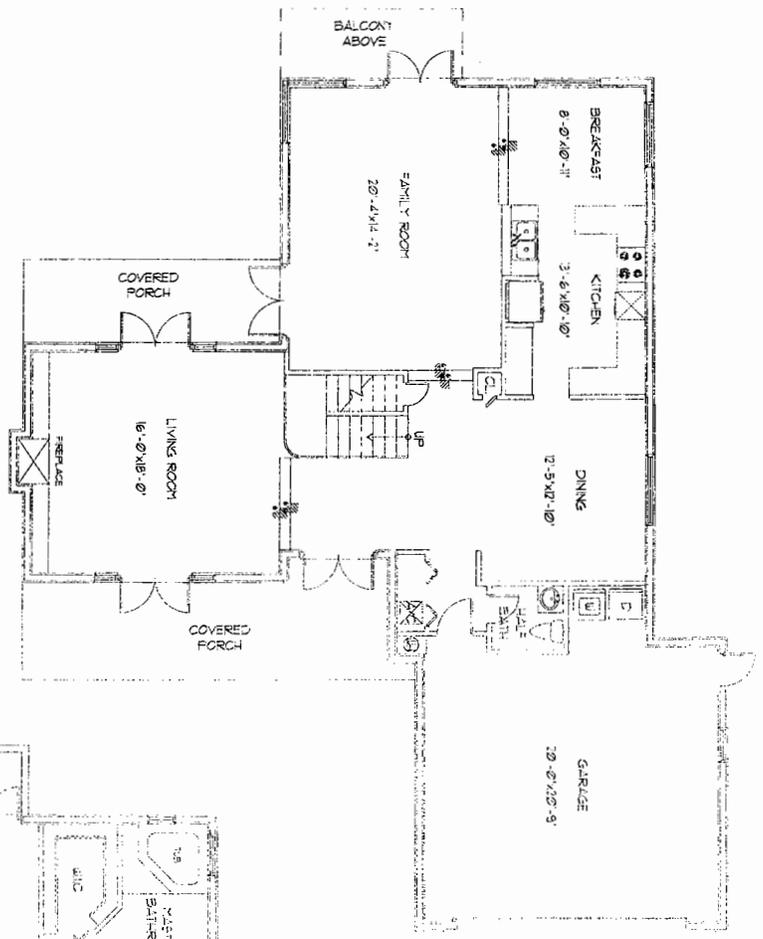


American Services of Miami, Corp.
 Consulting Engineers, Planners, Surveyors
 9360 S.W. 72nd Street, Suite 200
 Miami, FL 33156
 Phone: (305) 595-8272
 Fax: (305) 595-8272
 www.americanmiami.com

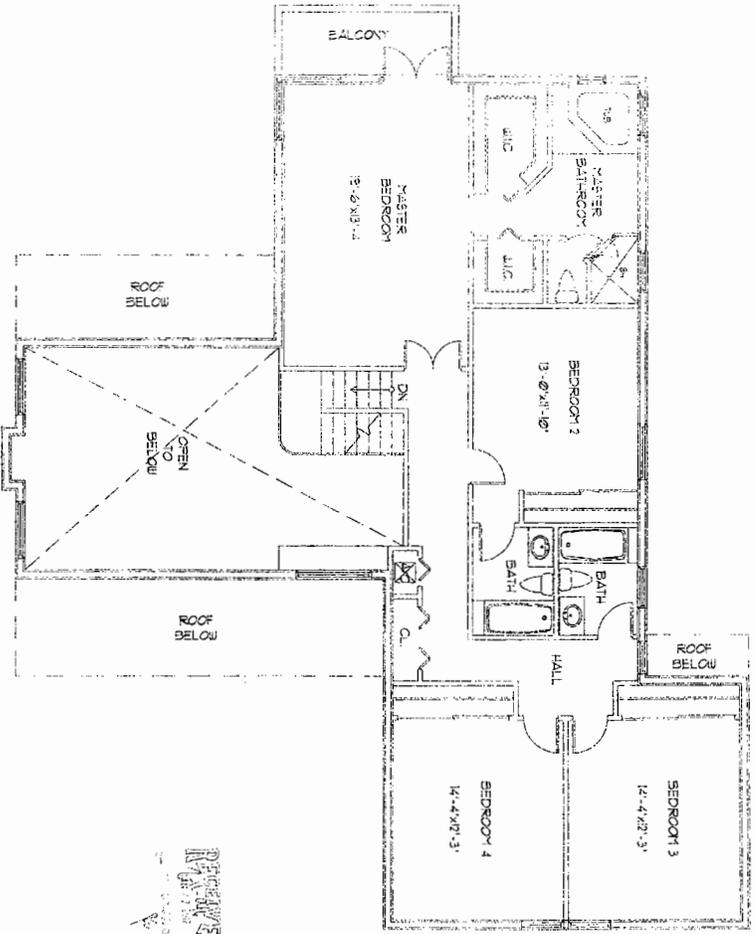
SITE ADDRESS: 6550 SW 79th Ave. / 7895 SW 66th St., Miami FL
 JOB NUMBER: 12-313
 DATE OF SURVEY: MARCH 3, 2012

See drawings for full details of construction of fence, gate and metal and wood as specified.

FIRST FLOOR PLAN



SECOND FLOOR PLAN



RECEIVED
 JAN 27 2012

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

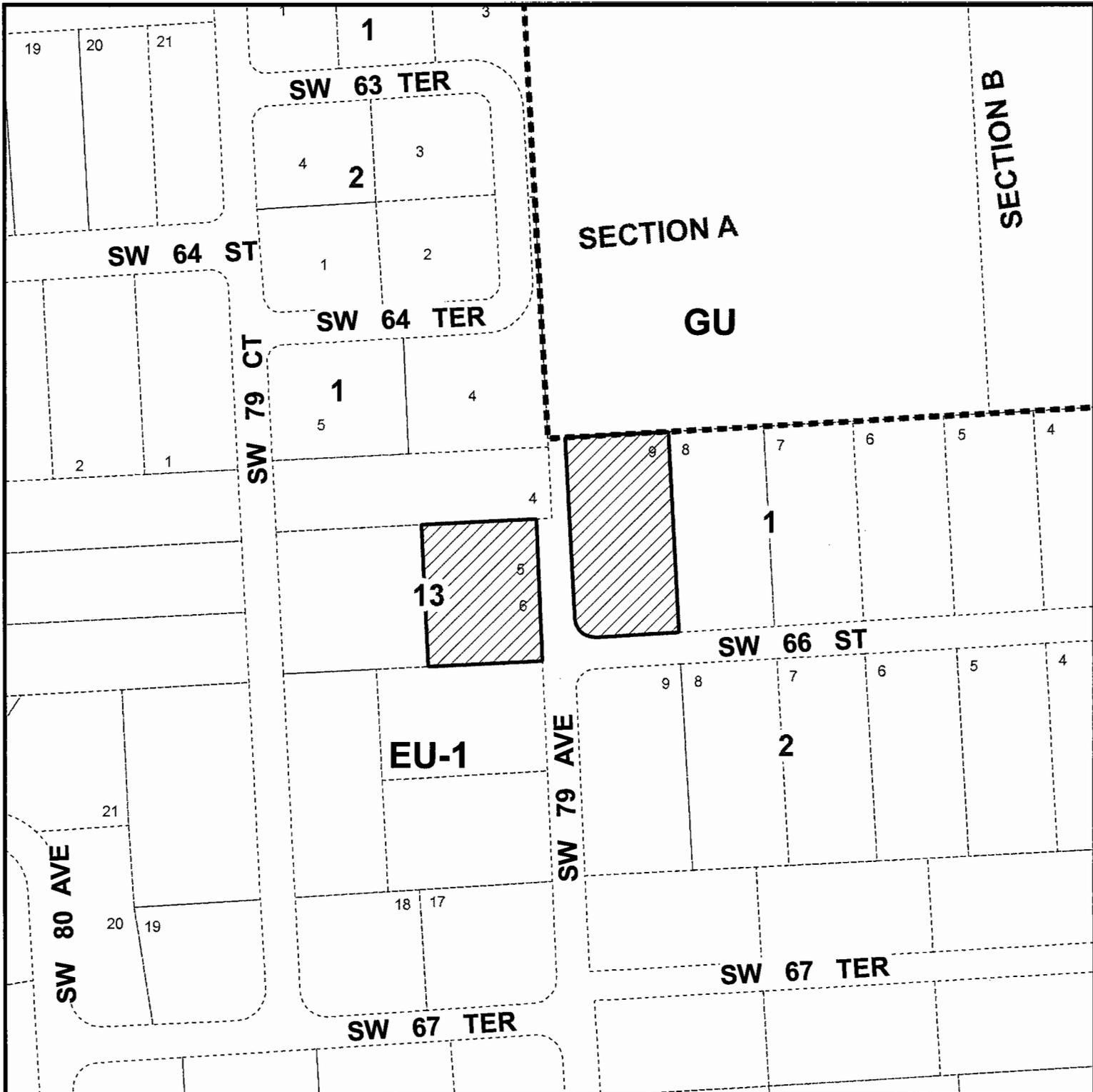
RECEIVED
 JAN 27 2012

FLOOR PLAN FOR
FERNANDEZ RESIDENCE
 6550 SW 79 Avenue Miami, Florida

J. Bonfill & Associates, Inc.
 Registered Architects AA C002050
 7100 S.W. 99th Avenue Suite 104
 Miami, Florida 33173 (305) 598-8383
 Jacqueline Bonfill Cee AR0013685



DATE	04-27-11
DESIGNER	TERESA WOOD
DRAWN	H.T.
CHECKED	J.M.C.
SCALE	AS SHOWN
SHEET	A-2
OF 2	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000046



Section: 27 Township: 54 Range: 40
 Applicant: JUAN CARLOS & MARGARITA FERNANDEZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, March 7, 2012

REVISION	DATE	BY
	19	



MIAMI-DADE COUNTY

Process Number

AERIAL YEAR 2009

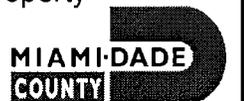
Z2011000046



Section: 27 Township: 54 Range: 40
 Applicant: JUAN CARLOS & MARGARITA FERNANDEZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

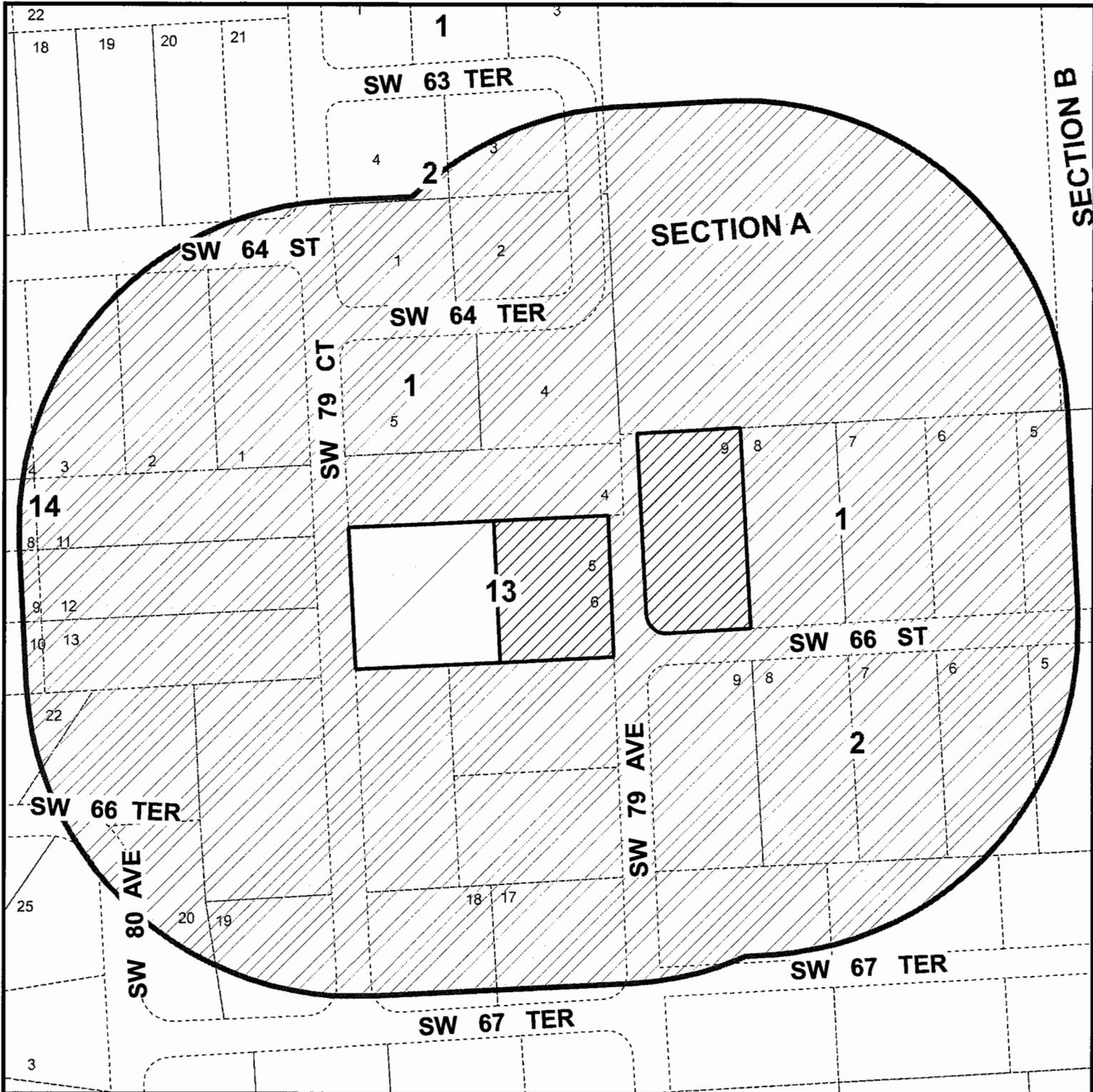
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, March 7, 2012

REVISION	DATE	BY
		201



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2011000046
RADIUS: 500

Section: 27 Township: 54 Range: 40
Applicant: JUAN CARLOS & MARGARITA FERNANDEZ
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Wednesday, March 7, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-052 (12-09-CZ12-2)

October 9, 2012
Item No. B

Recommendation Summary	
Commission District	8
Applicant	Raul and Evelyn Marrero
Summary of Requests	The applicants are seeking to rezone the subject property from EU-1 to EU-M.
Location	8395 SW 96 Street, Miami-Dade County, Florida.
Property Size	159.87' x 290.79'
Existing Zoning	EU-1
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Estate Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice

This application was deferred from the September 5, 2012 meeting due to a lack of time.

REQUEST:

DISTRICT BOUNDARY CHANGE from EU-1 to EU-M

PROJECT DESCRIPTION: Existing approximately 3,123 sq. ft. single-family residence

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential (1 - 2.5 dua)
North	EU-1; single-family residence	Estate Density Residential (1 - 2.5 dua)
South	EU-M; single-family residences	Estate Density Residential (1 - 2.5 dua)
East	EU-1; single-family residence	Estate Density Residential (1 - 2.5 dua)
West	EU-1; single-family residence	Estate Density Residential (1 - 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is a corner lot developed with an existing single-family residence, located at 8395 SW 96 Street. The surrounding area is characterized single-family residential uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the subject property from EU-1 to EU-M. Additionally, approval will allow the construction of an additional residential unit on the

newly subdivided lot. However, the rezoning will result in smaller lot sizes along this block face and could negatively impact the character of the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Estate Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* The approval of the request sought in this application will allow the applicants to rezone the approximately 46,488 sq. ft. subject property from EU-1, Single Family One Acre Estate District to EU-M, Estate Modified District. The EU-M district allows single-family residences on lots with 15,000 sq. ft. net area. Staff notes that the lots along the same block face as the subject property vary in size from the smallest 39,639 sq. ft. located to the largest 57,934 sq. ft. located to the east on the corner of SW 83 Avenue and SW 96 Street. Staff opines that the request is within the density range of the Estate Density Residential category and **consistent** with the Estate Density Residential CDMP LUP map designation.

ZONING ANALYSIS:

When the applicants' request to rezone the 46,488 sq. ft. parcel to EU-M, Single-Family Modified Estate District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an adverse impact on the environment, the natural resources, or the economy of the County. Staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in memoranda from the Public Works and Waste Management Department. Additionally, staff notes that the memorandum from the Environmental Division of the Department of Regulatory and Economic Resources indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an adverse impact on the natural resources of Miami-Dade County. Notwithstanding the aforementioned and the memoranda from the reviewing departments, staff opines that approval of this application is **incompatible** with the surrounding area, more specifically the parcels that front along the same block face and the adjacent parcels to the north.

Staff notes that the boundary survey submitted with the application depicts an existing single-family residence with a swimming pool and three (3) accessory structures located to the rear of the principle structure. Staff opines that if the parcel is to be subdivided the current location and configuration of the structures could result in the newly subdivided parcels needing variances in order to develop the new parcel with a single-family residence.

While staff found approvals for district boundary changes in the surrounding area, staff opines that this application differs and approval would be incompatible with the abutting and adjacent properties that remain EU-1. The request for a district boundary change for a property located approximately 320' to the northeast of the subject property was denied pursuant to Resolution No. CZAB 12-3-09; staff notes that the resolution indicated that the request would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for development of Miami-Dade County, Florida. However, the applicant appealed the Community Zoning Appeals Board 12 decision to the Board of County Commissioners which ultimately approved the requested district boundary change from EU-1 to

EU-M, pursuant to Resolution No. Z-17-09. Staff opines that the location of that property on a corner that faced EU-M lots to the east and north provides a transition to the remaining EU-1 parcels in the same block.

Further, staff notes that properties located approximately 52' and 350' to the northwest of the subject property were granted approval for district boundary changes from EU-1, Single Family One Acre Estate District to EU-S, Estate Use Suburban (minimum size of 25,000 sq. ft. gross) pursuant to Resolution Nos. Z-34-88 and Z-10-92, respectively. It should be noted that both applications originally requested district boundary changes from EU-1 to EU-M but were granted EU-S in lieu of. Staff notes that the approved EU-S properties abut EU-M to the west and face EU-M to the north; however the properties abut EU-1 to the south and face EU-1 to the east. In staff's opinion the location provides a transition from the western EU-M zoned properties to the remaining EU-1 properties to the east.

Staff is of the opinion that the location of the subject property is not transitional and would disrupt the EU-1 development pattern of the block face along SW 96 Street. As previously mentioned, the three (3) parcels to the east along the same block face range in size from over 39,000 sq. ft. to over 57, 000 sq. ft. and the two (2) abutting parcels to the north are over 42,000 sq. ft. and over 50, 000 sq. ft. If the district boundary change to EU-M is approved, the resulting parcels will be approximately 23,000 sq. ft., at least 13,000 sq. ft. smaller than the smallest lot and 34,000 sq. ft. smaller than the largest lot along the same block face. Staff also notes that due to the location of this parcel which is surrounded by EU-1 parcels on three (3) sides, this application could lead to other applications that seek similar requests which would disrupt this pocket of one (1) acre lots in this area of Miami-Dade County. Therefore, staff opines that approval of the district boundary change to EU-M will be **incompatible** with the surrounding area. **As such, staff recommends denial without prejudice of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION:

Denial without prejudice

CONDITION FOR APPROVAL:

None

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NAN

ZONING RECOMMENDATION ADDENDUM

*Raul and Evelyn Marrero
12-052*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Environmental Management Resources (RER)	No objection
Public Works & Waste Management	No objection
Parks	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Estate Density Residential	<i>The Adopted 2015 and 2025 Land Use Plan designates the 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 dwelling units per gross acre.</i>
-----------------------------------	--

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>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;</i> (2) <i>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;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary</i>
--	---

ZONING RECOMMENDATION ADDENDUM

*Raul and Evelyn Marrero
12-052*

	<p><i>public facilities which have been constructed or planned and budgeted for construction;</i></p> <p><i>(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.</i></p>
--	--

B. RAUL & EVELYN MARRERO
(Applicant)

12-9-CZ12-3 (12-052)
Area 12/District 08
Hearing Date: 10/09/12

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1955	Bay Glades Civic Association	- Zone change from AU, GU, RU-1 to EU-1.	BCC	Approved

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

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

#2

APPLICANT'S NAME: **RAUAL & EVELYN MARRERO**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-9-CZ12-2 (12-052)	September 5, 2012	CZAB12	12

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: October 9, 2012 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
COUNCILMAN		Anthony PETISCO	X		
COUNCILMAN		Alberto SANTANA	X		
VICE CHAIRMAN	M	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
COUCILMAN	S	Elliot N. ZACK	X		
CHAIRMAN		Jorge Luis GARCIGA	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **THOMAS ROBERTSON**

Memorandum



Date: April 9, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

Subject: C-12 #Z2012000052
Raul Marrero
8395 SW 96 Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.04 Acres)
03-55-40

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

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area of the Alexander Orr wellfield complex. Development of the subject property shall be in accordance with the regulations established in Section 24.43 of the Code.

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

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. The Department has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 23-43.1(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

The proposed district boundary change will not affect the existing stormwater management system.

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 trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/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. The Department 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 the Tree Program for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: RAUL & EVELYN MARRERO

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

15-MAY-12

Memorandum



Date: May 4, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Planning Department

Subject: Z2012000052: RAUL & EVELYN MARRERO

Application Name: RAUL & EVELYN MARRERO

Project Location: The site is located at 8395 SW 96 ST., Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from EU-1 to EU-M. The potential increase in residential units is expected to be limited to 2 additional units on the 1.04 acre lot.

Impact and demand: This application is located in Park Benefit District 2, which has a surplus of 478.06 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

Memorandum



Date: 05-APR-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000052

Fire Prevention Unit:

No objection via Case # Z2012000052.

Service Impact/Demand

Development for the above Z2012000052
 located at 8395 SW 96 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1830 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:06 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 calculations.

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

DATE: 30-MAR-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

RAUL & EVELYN MARRERO

8395 SW 96 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000052

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No BSS open/closed cases.

Raul & Evelyn Marrero

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



Date: August 13, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2012000052

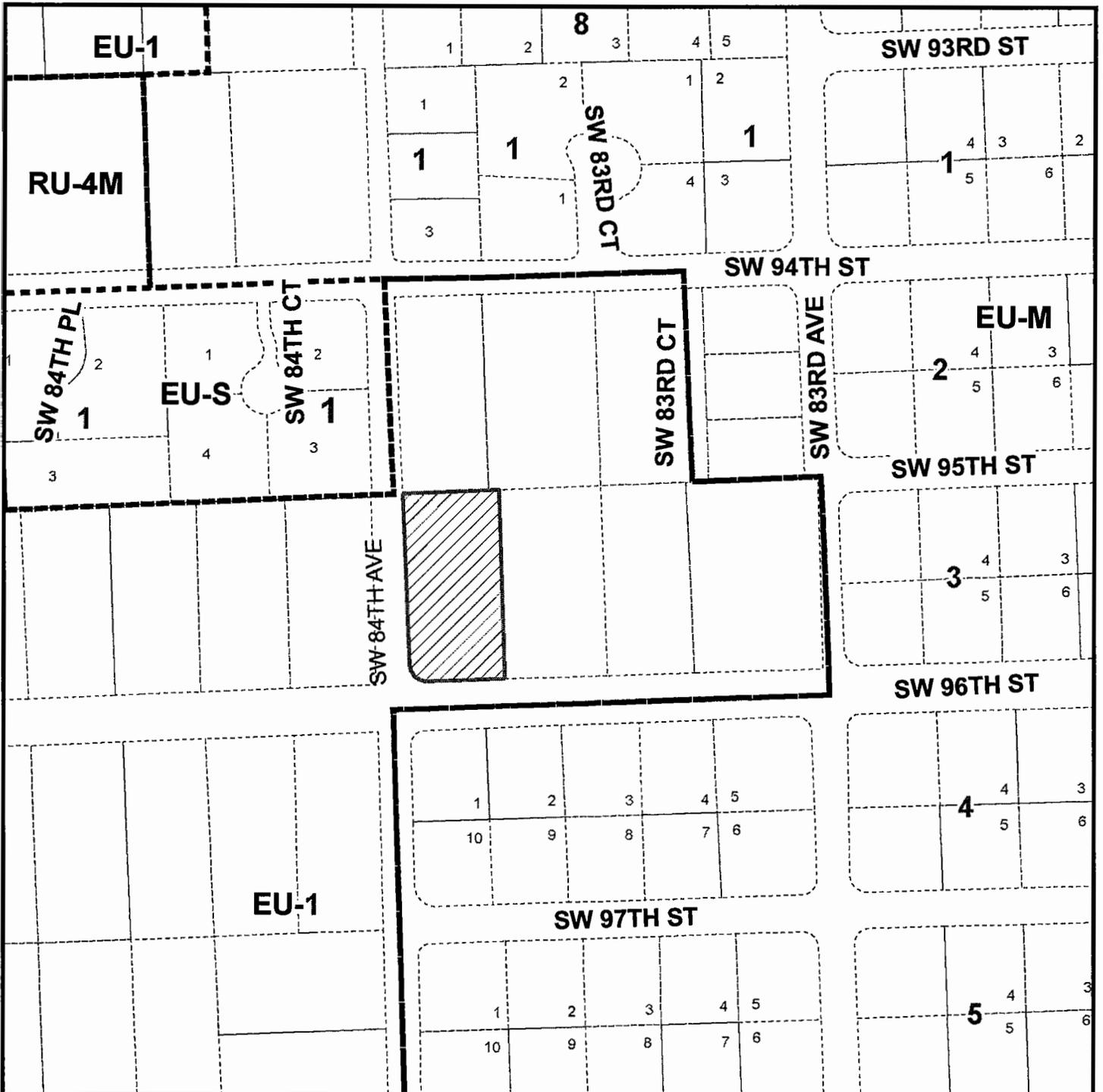
An inspection was conducted on August 13, 2012, at the residential property known as 8395 SW 96 Street. The property is a rental property and the tenant allowed me access to the property to conduct my inspection.

Possible zoning violations are a tiki hut and a shed in the rear of the property without permits. My research did not reveal a permit or process number for either structure. Neither structure is in the setbacks.

Per the appraisal's records, the Marrero's reside in Key Largo; however, I observed that homestead exemption is being claimed. I have referred this to the appraisal's office for further investigation.

If you have any questions or need further information, please let me know!

Francie Boellard



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000052



Section: 03 Township: 55 Range: 40
 Applicant: RAUL & EVELYN MARRERO
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, April 2, 2012

REVISION	DATE	BY
		15



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z201200052



Section: 03 Township: 55 Range: 40
 Applicant: RAUL & EVELYN MARRERO
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

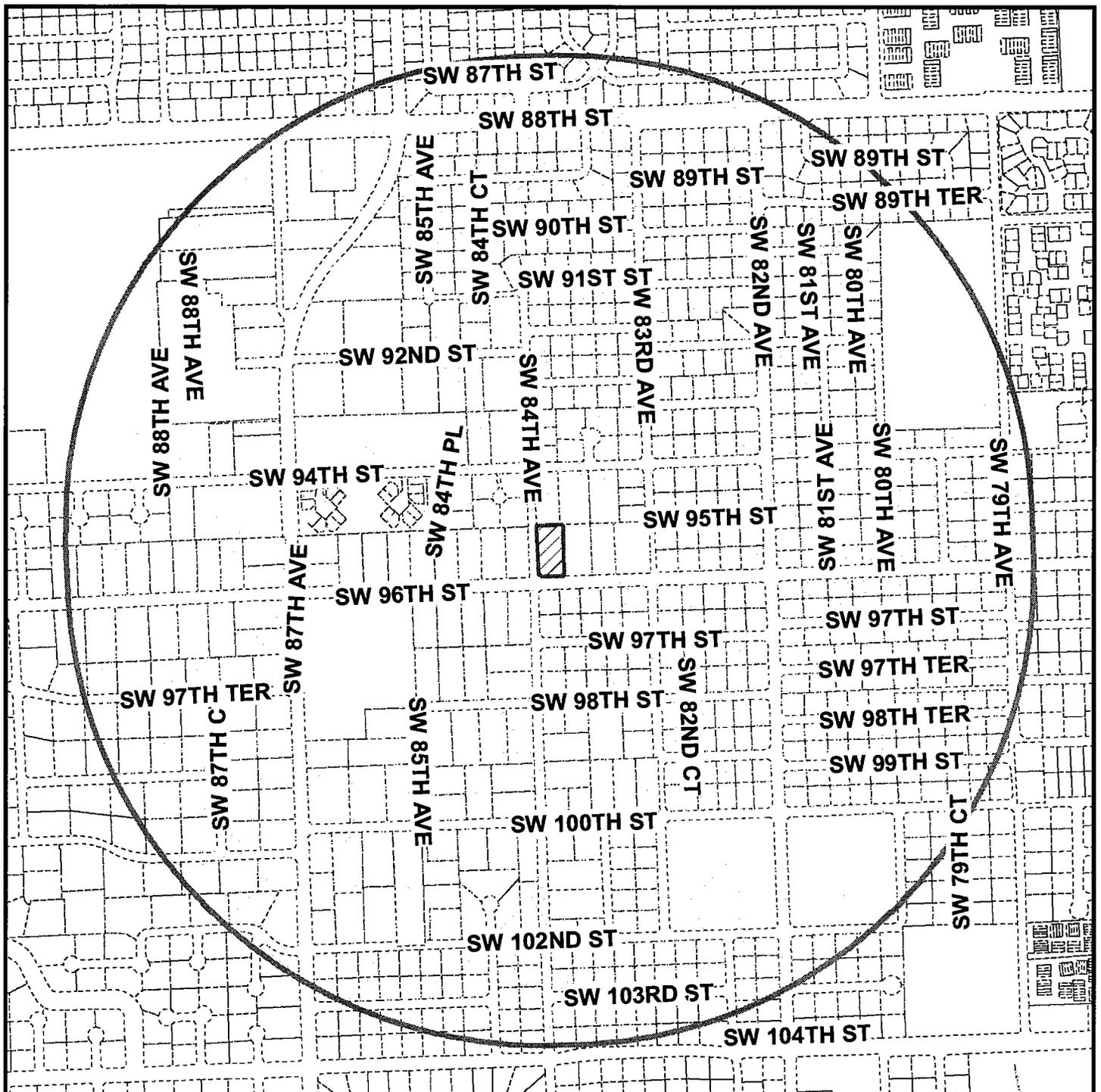
Legend

 Subject Property



SKETCH CREATED ON: Monday, April 2, 2012

REVISION	DATE	BY
		16



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number

Z2012000052

RADIUS: 2640



Section: 03 Township: 55 Range: 40
 Applicant: RAUL & EVELYN MARRERO
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Monday, April 2, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-048 (12-9-CZ12-1)

October 9, 2012

Item No. C

Recommendation Summary	
Commission District	7
Applicant	Lydia Manrique
Summary of Requests	The applicant is seeking to permit two (2) existing storage room additions to a single-family residence that encroach into the rear (east) and interior side (south) setback areas.
Location	6041 SW 93 Place, Miami-Dade County, Florida.
Property Size	13,822 sq. ft.
Existing Zoning	RU-1, Single-family Residential District
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions of request #2, denial without prejudice of request #1

This item was deferred from the September 5, 2012 meeting of Community Zoning Appeals Board (CZAB) 12 due to a lack of time.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing storage room addition to single family residence setback 8'-6" (25' required) from the rear (east) property line and setback 5' (7'-6" required) from the interior side (north) property line.
- (2) NON-USE VARIANCE to permit an existing seating room addition to the single family residence setback 6'-11" (7'-6" required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Storage Legalization for Manrique's Residence" dated stamped received 3/19/12 and sheet A-2 dated stamped received 7/6/12 for a total of 3 pages.

PROJECT DESCRIPTION:

The plan submitted depicts the existing 3,376.79 sq. ft. single family residence and the existing additions encroaching into the rear (east) and interior side (north and south) setback areas.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

South	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua) (1 to 2.5 dua)
East	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an irregularly shaped 0.32 acre interior lot located at the intersection of SW 93 Place and SW 61 Street in the RU-1, Single-Family Residential District. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to permit the existing additions to the residence. Although the existing additions provide the applicant with additional storage area, staff opines that it may have a minimal visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the requests sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold of Low Density Residential Communities map of the CDMP LUP map designation.

ZONING ANALYSIS:

When request #1 is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. Notwithstanding a similar approval of a request for a rear setback encroachment in 1992 on a property located to the south of the subject property at 9350 SW 62 Street pursuant to Resolution #4-ZAB-380-92, staff notes that there were no other approvals for encroachment into the rear setback area as intensive as is being requested herein. As such, staff opines that the requested 16'-6" encroachment into the rear (east) setback area along with a 2'-6" encroachment into the interior side (north) setback area is overly intensive and is out of character and **incompatible** with the surrounding properties. **Staff therefore, recommends denial without prejudice of request #1 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

However, when request #2 is similarly analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that the approval of request #2, to allow the existing seating room to setback 6'-11" where 7'-6"

is required from the interior side (south) property line is minimal, would not have a negative visual impact on the surrounding area or affect the stability and appearance of the community, and would be **compatible** with same. However, in staff's opinion, the existing floor plan for the single-family residence could be easily converted by future owners to allow multiple residential uses on the property. Therefore, staff recommends as a condition for approval of request #2 that the applicant provide a Declaration of Use that would restrict the property to a single family use only. Further, staff recommends that the exterior doors from the master bedroom and the seating room be removed and replaced with approved ingress/egress windows and that the existing storage room addition be demolished. **Staff therefore, recommends approval with conditions of request #2 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions of request #2 and denial without prejudice of request #1.

CONDITIONS FOR APPROVAL : (For request #2 only)

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Storage Legalization for Manrique's Residence" dated stamped received 3/19/12 and sheet A-2 dated stamped received 7/6/12 for a total of 3 pages except as herein amended to show the replacement of the exterior doors from the master bedroom and the seating room and the removal of the existing storage room encroaching into the rear (east) setback area. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the exterior doors from the master bedroom and the seating room be removed and replaced with approved ingress/egress windows.
5. That the existing storage room addition be demolished.
6. That the applicant submits a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

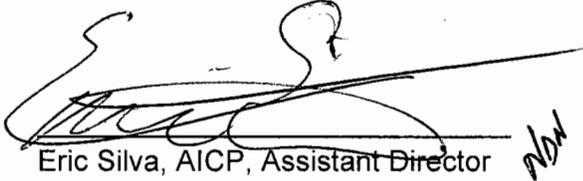
Lydia Manrique

Z12-048

Page | 4

7. That the applicant obtain a building permit for all non-permitted structures on the property when applicable from the Department of Regulatory and Economic Resources within 90 days after the appeal period deadline date.

ES:MW:NN:JC:CH

A handwritten signature in black ink, appearing to read 'Eric Silva', written over a horizontal line. To the right of the signature, the initials 'NSW' are written vertically.

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department
of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Lydia Manrique
Z12-048

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Environmental Division (RER)	No objection
Public Works and Waste Management	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Low-Density Residential (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>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</i></p>
--	--

C. LYDIA MANRIQUE
(Applicant)

12-9-CZ12-2 (12-048)
Area 12/District 07
Hearing Date: 10/09/12

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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None

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

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

#1

APPLICANT'S NAME: LYDIA MANRIQUE

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-9-CZ12-1 (12-048)	September 5, 2012	CZAB12	12

REC: Approval with conditions of request #2, denial without prejudice of request #1.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: October 9, 2012 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			
COUNCILMAN		Anthony PETISCO			
COUNCILMAN		Alberto SANTANA			
VICE CHAIRMAN	M	Jose I. VALDES			
COUNCIL WOMAN		Angela VAZQUEZ			
COUCILMAN	S	Elliot N. ZACK			
CHAIRMAN		Jorge Luis GARCIGA			

VOTE:

--	--

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

Memorandum 

Date: April 2, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

Subject: C-12 #Z2012000048
Lydia Manrique
6041 SW 93rd Place
Non Use Variance to Permit Less Setbacks than Required
(RU-1) (0.28 Acres)
28-54-40



The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Flood Protection

The application site lies within a Special Flood Hazard Zone with a base flood elevation of 8 ft NGVD as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The proposed legalization of addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. Non-substantial improvements are required at a minimum to match the elevation of the existing single family residence. Based on the survey provided with this submittal the addition has an elevation of 10.45 ft and the single family residence has an elevation of 10.45 which is in compliance with the Code.

Potable Water Service and Wastewater Disposal

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

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 for this proposed development order.

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

Stormwater Management

The storm water runoff from the storage areas must be retained on site, without causing any runoff into the abutting properties. Applicant may be required at the time of construction permit application, to demonstrate by calculation or grading details that there is adequate green area within the property to provide drainage to the storage areas, without causing any runoff into the adjacent properties.

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

According to the site plan submitted with this zoning application, the proposal to permit existing structures will not impact tree resources. However please be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24 of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LYDIA MANRIQUE

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

20-APR-12

Memorandum



Date: April 20, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Planning Department

Subject: Z2012000048: LYDIA MANRIQUE

Application Name: LYDIA MANRIQUE

Project Location: The site is located at 6041 SW 93 PL, Miami-Dade County.

Proposed Development: The applicant is requesting non-use variances for setbacks less than required on for an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 29-MAR-12
To: , Director
Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000048

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000048
located at 6041 SW 93 PL, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1671 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 13 - East Kendall - 6000 SW 87 Avenue
BLS 75' Ladder, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 23-MAR-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

LYDIA MANRIQUE

6041 SW 93 PL, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000048

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC: No open cases. BNC; BSS case A2012001586-X was opened on February 11, 2012. Case opened for expired permit 2010026097. Civil Violation Notice 650085 issued on February 16, 2012. Case still open.

Lydia Manrique

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



Date: August 20, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Ramiro Martinez, Zoning Services Inspector
Department of Regulatory and Economic Resources

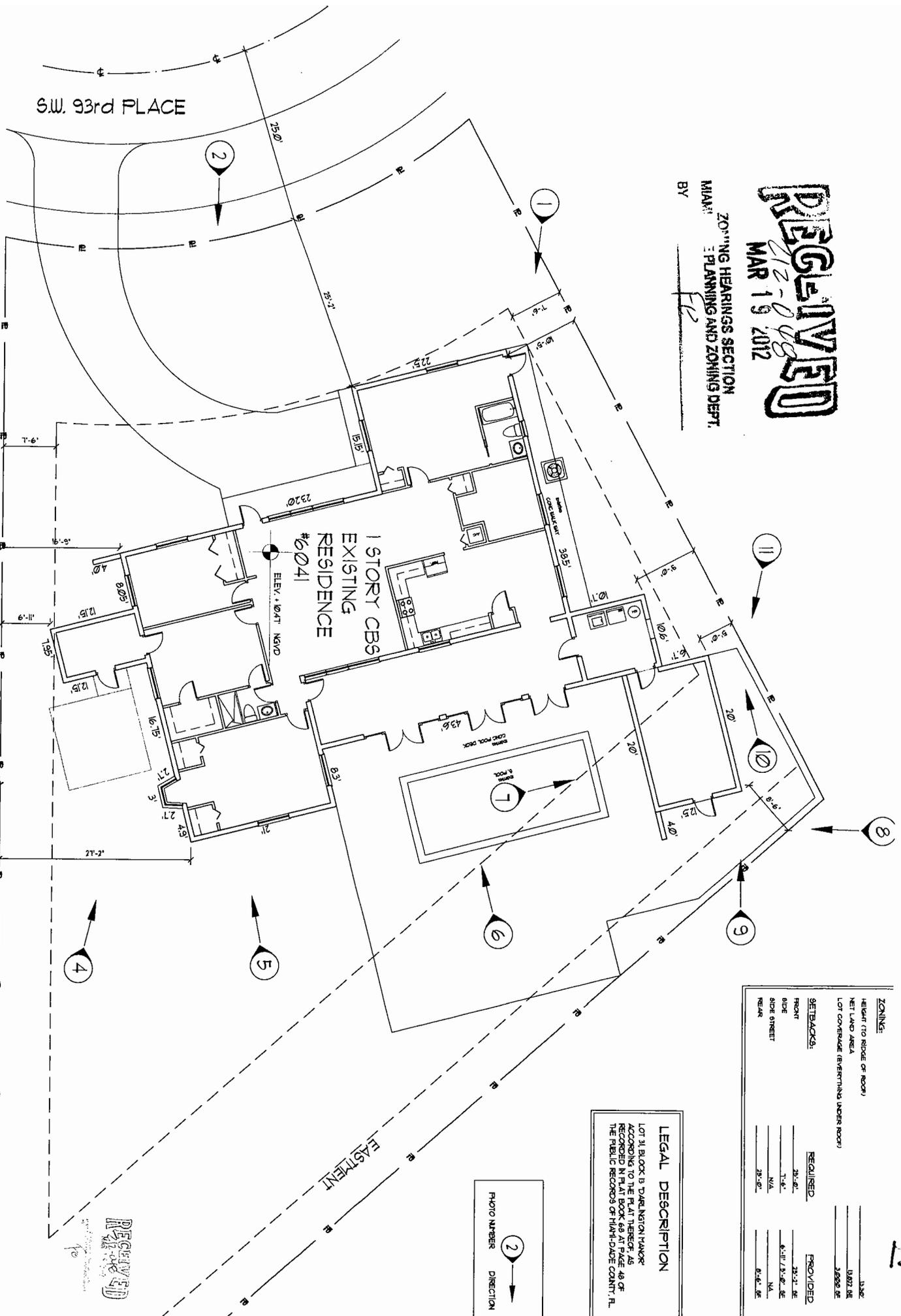
Subject: Hearing Application Process No. Z2012000048 – 6041 SW 93 PL

A site inspection conducted at the above-referenced property revealed a one story single-family residence with attached additions to the existing residence. One of the additions was being worked on under building permit no.2010-026097, which expired on October 31, 2011. All improvements have been depicted accurately on the survey. The subject property is an irregular, pie shaped lot in a RU-1 district, and all surrounding properties are developed by one story single-family homes.

Please refer to BNC's memo regarding all enforcement cases pertaining to this property and the status of the above-mentioned expired permit.

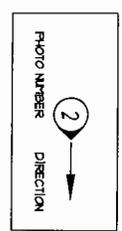
RECEIVED
 12-0-08
 MAR 19 2012

ZONING HEARINGS SECTION
 MIAMI PLANNING AND ZONING DEPT.
 BY *FP*



SITE PLAN
 ENLARGED SITE PLAN

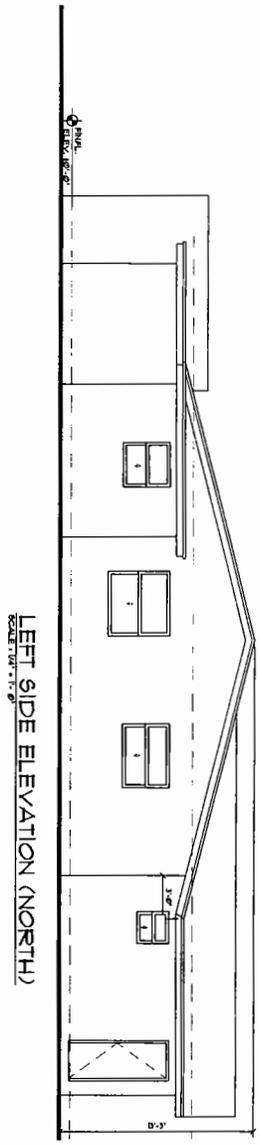
LEGAL DESCRIPTION
 LOT 31 BLOCK 13 DANLINGTON WALKER
 ACCORDING TO THE PLAT THEREOF, AS
 RECORDED IN PUBLIC RECORDS OF THE
 PUBLIC RECORDS OF MIAMI-DADE COUNTY, FL.



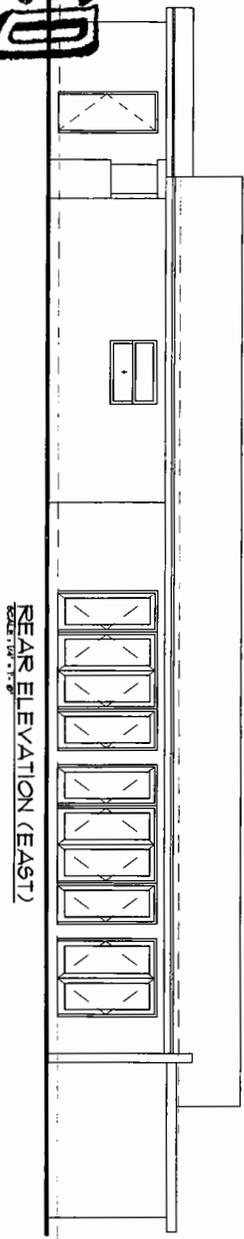
SETBACKS:		REQUIRED		PROVIDED	
FRONT	25'-0"	25'-0"	25'-0"	25'-0"	25'-0"
SIDE	7'-6"	7'-6"	7'-6"	7'-6"	7'-6"
REAR	25'-0"	25'-0"	25'-0"	25'-0"	25'-0"

RECEIVED
 713 - pde
 MAR 19 2012

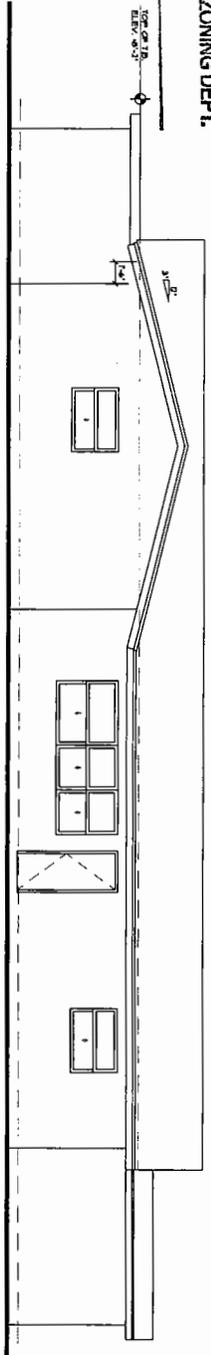
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY FB



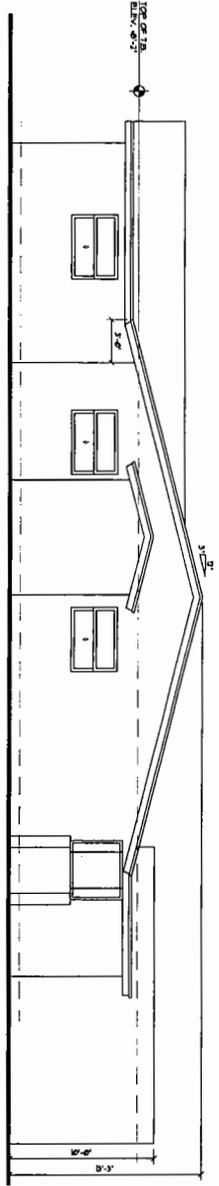
LEFT SIDE ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"



REAR ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"

A B C D E F G H



RECEIVED
 713 - pde
 MAR 19 2012

A-3
 A3
 11-017
 MAR 15-12



STORAGE LEGALIZATION FOR
MANRIQUE'S RESIDENCE
 6041 SW 93rd PLACE MIAMI, FL 33173
 OWNER: LYDIA MANRIQUE PHONE: (305) 446 4550

REVISIONS	

CONSULTANTS	REG. NO.	DISCIPLINE	DRAWN	TEL. NO.
N/A	N/A	CIVIL	N/A	N/A
N/A	N/A	STRUCTURE	N/A	N/A
N/A	N/A	Mechanical	N/A	N/A
N/A	N/A	ELECTRICAL	N/A	N/A
N/A	N/A	LANDSCAPE	N/A	N/A

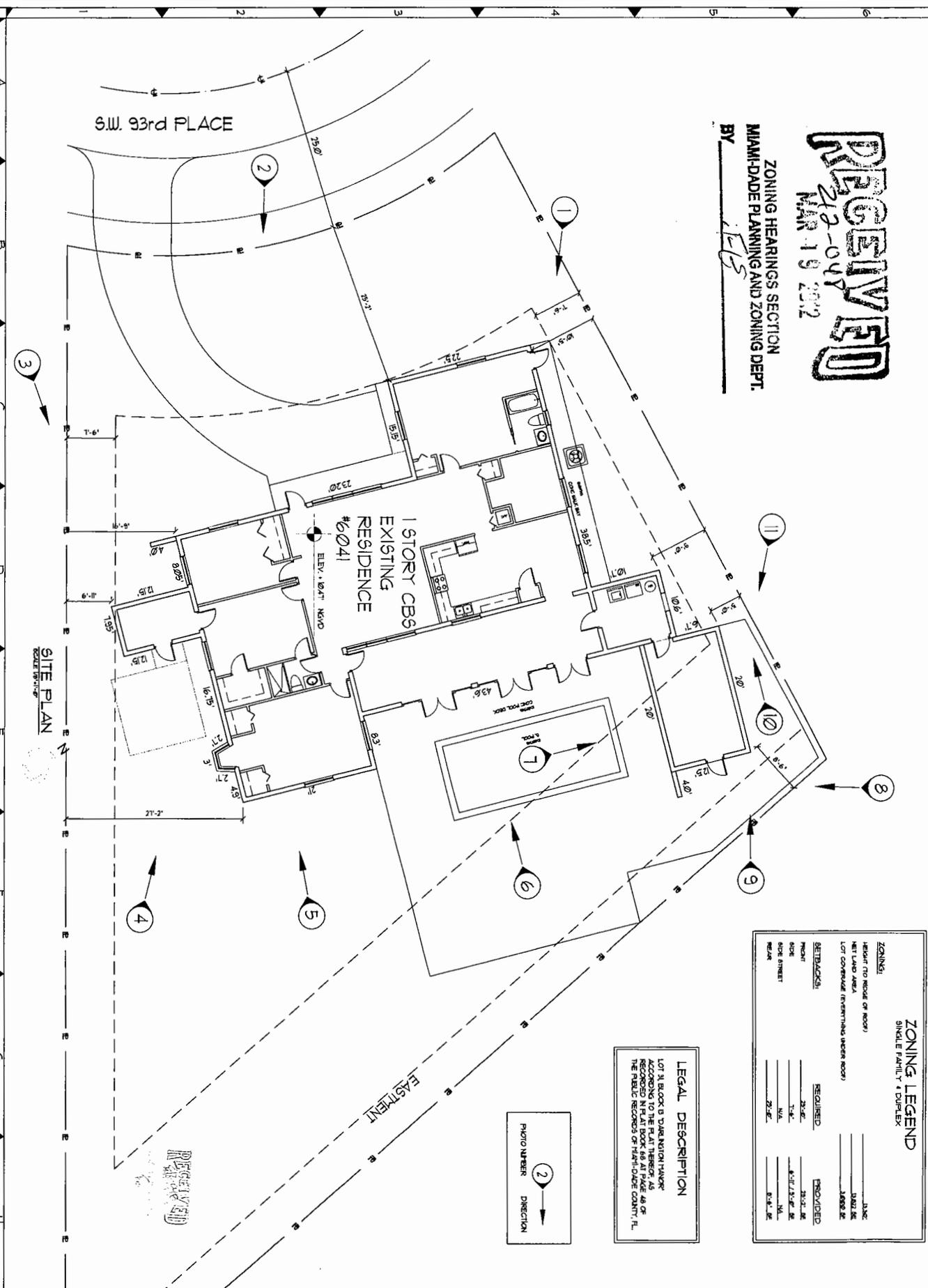
A. TAQUECHEL ASSOC., INC.
 ARCHITECTS - ENGINEERS - PLANNERS
 4348 S.W. 74th COURT, MIAMI FL 33155 TEL. (786) 265-0766
 AMARO TAQUECHEL R.A. LIC. No. AR-0054688 FL. AA-C002021
 e-mail: amarotaquechel@aol.com



16

RECEIVED
 212-047
 MAR 19 2012

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



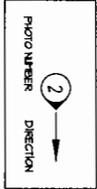
SITE PLAN
 SCALE 1/8" = 1'-0"

ZONING LEGEND
 SINGLE FAMILY 1 & DUPLEX

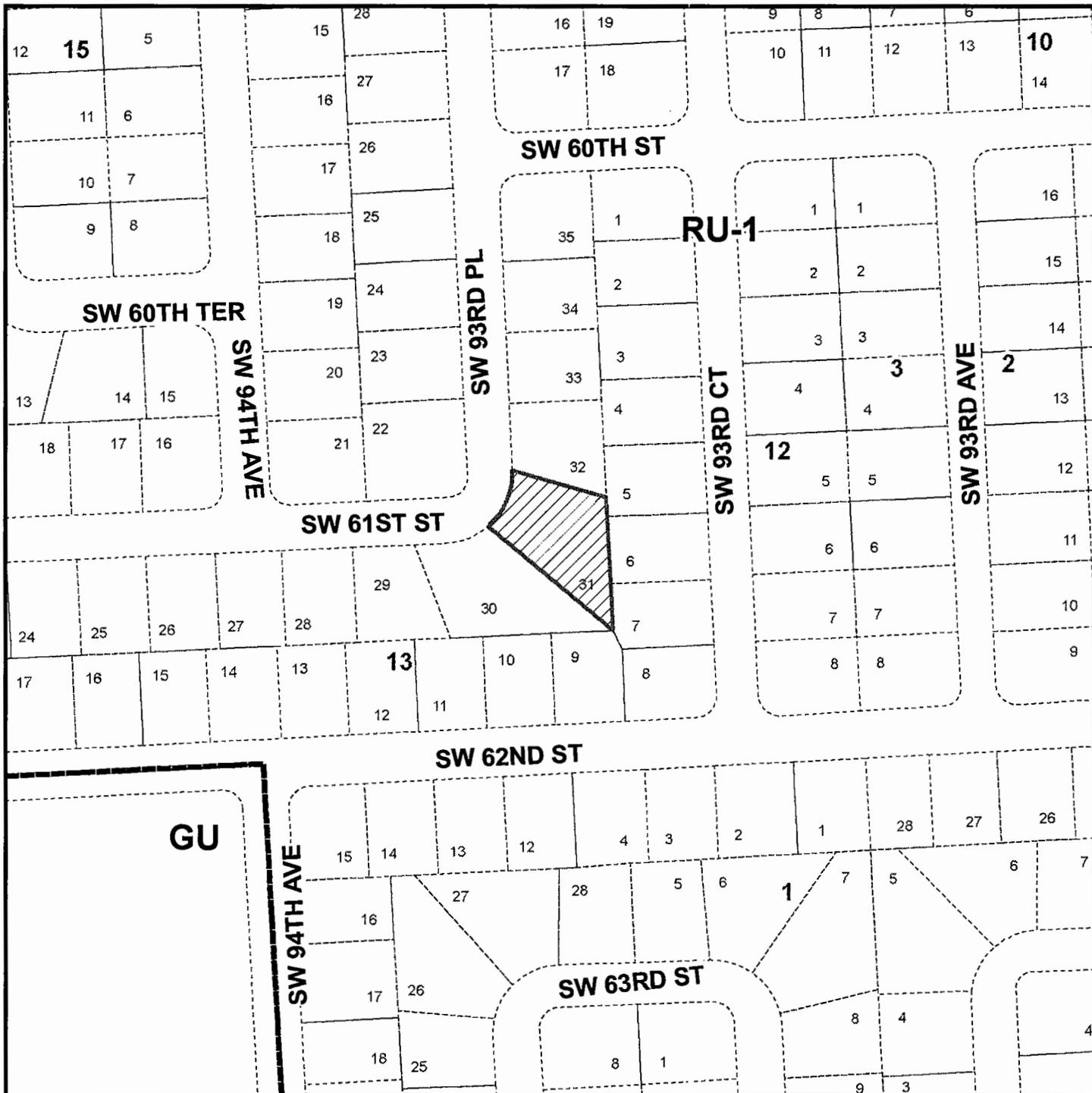
ZONING	HEIGHT (TO ROOF)	MAX. SETBACK	MIN. LOT AREA	MIN. LOT COVERAGE (EXCLUDING FRONT YARD)

SETBACKS	REQUIRED	PROVIDED
FRONT	25'-0"	25'-0"
REAR	7'-0"	7'-0"
SIDE STREET	N/A	N/A
REAR	25'-0"	25'-0"

LEGAL DESCRIPTION
 LOT 31 BLOCK B DARRINGTON TOWNOR ACCORDING TO THE PLAT HEREIN AS RECORDED IN PUBLIC RECORDS OF MIAMI-DADE COUNTY, FL.



18



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000048

Section: 28 Township: 54 Range: 40
 Applicant: LYDIA MANRIQUE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, March 27, 2012

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000048



Section: 28 Township: 54 Range: 40
 Applicant: LYDIA MANRIQUE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

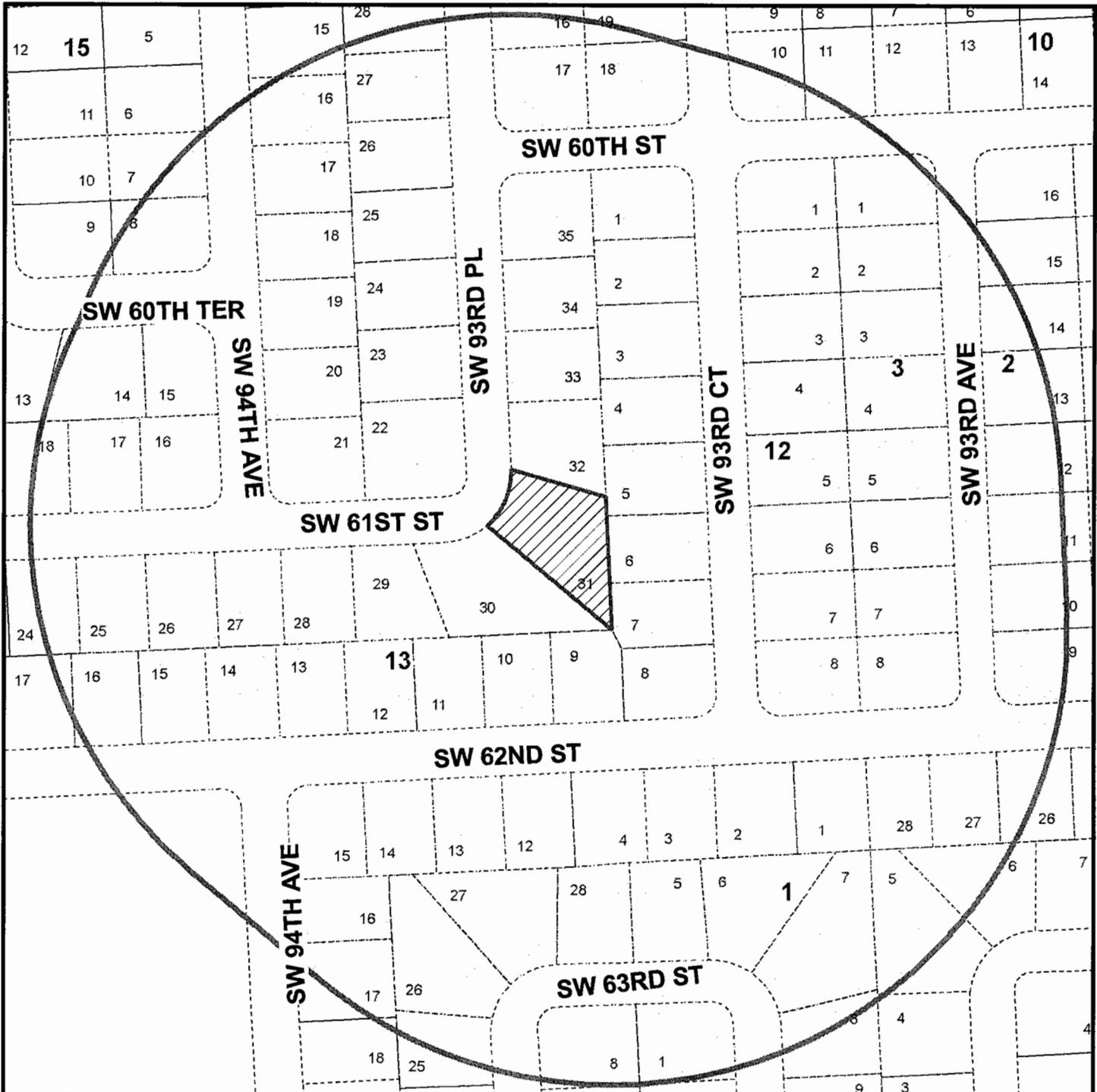
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, March 27, 2012

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 28 Township: 54 Range: 40
 Applicant: LYDIA MANRIQUE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000048
 RADIUS: 500



Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, March 27, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-041 (12-10-CZ12-1)

October 9, 2012

Item No. 1

Recommendation Summary	
Commission District	8
Applicants	Juan Carlos Billoch
Summary of Requests	The applicant is seeking a modification of a previously approved site plan and to permit proposed additions that encroach into the interior side and front setback areas. The applicant is also seeking a greater lot coverage than permitted.
Location	9766 S.W. 111 Terrace, Miami-Dade County, Florida.
Property Size	22,004 sq. ft. (net)
Existing Zoning	EU-1
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Estate Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards and Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUEST:

- (1) MODIFICATION of Condition #2 of Resolution # CZAB12-24-05 passed and adopted by Community Zoning Appeals Board # 12, and reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Addition for: Mr. & Mrs. Gilbert Fiorentino" as prepared by Pacetti Architects; Sheet A-1 dated stamped received 2/11/05 and the remainder dated stamped received 12/22/04 and consisting of 5 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property, which conform to Zoning Code requirements, will not require further substantial compliance or public hearing action.

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Addition To An Existing Residence Juan Carlos Billoch Residence" as prepared by Jose L. Perdomo, Architect, dated stamped received March 6, 2012, consisting of 6 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property, which conform to Zoning Code requirements, will not require further substantial compliance or public hearing action.

The purpose of the request is to allow the applicant to submit revised plans showing the addition of a guest bedroom and porch to the existing single family residence.

- (2) NON-USE VARIANCE to permit the proposed planter to setback 39'-7" from the front (south) property line (40' previously approved; 50' required) and setback 9'-4" (12' previously approved; 15' required) from the interior side (east) property line.

- (3) NON-USE VARIANCE to permit a lot coverage of 23.2% (20.65% previously approved; 15% permitted).

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

PROJECT DESCRIPTION: Proposed additions to an existing single-family residence.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
North	EU-1; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
South	EU-1; single-family residences	Estate Density Residential (1.0 to 2.5 dua)
East	EU-1; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
West	EU-1; single-family residence	Estate Density Residential (1.0 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 9766 S.W. 111th Terrace. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to build an addition to an existing single-family residence. However, the requested lot coverage and setback variances may have a visual impact on the surrounding neighborhood.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Estate Density Residential** on the Adopted 2015-2025 LUP map. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* The approval with conditions of the requests sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family detached use. Therefore, staff opines that the request is **consistent** with the uses allowed in the Estate Density Residential category and the density threshold for this land use category and is consistent with the designation of the site on the CDMP LUP map.

ZONING ANALYSIS:

In 2005, pursuant to CZAB12-24-05, the subject property was granted a variance for a greater lot coverage, greater rear lot coverage and spacing requirements to permit a family room and

gazebo addition. In 1992, the applicant received a variance approval pursuant to Administrative Variance (AV) 92-15 of setback regulations to permit a proposed gazebo addition to the existing single family residence. Pursuant to Resolution No. Z-281-88, the subject property was part of a larger application that was granted a variance from the interior side setback (12' approved; 15' required), front setback (40' approved; 50' required), lot frontage (79' to 119.3' approved; 125' required) and lot area (22,915 sq. ft. to 36,750 sq. ft. approved; 43,560 sq. ft. required) requirements.

When request #1 is analyzed under Section 33-311(A)(7), **General Modification Standards**, staff opines, for the same reasons stated below, that the proposed modification of the previously approved site plan pursuant to Resolution # CZAB12-24-05, to permit the residence with a greater lot coverage and a decorative feature encroaching into the front and interior side setback areas will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. Additionally, when considering the necessity for and reasonableness of the modification in relation to the present and future development of the area concerned, staff opines that approval of this application would be **compatible** with the same for the reasons stated below. **Therefore, staff recommends approval with conditions of request #1, under the Generalized Modification Standards, Section 33-311(A)(7).**

When request #2 and request #3 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that the requested lot coverage of 23.2% and a 10.42' encroachment from the proposed planter into the front (south) setback area and a 2.59' encroachment into the interior side (east) setback area still provides 39.58' (40' previously approved; 50' required) and 9.41' (12' previously approved; 15' required), from the front and interior side property lines respectively; and therefore will not be visually intrusive to the surrounding area. Furthermore, any negative visual impact of these requests are adequately mitigated by the abundant landscaping and existing 6' high wood fence running along the interior sides (east and west) property lines, which staff recommends should be maintained as a condition for approval. Additionally, staff's research indicates that other properties in the area were previously approved for similar requests for front and interior side setback encroachments. For example, pursuant to Resolution #4-ZAB-395-92, a property located northeast of the subject property, at 10900 SW 97 Avenue was approved to allow a proposed addition setback 62.5' (75' required) from the front (east) property line and setback 11.6' (15' required) from the interior side (east) property line. As such, staff opines that approval with conditions of this application 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. **Therefore, staff recommends approval with conditions of requests #2, and #3 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval with conditions.

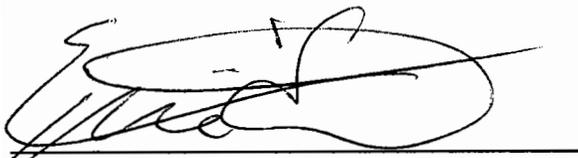
CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for

a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Addition To An Existing Residence Juan Carlos Billoch Residence" as prepared by Jose L. Perdomo, Architect, dated stamped received March 6, 2012, consisting of 6 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing landscaping and 6' high wood fence running along the interior side (east) property line remain and be maintained.
5. That the applicant complies with all applicable conditions and requirements of the Environmental Resources Division of the Department of Regulatory and Economic Resources and all other departments as contained in their memoranda pertaining to this application.

ES:MW:NN:CH:JC



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

Applicant: *Juan Carlos Billoch*
PH: Z12-041

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include 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.</i></p>
--	---

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>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 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.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>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.</i></p>

1. JUAN CARLOS BILLOCH
(Applicant)

12-10-CZ12-1 (12-041)
Area 12/District 08
Hearing Date: 10/09/12

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1988	Harry Weitzer	<ul style="list-style-type: none">- Zone change from EU-1 & AU to EU-1.- Unusual Use to fill a lake.- Unusual Use a entrance features.- Variance lots with 79' to 119.3' frontage (125' required) & 22,915 to 36,750 sf. Areas (43,560sf. Required).- Variance residential setback 12' from interior side (15' required) & 40' from front (50' required).- Variance 1220' long cul-de-sac (600' permitted)- Variance lots 10 to 13 with 176.81' to 196.08' depth (200' required) P.U.P. & Declaration of Restrictions required.	BCC	Approved with Condition(s)
2005	Gilbert Fiorentino	<ul style="list-style-type: none">- Applicant is requesting to permit a Single Family residence with lot coverage of 20.65% (15% permitted).	C12	Approved with Condition(s)

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.

Date: June 1, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E., Assistant Director
Department of Regulatory and Economic Resources



Subject: C-12 #Z2012000041-1st Revision
Juan Billoch
9766 SW 111th Terrace
Non Use Variance to Permit a Proposed Bedroom Setback Less than Required by Code from Property Lin and to Permit a Proposed Bedroom Addition Less than Required by Code from the Front Property Line
(EU-1) (1 Acres)
08-55-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). As note in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code subject to the conditions below and may be scheduled for hearing.

Conditions for Flood Protection:

1. The application site does not lie within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. However it is required to comply with Chapter 11C requirements for floodplain management. The County flood criterion for this site is 8 ft NGVD. The proposed legalization of addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. Non-substantial improvements are required at a minimum to meet the elevation of the existing single family residence. The plans included with this submittal do not state the elevations of the proposed addition. The applicant will be required to demonstrate the addition complies with the Code prior to approval of building permit plans.

Pertinent Environmental Services Comments:

Potable Water Services 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 the Department for this proposed development order.

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

Stormwater Management

The proposed addition will not affect the existing stormwater management system.

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 contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said 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. The applicant is advised to contact the Tree Program for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Sustainability, Department of Regulatory and Economic Resources

PH# Z2012000041
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: JUAN CARLOS BILLOCH

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

Raul A Pino, P.L.S.

18-APR-12

Memorandum



Date: April 20, 2012

To: Jack Osterhoff, Director
Sustainability, Planning and Economic Enhancement Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Planning Department

Subject: Z2012000041: JUAN CARLOS BILLOCH RESIDENCE

Application Name: JUAN CARLOS BILLOCH RESIDENCE

Project Location: The site is located at 9766 SW 111 Terrace, Miami-Dade County.

Proposed Development: The applicant is requesting a modification of a previous resolution to permit variances to setbacks and lot coverage for additions to an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 22-MAR-12
To: , Director
Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000041

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2012000041
located at 9766 SW 111 TERR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1892 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:07 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.

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

DATE: 04-APR-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

JUAN CARLOS BILLOCH

9766 SW 111 TERR, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000041

HEARING NUMBER

HISTORY:

THERE ARE NO CURRENT NEIGHBORHOOD COMPLIANCE OR BUILDING SUPPORT CASES
OPENED OR CLOSED.

JUAN CARLOS BILLOCH

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



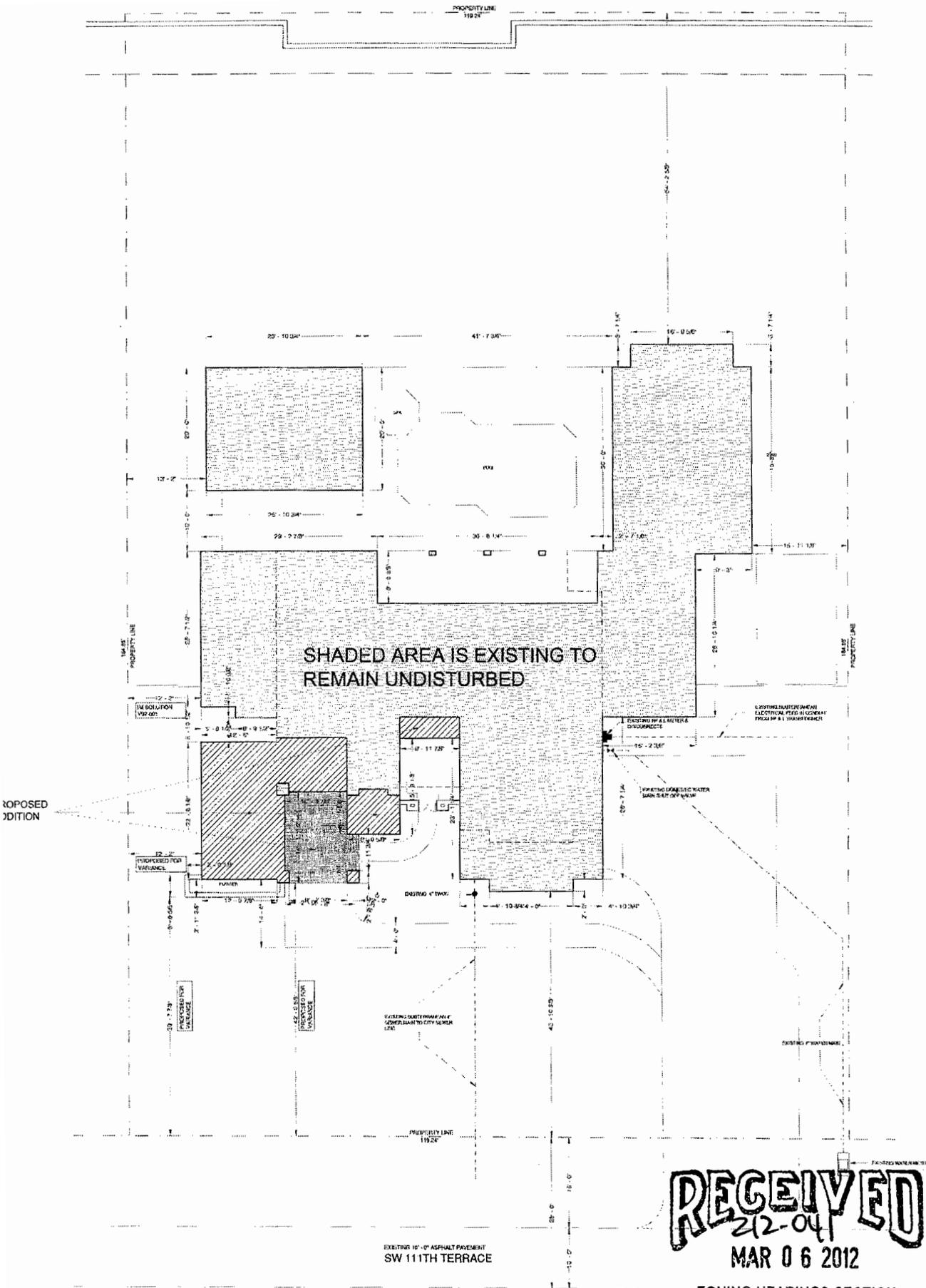
Date: September 14, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Pete Hassun, Zoning Services Inspector
Department of Regulatory and Economic Resources

Subject: Hearing Application Process No. Z2012000041 – 9766 SW 111 TER

A site inspection conducted at 9766 SW 111 TER on 09/04/2012 for the above-referenced hearing revealed a two story Single Family Residence. There are no current open cases for violations and none observed.



PROPOSED ADDITION

SHADED AREA IS EXISTING TO REMAIN UNDISTURBED

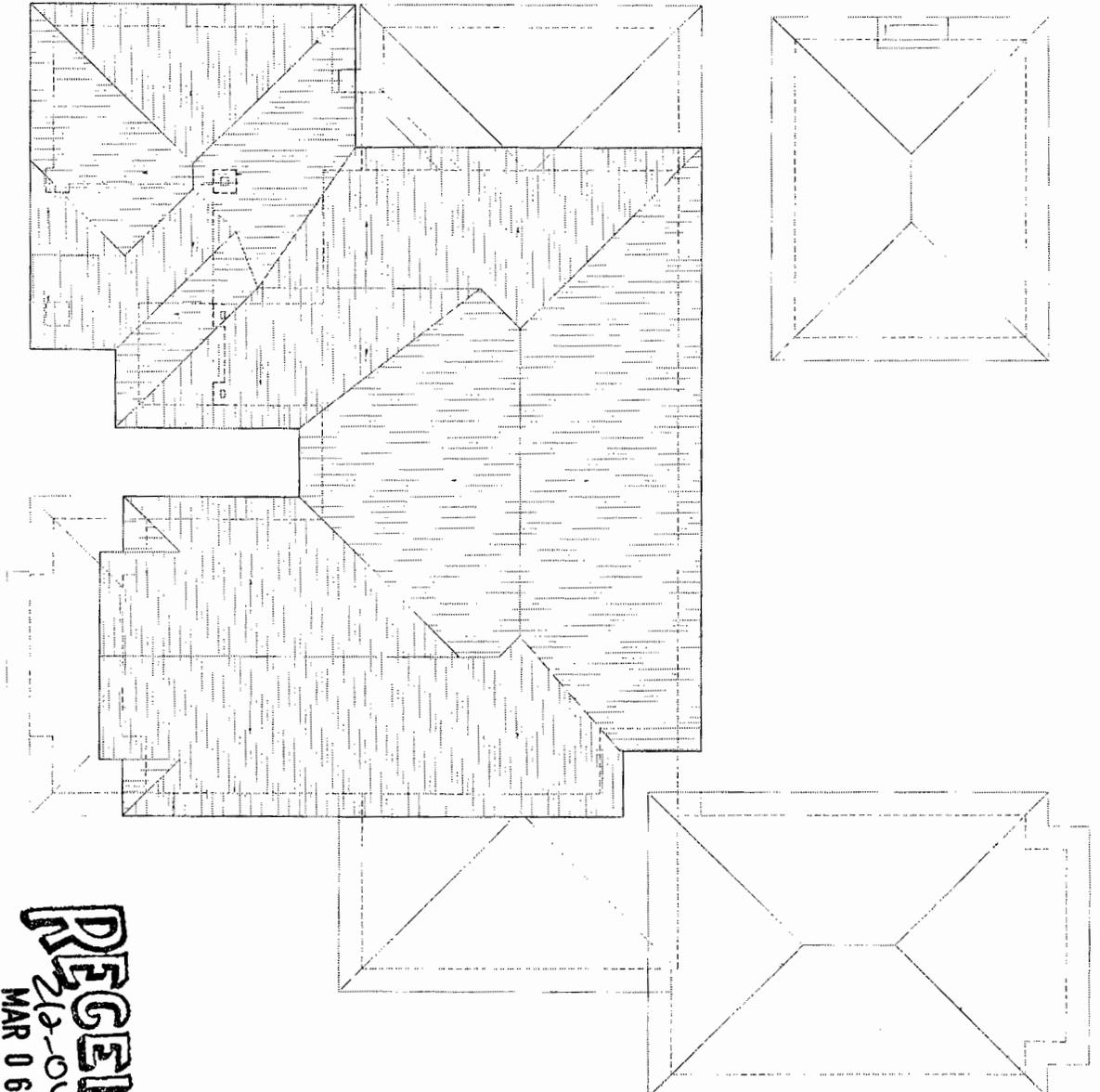
RECEIVED
 212-041
 MAR 06 2012

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

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

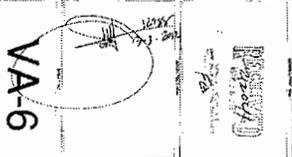


EXISTING 10'-0" ASPHALT PAVEMENT
 SW 111TH TERRACE



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

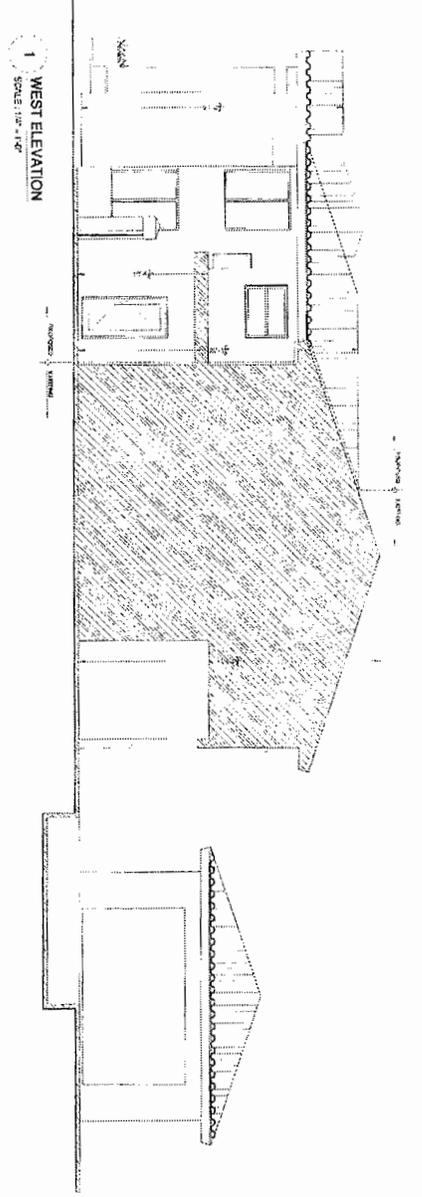
RECEIVED
213-04
MAR 06 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



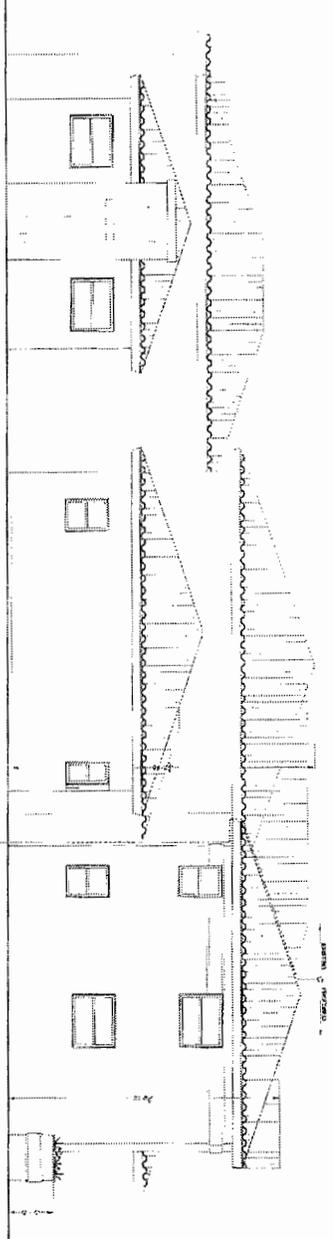
ADDITIONS TO AN EXISTING RESIDENCE
JUAN CARLOS BILLOCH RESIDENCE
3785 SW 111 TERRACE MIAMI, DADE, FLORIDA TELEPHONE # 305 - 720 - 3901
VARIANCE SUBMITTAL PACKAGE
ROOF PLAN

11-JCBR-100
FEBRUARY 2, 2012

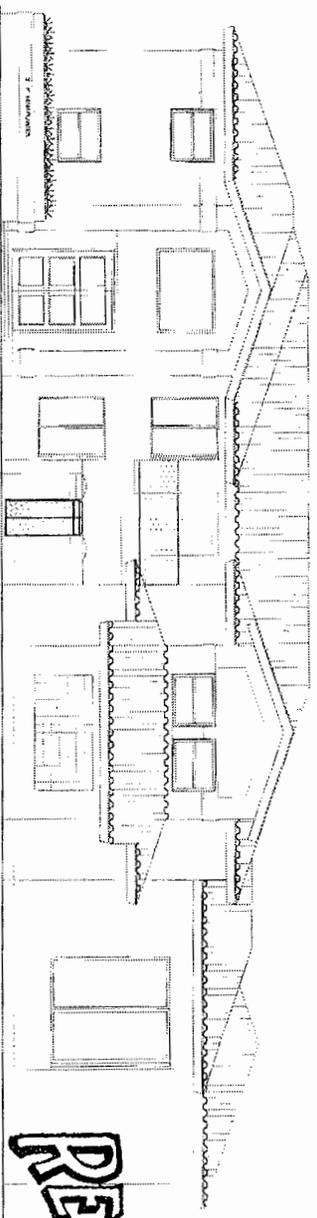




1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



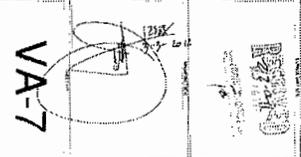
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



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

RECEIVED
21-01/12
MAR 06 2012

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



VA-7

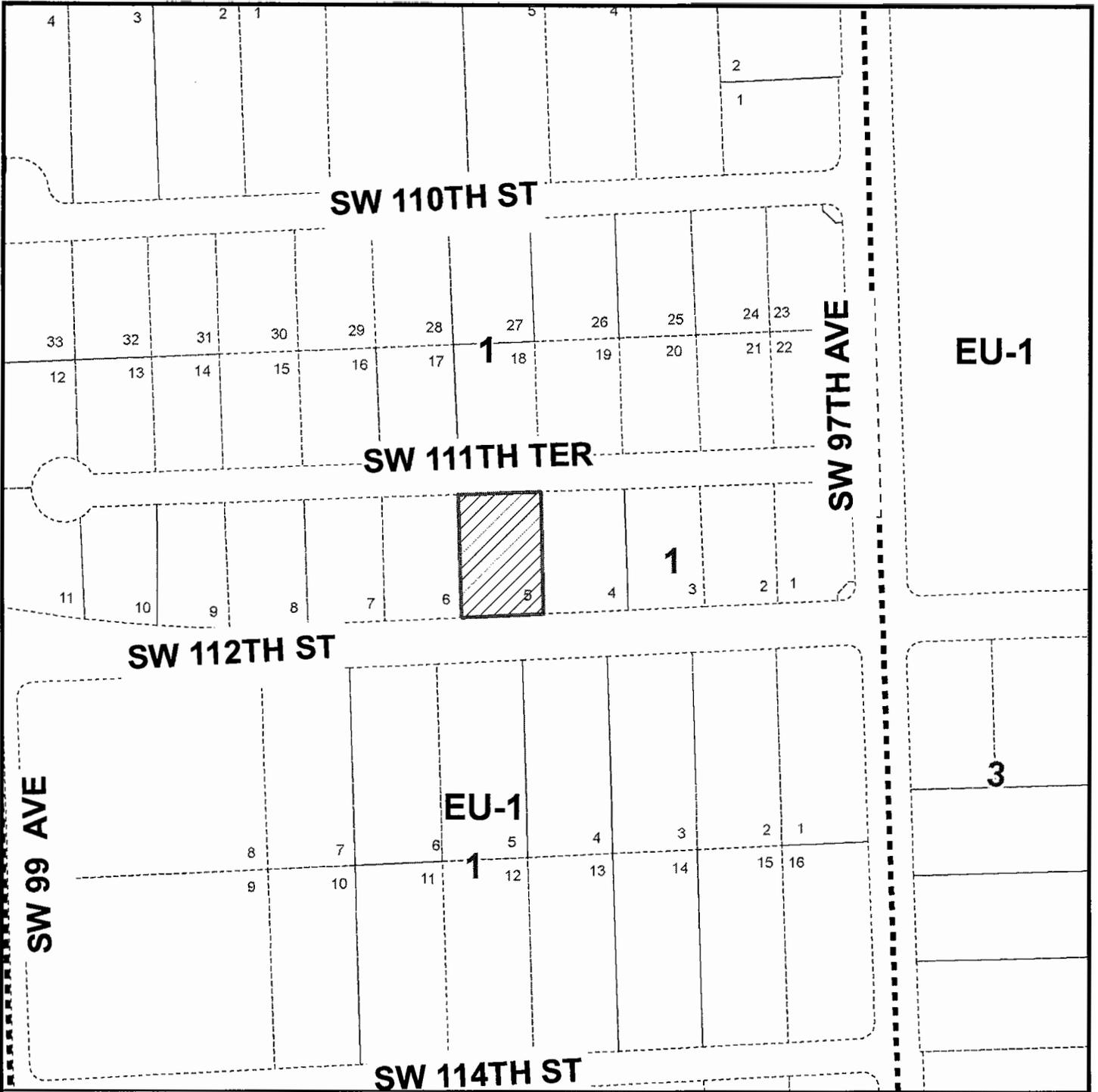
ADDITIONS TO AN EXISTING RESIDENCE
JUAN CARLOS BILLOCH RESIDENCE
9785 SW 111 TERRACE • MIAMI, DADE, FLORIDA • TELEPHONE # 305-710-6861

VARIANCE SUBMITTAL PACKAGE
EXTERIOR ELEVATIONS

ARCHITECT
11 J. CORDER, 100
FERNLEAVY T. 2012



21



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000041



Section: 08 Township: 55 Range: 40
 Applicant: JUAN CARLOS BILLOCH
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Monday, March 19, 2012

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2012000041

Legend

-  Subject Property
-  Zoning

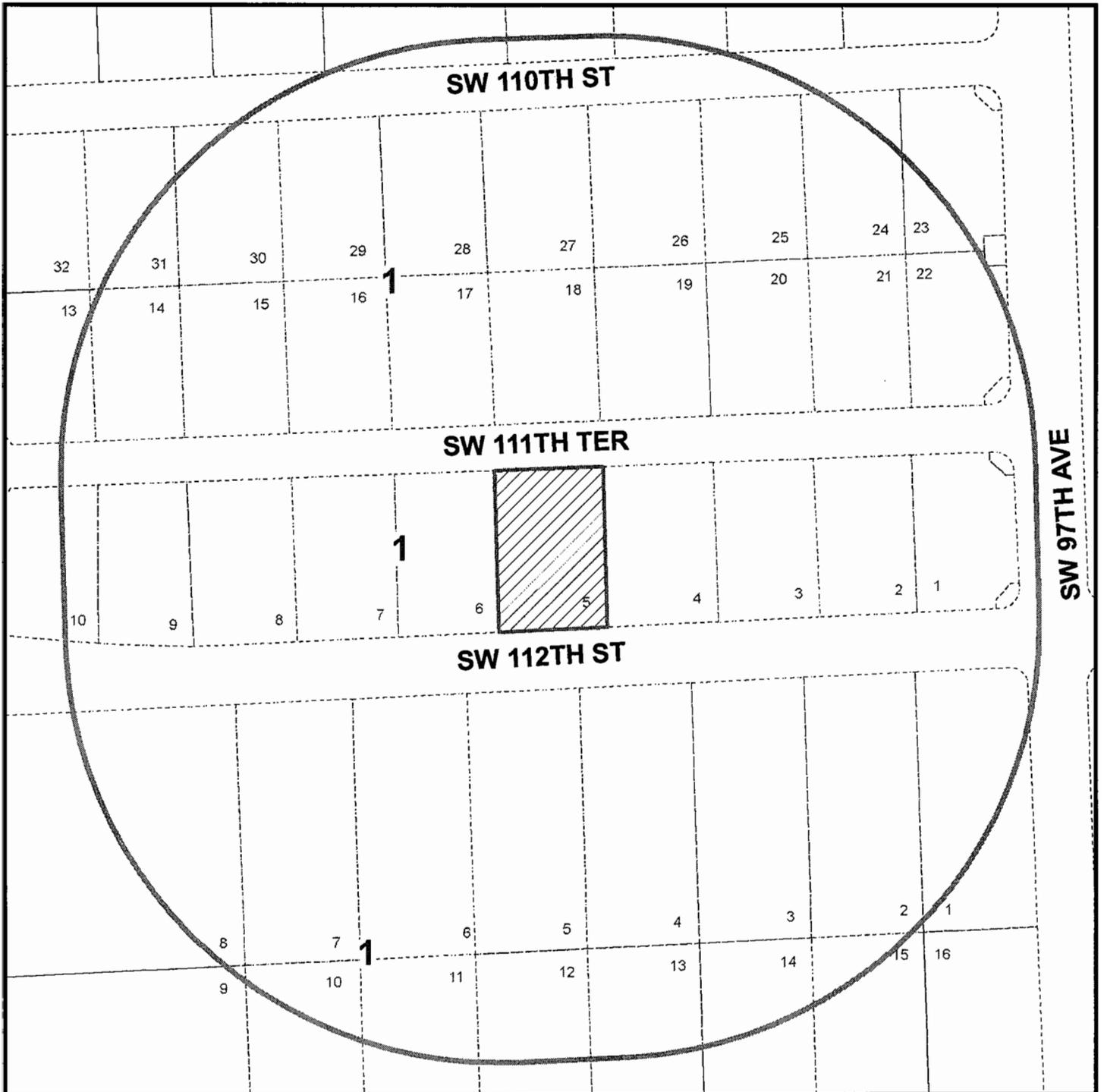


Section: 08 Township: 55 Range: 40
Applicant: JUAN CARLOS BILLOCH
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS



SKETCH CREATED ON: Monday, March 19, 2012

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000041

RADIUS: 500



Section: 08 Township: 55 Range: 40
 Applicant: JUAN CARLOS BILLOCH
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Monday, April 23, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-045 (12-10-CZ12-3)

**October 9, 2012
Item No. 2**

Recommendation Summary	
Commission District	7
Applicants	Sergio Pinto, et al
Summary of Requests	The applicants are requesting a district boundary change from RU-1 to BRDI and ancillary non-use variances.
Location	7170 SW 42 nd Street Miami-Dade County, Florida.
Property Size	53' x 115'
Existing Zoning	RU-1
Existing Land Use	Commercial building
2015-2025 CDMP Land Use Designation	Industrial and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval of request #1, approval with conditions of request #2 and denial without prejudice of requests #3 and #4.

REQUEST:

- (1) DISTRICT BOUNDARY CHANGE from RU-1 to BRDI (Bird Road Design and Industrial Zoning District).
- (2) NON-USE VARIANCE to permit a parcel of land with a lot frontage of 53' (75' required) and a lot area of 6,126 sq. ft. (7,500 required).
- (3) NON-USE VARIANCE to permit a commercial building setback 13.67' (20' required) from the rear (south) property line and setback 13' (15' required) from the interior side (east) property line.
- (4) NON-USE VARIANCE to permit a stairway setback 10' (20' required) from the rear (south) property line and setback 11.92' (15' required) from the interior (east) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Mr. Sergio Pinto" prepared by DDSM consulting, LLC., dated stamped received 5/14/12 with sheet L-1 last handwritten revision dated 5/23/12 and consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The applicants seek to change the zoning on the subject property from RU-1, Single-Family Residential District, to BRDI, Bird Road Design and Industrial District. Additionally, the applicant is seeking non-use variances of lot frontage, lot area and setback requirements.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; office building	Industrial and Office
North	IU-1; office building	Industrial and Office
South	RU-1; single-family residence	Industrial and Office
East	RU-1; single-family residence	Industrial and Office
West	IU-1; retail and office building	Industrial and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot located at 7170 SW 42nd Street and within the area designated as the Bird Road Design and Industrial Zoning District. The surrounding area is predominantly characterized by industrial uses such as warehouses, offices, some retail uses and single-family residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to rezone the subject property to BRDI (Bird Road Design and Industrial Zoning District).

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Industrial and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses*. Additionally, the CDMP Land Use Element Interpretative text under *Industrial and Office* provides that *uncommon commercial uses such as amusement uses, and others with unusual siting requirements may be considered at appropriate locations*. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category.

The subject property is located within an area designated as the **Bird Road Design and Industrial Zoning District (BRDI)**. The BRDI district is the area bounded on the north by S.W. 40th Street (Bird Road), on the south by S.W. 48th Street, on the east by S.W. 70th Avenue, and on the west by S.W. 74th Avenue, that appropriately may be used and utilized to provide for uncommon commercial uses and other commercial uses with unusual siting requirements in areas designated as "Industrial and Office" on the Comprehensive Development Master Plan Land Use Plan map that are of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the County.

Staff notes that the subject property is located wholly within the BRDI district. Said district was specifically designed for a mix of uses, which makes up the unique character of this neighborhood. The approval of requests #1 and #2 will permit the rezoning of the parcel of land from RU-1 (Single Family Residential District) to the BRDI (Bird Road Design and Industrial

District) and allow the development of the subject property in accordance with BDRI design parameters.

The criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**. **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as *noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety*, as applicable. Furthermore, Land Use **Objective LU-4**, of the CDMP Land Use Element states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*

For the reasons explained further below, staff opines that request #1, to permit the rezoning of the subject property to BRDI and request #2, to permit a parcel of land with a lot frontage of 53' (75' required) and a lot area of 6,126 sq. ft. (7,500 required) would be compatible with the surrounding area and **consistent** with the Industrial and Office designation of the parcel on the CDMP Land Use Plan map and the CDMP's Land Use Element the interpretative text, **Objective LU-4**. Furthermore, staff opines that approval of requests #1 and #2 will not have a negative visual impact on the surrounding properties and therefore would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

However, staff opines that request #3, to permit a commercial building setback 13.67' (20' required) from the rear (south) property line and setback 13' (15' required) from the interior side (east) property line, and request #4, to permit a stairway setback 10' (20' required) from the rear (south) property line and setback 11.92' (15' required) from the interior (east) property line are overly intensive for the subject parcel of land, could create negative visual and noise impacts for the neighboring residential properties and are too intensive to be adequately buffered. Furthermore, staff is of the opinion that approval of requests #3 and #4 would set a negative precedent for over intensive development of similar uses in this area.

As such, staff opines that requests #3 and #4 do not satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**. Consequently, staff opines that the proposed setback variance requests are **incompatible** with the neighborhood and therefore **inconsistent** with **Policy LU-4A** of the Land Use Element of the CDMP.

ZONING ANALYSIS:

On September 1, 2009, Miami-Dade County passed and adopted Ordinance No. 09-71, providing for the Bird Road Design and Industrial Zoning District (BRDI), creating section 33-278.5 of the Code of Miami-Dade County, Florida. As previously stated above, the BRDI district was specifically designed for a mix of live-work, artisanal, industrial, neighborhood retail and office uses, which makes up the unique character of this existing neighborhood.

When request #1 is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the applicant's request to rezone the property to the BRDI zoning would be in keeping with the mix of industrial and commercial uses that are unique to this area and would further the intent of the BDRI ordinance to preserve and promote the unique character of this area. As such, the application would not have an unfavorable impact on the natural resources of the County. The development of the subject property under the BRDI zoning district regulations will not have an unfavorable economic impact on Miami-Dade County and will not

unduly burden water, sewer, solid waste disposal, or other necessary public facilities based on the memoranda from the Miami-Dade County Public Works and Waste Management Department, the Environmental Division of the Department of Regulatory and Economic Resources and other Departments concerned with reviewing this application. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in the memorandum from the Miami-Dade County Public Works and Waste Management Department. As such, staff opines that the approval of the applicant's request to rezone the property to the BRDI zoning would be **compatible** with the surrounding area and consistent with the intent of the BRDI district; therefore, staff recommends approval of the district boundary change from RU-1 to BRDI.

Similarly, when request #2, to permit a parcel of land with less lot frontage and lot area, is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would also be **compatible** with the surrounding area and would not negatively affect the appearance of the community. Staff notes that a nearby property located at 7145 SW 42 Terrace was granted approval, pursuant to Resolution No. Z-177-90, to permit a lot area of 5,830 to 6,095 sq. ft. (7,500 sq. ft) and to permit a lot frontage of 53' (75' required). Staff opines that request #2 is less intensive than the approval granted pursuant to Resolution No. Z-177-90 and therefore in harmony with the surrounding area. **As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.**

However, when request #3, to permit a commercial building setback 13.67' (20' required) from the rear (south) property line and setback 13' (15' required) from the interior side (east) property line and request #4, to permit a stairway setback 10' (20' required) from the rear (south) property line and setback 11.92' (15' required) from the interior (east) property line, are similarly analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area and would negatively affect the appearance of the community. Staff opines that the requests to permit reduced rear (south) and interior side (east) setback areas are excessive for the subject property. In staff's opinion, the said encroachment does not provide an adequate separation from the adjacent residential properties to the East and South. Staff opines that said encroachment is intrusive and could create negative noise and visual impacts for the neighboring properties and is too intensive to be adequately buffered. Moreover, staff opines that the applicant has sufficient space to meet the rear and interior (side) setback requirements. **Therefore, staff recommends denial without prejudice of request #3 and #4 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

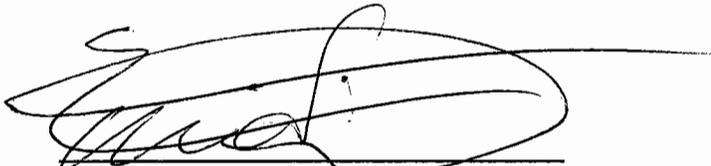
RECOMMENDATION:

Approval of request #1, approval with conditions of request #2, and denial without prejudice of requests #3 and #4.

CONDITIONS FOR APPROVAL: (For request #2 only)

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Mr. Sergio Pinto" prepared by DDSM consulting, LLC., dated stamped received 5/14/12 with sheet L-1 last handwritten revision dated 5/23/12 and consisting of 4 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant comply with all the conditions and requirements of the Department of Public Works and Solid Waste Management as contained in their memorandum pertaining to this application.
5. That the applicant comply with all applicable conditions and requirements of the Department of Regulatory and Economic Resources – Construction, Permitting and Building Code Division (formerly known as Department of Permitting, Environment and Regulatory Affairs) and all other departments as contained in their memoranda pertaining to this application

ES:MW:NN:JV:JC



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Sergio Pinto, et al
Z12-045

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No objection
Fire Rescue	No objection
Police *	No objection
Schools	No comment

*Subject to conditions in their memorandum.

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Industrial and Office (Pg. I-39)</p>	<p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p> <p><i>If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.</i></p> <p><i>In general, the typical residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety reasons. Exceptions may be granted for the following: (1) the development of live-work or work-live buildings or the adaptive reuse of existing structures for these purposes in areas of light industrial uses such as office, wholesale, distribution and the assembling of pre-manufactured parts; (2) the development of a TND as provided herein; and (3) the residential development of a portion of an industrially designated area where the portion is, a) 10 acres or smaller and is bounded on two or more sides by existing residential development or zoning, or is b) the perimeter of a Plan-designated industrial area which perimeter does not exceed a depth of 150 feet; and c) the subject portion of the industrially designated site</i></p>
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ZONING RECOMMENDATION ADDENDUM

Sergio Pinto, et al
Z12-045

	<p><i>immediately adjoins a currently developed or platted residential area and the Director of the Department of Planning and Zoning determines that the inclusion of a residential component in the Industrially designated area, designed to provide compatible transition along the boundary, is the best means of maintaining the quality of the adjoining residential area. Notwithstanding the foregoing, applications for residential zoning that were properly filed prior to August 25, 2000, can be considered where adjoining land is residentially zoned, designated or developed. Residential developments in this land use category may participate in the inclusionary zoning program. The properties utilized for residential development will be eligible within the limits provided in this paragraph for the density allowances of the inclusionary zoning program in the Residential Communities section.</i></p> <p><i>TNDs may be permitted in Industrial and Office areas where: 1) compatible with nearby development and with the objectives and policies of this Plan, 2) necessary services exist or will be provided by the developer, and 3) adjacent to land designated Residential Communities on the LUP map (including across an abutting major or minor roadway) along 30 percent or more of the total perimeter of the TND, provided that land designated</i></p> <p><i>Residential Communities exists along at least some portion of the two or more sides. (Multiple sides created by an out parcel shall count as one side only). TND located within Industrial and Office areas shall allocated to Workshop Uses a minimum of 15 percent and a maximum of 30 percent of the gross built up area planned for development within a TND, and shall have a residential density no greater than the average of the adjacent Residential Communities designations or ten units per acre, whichever is higher. Workshops Uses shall be oriented to adjacent non-residential areas, while the residential uses shall be oriented to the adjacent Residential Communities designations. All criteria for TNDs enumerated in the Residential Communities section of this Chapter, other than the provisions governing percent of built per area which may be devoted to workshop uses addressed herein and the maximum permitted residential density, shall govern the development of TNDs in areas designated Industrial and Office.</i></p> <p>Restricted Industrial and Office. <i>Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). The boundaries of the "Restricted" areas shall be periodically reviewed and amended as necessary to maintain consistency with wellfield protection area boundaries provided by Chapter 24, Code of Miami-Dade County. Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels also apply to the Restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.</i></p> <p>Uses and Zoning Not Specifically Depicted. <i>Some existing uses and zoning are not specifically depicted on the LUP map. All existing 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 districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.</i></p>
<p>Land Use Objective 4 (Pg. I-11)</p>	<p><i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>

ZONING RECOMMENDATION ADDENDUM

Sergio Pinto, et al
Z12-045

<p>Land Use Objective LU-4A (Pg. I-11)</p>	<p>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-278.5 Bird Road Design and Industrial District Applicability</p>	<p>The Bird Road Design and Industrial District (BRDI) District shall be applied only to those lands, in the area bounded on the north by S.W. 40th Street (Bird Road), on the south by S.W. 48th Street, on the east by S.W. 70th Avenue, and on the west by S.W. 74th Avenue, that appropriately may be used and utilized to provide for uncommon commercial uses and other commercial uses with unusual siting requirements in areas designated as "Industrial and Office" on the Comprehensive Development Master Plan Land Use Plan map that are of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the County.</p>
<p>Section 33-311 District Boundary Change</p>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (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,

ZONING RECOMMENDATION ADDENDUM

Sergio Pinto, et al
Z12-045

	<p><i>and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>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.</i></p>

**2. SERGIO PINTO & SERGIO PINTO AND
CANDIDA PINTO REV. TRS
(Applicant)**

**12-10-CZ12-2 (12-045)
Area 12/District 07
Hearing Date: 10/09/12**

Property Owner (if different from applicant) **Sergio Pinto TRS.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

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.

Date: April 24, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs 

Subject: C-12 #Z2012000045-1st Revision
Sergio Pinto Tires
7170 SW 42nd Street
District Boundary Change from RU-1 to BRDI, Non Use Variance to
Permit a Parcel of Land with a Lesser Lot Frontage and Lot Area
than Required and to Permit a Building Setback Less than Required
from Property Lines
(RU-1) (.13 Acres)
23-54-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

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

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

Wastewater Disposal

The subject property is currently served by septic tank disposal system. Public sanitary sewer is available in the form of an 8-inch gravity sewer abutting the property along SW 42 Street. Since the applicant is requesting a change of zoning from residential to industrial use, connection to an available and operative abutting sanitary system will be required.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage or if the property is within feasible distance for connection to the public sanitary sewer system.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public

sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

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 contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said 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. The 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 the Tree Permitting Program staff at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: SERGIO PINTO & SERIGO PINTO AND CANDIDA PINTO REV.
TRS

This Department has no objections to this application.

Sidewalk must have a minimum width of 5 feet at time of permitting.

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

Additional improvements may be required at time of platting.

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



Raul A Pino, P.L.S.

26-JUN-12

Memorandum



Date: June 17, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Planning Department

Subject: Z2012000045: SERGIO PINTO & SERIGO PINTO AND CANDIDA PINTO REV. TRS
Includes revised plans dated stamped received through 5/14/12

Application Name: SERGIO PINTO & SERIGO PINTO AND CANDIDA PINTO REV. TRS

Project Location: The site is located at 7170 SW 42 ST, Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from RU-1 to BRDI and non-use variances for a commercial use. Review includes revised plans dated stamped received through 5/14/12.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

Memorandum



Date: 24-MAY-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000045

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated March 13, 2012.
 APPROVAL
 No objection to site plan date stamped received May 14, 2012.

Service Impact/Demand

Development for the above Z2012000045
 located at 7170 SW 42 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1596 is proposed as the following:

N/A <u>residential</u>	dwelling units	3,000 <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
N/A <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 0.98 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 3 - Tropical Park - 3911 SW 82 Avenue
 Rescue, ALS Engine.

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received May 14, 2012.

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

DATE: 15-MAR-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

SERGIO PINTO TRS

7170 SW 42 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000045

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open/closed cases. BNC: No bss cases open/closed.

Sergio Pinto Trs

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



Date: September 6, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Ramiro Martinez, Zoning Services Inspector
Department of Regulatory and Economic Resources

Subject: Hearing Application Process No. Z2012000045 – 7170 SW 42 ST

A site inspection conducted at 7171 SW 42 ST for the above-referenced hearing application revealed a one story single-family residence in very poor condition with attached additions. All of these improvements have been accurately depicted on the survey that was submitted with this hearing application. This property is within a residential area that is surrounded by higher intensity uses such as commercial and industrial.

There are currently no enforcement cases opened or closed under the above referenced folio number.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

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

RECEIVED
 212-045
 MAR 05 2012
 ZONING HEARINGS DEPT
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY: AK

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

TRUST/ESTATE NAME SERGIO PINTO & W. CANDIDA REV. TRS

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>SERGIO LAZARO PINTO, 7140 SW 42 ST, MIAMI, FL</u>	<u>100 %</u>
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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

Date of contract: _____

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

RECEIVED
212-045
MAR 06 2012

MAYOR JANE PLANNING AND ZONING DEPT.
BY: *[Signature]*

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

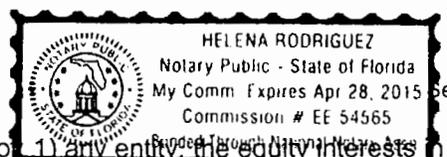
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Candida Pinto* *[Signature]*
(Applicant)

Sworn to and subscribed before me this 10 day of March, 2012. Affiant is personally know to me or has produced _____ as identification.

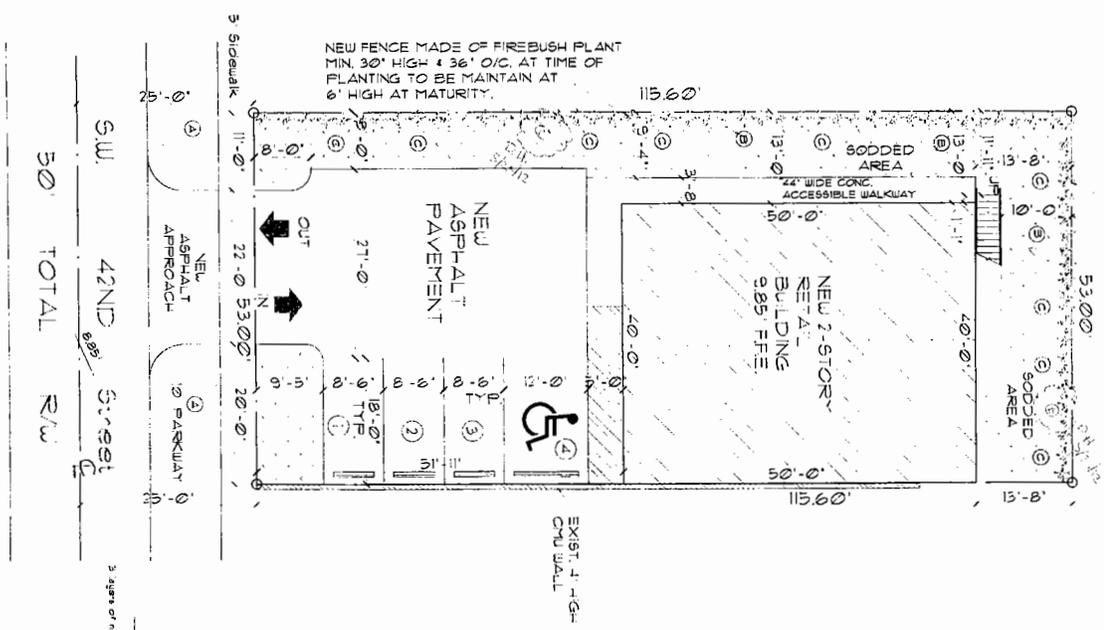
[Signature]
(Notary Public)

My commission expires: _____



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

NEW FENCE MADE OF FIREBUSH PLANT
 MIN. 30" HIGH & 36" O/C. AT TIME OF
 PLANTING TO BE MAINTAIN AT 6'
 HIGH AT MATURITY.

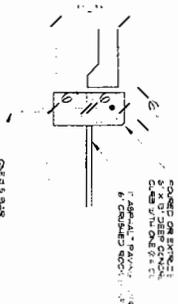


LANDSCAPING PLAN
 SCALE: 1/8" = 1'-0"

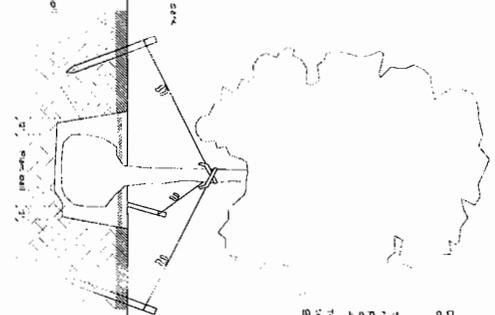
LANDSCAPE NOTES:

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI-DADE PLANNING DEPARTMENT'S LANDSCAPING MANUAL.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI-DADE PLANNING DEPARTMENT'S LANDSCAPING MANUAL.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI-DADE PLANNING DEPARTMENT'S LANDSCAPING MANUAL.
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9. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI-DADE PLANNING DEPARTMENT'S LANDSCAPING MANUAL.
10. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI-DADE PLANNING DEPARTMENT'S LANDSCAPING MANUAL.

EXTRUDED CURB DETAIL
 TYPICAL @ ALL LANDSCAPED AREAS



TREE PLANTING DETAIL



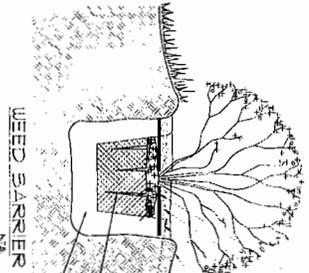
THE BOTTOMS BY 25%
 TYPICAL FOR ALL CURB
 AND WALKWAYS. SEE
 SPECIFICATIONS FOR
 CURB AND WALKWAY
 MATERIALS.

PLANTING SHALL BE
 DONE IN ACCORDANCE
 WITH THE CITY OF
 MIAMI-DADE
 PLANNING DEPARTMENT'S
 LANDSCAPING MANUAL.

LANDSCAPE LEGEND

SYMBOL	PLANT NAME	PLANT SPECIES	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
A	NEW BUSH	NEW BUSH	100	100	100
B	NEW TREE	NEW TREE	10	10	10
C	NEW TREE	NEW TREE	10	10	10

REQUIRED FOR TREES LOCATED UNDERNEATH OR ADJACENT TO POWERLINES: 300 POINTS
 ADDITIONAL INFORMATION MAY BE REQUIRED BY CHAPTER 184.
 ALL LANDSCAPED AREAS MUST BE PROVIDED WITH SPRINKLER SYSTEMS.
 LANDSCAPING AND TREES SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 94 OF THE
 MIAMI-DADE COUNTY CODE.

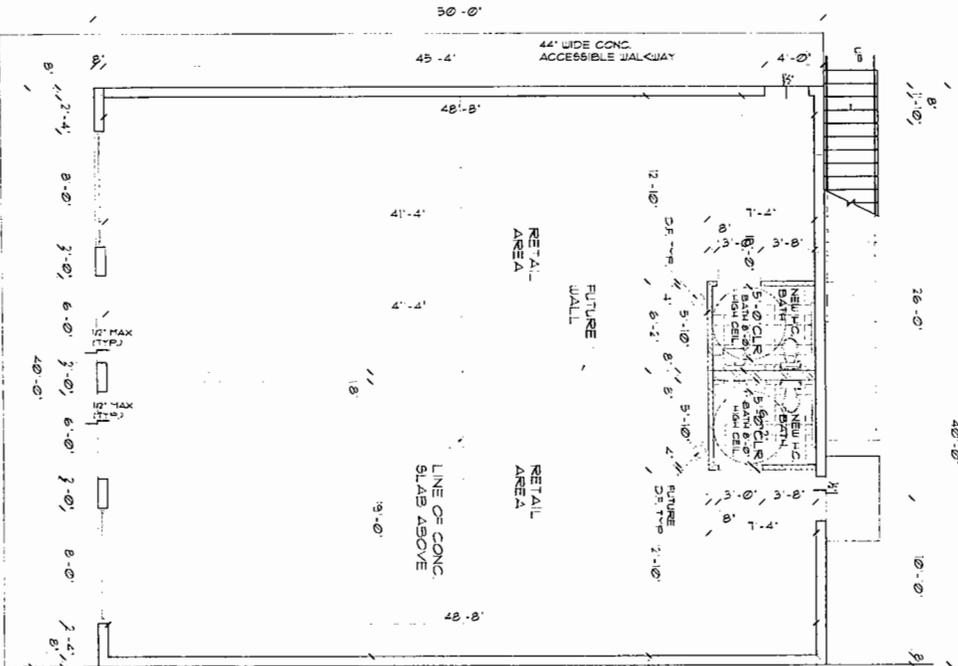


WEED BARRIER
 3/8" OR HEAVIER WEED-BARRIER MATERIAL
 SHALL BE INSTALLED UNDERNEATH AND AROUND
 ALL PLANTING. SEE SPECIFICATIONS FOR
 WEED-BARRIER MATERIALS.

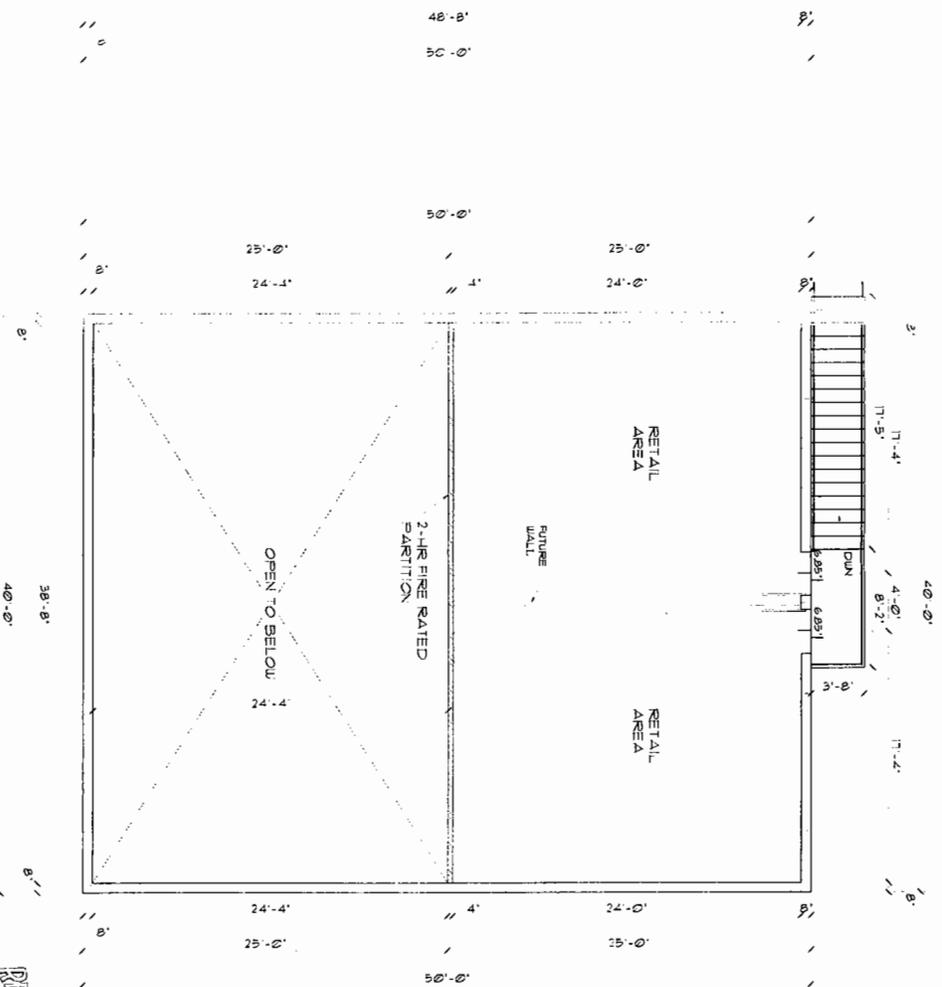
CREATE BARRIER AROUND
 PLANTING TO PREVENT
 WEEDS FROM GROWING
 UNDERNEATH THE PLANTING.

RECEIVED
 MAY 14 2012

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



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



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

RECEIVED
 PLANNING & ZONING DEPT.
 MAY 14 2012

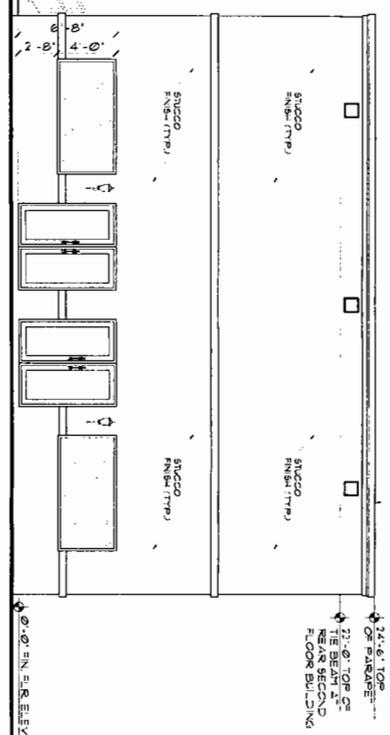
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: *[Signature]*

RECEIVED
 MAY 14 2012

SHEET: A-2	DATE: 02/22/12	PROPOSED WAREHOUSE BUILDING FOR: MR. SERGIO PINTO 7170 SW 42 ST MIAMI-DADE, FLORIDA	15422575	DDSM CONSULTING LLC CA# 28875, PE 67796 Dario A. Herrero, PE, M. ASCE 14359 Miramar Pkwy #327 Miramar, FL 33027 954-668-3984	DIVISION:
	DRAWN BY: EL				

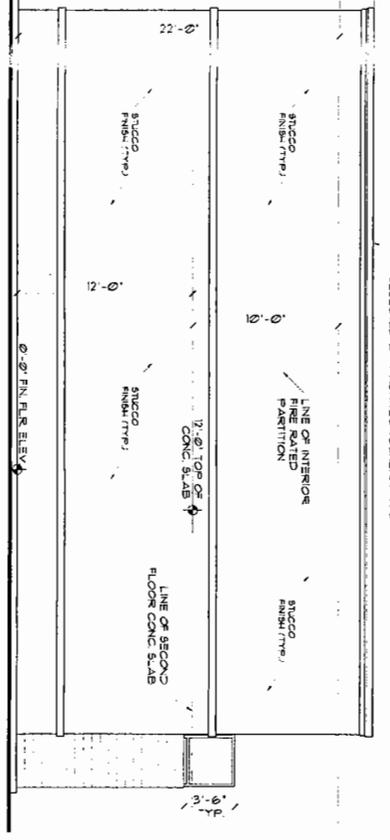
RECEIVED
 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPT.
 1000 BAYVIEW BLVD
 MIAMI, FL 33133

1) DECORATIVE TEXTURED EPS PARAPET CAP WITH TONGUE COAT BY FOAM FACTORY OR EQUAL APPROVED BY OWNER/ARCHITECT. COLOR TO BE SELECTED BY ARCHITECT/OWNER (TYP.)



24'-6" TOP OF PARAPET
 21'-0" TOP OF THE BEAM AT REAR SECOND FLOOR BUILDING

1) DECORATIVE TEXTURED EPS PARAPET CAP WITH TONGUE COAT BY FOAM FACTORY OR EQUAL APPROVED BY OWNER/ARCHITECT. COLOR TO BE SELECTED BY ARCHITECT/OWNER (TYP.)

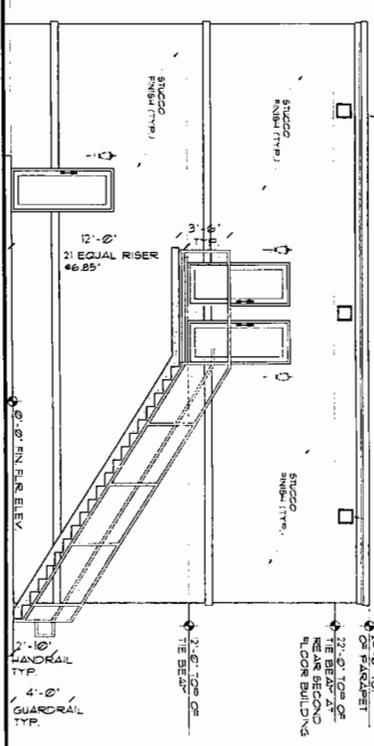


24'-6" TOP OF PARAPET
 21'-0" TOP OF THE BEAM AT REAR SECOND FLOOR BUILDING

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

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

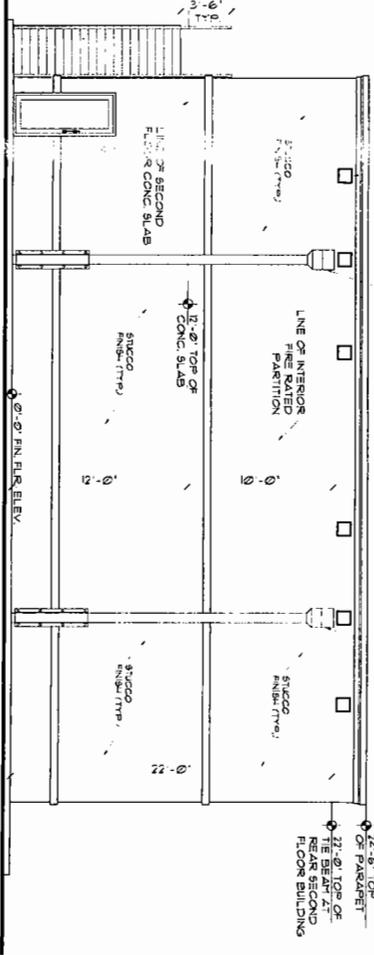
2) DECORATIVE TEXTURED EPS PARAPET CAP WITH TONGUE COAT BY FOAM FACTORY OR EQUAL APPROVED BY OWNER/ARCHITECT. COLOR TO BE SELECTED BY ARCHITECT/OWNER (TYP.)



24'-6" TOP OF PARAPET
 21'-0" TOP OF THE BEAM AT REAR SECOND FLOOR BUILDING

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

1) DECORATIVE TEXTURED EPS PARAPET CAP WITH TONGUE COAT BY FOAM FACTORY OR EQUAL APPROVED BY OWNER/ARCHITECT. COLOR TO BE SELECTED BY ARCHITECT/OWNER (TYP.)



24'-6" TOP OF PARAPET
 21'-0" TOP OF THE BEAM AT REAR SECOND FLOOR BUILDING

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

RECEIVED
 MAY 14 2012

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

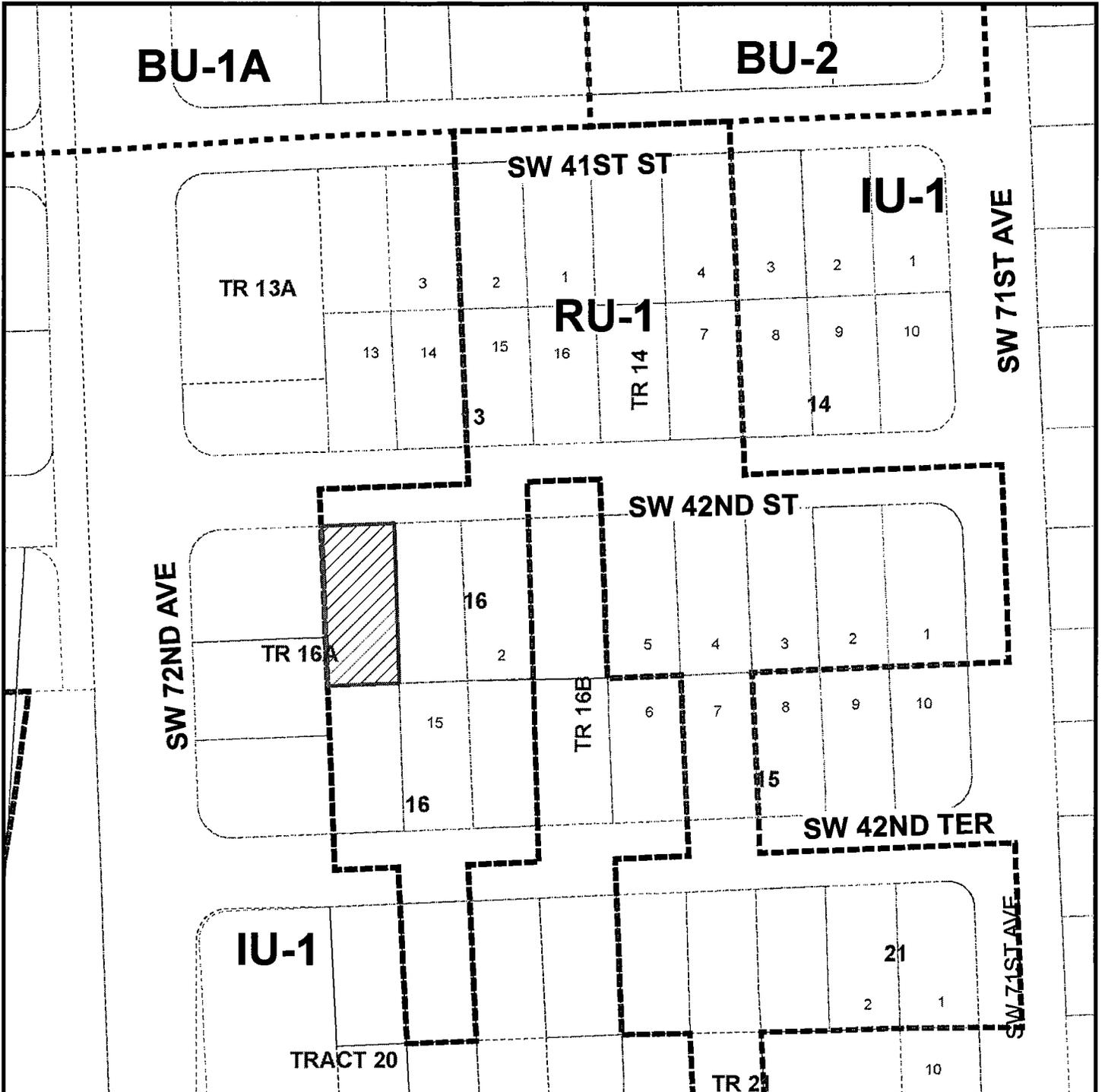
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 MAY 15 2012

PROPOSED WAREHOUSE BUILDING FOR:
MR. SERGIO PINTO
 7170 SW 42 ST
 MIAMI-DADE, FLORIDA

DDSM CONSULTING LLC
 CA# 28875, PE 67796
 Dario A. Herrero, PE, M. ASCE
 14359 Miramar Pkwy #327
 Miramar, FL 33027
 954-668-3984

DATE: 07/22/12
 SHEET NO.: 348
 OF: 348
 DRAWING NO.: A-4

25



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000045



Section: 23 Township: 54 Range: 40
 Applicant: SERGIO PINTO TRS
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, March 22, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000045



Section: 23 Township: 54 Range: 40
 Applicant: SERGIO PINTO TRS
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

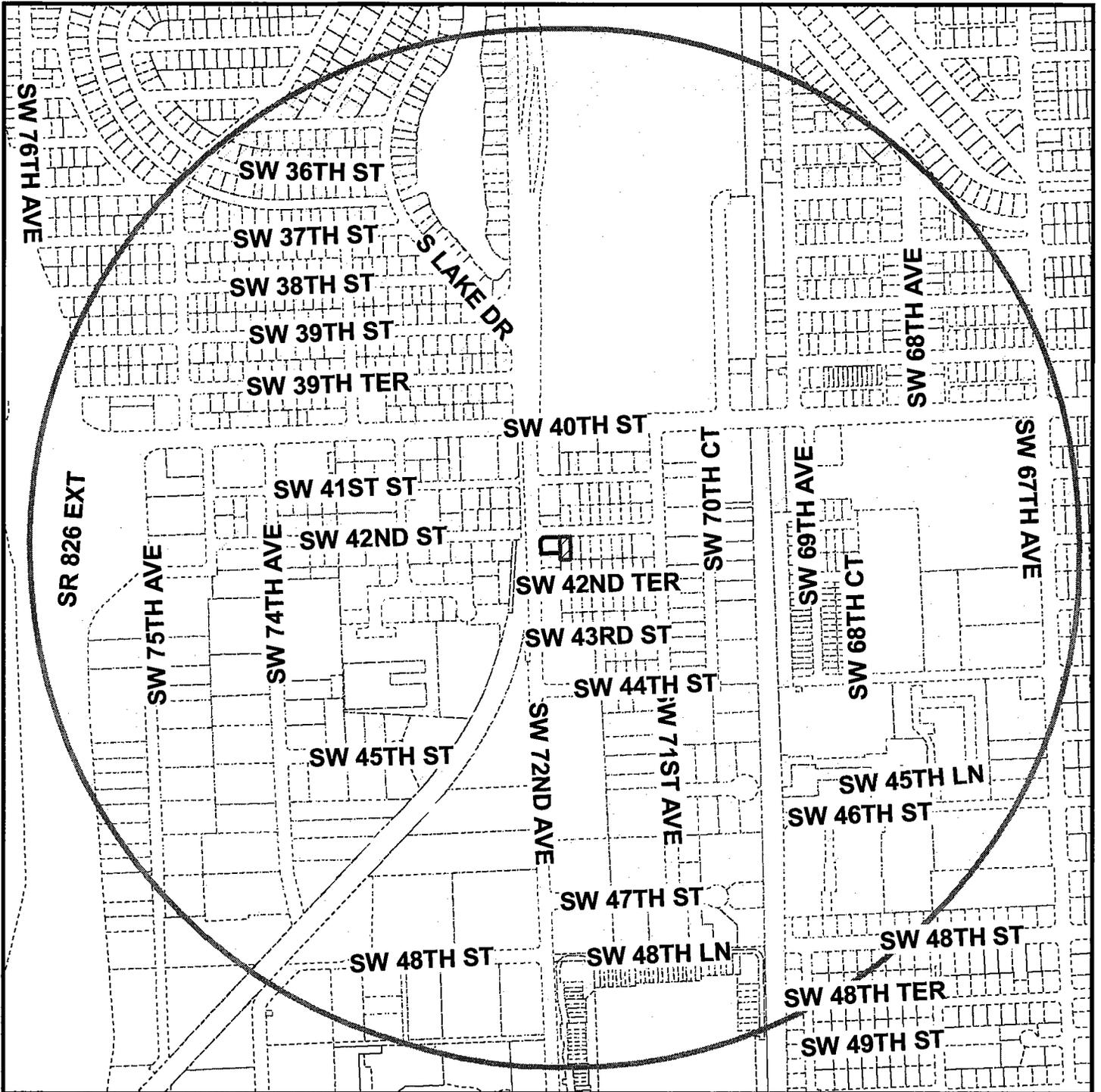
Legend

 Subject Property



SKETCH CREATED ON: Thursday, March 22, 2012

REVISION	DATE	BY
		27



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number

Z2012000045

RADIUS: 2640

Section: 23 Township: 54 Range: 40
 Applicant: SERGIO PINTO TRS
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, March 22, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-066 (12-10-CZ12-3)

October 9, 2012

Item No. 3

Recommendation Summary	
Commission District	8
Applicant	The Falls Shopping Center Association, LLC
Summary of Requests	The applicant is seeking to approve additional signage beyond that allowed by the sign regulations for an existing shopping center.
Location	8888 SW 136 Street, Miami-Dade County, Florida.
Property Size	54.37 acres
Existing Zoning	BU-2, Special Business District
Existing Land Use	Shopping Center
2015-2025 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON USE VARIANCE of sign regulations to permit four (4) additional detached point of sale signs, 39.95 sq. ft. in area for a total of seven (7) detached signs (either one 300-sq. ft. sign or two 200 sq. ft. signs for shopping centers with more than 500 feet of lineal street frontage along with an additional 40-square-foot sign on a side street is permitted).
- (2) NON USE VARIANCE of sign regulations to permit 3 projecting (blade) signs, one-24 sq. ft. and two-15.7 sq. ft. (projecting signs not permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "THE FALLS " as prepared by Integrated Sign and Graphic Inc., dated stamped received 6/18/2012, consisting of 12 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted site plan depicts the existing approximately 54 acre open air shopping center and the location of the proposed additional signage throughout the site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; shopping center	Business and Office
North	BU-2; retail, offices and restaurant uses RU-4M: townhouses	Business and Office Low-Medium Density Residential, 6-13 du
South	Canal	Water
East	GU; South Dixie Highway/Busway	Transportation

West	RU-TH; townhomes	Low-Medium Density Residential, 6-13 dua
-------------	------------------	--

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing open air shopping center located on the southwest corner of SW 136 Street, a section line roadway, and South Dixie Highway. The surrounding area is characterized by commercial and retail uses as well as residential uses located to the west and south of the subject parcel.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to erect additional point of sale signage for the retail center as well as directional signage. The additional signage would provide the shopping center with more visibility at this intersection of two (2) well travelled roadways and the directional signage may facilitate a smoother flow of traffic within the 54 acre site.

CDMP ANALYSIS:

The subject property is an existing shopping center that is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *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.* The applicant seeks approval to permit additional signage beyond what is allowed by the Code. Staff opines that approval of the requests sought in this application will not be out of character with the surrounding commercial uses. Compatibility among proximate land uses, pursuant to the CDMP Land Use Element, **Policy LU-4A**, is discussed below in the Zoning Analysis.

Furthermore, the Business and Office designation permits retail uses such as the existing shopping center. As such, the existing use within the area designated as Business and Office is **compatible** with the commercial and retail uses allowed and therefore **consistent** with the CDMP LUP map Business and Office designation.

ZONING ANALYSIS:

When the applicant's request for approval of four additional detached signs (one 300-sq.ft. sign or two 200-square-foot signs for shopping centers with more than 500 feet of lineal street frontage is permitted along with an additional 40-square-foot sign on a side street) (request #1) and 3 projecting (blade) signs (projecting signs not permitted) (request #2), are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of the requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the area. Staff notes that the 54.37-acre shopping center has existed at this site since 1980 and based on the letter of intent from the applicant, currently consists of more than 95 stores, restaurants, cafes and a cinema. Approval of this application will allow the applicant to erect three (3) additional point of sale signs along SW 136 Street and one (1) along SW 92 Avenue. The applicant is requesting approval of the additional signage as a part of a comprehensive sign program. The shopping center is located at the intersection of South Dixie Highway, a six (6) lane, north/south roadway

and SW 136 Street, which is a section line road. The area surrounding the subject property is primarily made up of shopping centers consisting of retail stores, restaurants and supermarkets. However, townhomes and single-family residences are located partially to the north, the west and southwest.

Staff opines that approval of the proposed additional detached signage, although exceeding the number allowed by the signage regulations within the Code (request #1) and including projecting signage that is not allowed (request #2), will not have a negative visual impact on the surrounding area. Staff notes that pictures submitted by the applicant indicate that there is existing detached signage in the locations indicated on the submitted plans that are in excess to that permitted by the Code. However, staff's review of the Department's records does not indicate that they were previously approved. Notwithstanding, staff opines that the approval of the requested detached signage to replace the existing signs will not create any new visual impact along SW 136 Street and SW 92 Avenue. Further, the proposed signage will in staff's opinion continue to provide the applicant and the approximately 95 tenants with visibility along the heavily travelled South Dixie Highway and SW 136 Street.

The submitted plans indicate that three (3) of the proposed detached signs will be located along the approximately 2,000 feet long, curvilinear frontage of the parcel along SW 136 Street from the SW 89 Place intersection to South Dixie Highway where the shopping center abuts residential and other commercial uses. The fourth detached sign will be located along SW 92 Avenue where the shopping center abuts a townhouse development and the frontage is only approximately 400 feet long. As such, staff opines that the visual impact on the less intensive residential developments located to the west will be minimal and not likely to create visual clutter along SW 92 avenue. At the same time, the signage along SW 136 Street will facilitate the movement of traffic into the shopping center along SW 136 Street. In addition, staff notes that the two (2) 15 sq. ft. proposed projecting signs are located internal to the site and the proposed 24 sq. ft. projecting sign, is located at the eastern end of the site abutting the busway and South Dixie Highway. As such, staff opines that approval with conditions of request #1 and #2, would not affect the appearance and stability of the surrounding community and would be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b).**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; 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 "THE FALLS " as prepared by Integrated Sign and Graphic Inc., dated stamped received 6/18/2012, consisting of 12 sheets.

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

ES:MW:NN:AN:CH



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NON

ZONING RECOMMENDATION ADDENDUM

Applicants: *The Falls Shopping Center Association*
PH: Z12-066

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Environmental Division (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
Objective LU-4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

3. THE FALLS SHOPPING CENTER ASSOC LLC
(Applicant)

12-10-CZ12-3 (12-066)
Area 12/District 08
Hearing Date: 10/09/12

Property Owner (if different from applicant) **The Falls Shopping Center Ass.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1996	The Falls Partners	- Special Exception for spacing required to permit a proposed bar in a shopping center space less than required 1,500' from an existing alcoholic beverage establishment & spacing less than the required 2,500' from a religious facility.	ZAB	Approved with Condition(s)

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.

Memorandum

Date: June 18, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E., Assistant Director
Department of Regulatory and Economic Resources



Subject: #Z2012000066
The Falls Shopping Center Associates, LLC
8888 SW 136th Street
Non-Use Variance to Permit Additional Signs to the Shopping
Center
(BU-2) (54.37 Acres)
16-55-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

The Department of Regulatory and Economic Resources has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: THE FALLS SHOPPING CENTER ASSOC LLC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

15-JUN-12

Memorandum



Date: July 2, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000066: THE FALLS SHOPPING CENTER ASSOC LLC
Includes revised plans dated stamped received through 6/18/12

Application Name: THE FALLS SHOPPING CENTER ASSOC LLC

Project Location: The site is located at 8888 SW 136 STREET, Miami-Dade County.

Proposed Development: The applicant is requesting a non-use variance to permit additional signs to the mall. Review includes revised plans dated stamped received through 6/18/12

Impact and demand: This application will not generate any new residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 25-MAY-12
To: , Director
Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000066

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000066
located at 8888 SW 136 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 3028 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 4 - Coral Reef - 9201 SW 152 Street
Rescue, ALS Engine, Battalion 9

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: 20-JUN-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

THE FALLS SHOPPING CENTER
ASSOC LLC

8888 SW 136 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000066

HEARING NUMBER

HISTORY:

THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS OR
BUILDING SUPPORT REGULATION CASES FOR FOLIO NUMBERS:

3050160480050
3050160480040
3050160480021
3050160480010
3050160450040
3050160450030
3050160330110

THE FALLS SHOPPING CENTER ASSOC, LLC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



Date: September 14, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Pete Hassun, Zoning Services Inspector
Department of Regulatory and Economic Resources

Subject: Hearing Application Process No. Z2012000066 – 8888 SW 136 ST

A site inspection conducted at 8888 SW 136 ST on 09/04/2012 for the above-referenced hearing revealed an existing Shopping Center with on going major renovations on the Northeast section to include partial demolition. Existing open permits on record for renovations. There are no current open cases for violations of Certificate of use.

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MIAMI-DADE COUNTY
PROCESS #: Z12-066
DATE: MAY 08 2012
BY: DAH

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: The Falls Shopping Center Associates, LLC, a Delaware limited liability company

NAME AND ADDRESS	Percentage of Stock
<i>FURTHER DISCLOSURE OF INTEREST INFORMATION PROVIDED IN THE ATTACHED EXHIBIT "B"</i>	

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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BY: _____

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PROCESS # Z12-066 trust:
DATE: MAY 08 2012
BY: DAH

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

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

THE FALLS SHOPPING CENTER ASSOCIATES, LLC
a Delaware limited liability company

By: [Signature]
Print Name: RICHARD S. SOLOLOV
Title: PRESIDENT + COO

Sworn to and subscribed before me this 7th day of May, 2012. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)



KIMMI O'BRYAN, Notary Public
My Commission Expires 12-6-2016
Resident of Marion County

My commission expires _____

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

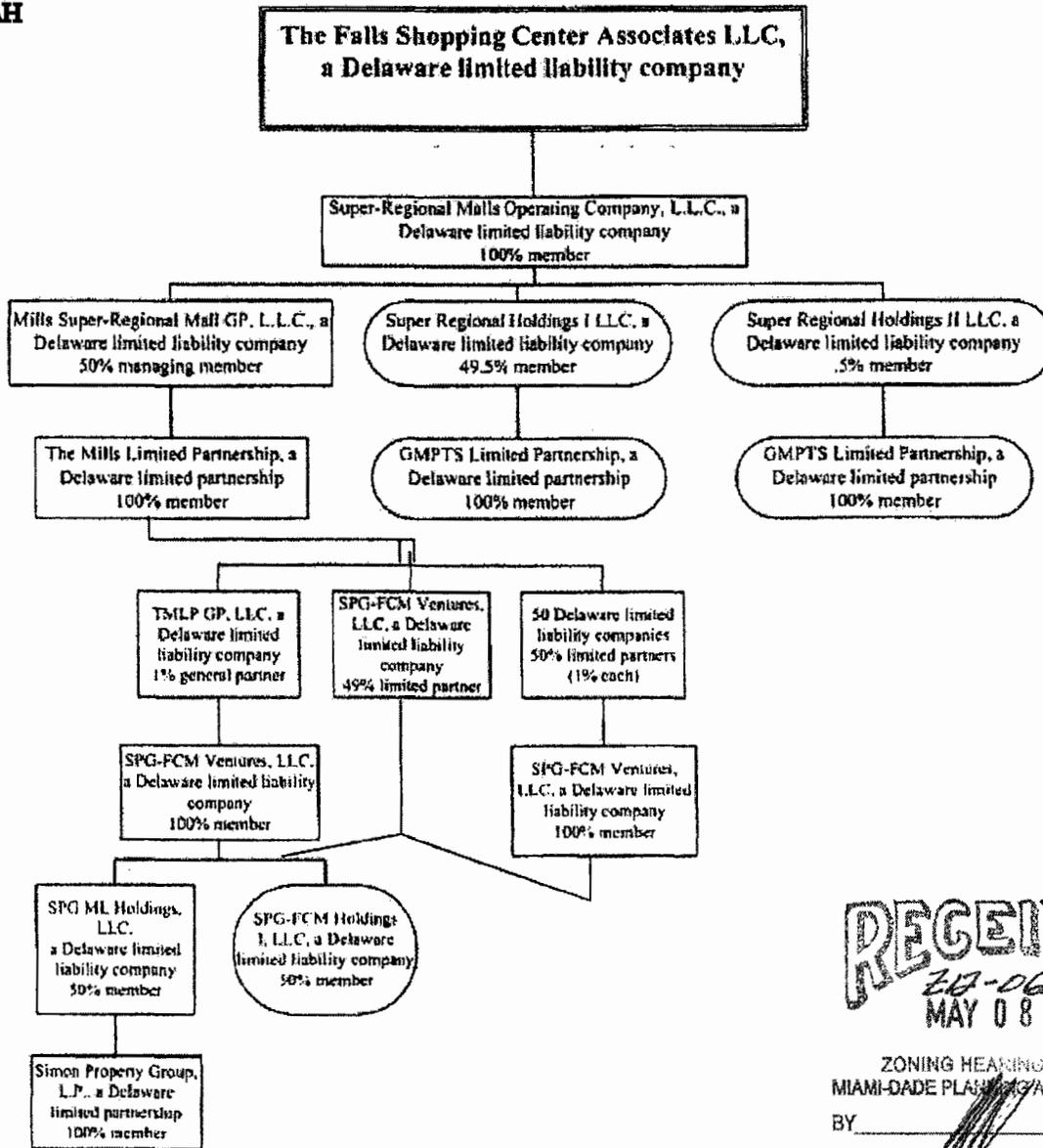
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ZONING HEARINGS SECTION
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BY [Signature]

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MIAMI-DADE COUNTY
PROCESS #: Z12-066
DATE: MAY 08 2012
BY: DAH

EXHIBIT "B"



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

GMPTS Limited Partnership is wholly owned by General Motors Pension Trust, a pension trust with more than 5,000 ownership interests.

Simon Property Group, L.P., is a Delaware limited partnership consisting of the following members:

- ±74.3% - Simon Property Group, Inc., a publicly traded company listed on the New York Stock Exchange (NYSE). Simon Property Group, Inc. is the general partner of Simon Property Group, L.P.
- ±25.7% - Limited Partnership interests owned by The Simon Family, The DeBartolo Family, and certain executives of Simon Property Group, Inc. Simon Property Group, Inc. is publicly traded on the New

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MIAMI-DADE COUNTY Exchange (NYSE). Please refer to Exhibit "C" for a list of executive officers and senior
PROCESS #: Z12-066
DATE: MAY 08 2012
BY: DAH

SPG-FCM Holdings I, LLC, is a Real Estate Investment Trust, which is a financial fund regulated by the U.S. Securities and Exchange Commission (SEC). This fund is managed by Farallon Capital Management, LLC. The Managing Members and Directors of Farallon Capital Management, LLC, are as follows:

- o Thomas F. Stever
- o William F. Duhamel
- o Alice Evarts
- o Richard B. Fried
- o Monica R. Landry
- o Douglas M. MacMahon
- o William F. Mellin
- o Stephen L. Millham
- o Andrew J. M. Spokes
- o Jason E. Moment
- o Ashish Pant
- o Rajiv A. Patel
- o Greg Swart
- o Mark C. Wehrly
- o Richard Bollini
- o Paul Collison
- o Michael B. Fisch
- o Eric S. Gorham
- o Seth W. Hamalian
- o Stephen P. Heath
- o Daniel J. Hirsch
- o Michael Linn
- o Jonathan J. Meyer
- o Marjorie T. Sennett
- o Jacquelyn R. Suen
- o Matthew Trentini
- o Richard H. Voon
- o John Wilton

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MAY 08 2012

COMMISSIONER
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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**MIAMI-DADE COUNTY
PROCESS #: Z12-066**

DATE: MAY 08 2012

BY: DAH

EXHIBIT "C"

Simon Property Group, Inc. – Executive Officers and Members of Senior Management:

David Simon
Chairman and Chief Executive Officer

Richard S. Sokolov
Director, President and Chief Operating Officer

James M. Barkley
Secretary and General Counsel

Stephen E. Starrett
Executive Vice President and Chief Financial Officer

Andrew Juster
Senior Vice President and Treasurer

John Datal
Senior Vice President and Chief Accounting Officer

Regional Malls

John Rulli
Senior Executive Vice President and President -
Simon Management Group

Gary Lewis
Senior Executive Vice President and President - Leasing

Vicki Hanor
Executive Vice President - Leasing

Barney Quinn
Executive Vice President - Leasing

Bruce Tobin
Executive Vice President - Leasing

James H. Allen
Executive Vice President - Local Leasing

Michael E. McCarty
Executive Vice President - Development Operations

Ardy Lugo
Senior Vice President - Simon Construction Group

Carl Dieterle
Executive Vice President - Development

Arthur W. Spellmeyer
Executive Vice President - Development

Thomas J. Schneider
Executive Vice President - Development

Regional Malls

Stewart A. Stockdale
Chief Marketing Officer and President - Simon Brand Ventures

Dennis Cavanagh
Executive Vice President - Simon Management Group

Timothy G. Earnest
Senior Vice President - Simon Management Group

David L. Campbell
Senior Vice President Finance - Operating Properties

Premium Outlet Centers (Chelsea)

David C. Bloom
Chairman
Advisory Director of Simon Property Group, Inc.

Leslie T. Chao
Chief Executive Officer

Michael J. Clarke
Co-President and Chief Financial Officer

John R. Klein
Co-President

Richard N. Lewis
Executive Vice President - Leasing

The Mills

J. Scott Mumphrey
President

Gregg M. Goodman
Executive Vice President - Development

Gary Duncan
Executive Vice President - Leasing

Paul C. Fickinger
Executive Vice President - Property Management

Community/Lifestyle Centers

Myles H. Minton
President

International Properties

Hans C. Maulner
Advisory Director, President - International Division,
and Chairman of Simon Global Limited

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MAY 08 2012

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

UNTERKATZ
2012

Copyright Notice

THE FALLS

DATE: 06/18/2012	TIME: 10:00 AM
BY: [Signature]	FOR: [Signature]
PROJECT: THE FALLS	LOCATION: 8888 SW 136 STREET

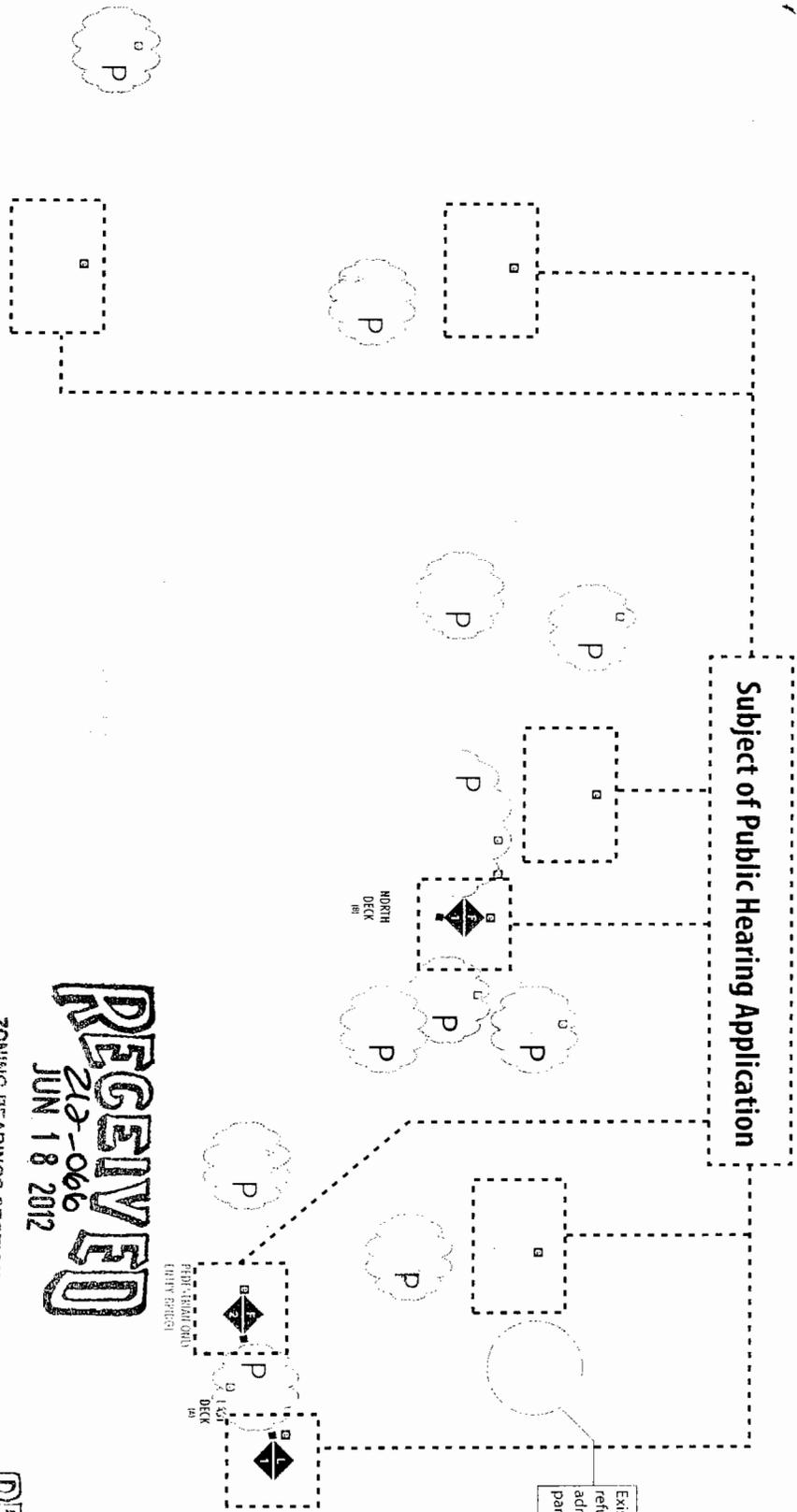
8888 SW 136 Street
Miami, Florida 33176

The Falls Mall
Site Signage

Master Plan

MP-1

Subject of Public Hearing Application



Existing entrance feature to be refurbished. Applicant to seek administrative approval. (Not part of the Public Hearing)

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213-066
JUN 18 2012

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

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213-066
JUN 18 2012

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

Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.



PARKING DECK STORAGE
(P) DECK ID BLADE

SITE SIGNAGE
(P) DETACHED DIRECTIONAL

ADDITIONAL SERVICE ITEMS - PHASE II
(1) BIDDING/DALE'S DECK (DPending)

(HOWARD DRIVE)

S.W. 136TH ST.

Subject of Public Hearing Application

PROPOSED SIGN AT 7' SET BACK

80

SITE TRIANGLE

PROPERTY LINE

7' SET BACK

75' SET BACK

NOT A PART THIS PROJECT

PROPOSED SIGN

P

Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.

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 JUN 18 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

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 JUN 18 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

S-2

8898 SW 136 Street	Miami, Florida 33176
The Falls Mall	Site Signage
B-2 & D-2 Locations	

THE FALLS

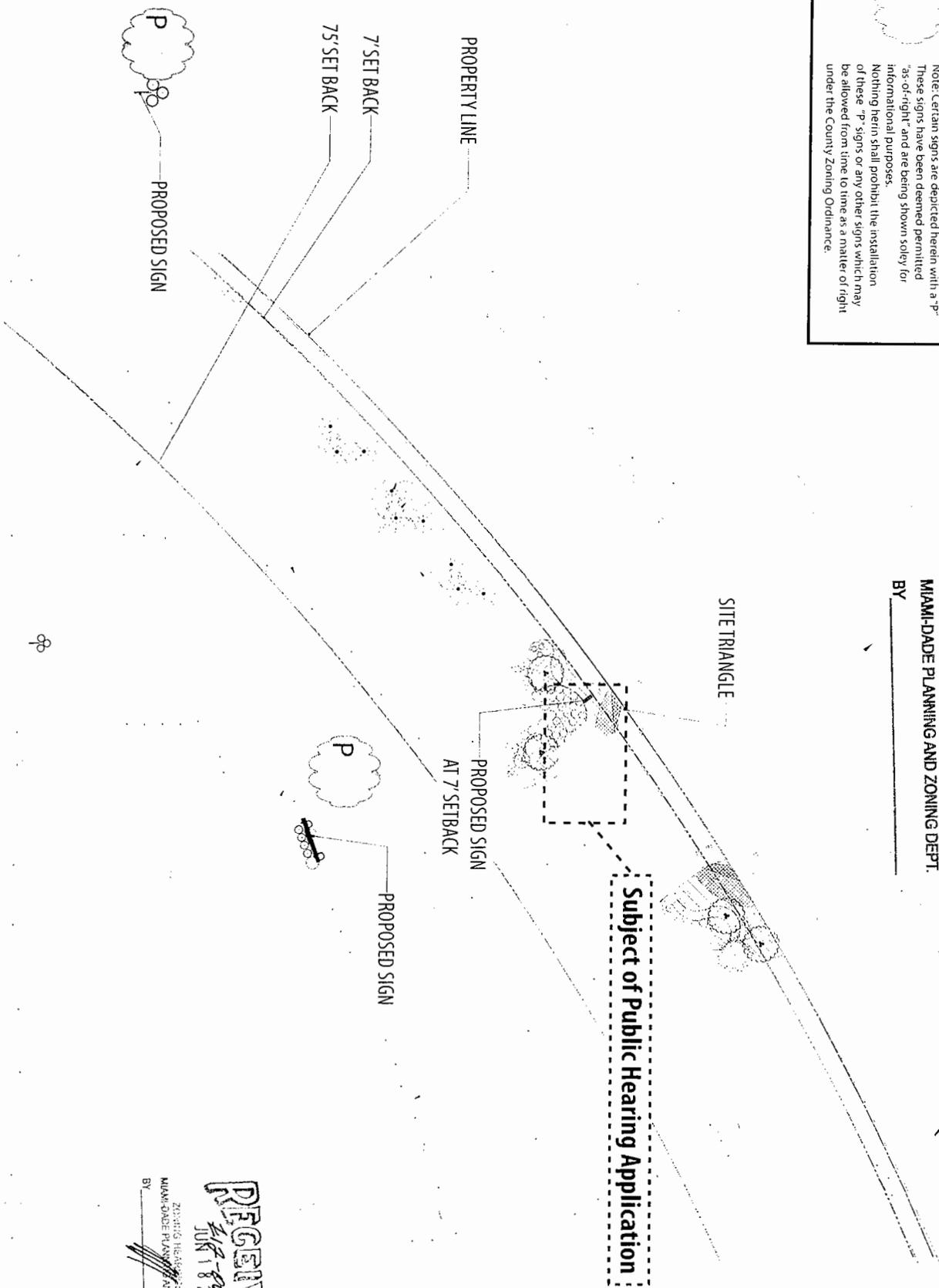
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

P
 Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.



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

8888 SW 136 Street	Miami, Florida 33176
The Falls Mall	Site Signage
B-3, D-4 & E-2 Locations	

S-4

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THE FALLS

INTEGRATED

20

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 JUN 18 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

75' SET BACK

PROPOSED NEW SIGN

7' SET BACK

PROPERTY LINE

SITE TRIANGLE

SITE TRIANGLE

P

Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.

Subject of Public Hearing Application

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 JUN 18 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

75' SET BACK

PROPOSED NEW SIGN

7' SET BACK

PROPERTY LINE

8888 SW 136 Street	Miami, Florida 33176
The Falls Mall	Site Signage
B-4 & C-1 Locations	

S-5

THE FALLS

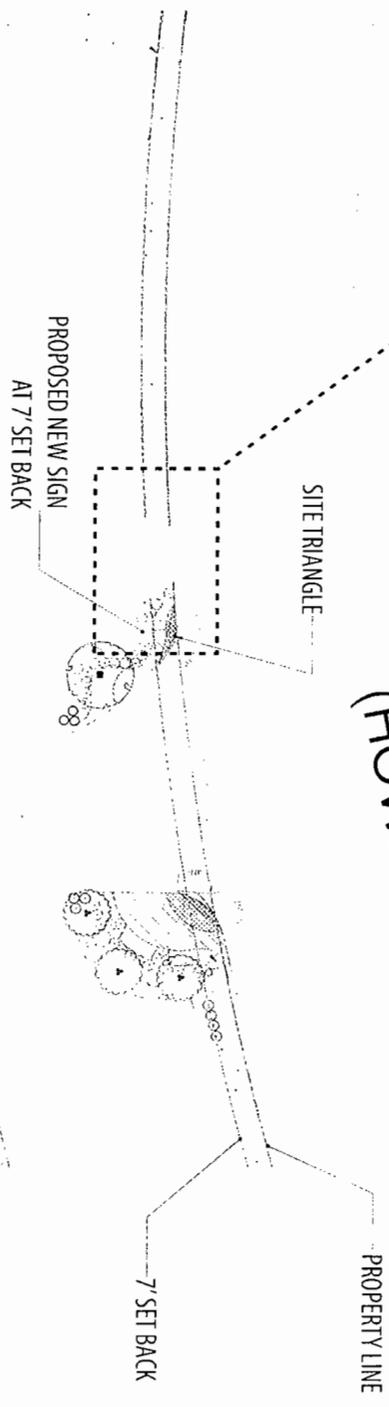
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Subject of Public Hearing Application

S.W. 136TH STREET
(HOWARD DRIVE)

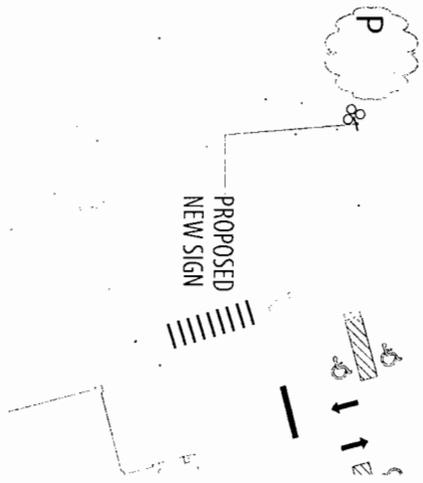


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JUN 18 2012

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

P

Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.



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

8888 SW 136 Street
The Falls Mall
B-1 & E-1 Locations

Miami, Florida 33176
Site Signage

THE FALLS

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INTEGRATED

22

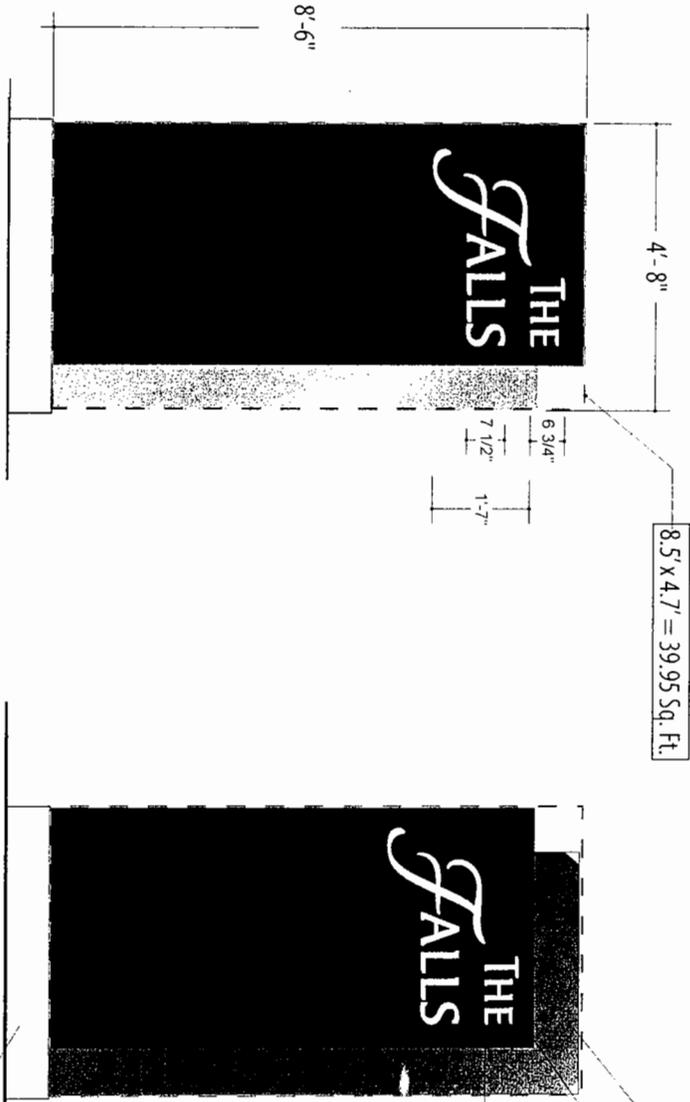
S-6



CHROME ILLUSION PAINT ON
PANEL BACK TYPICAL

PLAN VIEW
SCALE: 1/2"=1'-0"

CODE ANALYSIS
DETACHED ID SIGNS;
TWO (4) QUANTITY AS NEEDED PENDING COUNTY REVIEW
40-50 FT. MAXIMUM 10 FT. HEIGHT ALLOWED



8.5' x 4.7' = 39.95 Sq. Ft.

FACE A

FACE B

SIGN TYPE B - DETACHED DIRECTIONAL SIGN / NEW SIGN
SCALE: 1/2" = 1'-0"

Subject of Public Hearing Application

CHROME ILLUSION PAINT
CONTRASTS WITH SIGN FACE COLOR
PAINTED ALUMINUM SIGN CABINET
INTERNALLY ILLUMINATED SIGN
CABINET WITH PUSH-THRU
BACKLIT LOGO

CONCRETE BASE

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JUN 18 2012

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

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

8888 SW 136 Street	Miami, Florida 33176
The Falls Mall	Site Signage
Detached Directional Sign	

THE FALLS

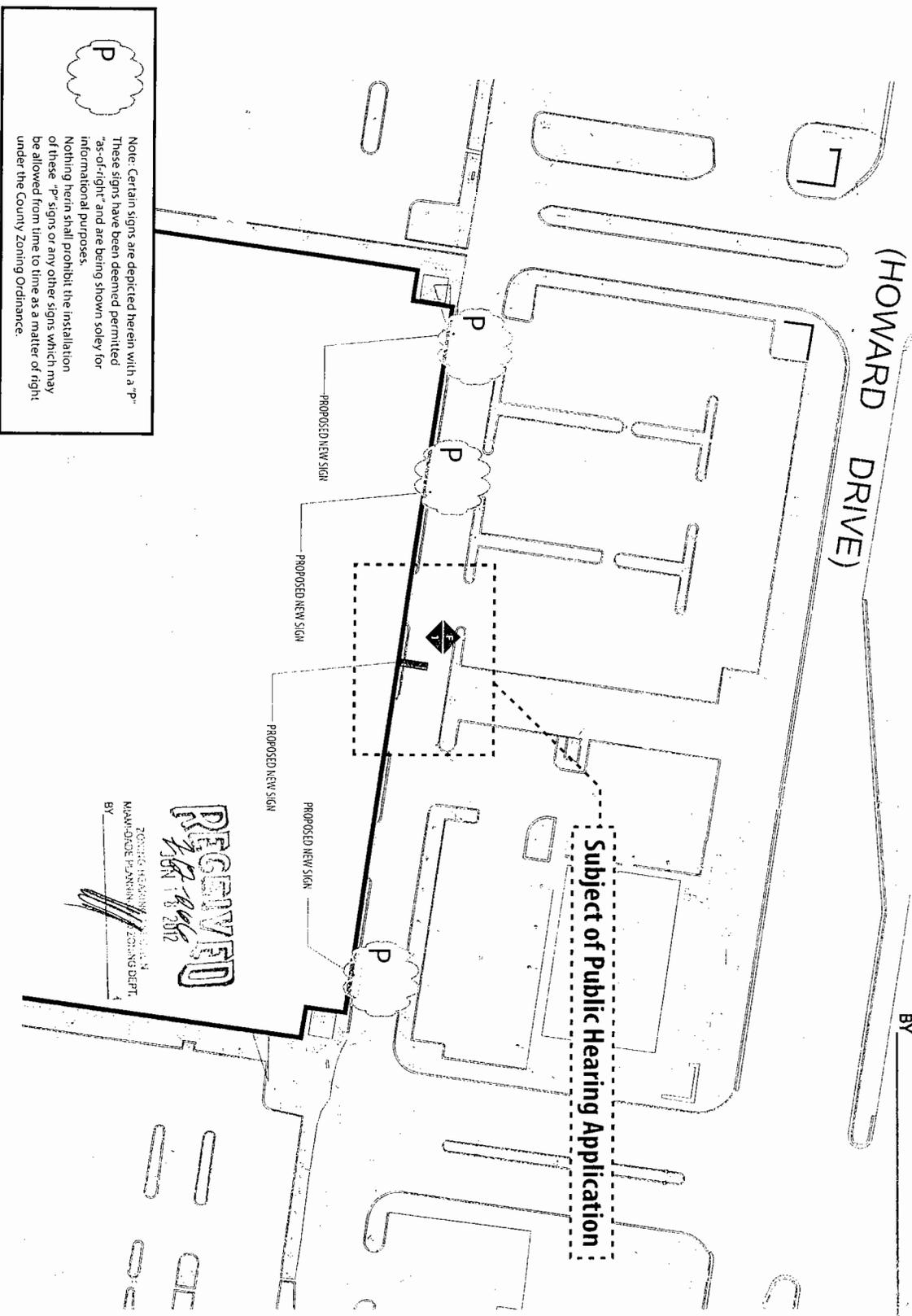
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 MIAMI-DADE PLANNING AND ZONING DEPT
 BY _____

(HOWARD DRIVE)



P

Note: Certain signs are depicted herein with a "P". These signs have been deemed permitted "as-of-right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.

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 MIAMI-DADE PLANNING AND ZONING DEPT
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Subject of Public Hearing Application

PD-1	8888 SW 136 Street	Miami, Florida 33176
	The Falls Mall	Site Signage
	F-1, G-1, G-2 & G-3 North Deck Locations	

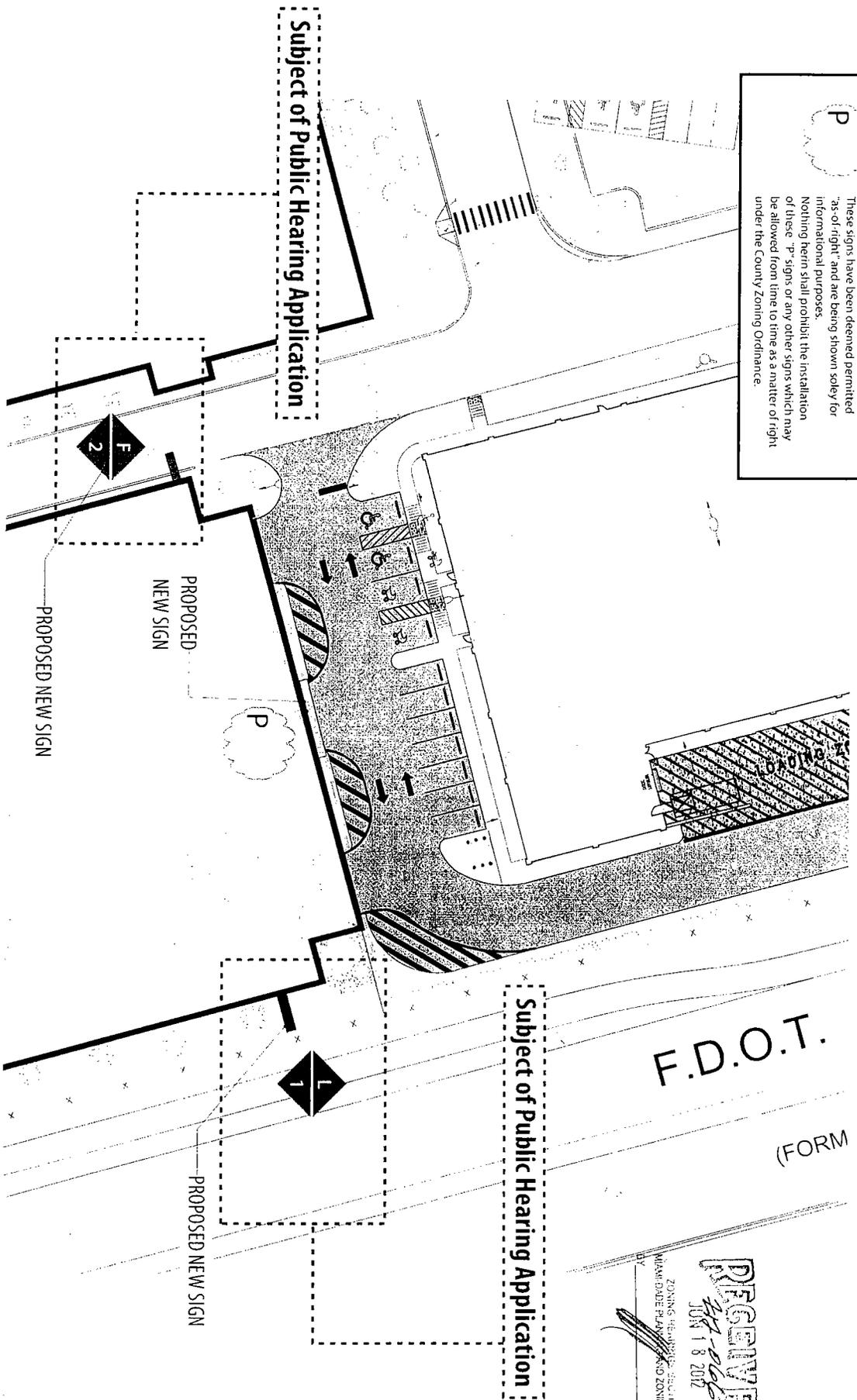
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THE FALLS

INTERMED
 SERVICES, INC.

P

Note: Certain signs are depicted herein with a "P" as of right" and are being shown solely for informational purposes. Nothing herein shall prohibit the installation of these "P" signs or any other signs which may be allowed from time to time as a matter of right under the County Zoning Ordinance.



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F.D.O.T.
(FORM)

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2012.06.06
JUN 18 2012

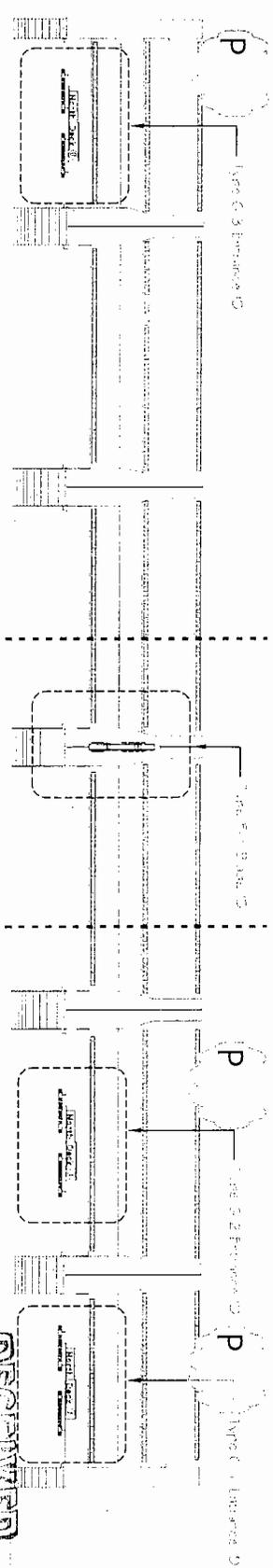
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

PD-2	8888 SW 136 Street	Miami, Florida 33176
	The Falls Mall	Site Signage
	F-2 & G-4 East Deck Locations	

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INTERFLUID

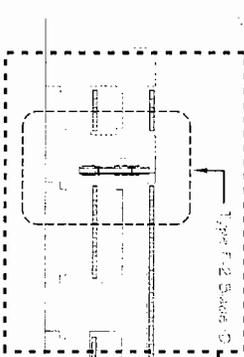
THE FALLS



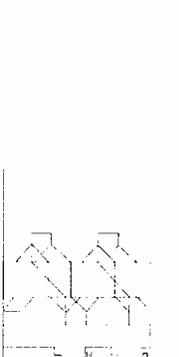
1 North Deck (North Elevation)

Subject of Public Hearing Application

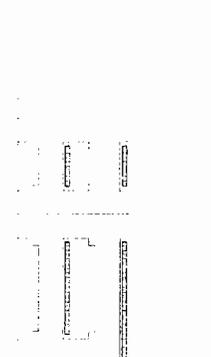
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____
 JUN 18 2012



2 East Deck (West Elevation)



3 East Deck (North Elevation)



4 East Deck (East Elevation)

Note: Certain signs are depicted herein with a "P" These signs have been deemed permitted as-of-right and are being shown solely for informational purposes. Nothing in this plan prohibits the installation of the signs shown herein, but the applicant may be allowed from time to time as a matter of right under the County Zoning Ordinance.

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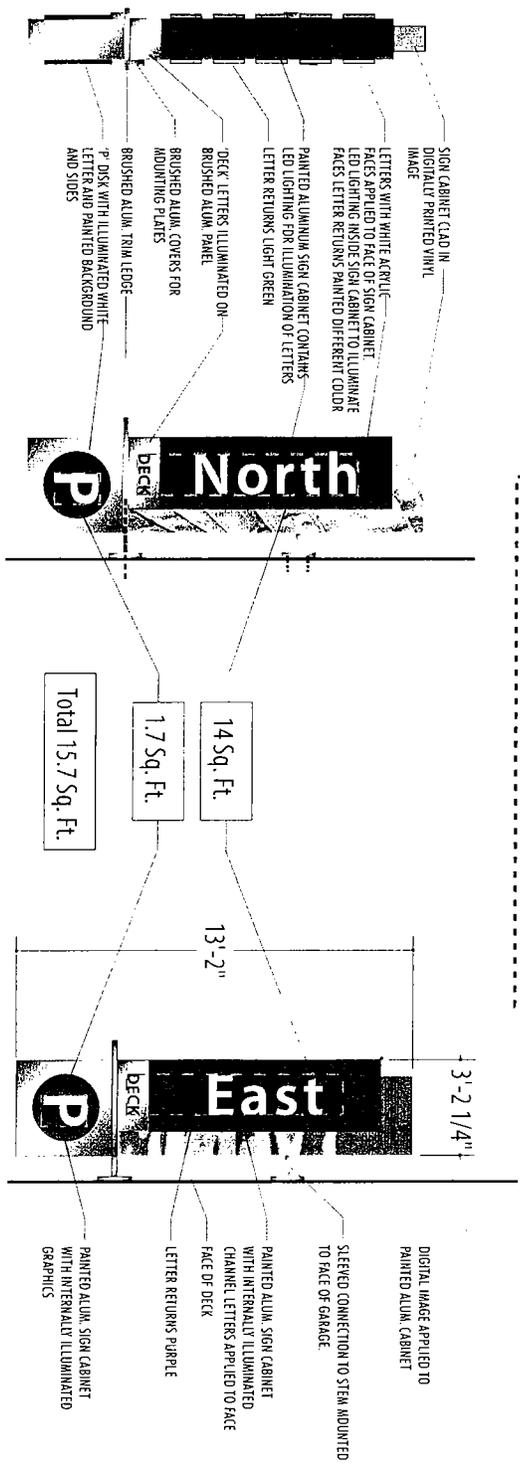
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 212-066
 JUN 18 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

Subject of Public Hearing Application

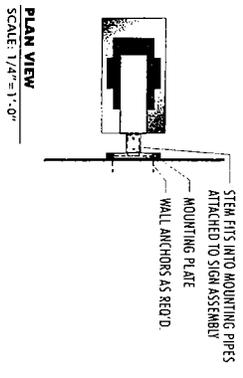
BY _____



END VIEW
 SCALE: 1/8"=1'-0"

SIGN TYPE F - NORTH DECK IDENTIFICATION (B)
 SCALE: 1/4"=1'-0"

SIGN TYPE F - EAST DECK IDENTIFICATION (A)
 SCALE: 1/4"=1'-0"



VIEW SCALE FOR BOTH NORTH AND EAST DECK SIGNS
 EXACT LOCATIONS TO BE VERIFIED

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.



Sign Location

Subject of Public Hearing Application

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2012 JUN 18 066
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

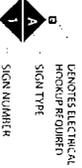
BY _____



Sign Location

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2012 JUN 18 066
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



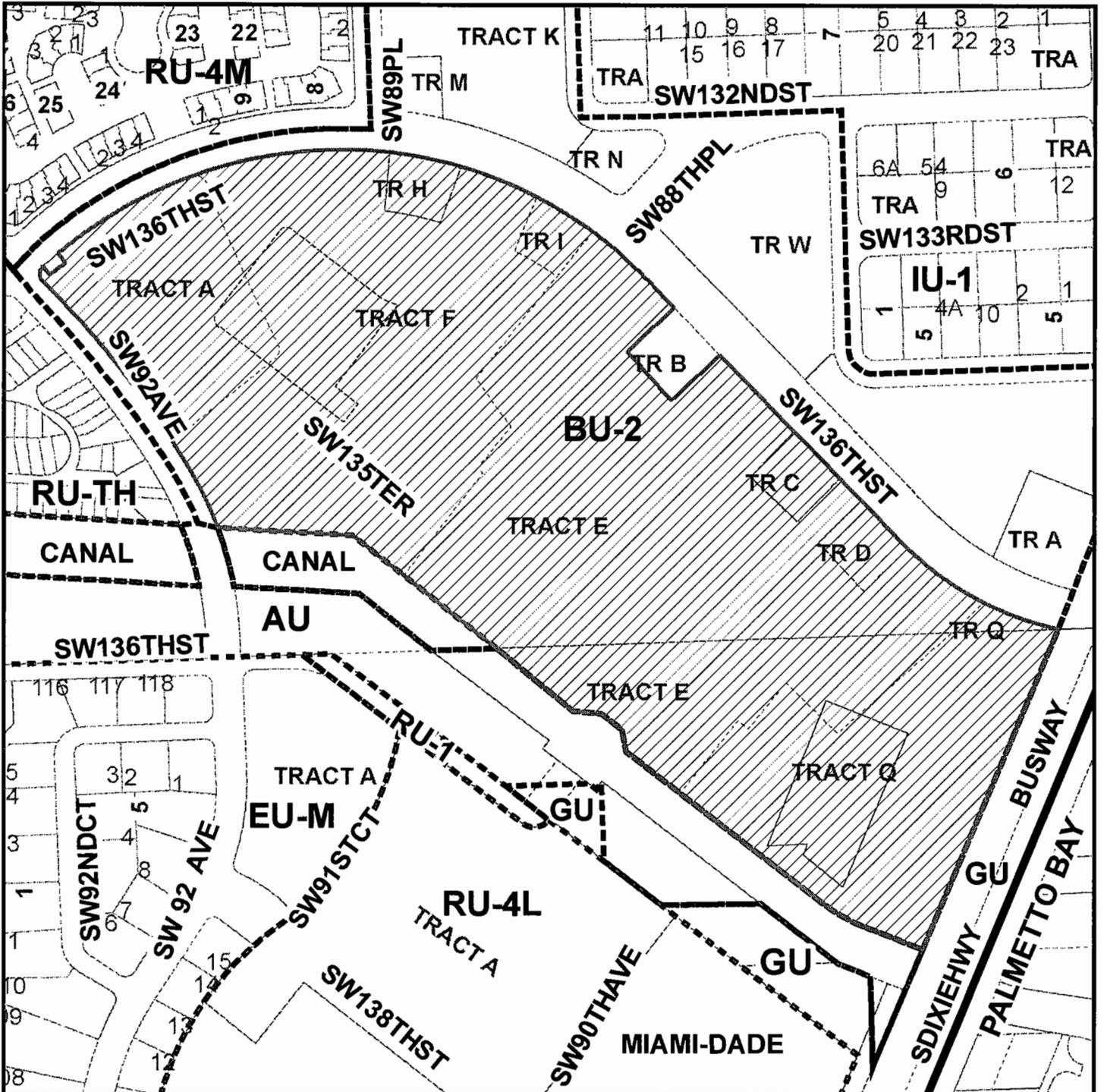
(1) BLOOMINGDALE'S DECK ID

8888 SW 136 Street	Miami, Florida 33176
The Falls Mall	Site Signage
Bloomingdale Blade Sign	

THE FALLS

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INTERSTATE



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2012000066



Section: 16/21 Township: 55 Range: 40
 Applicant: THE FALLS SHOPPING CENTER ASS
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

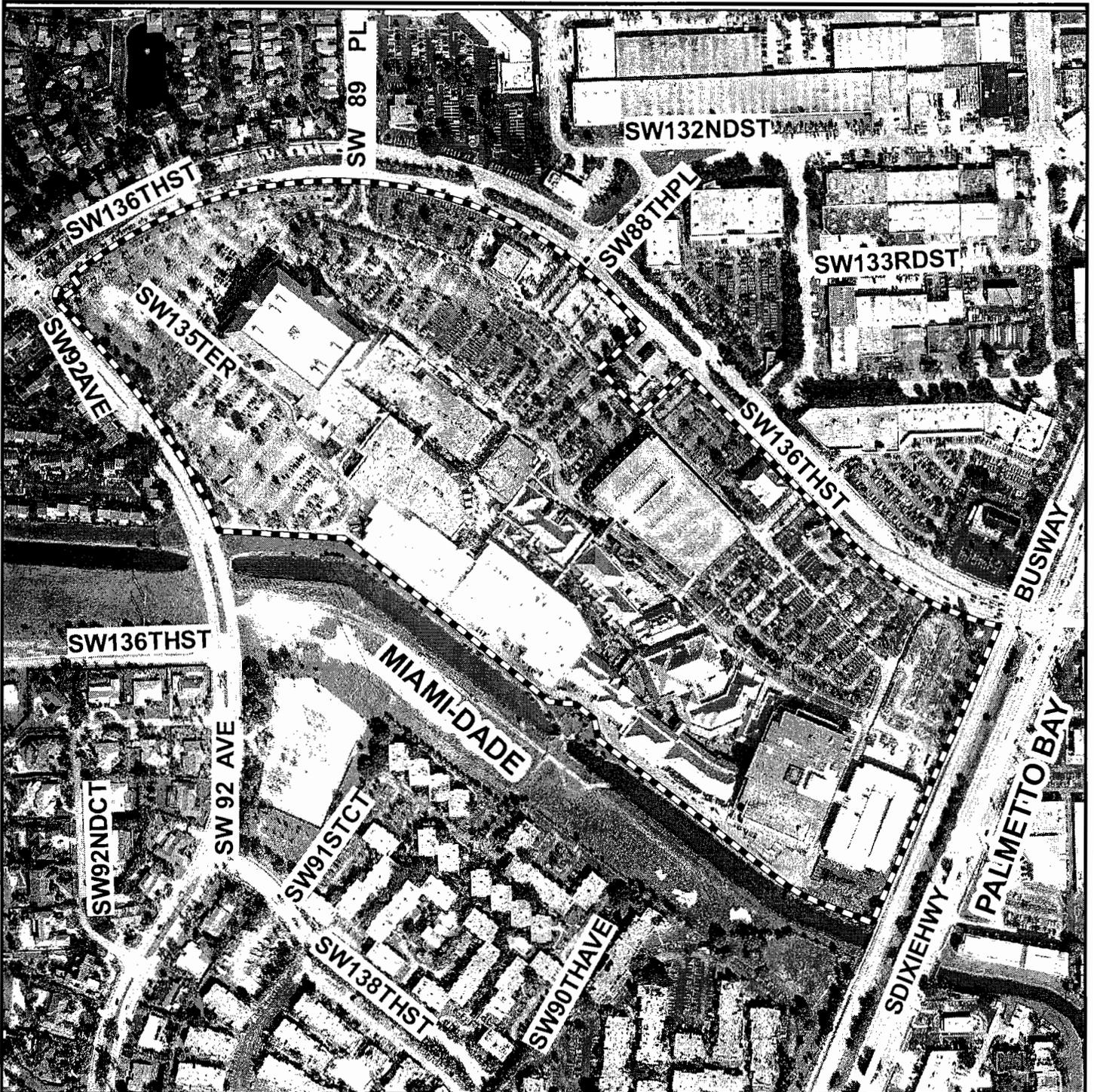
Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, May 31, 2012

REVISION	DATE	BY
		30



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000066



Section: 16/21 Township: 55 Range: 40
 Applicant: THE FALLS SHOPPING CENTER ASS
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

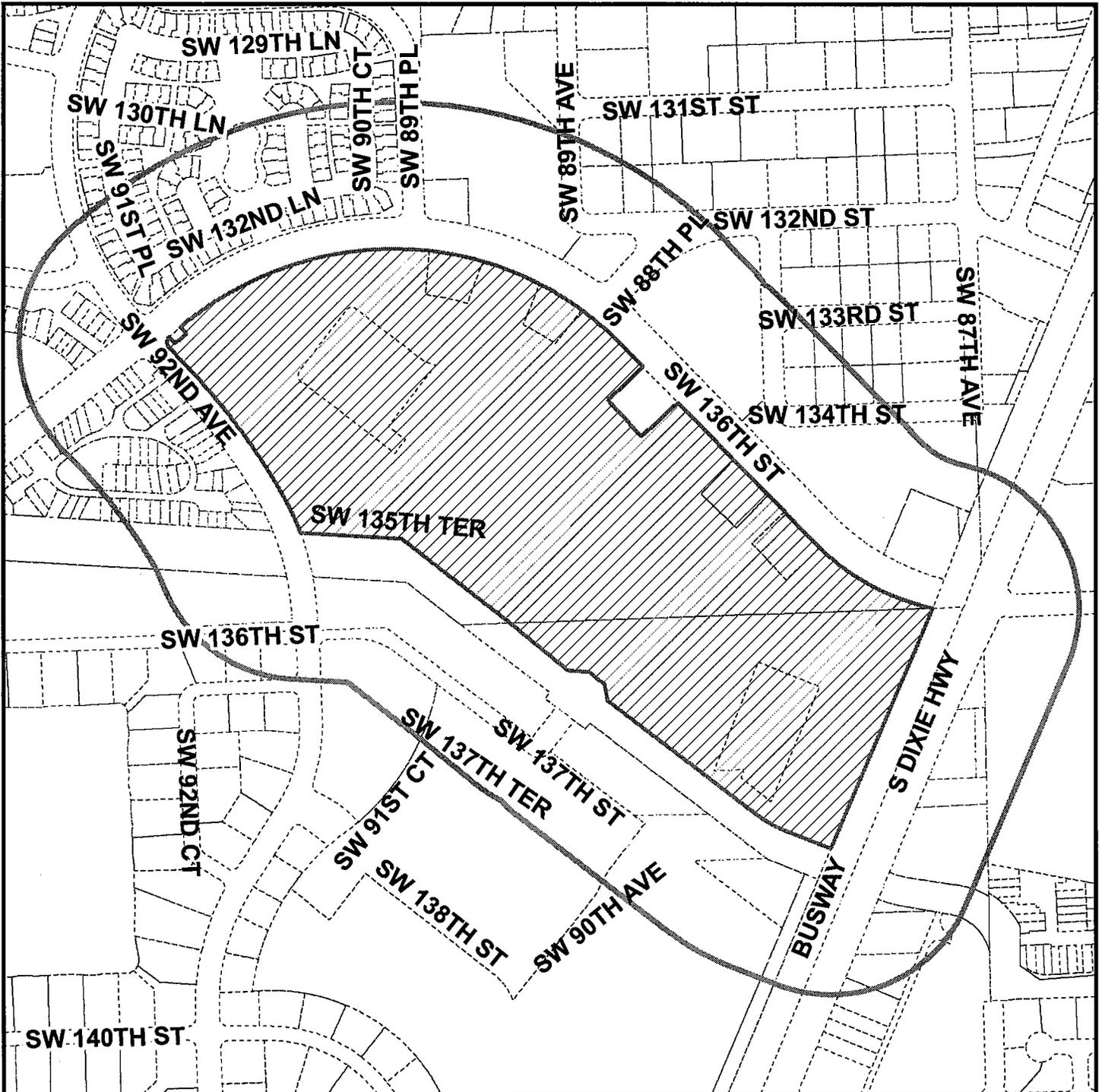
Legend

 Subject Property



SKETCH CREATED ON: Thursday, May 31, 2012

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000066

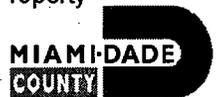
RADIUS: 500

Section: 16/21 Township: 55 Range: 40
 Applicant: THE FALLS SHOPPING CENTER ASS
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, May 31, 2012

REVISION	DATE	BY