KITS

1-6-2009 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 14

SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)

10710 SW 211 Street, Miami

Wednesday, February 11, 2009 at 6:00 p.m.

PREVIOUSLY DEFERRED

A.	08-10-CZ14-3	ANTONIO BARBOSA	08-54	22-55-38	
B.	08-12-CZ14-2	MARITZA AGUILAR	07-402	06-56-40	

CURRENT

1.	09-2-CZ14-1	MADISON HOLMES	05-334	32-55-40	N
2.	09-2-CZ14-2	ARCHBISHOP JOHN C. FAVALORA	06-368	01-56-39	N
3.	09-2-CZ14-3	THE CHURCH OF THE ASCENSION, INC.	08-97	30-55-40	N
4.	09-2-CZ14-4	VERIZON WIRELESS	08-182	07-56-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, FEBRUARY 11, 2009

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 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. **ANTONIO BARBOSA (08-10-CZ14-3/08-54)** **22-55-38**
Area 14/District 9

Applicant is requesting to permit a parcel of land with a lot frontage of 165' (200' required) and an area of 2.5 gross acres (5 gross acres required).

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

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey," as prepared by Mojarena & Associates, Inc., dated stamped received 3/19/08 and consisting of 1 sheet and the remaining sheets entitled "Storage Floor Plan and Utility Shed Floor Plan," as prepared by Ariel Clavijo, dated stamped received 7/18/08 and consisting of 2 sheets, for a total of 3 sheets.

LOCATION: Lying approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.5 Gross Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 12/17/08

B. **MARITZA AGUILAR (08-12-CZ14-2/07-402)** **6-56-40**
Area 14/District 9

(1) UNUSUAL USE to permit a home for the aged.

(2) Applicant is requesting to permit additions to the home for the aged setback 17.16' (25' required) from the rear (north) property line.

(3) Applicant is requesting to permit parking within 25' of the right-of-way (not permitted).

(4) Applicant is requesting to permit parking to back out into the right-of-way (not permitted).

(5) Applicant is requesting to permit 7 parking spaces (8 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Addition For: Maritza Nursing Home," as prepared by PM 2 Drafting Services,

Sheet "S-1" dated stamped received 8/1/08 and the remaining sheets dated stamped received 6/27/08 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 11421 S.W. 193 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' x 100'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 12/17/08

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1. **MADISON HOLMES (09-2-CZ14-1/05-334)** **32-55-40**
Area 14/District 9

(1) Applicant is requesting to permit a duplex setback 27.4' (10' or 15' required) from the front (north) property line and setback 6.2' (20' required) from the rear (south) property line.

(2) Applicant is requesting to permit a shed spaced 7.5' (10' required) from the residence.

(3) Applicant is requesting to waive the Edge Subdistrict Regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces.

(4) Applicant is requesting to waive the Standard Urban Centers regulations requiring the front setback to be landscaped.

(5) Applicant is requesting to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof.

(6) Applicant is requesting to permit the chain link fence with a minimum height of 4' (5' high minimum required) behind the build-to line.

(7) Applicant is requesting to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street.

(8) Applicant is requesting to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08. Plans may be modified at public hearing.

LOCATION: 10272 – 10274 S.W. 178 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 100.01'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **ARCHBISHOP JOHN C. FAVALORA (09-2-CZ14-2/06-368)** **1-56-39**
Area 14/District 9

(1) Applicant is requesting to waive the zoning regulations requiring S.W. 117 Avenue to be 125' in width; to permit 0' of dedication (62.5' required) for the west ½ of S.W. 117th Avenue.

(2) MODIFICATION of plans approved pursuant to Resolution No. 4-ZAB-38-79, last modified by Condition #5 of Resolution No. 5-ZAB-379-96, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That in the approval of the plan, the same be basically in accordance with that submitted for the hearing entitled 'St. Joachim Catholic Church,' as prepared by Villa & Brown, Inc., dated received April 4, 1996 and consisting of 7 sheets."

TO: "5. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'St. Joachim Catholic Church,' as prepared by Villa & Brown, Inc., dated received April 4, 1996 and consisting of 7 sheets, 'St. Joachim Catholic Church – Administrative Offices and Community Center Building,' dated stamped received 5/15/08, consisting of 3 sheets and 1 sheet entitled 'St. Joachim Catholic Church – Road Closing & Additional Parking,' as prepared by David J. Cabarrocas, Architect, dated stamped received 9/19/07 for a total of 11 sheets."

(3) DELETION of Condition #1 of Resolution No. 4-ZAB-38-79, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property and reading as follows:

"1. That the dedication of rights-of-way shall be made in accordance with §33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

The purpose of the requests #2 and #3 is to allow the applicant to submit a revised site plan showing additional parking in the right-of-way requested to be waived herein for S.W. 117th Avenue, a reduction in the overall size of property, a building reconfiguration for the previously

approved religious facility and to remove the condition that the right-of-way comply with zoning requirements unless not required by the Public Works Director.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

LOCATION: 19150 S.W. 117 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.61 Gross Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. **THE CHURCH OF THE ASCENSION, INC. (09-2-CZ14-3/08-97)** **30-55-40**
Area 14/District 9

(1) MODIFICATION of Condition #3 of Resolution No. 2-ZAB-400-64, passed and adopted by the Zoning Appeals Board and reading as follows:

FROM: "3. That the use be established and maintained in accordance with the approved plans.

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Church of the Ascension,' as prepared by Gator Engineering Consultants, P. A., 4 sheets dated stamped received 8/6/08, 3 sheets dated stamped received 5/21/08 with A4.3 dated last revised 11/25/08, 2 sheets dated stamped received 9/18/08 with SP 2 dated last revised 11/25/08 and 1 sign detail sheet as prepared by Andy Zitman, dated stamped received 9/18/08 for a total of 10 sheets."

The purpose of request #1 is to submit new plans for a previously approved religious facility showing a new sanctuary building and a multi-purpose building with additional signage.

(2) Applicant is requesting to permit buildings of public assemblage setback 24.9' (25' required) from the side street (south) property line.

(3) Applicant is requesting to permit a lot coverage of 22.8% (15% permitted).

(4) Applicant is requesting to permit 2 additional detached signs, each consisting of 22 sq. ft. (1 24 sq. ft. sign permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 - #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 11201 S.W. 160 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.44 Acres

Department of Planning and Zoning Recommendation: Modified approval with conditions of request #1 under Section 33-311(A)(7) (generalized modification standards), and denial without prejudice of same under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing); approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of request #4 under Section 33-311(A)(4)(b); denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. **VERIZON WIRELESS (09-2-CZ14-4/08-182)** **7-56-39**
Area 14/District 8

UNUSUAL USE to permit a 150' high wireless supported service facility (cellular tower) to be increased to a maximum height of 170' and ancillary equipment.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Zoning Plan," as prepared by Kimley-Horn and Assocs., Inc., consisting of 1 sheet dated stamped received 11/4/08. Plans may be modified at public hearing.

LOCATION: 20900 S.W. 167 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY; 4.86 Acres

Department of Planning and Zoning Recommendation:	Deferral.
Protests: 0	Waivers: 0
APPROVED:	DENIED WITH PREJUDICE:
DENIED WITHOUT PREJUDICE:	DEFERRED:

THE END

NOTICE OF APPEAL RIGHTS

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

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

A. ANTONIO BARBOSA
(Applicant)

08-10-CZ14-3 (08-54)
Area 14/District 9
Hearing Date: 2/11/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1988	Osvaldo Garcia	Permit trailer as watchmen quarters.	ZAB	Denied without prejudice

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

A

APPLICANT'S NAME: **ANTONIO BARBOSA**

REPRESENTATIVE: Vincente Barbosa

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ14-3 (08-54)	December 17, 2008	CZAB14		08

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Feb 11, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: At applicant's request to work with staff.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MR.		Nehemiah Davis	X		
MR.	S	Patrice Michel	X		
MR.		Michael Rodriguez	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
		VOTE:	5	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **RON BERNSTEIN**

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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

#3

APPLICANT'S NAME: **ANTONIO BARBOSA**

REPRESENTATIVE: Vicente Barbosa

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-10-CZ14-3 (08-54)	October 16, 2008	CZAB14		08

REC: Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

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

■ DEFER: ☐ INDEFINITELY ■ TO: 12/17/08 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To allow the applicant time to obtain an attorney.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE	X		
MR.	S	Gary J. DUFEK	X		
DR.		Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **JONI ARMSTRONG-COFFEY**

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: Antonio Barbosa **PH:** Z08-054 (08-10-CZ14-3)

SECTION: 22-55-38 **DATE:** February 11, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** A

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A. INTRODUCTION:

- **REQUESTS:**

  Applicant is requesting to permit a parcel of land with a lot frontage of 165' (200' required) and an area of 2.50 gross acres (5 acres required).

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

  A survey is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey," as prepared by Mojarena & Associates, Inc., dated stamped received 3/19/08 and consisting of 1 sheet and the remaining sheets entitled "Storage Floor Plan and Utility Shed Floor Plan," as prepared by Ariel Clavijo, dated stamped received 7/18/08 and consisting of 2 sheets, for a total of 3 sheets.

- **SUMMARY OF REQUESTS:**

  The request will allow the applicant to develop a parcel of land with less frontage and area than required in the GU, Interim District.

- **LOCATION:** Lying approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida.

- **SIZE:** 2.50 gross acres

- **IMPACT:** The approval of the reduced lot frontage and area would allow the applicant to establish a non-conforming GU, Interim District, parcel of land. The approval of this reduced area and lot frontage might set a precedent that would affect this critical environmental area.

B. ZONING HEARINGS HISTORY:

In August 1988, the subject property was a part of a 5-acre tract of land that was denied with prejudice, an unusual use request to permit a trailer as a watchman's quarters by the Zoning Appeals Board, pursuant to Resolution No. 4-ZAB-325-88,.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The subject property is located approximately **4 miles west of and outside of the UDB**. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Open Land**. The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following

functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.

2. Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.

3. Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.

4. **Open Land Subarea 4** (East Everglades Residential Areas). This subarea is bounded on the north, west and southwest by Everglades National Park, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County) and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area.

   The CDMP states that seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU; Nursery	Open Land (Subarea 4)
Surrounding Properties:	
NORTH: GU; Single-family residence	Open Land (Subarea 4)
SOUTH: GU; Single-family residence	Open Land (Subarea 4)
EAST: GU; Vacant	Open Land (Subarea 4)
WEST: GU; Vacant	Open Land (Subarea 4)

The subject parcel is located approximately 165' north of S.W. 144th, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida. Plant nurseries, vacant parcels and single-family residences on large lots characterize the surrounding area. The subject property is located approximately 1.5 mile west of Levee 31N, approximately 4 miles west of and outside of the Urban Development Boundary (UDB) line.

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey and floor plans submitted.)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not

be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Sec. 33B-11. Adoption of declarations.

The aforesaid declarations are hereby adopted as the legislative and intent of the Board of County Commissioners of Metropolitan Miami-Dade County, Florida, and are made a part hereof.

The Board of County Commissioners of Metropolitan Miami-Dade County, Florida, hereby declares and finds that the creation of the area of critical environmental concern is essential to assure the protection and maintenance of the public health, safety and welfare of the present and future inhabitants of, and visitors to, Metropolitan Miami-Dade County. It is the purpose of this designation to protect the public health, safety and welfare by assuring orderly development of the designated area and minimal degradation of those natural ecosystems described in Section 33B-13; by requiring that the functional integrity of natural ecosystems as described in Section 33B-13 is protected; by assuring the maintenance of the present surface and subsurface hydrology within those lands described in Section 33B-13; by providing for the protection of the ecological form and function of the Everglades National Park, its estuarine areas and adjacent wetlands, and to maintain the capability of the natural environment to sustain a proposed use in the long term. This approach will ensure the integrated use of the physical, natural and social sciences and arts in the planning decision process to minimize adverse impacts upon, and to maximize the benefits and resources of, the area.

Sec. 33B-22. Purpose.

In order to protect and preserve the public and private resources of the East Everglades and to achieve the goals and objectives of the East Everglades Resources Planning Project, it is necessary and appropriate to create a system of comprehensive land management and development regulations for the East Everglades Area of Critical Environmental Concern. This division is adopted in order to protect the East Everglades resources and to limit growth and development in the area to that development which is compatible with the long term integrity of the public and private economic and environmental values of the East Everglades. This division is in furtherance of the goals and objectives of Ordinance No. 81-1 [Division 1 of Article II of this chapter].

Sec. 33B-25. Authorized uses.

(A) ***Management Area 1:***

(1) *Permitted uses:*

(a) Agricultural use, and

(b) Agricultural support housing at a density of no greater than one (1) unit per forty (40) acres, or

(c) Single-family detached dwelling units at a density of no greater than one (1) unit per forty (40) acres.

(2) *Conditional uses:*

(a) Single-family detached dwelling units at a density of no greater than one (1) unit per five (5) acres in that portion of Management Area 1 which had an established residential character as of January 14, 1981, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten-year flood event. This area is defined as all of Sections 14, 21, 22, 23, 27, 28; the south one-half of Section 11 and the south one-half of the north one-half of Section 11; the east one-half of Section 15; the east one-half of Section 16; all land in Section 26 which lies northerly and westerly of Levee L-31-N; the east one-half of the east one-half of Section 29; all within Township 55 South and Range 38 East.

(b) Residential dwelling units at a density of no greater than one (1) dwelling unit per twenty (20) acres, provided that:

1. The dwelling unit is ancillary to an established agricultural operation involving less than forty (40) acres, and

2. Occupancy of the dwelling is limited to the owner, operator or employees of the established agricultural operation, and

3. The parcel was not in common ownership with any adjacent parcel of land on or after January 14, 1981.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the October 16, 2008 meeting to the December 17, 2008 meeting at the applicant's request. Subsequently, the application was deferred from the December 17, 2008 meeting to the February 11, 2009 meeting, to allow the applicant to meet with staff. The subject property is zoned GU, Interim District, and is located approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, which is approximately **4 miles west of and outside of the Urban Development Boundary** (UDB) and approximately 1.5 miles west of Containment Levee 31-N, which demarcates the easternmost boundary of this Management Subarea 1 of the East Everglades Zoning Overly area. For edification, the East Everglades Zoning Overlay Ordinance was enacted January 19, 1981 pursuant to Ordinance No. 81-1. Although zoned GU, Interim District, with no agricultural trend, the area is characteristically agricultural in nature and staff notes that agricultural uses are permitted by the East Everglades Zoning District. The applicant has indicated in the submitted Letter of Intent that they wish to utilize the parcel for a plant nursery. Further, staff notes that the 2-acre tract to the south was originally a part of the

subject property that was denied an unusual use request in 1988, pursuant to Resolution #4-ZAB-325-88, and there are no records indicating that the property was legally subdivided since that hearing. As such, the applicant is requesting to permit a parcel of land with a frontage of 165' (200' required) and an area of 2.27 acres (5 acres required). The subject property lies in a section of land (22-55-38) that is zoned GU. The GU zoning district requires lots to contain a minimum of 5 gross acres and a minimum lot frontage (width) of 200'. The subject property lies within the boundaries of the East Everglades Zoning Overlay Ordinance and Section 33B-25(A) allows agricultural uses on those properties located within Management Area 1. The applicant has submitted a boundary survey and floor plans indicating the location and size of two existing structures.

The Department of Environmental Resources Management **(DERM) does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** and has indicated that this land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Their memorandum indicates that this application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. Further, their memorandum indicates that the application meets the traffic concurrency criteria. The Miami-Dade Fire Rescue Department **(MDFRD)** has **no objections** to this application and MDFRD has indicated that the average response time for this site is **13:32** minutes.

The Comprehensive Development Master Plan (CDMP) designates this area as **Open Land (Subarea 4)** on the Land Use Plan (LUP) map. Uses which may be considered for approval in this area are **seasonal agriculture,** and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten year flood event in keeping with the adopted East Everglades zoning overlay regulation as found in Section 33B, Zoning Code of Miami-Dade County, and compatible and necessary utility facilities. The interpretative text of the Land Use Element of the CDMP further stipulates that uses that could compromise groundwater quality shall not occur in this area. If approved, this application would allow the applicant a plant nursery use on this sub-standard sized, GU zoned parcel of land, which lies in the Management Area 1 of the East Everglades. Section 33B-25(A)(1)(a) allows agricultural uses in Management Area 1. However, staff is of the opinion that the requested establishment of the property for year-round agricultural use, such as a plant nursery, does not meet the goals and objectives of the East Everglades Management Plan and opines that it may affect the ecological integrity of this critical area of environmental concern. Additionally, the development of a plant nursery on a parcel of land containing 2.50 gross acres in a region that is designated Open Land Subarea 4 would be **inconsistent** with the basic intent and purpose of the CDMP which indicates that one of the uses to be considered for approval in this area be "seasonal agricultural".

Further, though the applicant is not requesting any residential uses on the site, staff notes that the applicant has submitted floor plans which depict two non-permitted structures which have been constructed without the benefit of building permits, including a 44'7" x 28' storage and office structure consisting of two rooms, a porch, an office, a covered area, and a pump area. The other structure is a 16'8" x 28' utility shed with a porch. Staff is concerned that the structures could be easily converted to residences which are not permitted in this area on a 2.50-acre parcel of land, and would be **inconsistent** with the CDMP. The one important goal of the East Everglades zoning overlay density restriction is to prevent the problems that may arise from the accumulation of effluence generated by residential uses within an area that receives no flood protection. Such problems may include the need for a considerable infusion of public resources during flooding

events, and the damage to private property, which will occur when individuals make physical improvements in areas with high flood risks and no floodwater removal capacity.

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of this application will result in unnecessary hardship. As such, this application cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

When the applicant's request is analyzed under Section 33-311(A)(4)(b) (NUV), staff is of the opinion that the approval of this application does not maintain the basic intent and purpose of the land use regulations. The request to permit a parcel of land with a lot frontage of 165' (200' required) and a lot area of 2.50 gross acres (5 gross acres required), would allow the applicant a plant nursery use which is not a seasonal agricultural operation. As such, staff opines that the requested use does not maintain the basic intent and purpose of the land use regulations in this section of the County of critical environmental concern. Staff therefore, opines that the requested use is not compatible with the surrounding area and inconsistent with the CDMP. The subject property is neighbored to the north by a 5-acre single family residence, to the east is an 8-acre vacant parcel, to the west is a 5-acre parcel and to the south is a similarly sized 2-acre vacant parcel. As previously mentioned, the 2-acre tract to the south was originally a part of the subject property that was denied an unusual use request in 1988, pursuant to Resolution #4-ZAB-325-88 and there are no records of the property being legally subdivided. The applicant has constructed two structures without the benefit of building permits including a 44'7" x 28' storage and office structure consisting of two rooms of storage, a porch, an office, a covered area and a pump area. The other structure is a 16'8" x 28' utility shed with a porch. Staff is concerned that the structures could be easily converted to residences which are not permitted in this area on a parcel of this size and are **inconsistent** with the CDMP as residential occupancy on a parcel of land of the size of the subject property is in direct conflict with the requirements of this area of the East Everglades Zoning Overlay. Based on the aforementioned, staff is of the opinion that the request to permit a parcel of land for a plant nursery with less lot area and lot frontage than required is **inconsistent** with the CDMP and **incompatible** with the area and should not be approved under Section 33-311(A)(4)(b) (NUV). Therefore, staff recommends denial without prejudice of this application.

Based on all of the foregoing, staff recommends denial without prejudice under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION: Denial without prejudice.

J. CONDITIONS: None

DATE INSPECTED: 04/08/08
DATE TYPED: 08/21/08
DATE REVISED: 08/21/08, 08/25/08, 09/08/08, 09/9/08, 09/10/08, 10/16/08,10/28/08, 11/14/08 11/19/08, 12/08/08, 12/10/08, 01/06/09
DATE FINALIZED: 01/06/09
MCL:MTF:LVT:CH:CI

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: April 9, 2008

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

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

Subject: C-14 #Z2008000054
Antonio Barbosa
14350 S.W. 202nd Avenue
Request to Permit a Plant Nursery in the GU Zone with Less Area and Frontage than Required
(GU) (2.3 Acres)
22-55-38

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.

Wetlands
The subject property is located within a designated wetland basin; however, the property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will not be required.

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

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

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

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

Concurrency Review Summary

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

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

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

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

PH# Z2008000054
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ANTONIO BARBOSA

This Department has no objections to this application.

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

This 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-JUN-08

Memorandum

Date: 27-MAR-08

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

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

Subject: Z2008000054

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000054
located at LYING WEST OF S.W. 202 AVENUE, APPROXIMATELY 165' NORTH OF S.W. 144 STREET, MIAMI, FLORIDA
in Police Grid 2005 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 13:32 minutes

Existing services:

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

Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 50' Squrt, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 01/30/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

ANTONIO BARBOSA

APPLICANT

LYING APPROXIMATELY 165' NORTH OF S.W. 144 STREET BETWEEN SW 202 AVENUE AND 203 AVENUE, MIAMI-DADE COUNTY, FLORIDA

ADDRESS

Z2008000054

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

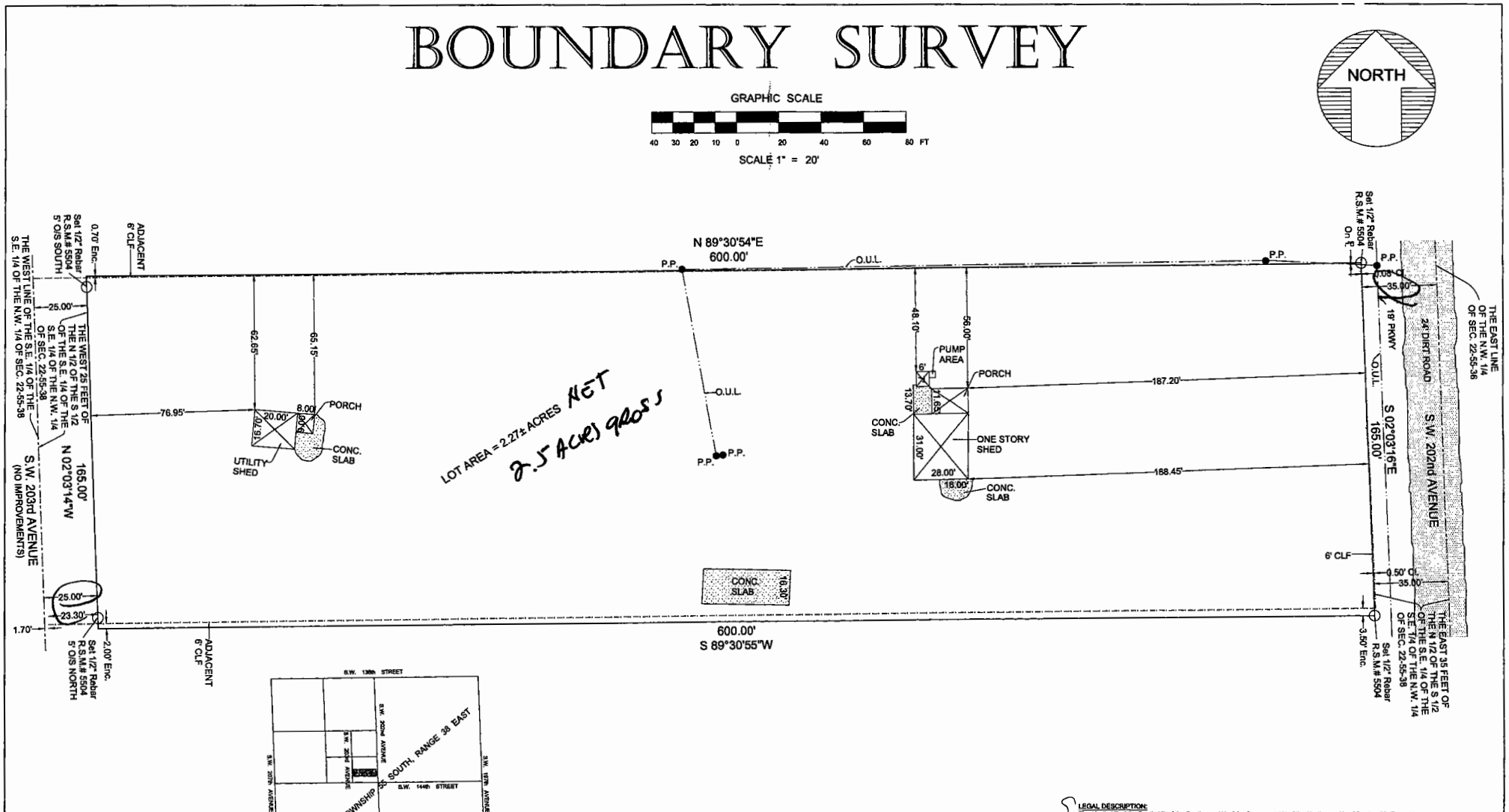
200902000683 CASE CLOSED NO VIOLATION OBSERVED (ENFORCEMENT HISTORY)

200802003249 CASE CLOSED NO VIOLATION OBSERVED (ENF.HISTORY)

JOSE LOPEZ

91

BOUNDARY SURVEY



LOCATION SKETCH
NTS

LEGAL DESCRIPTION:
The North 1/2 of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 22, Township 55 South, Range 38 East, LESS the East 35 feet and the West 25 feet thereof, all lying and being in MIAMI-DADE County, Florida.

PREPARED FOR: Antonio Barbosa & Raquel Barbosa, 14300 S.W. 202 Avenue, Miami, FL 33198

- All clearances and/or encroachments shown hereon are of apparent nature. Fence ownership by visual means. Legal ownership of fences not determined.
- Encroachments Noted:
- Underground structures, if any, not located.
- Bearings, if shown, are based on assumed meridian or Plat of Record.
- Lands shown hereon were not abstracted for easements and/or rights-of-ways of record.
- Legal description provided by client.
- This certification is only for land as described. It is not a certification of title, zoning, easements, or freedom from encumbrances. ABSTRACT NOT REVIEWED.
- There may be additional restrictions not shown on this survey that may be found in the public records of this county. ABSTRACT NOT REVIEWED.
- This BOUNDARY SURVEY has been prepared for the exclusive use of the entities named hereon. The Certificate does not extend to any unnamed party.
- This survey was based on the monuments found on the field. No construction in any manner should be made without the prior written consent of the Surveyor.

RECEIVED
MAR 19 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LEGEND																	
Δ = Central Angle	℄ = Center Line	F.H. = Fire Hydrant	M = Measured	O/S = Offset	Pl. = Plenter	R.L.S. = Registered Land Surveyor	T = Tangent
A = Arc	CLF = Chain Link Fence	FIP = Found 1/2" Iron Pipe	MAINT. = Maintenance	O.U.L. = Overhead Utility Lines	PLS = Professional Land Surveyor	RNG = Range	Trans. = Transformer
A/C = Air Conditioner	CL = Clear	FIR = Found 1/2" Iron Rebar	ME = Maintenance Easement	P = Plat	P.O.B. = Point of Beginning	R/R = Railroad	TWP = Township
ASPH = Asphalt	Conc. = Concrete	FPL = Florida Power & Light	MH = Manhole	PB = Plat Book	P.O.C. = Point of Commencement	RSM = Registered Surveyor & Mapper	Typ. = Typical
BBQ = Barbecue	D = Deed	ID = Identification	M = Monument Line	PC = Point of Curvature	P.P. = Power Pole	R/W = Right-of-Way	U.E. = Utility Easement
CB = Catch Basin	Ø = Diameter	I.P. = Iron Pipe	Mon. = Monument	PCP = Permanent Control Point	PRC = Point of Reverse Curvature	Sdwk. = Sidewalk	UTIL. = Utility
CBS = Concrete Block Structure	DH = Drill Hole	LB = Licensed Business	N/A = Not Applicable	PG = Page	PRM = Point of Reference Monument	Sec. = Section	W.F. = Wood Fence
CH = Chord	DME = Drainage & Maintenance Easm't	LME = Lake Maintenance Easement	N/D = Nail & Disc	P.I. = Point of Intersection	PT = Point of Tangency	SD = Storm Drain	W.M. = Water Meter
Chattah. = Chattahoochee	Easm't = Easement	LP = Light Pole	N° = Number	PKWY = Parkway	R = Radius	SMH = Sanitary Manhole	WME = Well Maintenance Easement
	Enc. = Encroachment	L.S. = Land Surveyor	NTS = Not to Scale	℄ = Property Line	Res. = Residence	SSMH = Sanitary Sewer Manhole	

SURVEYOR'S SEAL
Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.

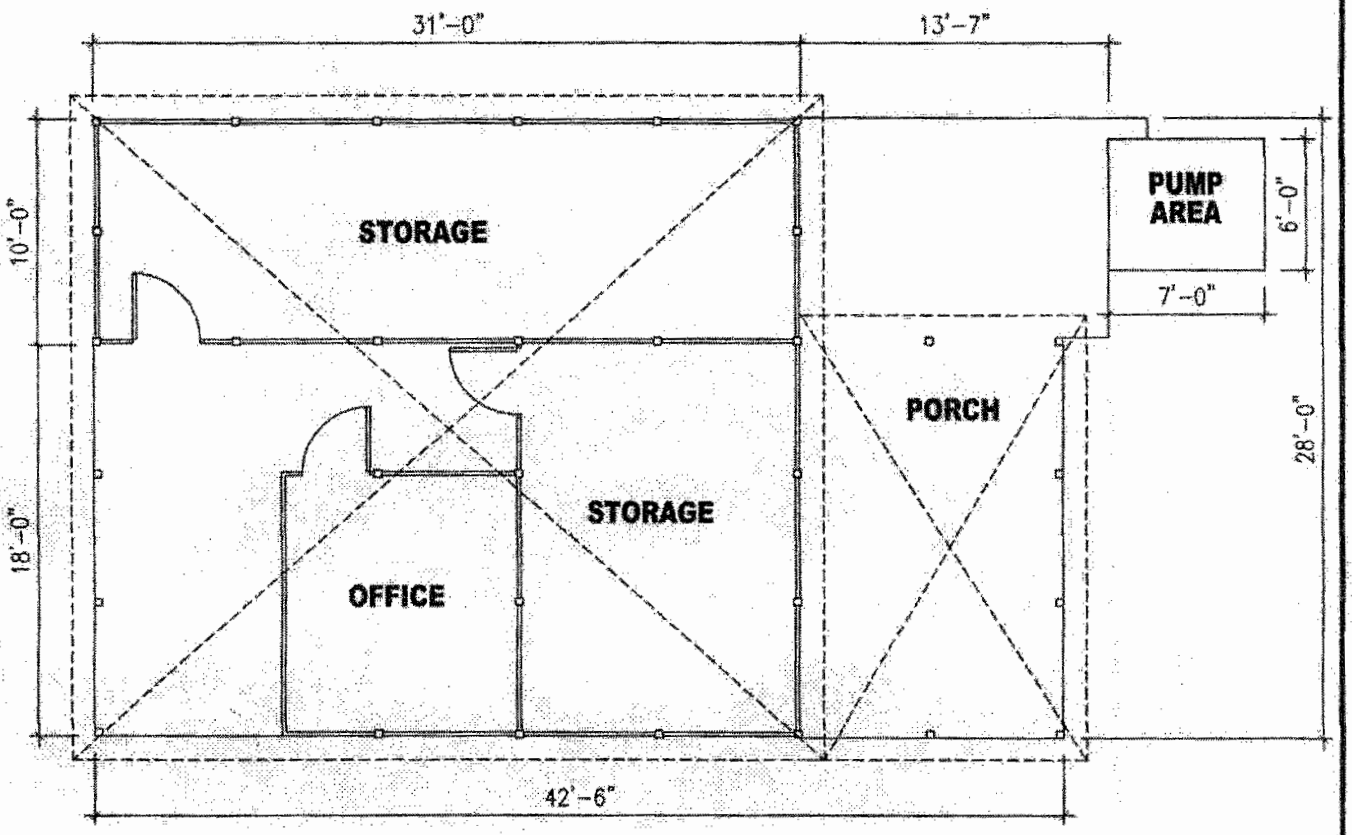
REVISED:

BOUNDARY SURVEY
I HEREBY CERTIFY: That the attached survey was made under my responsible charge and substantially meets the minimum technical standards as set forth by the FLORIDA BOARD OF LAND SURVEYORS in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. There are no encroachments, overlaps, easements, appearing on the plat or visible improvements other than as shown hereon.

NELSON MOJARENA
Registered Surveyor & Mapper No. 5504
State of Florida

MOJARENA & ASSOCIATES, INC.
Land Surveyors & Mappers
Certificate of Authorization No. 6686
12925 S.W. 132nd Avenue
Miami, Florida 33186 (305) 278-2494

FLOOD ZONE:	BASE:		
DATE:	SCALE:	DWN. BY	JOB NO.
02-22-08	1" = 20'	M.M.	08-0025

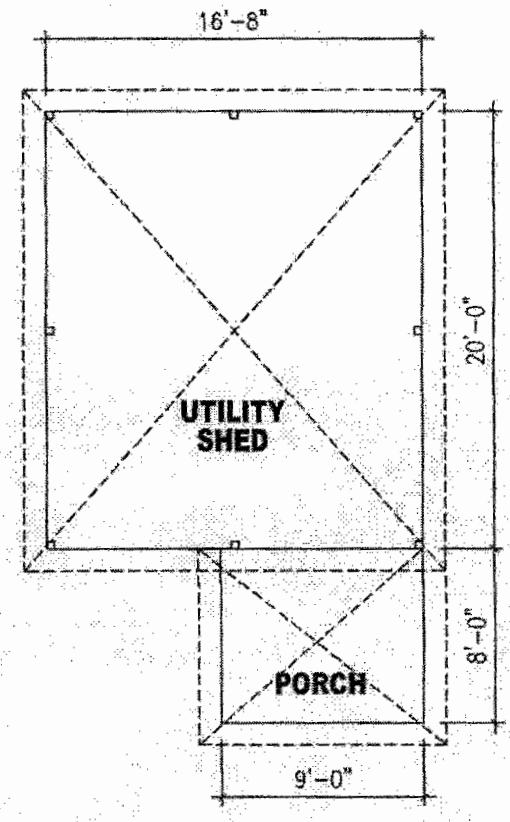


1 FLOOR PLAN N

RECEIVED
208.054
JUL 18 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

Antonio Barbosa 14350 sw 202nd Avenue		Revision	Date 07-01-2008 Sheet No.
Sheet Name STORAGE FLOOR PLAN	Prepair by Ariel Clavijo	Scale 1/8"=1'-0"	01

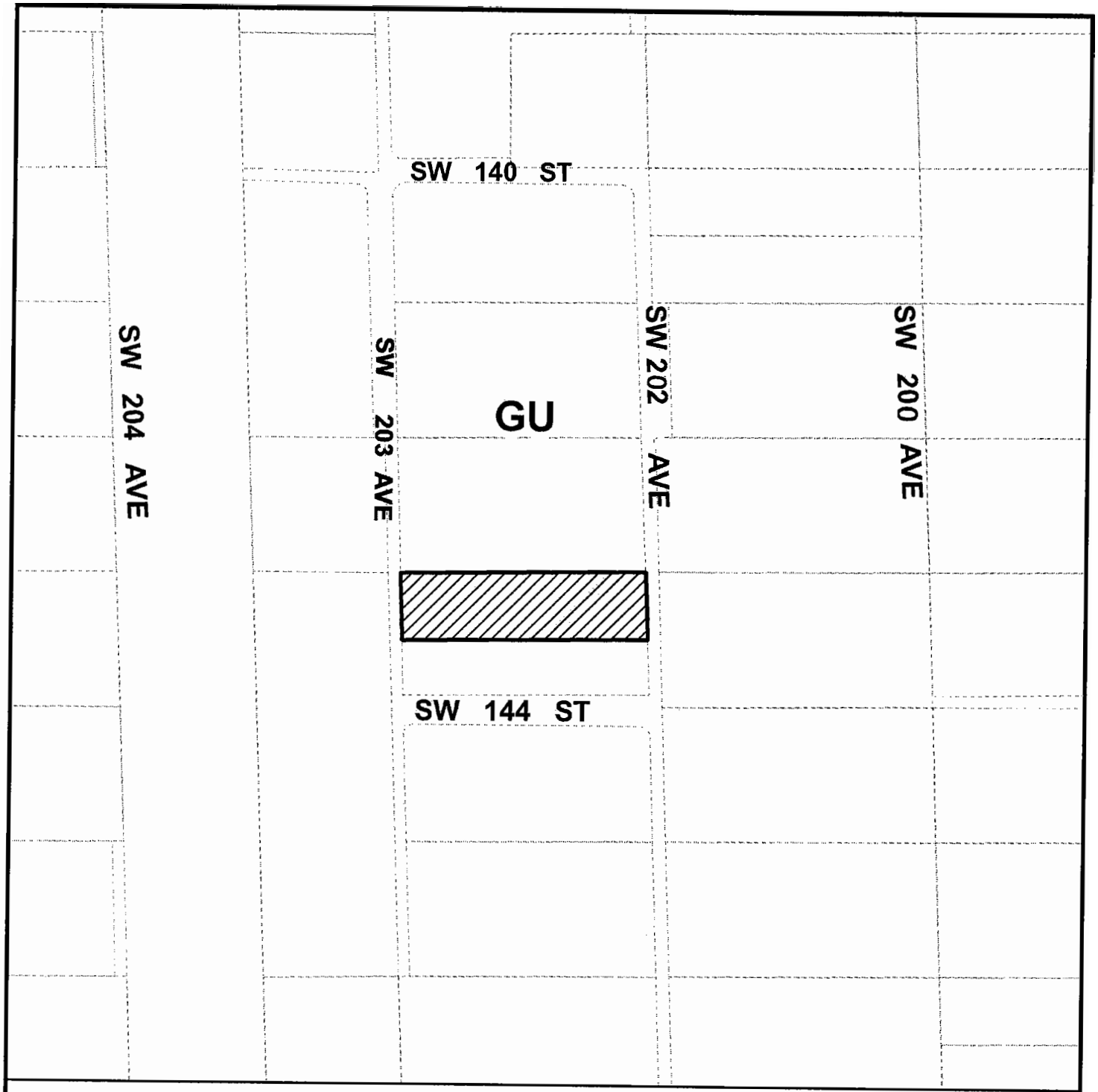
17



1 FLOOR PLAN N

RECEIVED
708-054
JUL 18 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

Antonio Barbosa 14350 sw 202nd Avenue		Revision	Date 07-01-2008 Sheet No.
Sheet Name UTILITY SHED FLOOR PLAN	Prepair by Ariel Clavijo	Scale 1/8"=1'-0"	02



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-054

SUBJECT PROPERTY

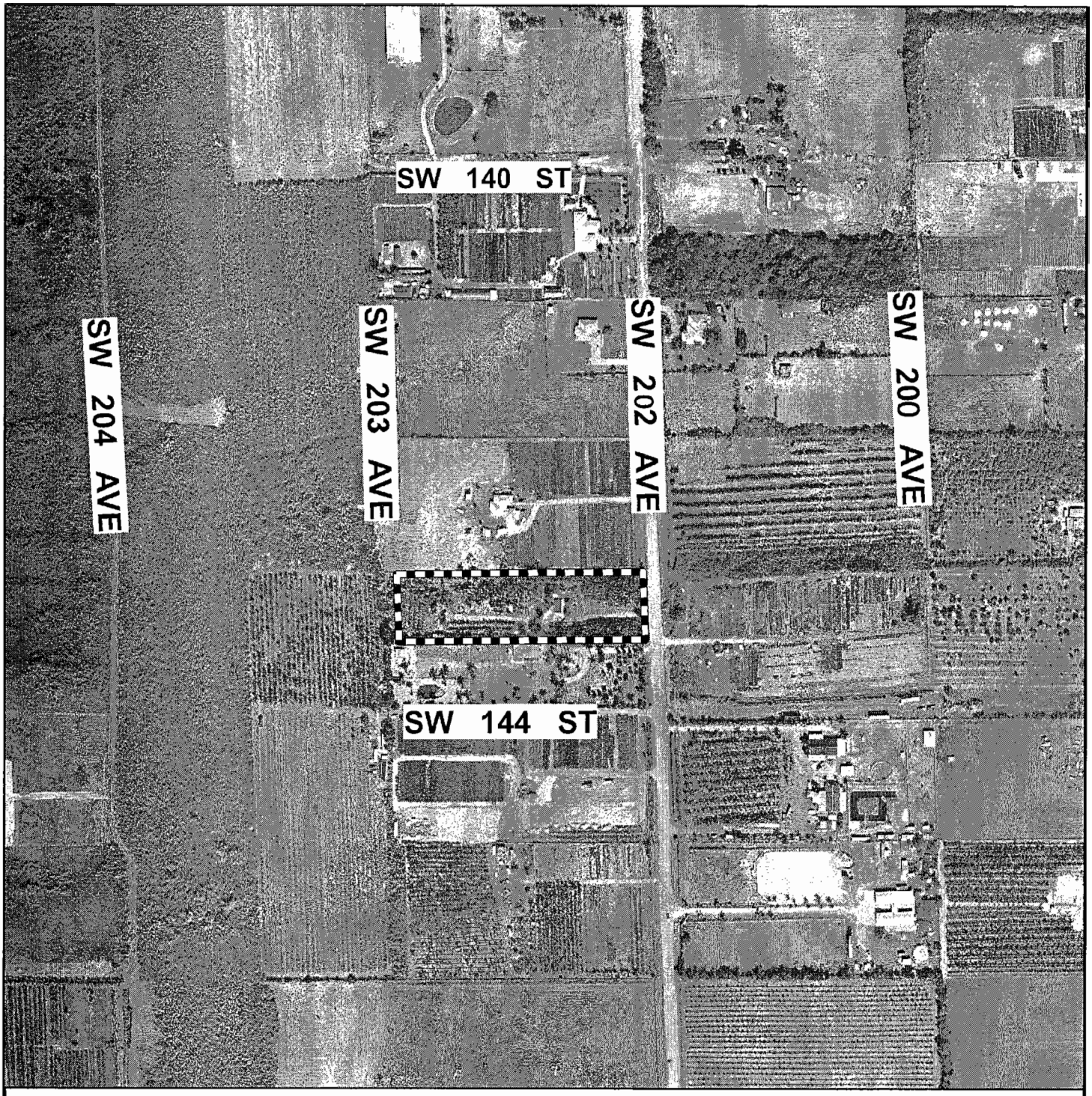
N W E S

Section: 22 Township: 55 Range: 38
Applicant: ANTONIO BARBOSA
Zoning Board: C14
District Number: 9
Drafter ID: JEFFER
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 03/28/08

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL

Process Number

08-054

Section: 22 Township: 55 Range: 38
Applicant: ANTONIO BARBOSA
Zoning Board: C14
District Number: 9
Drafter ID: JEFFER
Scale: NTS

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

CREATED ON: 03/28/08

REVISION	DATE	BY

B. MARITZA AGUILAR
(Applicant)

08-12-CZ14-2 (07-402)
Area 14/District 9
Hearing Date: 2/11/09

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

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

If so, who are the interested parties? Maritza Aguilar

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				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 14
MOTION SLIP

#2

APPLICANT'S NAME: **MARITZA AGUILAR**

REPRESENTATIVE: Oliver Landeta

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-12-CZ14-2 (07-402)	December 17, 2008	CZAB14		08

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Feb 11, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: At applicant's request to submit revised plans.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	S	Wilbur B. BELL	X		
MR.		Nehemiah Davis	X		
MR.		Patrice Michel	X		
MR.	M	Michael Rodriguez	X		
CHAIRMAN		Curtis LAWRENCE	X		
		VOTE:	5	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **RON BERNSTEIN**

2

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANTS: Maritza Aguilar **PH:** Z07-402 (08-12-CZ14-2)

SECTION: 6-56-40 **DATE:** February 11, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** B

==========

A. INTRODUCTION

- **REQUESTS:**

(1) UNUSUAL USE to permit a home for the aged.

(2) Applicant is requesting to permit additions to the home for the aged setback 17.16' (25' required) from the rear (north) property line.

(3) Applicant is requesting to permit parking within 25' of the right-of-way (not permitted).

(4) Applicant is requesting to permit parking to back out into the right-of-way (not permitted).

(5) Applicant is requesting to permit 7 parking spaces (8 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Addition For: Maritza Nursing Home," as prepared by PM 2 Drafting Services, Sheet "S-1" dated stamped received 8/1/08 and the remaining sheets dated stamped received 6/27/08 for a total of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant is seeking approval for a home for the aged and to permit additions to the home that encroach into the rear setback area. Additionally, the applicant seeks to allow parking within 25' of the right-of-way, to allow parking to back up into the right-of-way and to permit less parking than allowed.

- **LOCATION:**

11421 S.W. 193 Street, Miami-Dade County, Florida.

- **SIZE:** 80' x 100'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

2. **Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities.** "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

   If located in Estate, Low or Low-Medium Density neighborhoods, **congregate residential uses**, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility.

3. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

4. **Policy LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complimentary elements and buffer any incompatible elements.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; single-family residence	Low Density Residential, 2.5 - 6 dua

Surrounding Properties:

NORTH:	RU-1; single-family residence	Low Density Residential, 2.5 - 6 dua
SOUTH:	RU-1; Single-family residence	Low Density Residential, 2.5 - 6 dua
EAST:	RU-1; single-family residence	Low Density Residential, 2.5 - 6 dua
WEST:	RU-1; Single-family residence	Low Density Residential, 2.5 - 6 dua

The subject property is located at 11421 S.W. 193 Street in an area characterized by single-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **unusual uses**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and

other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the December 17, 2008, meeting to allow the applicant time to submit revised plans. At the time of writing, this office has not received any revisions to the previously submitted plans. The subject property is comprised of a parcel of land located at 11421 SW 193 Street, in an area characterized by single-family residences located to the north, south, east and west. The 100'x80' (0.18-acre) property is zone RU-1, Single-Family Residential District, and is currently developed with a single-family residence. The applicant is seeking to permit a home for the aged (request #1) and to permit additions to the home for the aged setback 17.16' from the rear (north) property line (request #2). Additional requests are being sought to permit parking within 25' of the right-of-way (request #3), to permit parking to back out into the right-of-way (request #4) and to permit 7 parking spaces (request #5). The zoning regulations require a minimum 25' rear setback, do not permit parking within 25' of the right-of-way, nor allow parking to back out into the right-of-way. Additionally, the zoning regulations require a minimum of 8 parking spaces for the requested facility. The submitted plans illustrate the 1,089 sq. ft., single-family residence along with the 764 sq. ft. addition extending into the rear (north) setback, consisting of 6-bedrooms to be used as a home for the aged for 12 resident clients. The plans also illustrate a 6' high wood fence along the rear (north) property line

along with a continuous hedge that extends along both the interior side (east and west) property lines.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and their memorandum indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the **Public Works Department objects** to this application. They indicate in their memorandum that approval of the applicant's requests to permit parking to back-out into the right-of-way and that approval of the request to permit less parking than required will result in the spillage of vehicles into the right-of-way where it is not permitted. The Public Works Department further objects to the width of the driveway approach. Their memorandum also indicates that the request will not generate any additional peak hour vehicle trips. The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application and has indicated that the estimated average travel time to the subject property is **6:30** minutes.

The approval of this application will allow the applicant to provide services for elderly persons in the community. The applicant's requests include variances to allow the home for the aged with reduced setbacks from the rear (north) property line, to park cars within 25' of the right-of-way on the subject property, to permit the backing out into the right-of-way and to permit a reduced number of parking spaces. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use. This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. Further, the interpretative text of the CDMP indicates that "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities where each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the "next higher" residential density category than that for which the site is designated. The next higher residential category than the subject site is Low-Medium Density, which allows a maximum density of 13 dwelling units per acre. As such, according to the interpretative text of the CDMP, the 0.18-acre site would allow a maximum of 5 resident clients. The applicant's letter of intent indicates that the proposed home for the aged will accommodate a total of 12 clients, which exceeds the density threshold of the LUP map of the CDMP. The interpretative text of the CDMP provides that neighborhood and community services, including daycare centers, are permitted in residential areas only when consistent with other goals, objectives and policies of the plan and when compatible with the neighborhood. Based on the aforementioned, the proposed 12 client home for the aged is **inconsistent** with the CDMP.

The CDMP states further that if located in Estate, Low or Low-Medium Density neighborhoods, daytime service uses such as congregate residential uses should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. However, staff notes that the subject property is not located in any of the aforementioned recommended areas indicated in the Guidelines for Urban Form. The subject property is located on an interior lot on a secondary street, SW 193 Street and is surrounded by lots that are also designated Low Density under the LUP map of the CDMP and are similarly zoned, RU-1.

Policy LU-4C of the interpretative text also states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as **excessive density,** noise, light, glare, odor, vibration, dust or traffic. Staff notes that the Public Works Department objects to the application and indicate in their memorandum that approval of the request to permit less parking than required will result in the spillage of vehicles into the right-of-way which is not permitted. Their memorandum also indicates their objection to the request to permit parking to back-out into the right-of-way. Staff of the Department of Planning and Zoning concurs with the opinions expressed in the Public Works Department memorandum and further opines that the additional requests for variances to permit parking within 25' of the right-of-way and to permit reduced parking and to allow parking to back out into the right-of-way, will create a disruption of traffic flow on the adjacent minor roadway, SW 193 Street, which could have a negative impact on the safety, tranquility and overall welfare of this residential neighborhood. Staff, therefore, opines that the proposed 6-bedroom home for the aged is **incompatible** with the area and, therefore, is **inconsistent** with the CDMP's interpretative text which indicates that 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 that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that the proposed home for the aged, as designed, would result in excessive noise and traffic, cause undue and excessive burden on public facilities. However, although the Public Works Department does not object to the application and the requested variances to the zoning regulations concerning inadequate parking, staff opines that the approval of request #1 would negatively impact traffic due to spillage of parking into the adjacent roadway, SW 193 Street. Additionally, staff notes that the home for the aged is designed to house 12 resident clients, which is too intensive and would provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed home for the aged as proposed with 6-bedrooms, on a minor street, SW 193 Street and accessible only through the surrounding residential neighborhood is, in staff's opinion, incompatible with and intrusive to the residential neighborhoods located to the north, south, east and west, will generate excessive noise and traffic and will provoke excessive overcrowding. Additionally, the proposed residential building is an over-utilization of the subject property as evidenced by the request for the variances for setbacks and parking. Staff opines that the approval of said use would disrupt the character and overall welfare and privacy of the neighborhood by increasing traffic and noise in this predominately residential neighborhood. In staff's opinion, this proposed use of the home for the aged would be **incompatible** with the area and as such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

When requests #2 through #5 are 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, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Staff opines

that the combined effect of the approval of the requested variances to allow a 17.16' rear (north) setback where 25' is required (request #2), along with the requested variances to permit parking within 25' (not permitted) of the right-of-way (request #3); to permit parking to back-out (not permitted) into the right-of-way (request #4); and to permit 7 parking spaces (8 required), would not only have a negative visual impact on the surrounding residential properties but, as designed, is overly intense and would be out of character with the area. Staff did not locate any similar approvals in the immediate vicinity and therefore opine that approval of the aforementioned variances along with the home for the aged could set a precedent that would deteriorate the established surrounding residential areas. Additionally, in staff's opinion, the approval of the requested parking variances, requests #3-#5, would result in spillage of parking onto the adjacent street, SW 193 Street, and would have a negative impact on traffic circulation within this established residential neighborhood. Therefore, staff opines that approval of requests #2 through #5, do not maintain the basic intent and purpose of the zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Therefore, staff recommends denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #5 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, it has not been demonstrated that the denial of requests #2 through #5 would result in unnecessary hardship. As such, staff is of the opinion that the aforementioned requests cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the aforementioned, staff notes that the application, as proposed, is **inconsistent** with the interpretative text of the CDMP. Additionally, it should be noted that the approval of this application is **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Therefore, staff recommends denial without prejudice of this application.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 11/14/08
DATE TYPED: 11/18/08
DATE REVISED: 11/19/08, 11/20/08, 12/10/08, 01/22/09, 02/05/09
DATE FINALIZED: 02/05/09
MCL; MTF; NN; NC; CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: July 18, 2008

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

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

Subject: C-14 #Z2007000402-Revised
Maritza Aguiar
11421 S.W. 193rd Street
Special Exception to Permit a Group Home and Request to Permit an Addition that Would Exceed Setback Requirements
(RU-1) (0.18 Acres)
06-56-40

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

Wellfield Protection

The subject property is located within the outer wellfield protection zone of the South Miami Heights Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code, which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

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

sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at (305) 372-6700.

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

Wetlands
The subject property does not contain jurisdictional wetlands, as defined 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, the proposed addition will not impact tree resources. However, the applicant is advised that a Miami-Dade County Tree Removal Permit shall be required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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

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

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

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

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

REVISION 1

PH# Z2007000402
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:MARITZA AGUILAR

This Department objects to this application.

This Department objects to the request to permit parking to back-out into the right-of-way.

This Department objects to the request to permit less parking than required. Fewer parking spaces will result with vehicles spilling into the right-of-way where it is not permitted.

The Driveway approach is too wide and does not comply with the Standard Details of the Public Works Manual of Miami Dade County.

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.
17-DEC-08

REVISION 1

Memorandum

Date: 30-JUL-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000402

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated December 27, 2007.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped June 27, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2007000402
located at 11421 SW 193 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid _____ is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	1,853 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.24 alarms-annually.
The estimated average travel time is: 6:30 minutes

Existing services:

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

Station 52 - South Miami Hgts - 12105 Quail Roost Drive
Rescue, ALS Tanker

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped June 27, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 01/29/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

MARITZA AGUILAR

APPLICANT

11421 SW 193 STREET, MIAMI-DADE COUNTY FLORIDA.

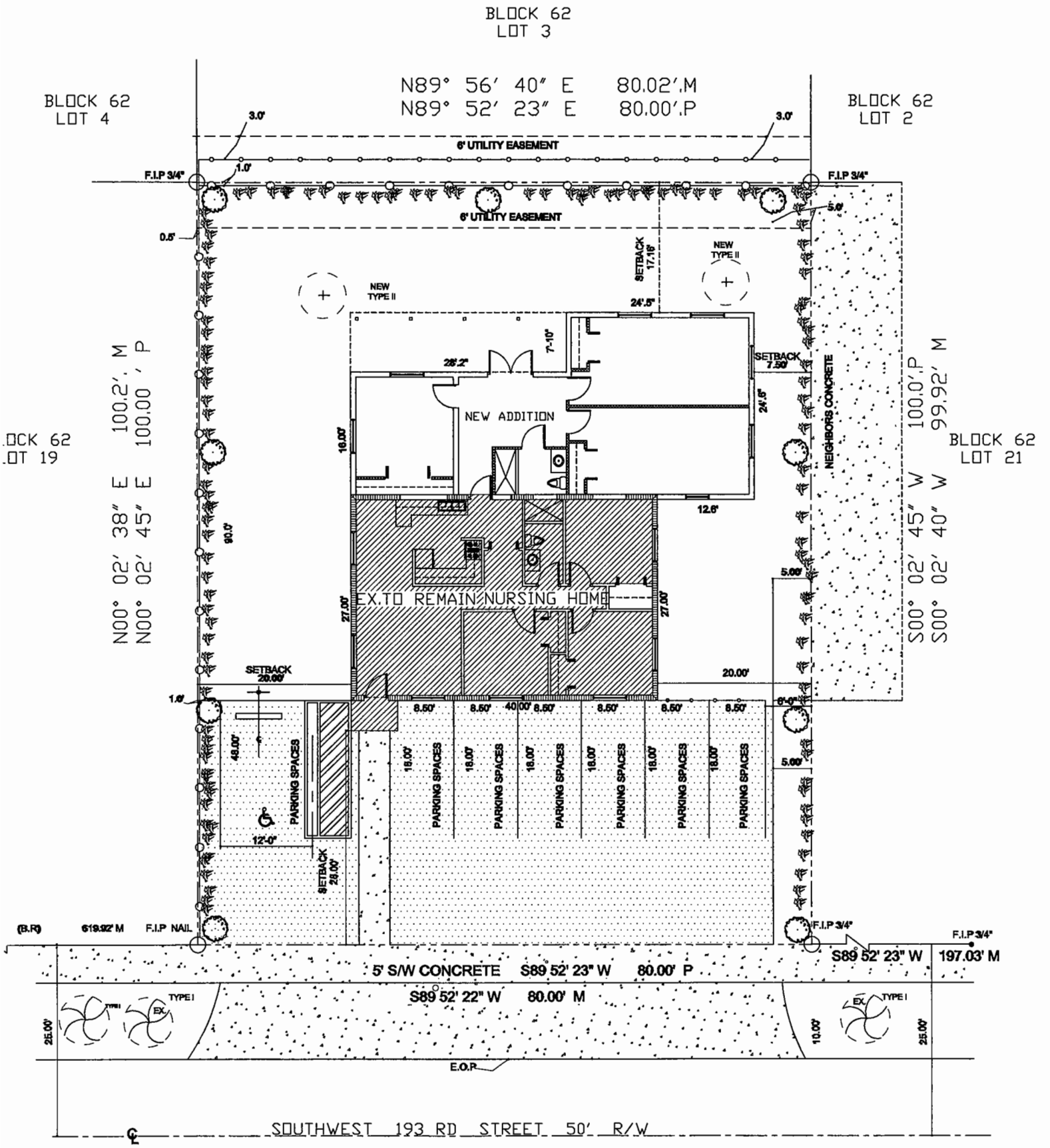
ADDRESS

Z2007000402

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901000230 was opened based on enforcement history request and inspected on 1-24-09. No violations were observed and the case was closed.
Previous case history;
Case 2008010007310 was opened based on enforcement history request and inspected on 12-3-08. No violations were observed and case was closed.
Case 200701000994 was opened based on a complaint for storage of a Category 3 commercial vehicle in a residential district and inspected on 2-9-07. A warning notice was issued and a re-inspection conducted on 2-16-07 revealed that the commercial vehicle had been removed and the case was closed.

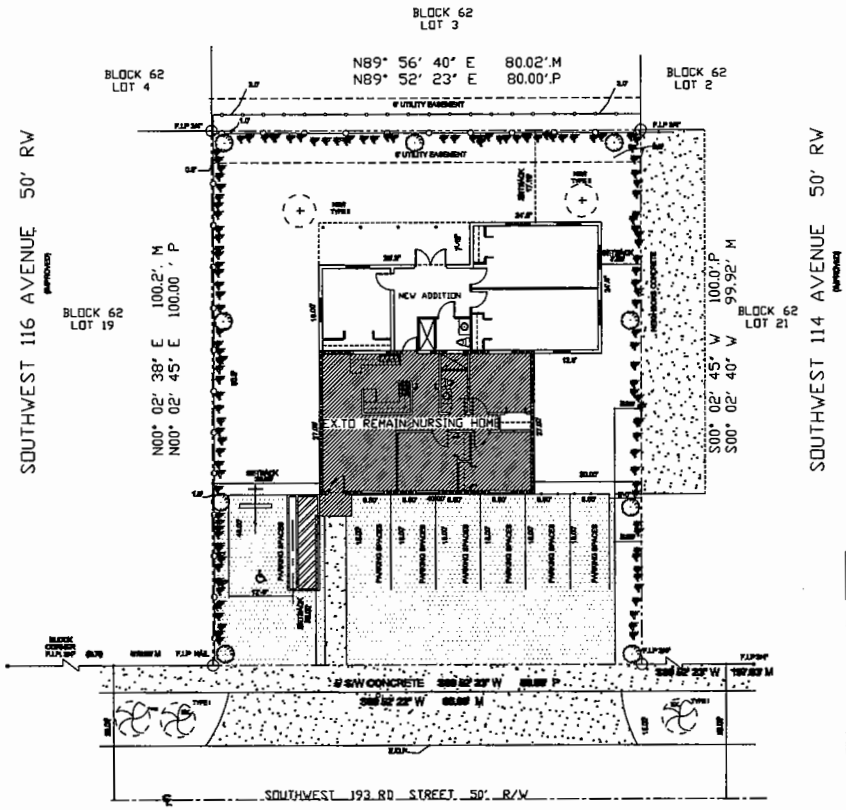


SITE PLAN

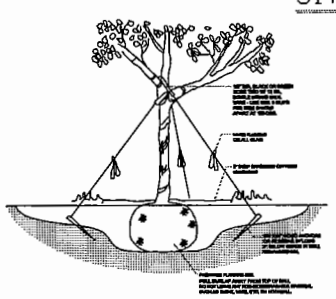
1"=10'

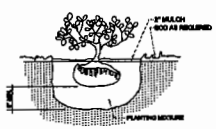
ENLARGED SITE PLAN

RECEIVED
MIAMI-DADE COUNTY
PROGRESS & ZONING
DATE: JUN 27 2008
BY: DL



SITE PLAN
1"=10'





LEGAL DESCRIPTION

LOT 20, BLOCK 62 SOUTH MIAMI HEIGHTS FIRST ADDITION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGE (s) 46, OF PUBLIC RECORDS OF MIAMI-DADE CUNTY, FLORIDA

PROPERTY ADDRESS

11421 SOUTHWEST 193 rd STREET
MIAMI, FL. 33157

BUILDING CRITERIA

LOT GROSS AREA	8,010 SF
EX.FLOOR AREA	1,089 SF
NEW ADDITION AREA	794 SF
TOTAL AREA	1,883 SF
% LOT COVER	24 %

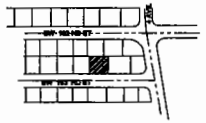
ZONING LEGEND

ZONING:	REQ.	PROV.
HEIGHT (to edge of roof):	35'	14'-0"
GROSS LAND AREA	8,000 S.F.	
SETBACKS: FRONT	25.00'	30.00'
SIDE RIGHT	7.50'	7.50'
SIDE LEFT	7.50'	25.00'
REAR	25.00'	17.50'

FLOOD ZONE

THIS IS NOT A FLOOD HAZARD ZONE

COMMUNITY PANEL No. 120635
PANEL No. 0295 SUFFIX: J
BASE FLOOD ELEV: NA
FLOOD ZONE: X



LOCATION SKETCH

SITE GENERAL NOTES

1. BEFORE SUBMITTING BIDS, THE CONTRACTOR SHALL VISIT THE SITE AND INFORM THEMSELVES AS TO THE LOCATION, NATURE OF THE WORK, EQUIPMENT AND FACILITIES NEEDED, GENERAL AND LOCAL CONDITIONS PREVAILING AT THE SITE AND ALL MATTERS WHICH MAY AFFECT THE WORK UNDER THIS CONTRACT.
2. CLEAN AND GRUB PREMISES OF ALL SUBTERRANEAN OR SURFACE MATERIALS CANAL DREDGING MATERIAL, GROWTH AND THE LIKE AS REQUIRED TO REMOVE ANY OBSTRUCTION TO THE WORK INDICATED ON DRAWINGS WITHIN CLEARING AND GRADE LIMITS.
3. GRUB ENTIRE CONSTRUCTION AREA OF ANY GRASS, WEEDBAND PLANTS EXCEPT PROTECT ANY TREES INDICATED TO REMAIN ANY STONE, STUMPS AND ROOTS LARGER THAN 1 INCH IN DIAMETER SHALL BE REMOVED TO A DEPTH NOT LESS THAN 18 INCHES BELOW ORIGINAL GRADE LEVEL.
4. DIG ALL EXCAVATION FOR CONTINUOUS WALL FOUNDATIONS WITH SQUARE CORNERS LEVEL BOTTOMS AND TO TRUE DIMENSIONS AS SHOWN IN PLANS. FORMS FOR FOUNDATIONS WILL BE REQUIRED WHEN EXCAVATIONS ARE NOT CLEAN CUT OR CAVEINS OCCUR. REMOVE STUMPS AND ROOTS PROTRUDING THROUGH OR APPEARING ON THE SURFACE OF THE EXCAVATIONS. EXTEND EXCAVATIONS FOR FOUNDATIONS TO ELEVATIONS SHOWN ON DRAWINGS.
5. MAKE EXCAVATIONS REQUIRED FORMING LARGE ENOUGH TO ALLOW FOR THE INSTALLATIONS OF SERVICES AND FOR INSPECTIONS.
6. SOIL SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY A RELIABLE AND ESTABLISHED LICENSED TERMITE CONTROL FIRM THOROUGHLY FAMILIAR WITH LOCAL SOILS AND CHEMICALS. AREA TO BE TREATED SHALL INCLUDE ALL THE BUILDING CONSTRUCTION AREA AND ALONG SIDE OF BUILDING FOUNDATIONS.
7. ALL BUILDINGS SHALL HAVE PRE-CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES AS PER F.B.C 1816.1.7. A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT: THE BUILDING HAS RECEIVED A COMPLETE

TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH THE RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

LANDSCAPE:
GROSS LAND AREA 8,000 SQ.FT
TREES REQUIRED= 9
ADD'L TREES

LANDSCAPE LEGEND

ZONING DISTRICT: RU - 1 NET LOT AREA 8,010 ACREAGE 0.184 S.F.

OPEN SPACE	REQUIRED	PROVIDE
A: 35%(MIN.) FEET OF OPEN SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN NET LOT AREA 8,010 S.F. X .35 = S.F.	2803	2805
B: 5%(MIN.) FEET OF PARKING LOT SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN 14 PARKING SPACES X 70 S.F. PER PARKING SPACE= 70	70	70
C: TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 18A=	2873	2873
LAWN AREA CALCULATION		
A: 5 % OF TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 18		
SUM OF ALL LAWN AREA (SOD) PERMITTED 50% X 2,873 S.F. = 1436		
REQUIRED LOT TREES	9	9
REQUIRED STREET TREES	3	3
SHRUBS REQUIRED	50	50

SHRUBS ARE PLANTED BELOW TREES IN PLACE OF GRASS

IRRIGATION PLAN : IS REQUIRED BY CHAPTER 18

TABLE: CONTAINS INFORMATION AS INDICATED IN SAMPLE BELOW.

LANDSCAPE NOTES

1. LANDSCAPE CONTRACTOR SHALL VISIT & EXAMINE THE SITE AND ALL CONDITIONS THEREOF, AND TAKE INTO CONSIDERATION ALL SUCH CONDITIONS THAT MAY AFFECT HIS WORK.
2. LANDSCAPE CONTRACTOR SHALL BE KNOWLEDGEABLE AS TO THE LOCATION OF UNDERGROUND UTILITIES OR OTHER SITE FEATURES AS ASPHALT PAVEMENT, CULVERTS, DITCHES OR WALKS, LIGHT POLES, THE BUILDING ITSELF, ETC. IN ORDER TO AVOID THEIR DAMAGE DURING THE INSTALLATION OF LANDSCAPE.
3. GENERAL CONTRACTOR SHALL SUPERVISE THE WORK AND COORDINATE THE LANDSCAPE ACTIVITIES WITH OTHER TRADES, SITE WORK.
4. ALL PLANTING SHALL BE PERFORMED BY EXPERIENCED PERSONNEL IN PLANTING PROCEDURES, UNDER THE SUPERVISION OF A QUALIFIED FOREMAN.
5. UNDER NO CIRCUMSTANCES SHALL ANY WORK BE PERFORMED IF WEATHER OR SOIL CONDITIONS ARE UNSATISFACTORY.
6. LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF SIX (6) MONTHS AFTER INSTALLATION. PALMS SHALL BE GUARANTEED FOR ONE FULL YEAR.
7. ALL PLANT MATERIAL SHALL CONFORM TO QUALITY AND STANDARDS SET BY THE AMERICAN STANDARDS FOR NURSERY STOCK, WHERE APPLICABLE, OR SHALL BE FLORIDA #1.
8. PLANTING SOIL SHALL BE RELIABLE & FREE OF WEEDS, PLANT TRASH, LITTER, TOXIC SUBSTANCES, OR ANY OTHER DELETERIOUS MATERIALS.
9. PLANT MATERIALS SHALL BE FREE OF INSECTS, PESTS, SEAM OR LARVAE, OR ANY OBJECTIONABLE OR DISFIGURING ELEMENT.
10. PLANTS SHALL BE TRUE OF SPECIES & VARIETY AS SHOWN ON THE LANDSCAPE LEGEND.
11. SOD SHALL BE GUARANTEE, WELL ROOTED, FREE OF WEEDS, AND SUFFICIENTLY THICK TO SECURE A DENSE STAND OF LIVE GRASS OF 2" THICK MINIMUM.
12. LANDSCAPE CONTRACTOR SHALL AND RESPONSIBLE FOR SUPPLYING & AS NECESSARY TO COVER THE FULL EXTENT OF THE LANDSCAPE INDICATED ON DRAWINGS.

NEW LANDSCAPE:

	SYMBOL	NEW	EXIST.	TREE NAME: COMMON NAME	TREE NAME: CENTIFIC NAME	HEIGHT FOR PLANTING	CALIPER FOR PLANTING	HEIGHT REQUIRED VICINITY	QUANTITY
TYPE I		1	2	LANDEN	QUERCUS VIRGINIANA TAMIAMI	12'	2"	20'	3
TYPE II		0	--	PINK TRUMPET TREE	TABEBUIA HETEROPHYLLA	12'	1 1/2"	10'	2
		0	--	SPANISH BAYONET	YUCCA TRECULEANA	12'		10-20'	0
TOTAL									5

NOTE: SHRUBS ALONG ALL PROPERTY LINES WHERE TREES EXTEND ALONG THE PROPERTY LINE BETWEEN THE EXISTING TREES AND 1 NEW TREE

NOTE: THESE ARE NOT EX.TREES , SHRUBS ARE EXISTING IN FRONT HOUSE, THESE WILL BE REMOVED.

NOTE: CONTRACTORS ADDING OR TREES TO AND DEVIATING FROM THE APPROVED PLAN WILL BE REQUIRED TO REVISE IN LIST AND PLAN, WITH WRITTEN APPROVAL BEFORE PLANT COURSE.

NOTES: ALL TREES WILL BE 8' FT OR GREATER AS PER THE CURRENT COPY OF DRAWING AND STANDARD.
ALL TREES WILL BE MULCHED WITH A MINIMUM OF 2" OF CLEAN MULCH AND PLANTED ACCORDING TO PROPER HORTICULTURAL TECHNIQUES SHOULD ALSO BE INCLUDED ON THE SKETCH.
THE OWNER AND OR OCCUPANT SHALL HAVE THE RESPONSIBILITY OF MAINTAINING THE LANDSCAPED AREA REQUIRED BY THIS ELIMINATION.

DRAW BY:
MARTINEZ DESIGNS
2656 S.W. 137 Ave. Suite # 211
Miami, Florida. 33175
Phone: (305) 223-7659
Fax: (305) 223-2964
martinezdesigns@yahoo.com

PROJECT TITLE:
PROPOSED NEW ADDITION FOR:
MARITZA NURSING HOME

ADDRESS:
11421 SW 193 STREET
MIAMI FLORIDA, 33157

DWG. TITLE:
SITE PLAN

REVISIONS

DESCRIPTION
Project No.
Date: 06-09-08
Drawn By: PMZ
Approved By:

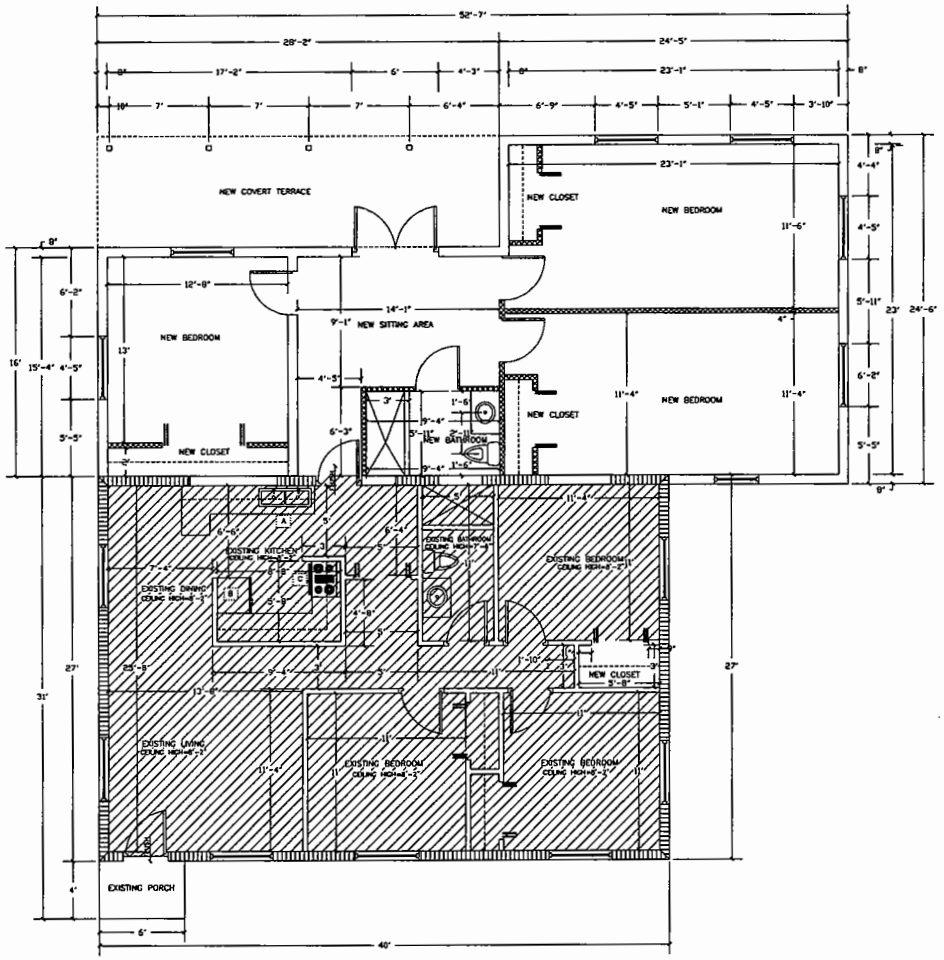
SEAL

SHEET NO.
S-1

1 OF 4

16

RECEIVED
MIAMI-DADE COUNTY
PROCESSED BY: 2007-463
DATE: FEB 27 2008
BY: GL



PROPOSED FLOOR PLAN

SCALE: 1"=1/4"

N

HOUSE LEGEND

- EXISTING HOUSE
- H.V.C
- NEW ADDITION

WALLS LEGEND

- EX.C.M.U 8"
- EXISTING PARTITIONS 4"
- NEW C.M.U 8"
- NEW PARTITIONS 4"

AREA CALCULATIONS:

-EXISTING: AREA	1,089 SQUARE FEET
-NEW ADDITION AREA	764 SQUARE FEET
TOTAL AREA	1,653 SQUARE FEET
% LOT COVER	24 %

SCOPE OF WORK: THE PRESENT PROJECT IS ABOUT:
NEW ADDITION IN BACK NURSING HOME: THREE BEDROOM AND ONE BATHROOM.THESE WILL BE BUILT WITH CONCRETE BLOCK WALL AND FLAT ROOF AND A SITTING AREA.
IN EXISTING HOUSE WILL BE BUILT A NEW CLOSET.

EXISTING FIXTURES

A	SINK
B	REFRIGERATOR
C	ELECTRIC RANGE

NOTE: THE DOORS WILL BE OF 36" CLEARENCE AND SELF CLOSING.
THE WINDOWS IN BEDROOMS WILL BE EGRESS.

DRAW BY:
PM2 ARCHITECTS
2936 S.W. 137 Ave. Suite # 211
Miami, Florida. 33175
Phone: (305) 223-2959
Fax: (305) 223-2964
pedro@pm2arch.com

Project Title: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME
Address: 11421 SW 193 STREET MIAMI FLORIDA. 33157

Dwg Title: FLOOR PLAN

REVISIONS

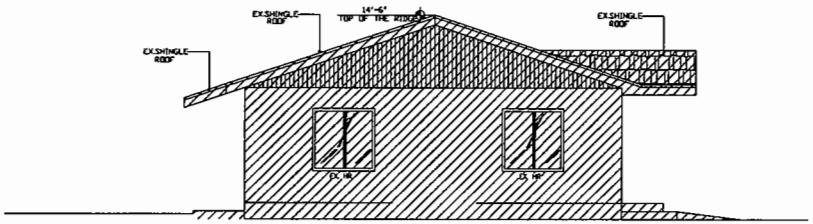
DESCRIPTION	
Project No.	
Date:	06-09-08
Drawn By:	PM2
Approved By:	

SEAL

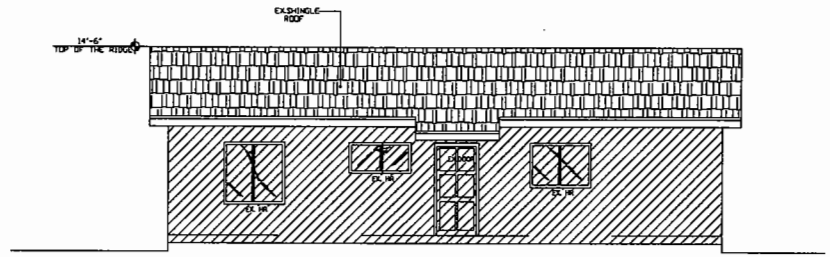
SHEET NO. F-1

2 OF 4

RECEIVED
MIAMI-DADE COUNTY
PROGRESS & ZONING
DATE: JUN 2 2008
BY: BTL

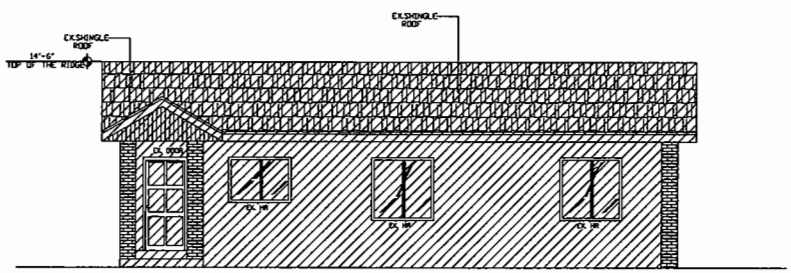


EXISTING WEST ELEVATION
SCALE 1/4"=1'-0"

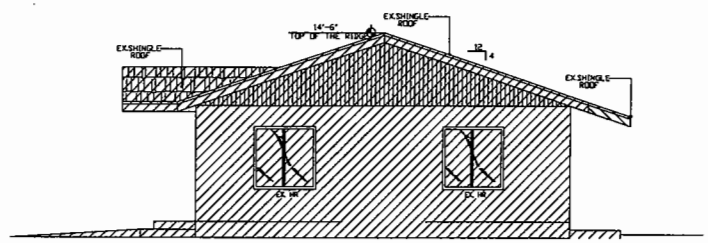


EXISTING NORTH ELEVATION
SCALE 1/4"=1'-0"

LEGEND
EX.HOUSE



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



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

DRAWN BY:

PM2 DESIGN SERVICES
2450 S.W. 137 Ave. Suite # 211
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pm2design@yahoo.com

Project Title
PROPOSED NEW ADDITION FOR:
MARITZA NURSING HOME
Address
11421 SW 193 STREET
MIAMI FLORIDA. 33157

Title Sheet
ELEVATION

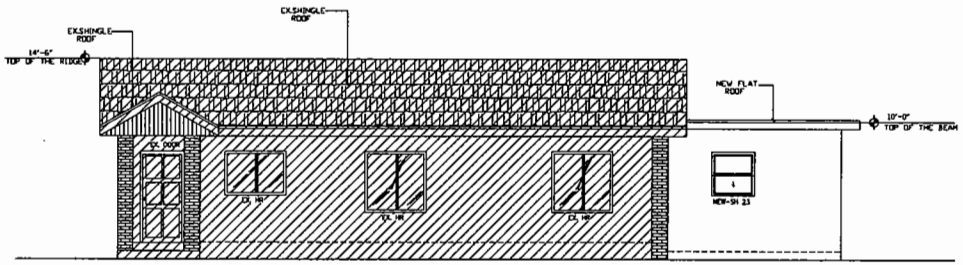
REVISIONS

DESCRIPTION
Project No.
Date:
06-09-08
Drawn By:
PM2
Approved By:

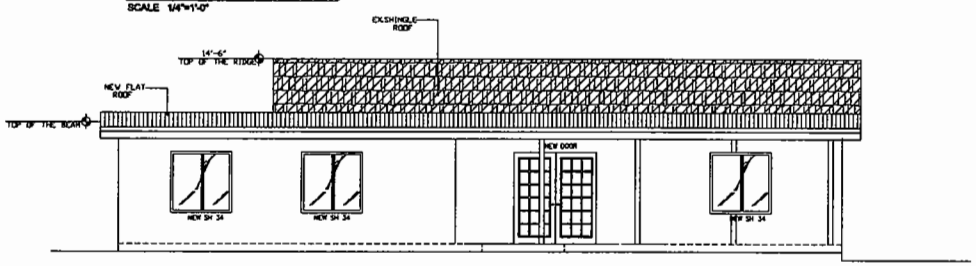
SEAL

SHEET NO.
E-1
3 OF 4

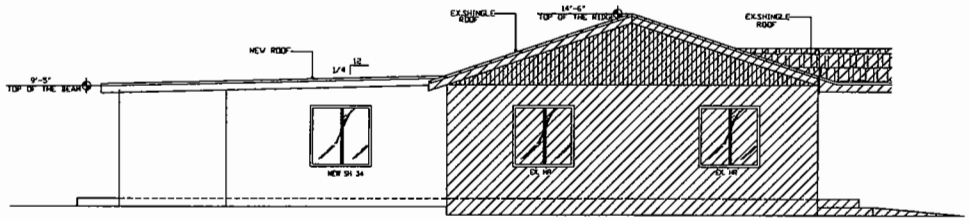
RECEIVED
MIAMI-DADE COUNTY
PROGRESS & ZONING
DATE: JUN 27 2008
BY: BZ



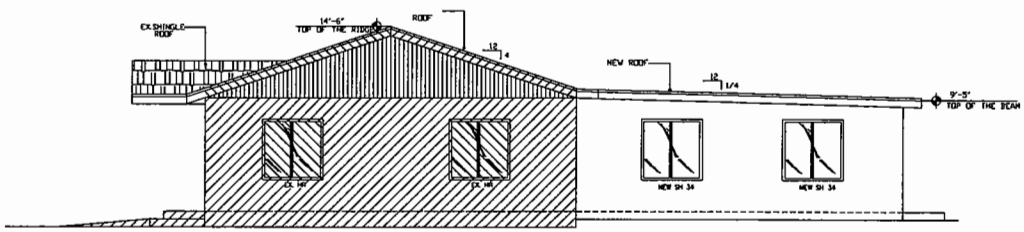
PROPOSED SOUTH ELEVATION
SCALE 1/4"=1'-0"



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



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



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

LEGEND
EXHOUSE
NEW

DRAW BY:

MTD ARCHITECTS
2400 S.E. 17 Ave. Suite # 211
Miami, Florida. 33175
Phone: (305) 223-3050
Fax: (305) 223-3064
pedro@mtdarchitects.com

Project Title: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME
11421 SW 193 STREET
MIAMI FLORIDA. 33157

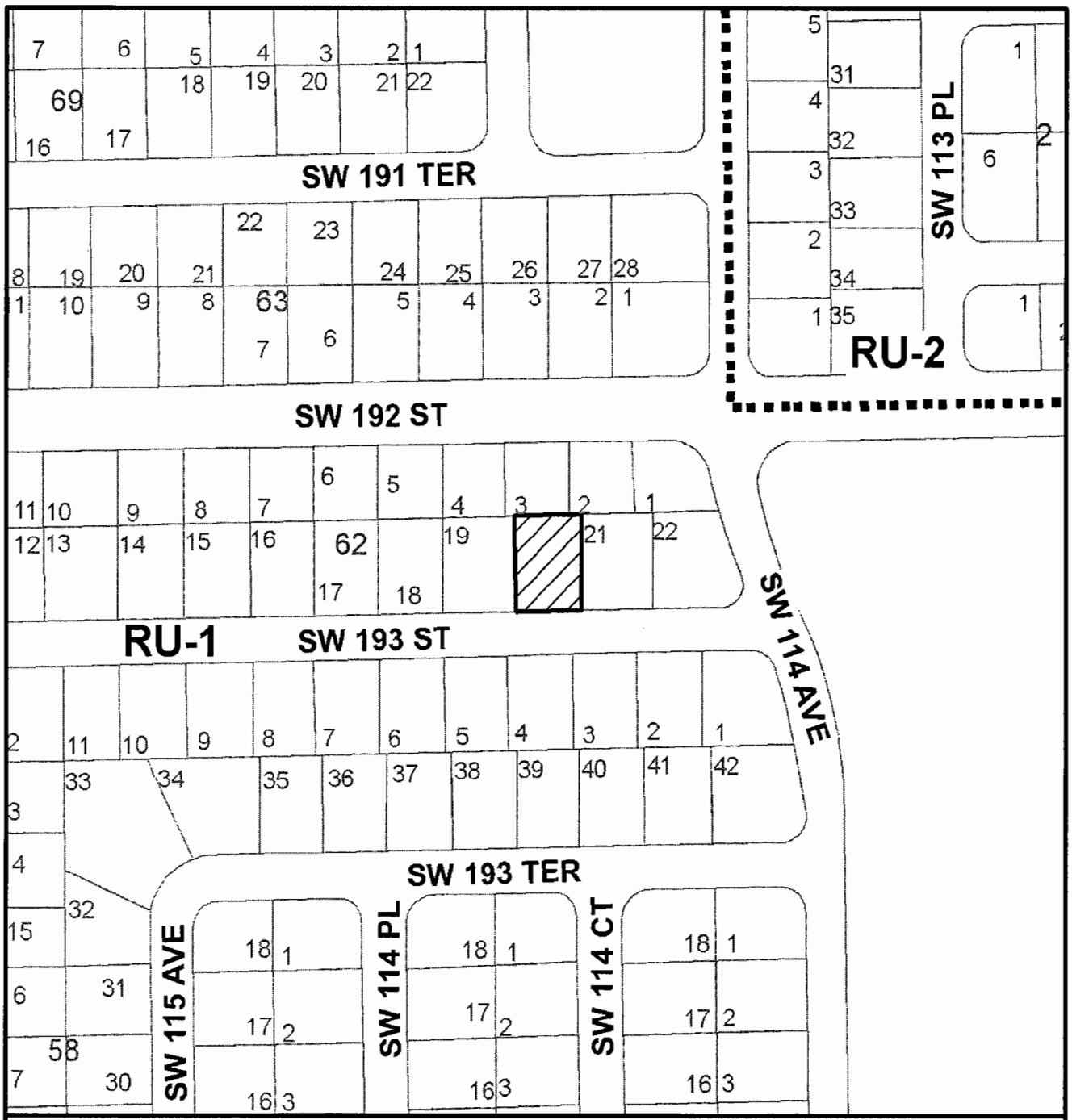
Drawing Title: ELEVATION

REVISIONS

DESCRIPTION
Project No.
Date: 06-09-08
Drawn By: PMZ
Approved By:

SEAL

SHEET NO.
E-2
4 OF 4



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-402

N

SUBJECT PROPERTY

Section: 06 Township: 56 Range: 40
Applicant: MARITZA AGUILAR
Zoning Board: C14
District Number: 09
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 12/10/07

REVISION	DATE	BY

MIAMI-DADE COUNTY
AERIAL

Process Number
07-402

N

SUBJECT PROPERTY

Section: 06 Township: 56 Range: 40
Applicant: MARITZA AGUILAR
Zoning Board: C14
District Number: 09
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 12/10/07

REVISION	DATE	BY

1. MADISON HOLMES
(Applicant)

09-2-CZ14-1 (05-334)
Area 14/District 9
Hearing Date: 2/11/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2007	Director of the Department of Planning & Zoning	Zone change from GU, AU, RU-1, RU-2, RU-3, RU-3B, RU-3M, RU-4, RU-4L, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-C, and GP to (PECUC).	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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: Madison Holmes **PH:** Z05-334 (09-2-CZ14-1)

SECTION: 32-55-40 **DATE:** February 11, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 1

==========

A. INTRODUCTION

- **REQUESTS:**

(1) Applicant is requesting to permit a duplex setback 27.4' (10' or 15' required) from the front (north) property line setback and setback 6.2' (20' required) from the rear (south) property line.

(2) Applicant is requesting to permit a shed spaced 7.5' (10' required) from the residence.

(3) Applicant is requesting to waive the Edge Subdistrict regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces.

(4) Applicant is requesting to waive the Standard Urban Centers regulations requiring the front setback to be landscaped.

(5) Applicant is requesting to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof.

(6) Applicant is requesting to permit the chain link fence with a minimum height of 4' (5' high minimum required) behind the build-to line.

(7) Applicant is requesting to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street.

(8) Applicant is requesting to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  This application will allow additions to an existing duplex residence. The requests are being sought because the existing building and addition on the site do not meet the new zoning regulations for the Perrine Community Urban Center District (PECUC). These requests include the following: to permit an existing building to setback more than required from the front property line and less than required from the rear property line; to permit an accessory building with reduced spacing from the main building; to waive the Edge Subdistrict regulations requiring enclosed parking; to waive the regulations requiring landscaping of the front setback area, to permit a chain link in front of the build-to line with a reduced height. Additionally, the applicant seeks to waive the regulations requiring a landscaped strip, curb and gutter, and parking lane along the abutting right-of-way and requiring architectural elements on the building elevation facing the front (north) property line.

- **LOCATION:** 10272-10274 SW 178 Street, Miami-Dade County, Florida.

- **SIZE:** 50' x 100.01'

ZONING HEARINGS HISTORY:

In October 2007, pursuant to Resolution #Z-52-07, the subject property, which was previously zoned, RU-2, Two-Family Residential District, was a part of a section of land that was approved for a district boundary change from multiple zones to PECUC (Perrine Community Urban Center) District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Community Urban Center**.

Urban Centers

Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and **Community Centers** which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural

character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Activities.

Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Radius

The area developed as an Urban Center shall extend to a one-mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Gross Residential Density

In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

Street and Public Spaces

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens, and pedestrian promenades, shall be a minimum of 15 percent of gross

development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space might be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Buildings

Building and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, awnings, canopies, arcades and colonnades should provide weather protection.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
PECUC; duplex residence	Residential, 8 to 18 dua
Surrounding Properties:	
NORTH: PECUC; duplex and single-family residences	Residential; 8 to 18 dua

SOUTH:	PECUC: single-family residence	Residential; 8 to 18 dua
EAST:	PECUC; single-family residence	Residential; 8 to 18 dua
WEST:	PECUC; single-family residence	Residential; 8 to 18 dua

The subject parcel is located at 10272-10274 SW 178 Street. The area where the subject property lies is within the Perrine Community Urban Center, which is currently being developed as a compact, mixed-use community. The area surrounding the subject property is made up of a mix of single-family and duplex residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 10272-10274 SW 178 Street, approximately **3.5 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property is surrounded by a mix of single-family and duplex residences and vacant lots. The subject property, which was previously zoned RU-2, Two-Family Residential District, was a part of a section of land that was rezoned from multiple zones to PECUC (Perrine Community Urban Center) District. The application seeks to legalize an existing duplex residence and its existing additions, both of which do not meet the new zoning regulations for the PECUC. The applicant seeks to permit the duplex setback 27.4' from the front (north) property line and setback 6.2' from the rear (south) property line (request #1); to permit a shed spaced 7.5' from the main residence (request #2); to waive the Edge Subdistrict regulations requiring parking to be in the form of a garage or carport; to allow parking in the form of 4 paved parking spaces (request #3); to waive the Standard Urban Centers regulations requiring the front setback to be landscaped (request #4); and to waive said regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof (request #5); to permit a chain link fence with a minimum height of 4' behind the build-to line (request #6); to waive the Standard Urban Center regulations requiring a 6' wide landscape strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street (request #7) and to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line (request #8). The Standard Urban Center regulations for the Residential District, require a 10' or 15' front setback and 20' rear setback from the property line. Additionally, said regulations require that accessory buildings be spaced a minimum of 10' from the main building, and a minimum height of 5' for fences behind the build-to line. The submitted plans depict the existing duplex residence and addition with the aforementioned variances to the zoning regulations.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and indicates that no new additional daily peak hour vehicle trips would be generated, therefore no vehicle trips have been assigned. The Miami-Dade Fire Rescue Department **(MDFRD)** also **does not object** to this application and they indicate that the estimated response time is **6.01 minutes**.

The approval of this application will permit an existing duplex and additions on the subject property. The subject property lies within the **Perrine Community Urban Center** (PECUC) District as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components has been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved Perrine Community Urban Center District (PECUC) Ordinance, are regulated by plans and descriptive standards described in Ordinance #06-127. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment.

The subject 50' x 100.01' (0.12)-acre property lies within the Edge Sub-District of the PECUC and is designated as Residential (R) under the PECUC's Land Use Plan map. The R zone allows residential uses from a minimum of 8, to a maximum of 18 units per net acre, which allows a maximum of 2 units on the subject site. As such, the existing duplex residence is **consistent** with the PECUC designation on the LUP map of the CDMP. However, the applicant seeks to permit the continued use of the existing duplex residence and addition with multiple variances of the Standard Urban Center regulations. Although the existing duplex residence was in accordance with the prior RU-2, Two-Family Residential District regulations, the grandfathering provisions do not apply to modifications. However, staff does not support the residence and additions as proposed which contain several variances of the adopted development standards for this area because it does not maintain the basic intent and purpose of the PECUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Perrine in southern Miami-Dade County. Therefore, staff opines that approval of the application would be **incompatible** with the future development of the area.

When requests #1 through #8 are 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, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Approval of request #1, to permit the duplex setback 27.4' (10' to 15' required) from the front (north) property line and setback 6.2' (20' required) from the rear (south) property line; request #2, to permit a shed spaced 7.5' (10' required) from the main residence; request #3, to waive the Edge Subdistrict regulations requiring parking to be in the form of a garage or carport; to allow parking in the form of 4 paved parking spaces; request #4, to waive the Standard Urban Centers regulations requiring the front setback to be landscaped; and request #5, to waive said regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof; request #6, to permit a chain link fence with a height of 4' (5' high minimum required) behind the build-to line; request #7, to waive the Standard Urban Center regulations requiring a 6' wide landscape strip, 2' curb

and gutter and 7' wide parking lane on the south half of S.W. 178 Street and request #8, to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line, are, in staff's opinion, out of character with the planned development of the area under the PECUC guidelines and could set a precedent for similar requests of this type in the area and would not allow this community to be developed as envisioned. Staff opines that these requests do not maintain the basic intent and purpose of the zoning regulations, will not be compatible with the surrounding land uses and will be detrimental to the community. Therefore, requests #1 through #8 should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #1 and #8 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed in accordance with the PECUC district regulations and the applicant has not proven that compliance with same would result in an unnecessary hardship. Therefore, these requests cannot be approved under Section 33-311(A)(4)(c) (ANUV) and should be denied without prejudice under same.

Based on the aforementioned, staff recommends denial without prejudice of this application.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 06/09/06
DATE TYPED: 01/16/09
DATE REVISED: 01/21/09, 01/28/09, 02/04/09
DATE FINALIZED: 02/04/09
MCL:MTF:NN:JV:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: November 29, 2005

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

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

Subject: C-14 #Z2005000334
Madison Holmes
10272 and 10274 SW 178th Street
Non-Use Variance of Setback Requirements to Permit an Existing Addition to a Duplex (RU-2) (.114 Ac.)
32-55-40

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

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

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

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

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

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

11

PH# Z2005000334
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MADISON HOLMES

This Department has no objections to this application.

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

This 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.
17-NOV-05

REVISION 2

Memorandum

Date: 21-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2005000334

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2005000334
located at 10272 AND 10274 S.W. 178 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2175 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services:

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

Station 50 - Perrine - 9798 Hibiscus St.
Rescue

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 12/18/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

MADISON HOLMES

APPLICANT

10272 AND 10274 S.W. 178 STREET,
MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2005000334

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

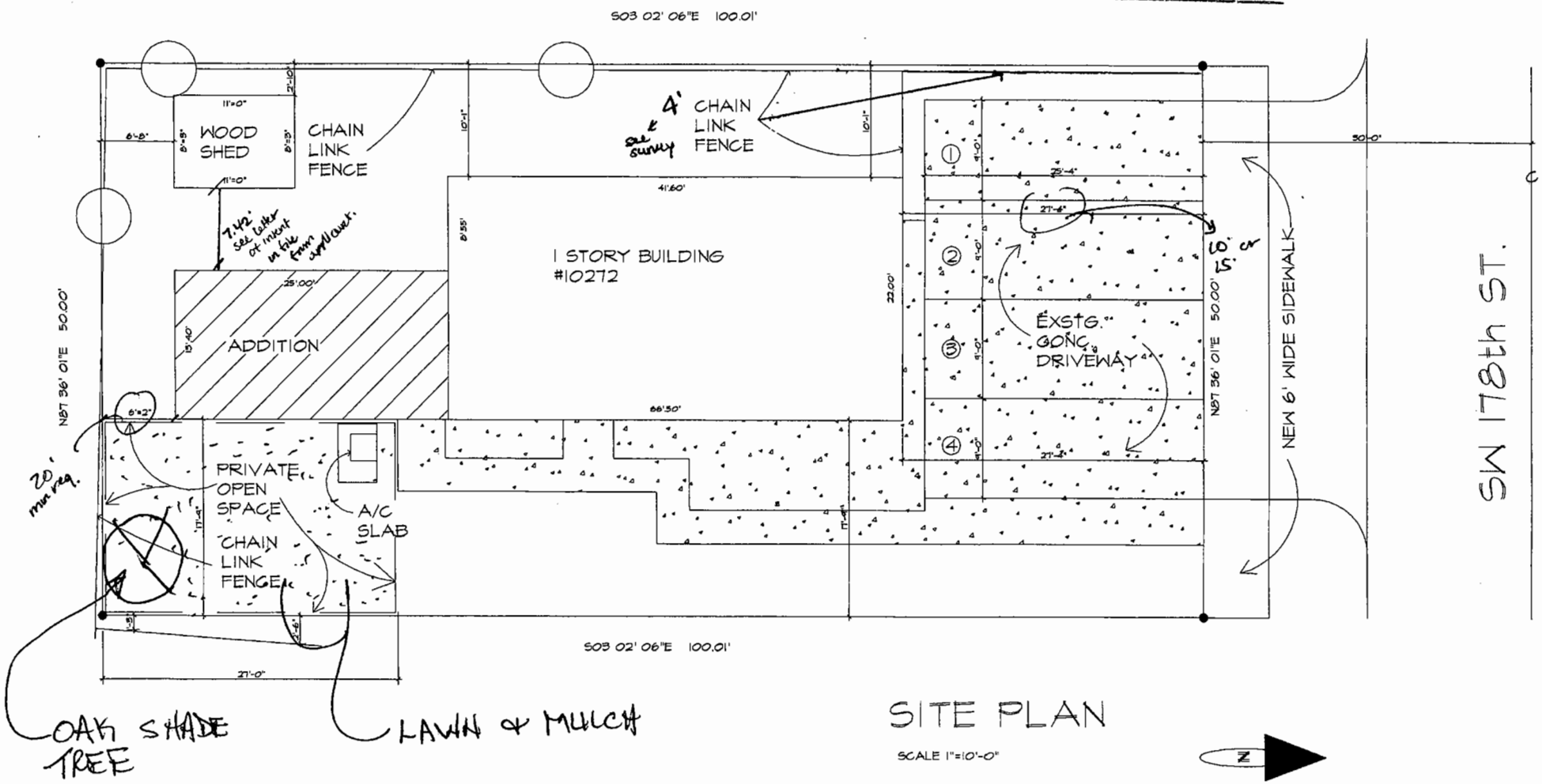
12-18-08 No violations Observed at this property.

Jose Lopez

15

*NOTE: ALL FENCING WILL BE RELOCATED INSIDE THE PLATTED LOT LINE

RECEIVED
205-334
OCT 30 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



OPEN SPACE

LEGAL DESCRIPTION

ENLARGED SITE PLAN

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MIAMI-DADE COUNTY
PROGRESS & ZONING
DATE: OCTOBER 2006
BY: KDE

16

ZONING LEGEND
Single Family and Duplex

Remove Character edge sub district

ZONING	
Height (To ridge of Roof)	11'17"
Net Land Area	5,000
Lot Coverage	1,250 SF OR 25%

SETBACKS	REQUIRED	PROVIDED
FRONT	~~25'~~ 10'-15'	27.35'
SIDE	~~7.5'~~ 7.5'	9.8'
SIDE STREET	N/A	17.0'
REAR	~~20'~~ 20'	6.17'

Area adjacent to lake or canal to be graded so as to prevent direct discharge of stormwater into lake or canal.

Lot will be graded so as to prevent direct overland discharge or stormwater onto adjacent property. Applicant will provide certification prior to final inspection.

Density Zoning 2 units +1 (1.5/0) 1.5 units provided

ANY APPLICABLE RESOLUTIONS _____

NOTICE

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County, Section 163.76 (10) Florida Statutes effective 7/1/87

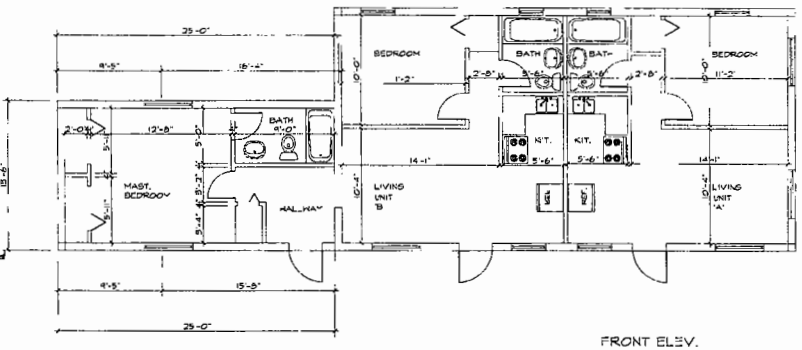
Applicant: Will comply with Ordinance 80-90 (Section 13-13.1of the Miami-Dade County Code: Notice of rock mining operations where blasting is permitted) prior to starting construction.

A separate permit will be required for all driveway approaches onto public right of way. Contact Public Works Department.

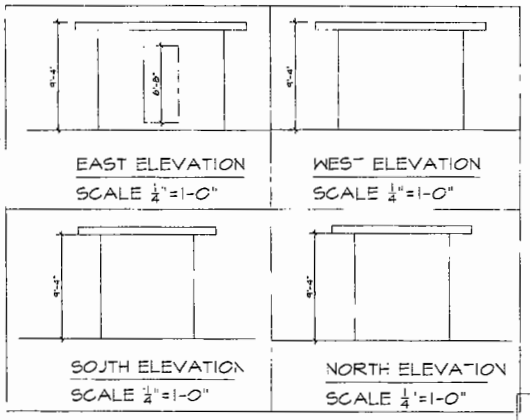
The height of fences, walls, and hedges shall not exceed 2.5 feet in height within 10 feet of the edge of any driveway leading to a right of way.

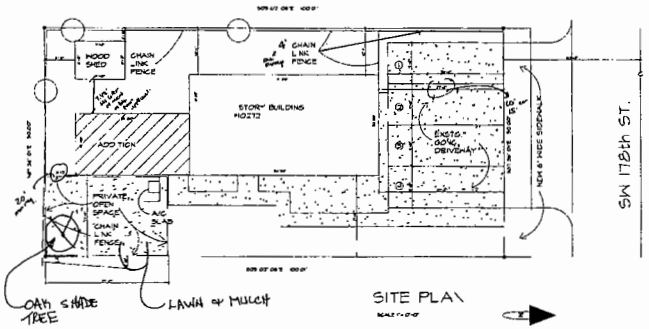
The height of fences is being measured from grade. Grade = Elevation of Public sidewalk or crown of road.

*NOTE: ALL FENCING WILL BE RELOCATED INSIDE THE PLATTED LOT LINE



FRONT ELEV.
SCALE 1/4"=1'-0"

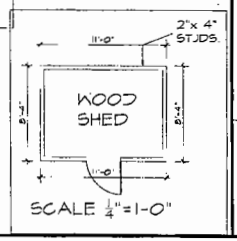




SITE PLAN
SCALE 1"=10'-0"

LEGAL DESCRIPTION

OPEN SPACE
BUILDING AREA=1250 SQ. FT.
SHED AREA= 91 SQ. FT.
CONCRETE AREAS 1,481 SQ. FT.
TOTAL = 2,822 SQ. FT.
PROVIDED 5,000 PROP. 2,822 SQ. FT.
OP 56% LAWN AREA PROVIDED
PRIVATE OPEN SPACE
27,414 25%=4782 SQ. FT.



SCALE 1/4"=1'-0"

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205-334
OCT 30 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

CHARLES C. MITCHELL, P.E.
1515 N.W. 167TH ST
MIAMI, FL 33169
CIVIL / STRUCTURAL #11127
(305) 949-0202

HOLMES DUPLEX
10272 - 74 SW 178th ST
MIAMI, FL 33175

DRAWN BY: MARVIN JACKSON
DATE: 06/27/05

SHT. NO. 1 OF 1

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205-334
OCT 30 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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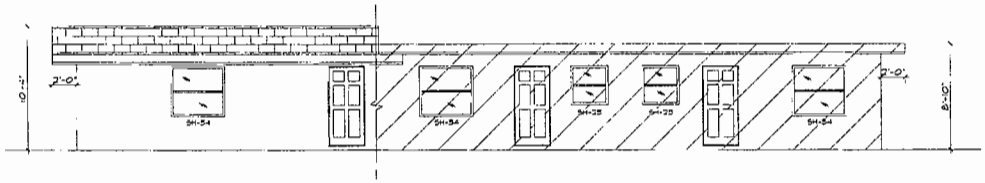
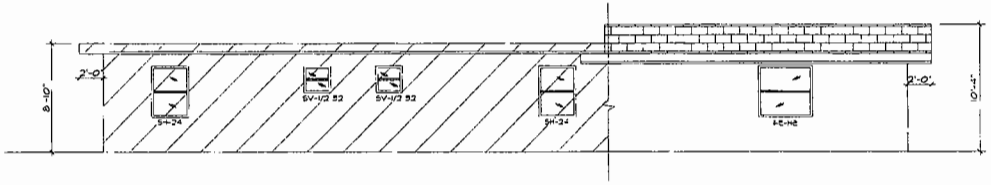
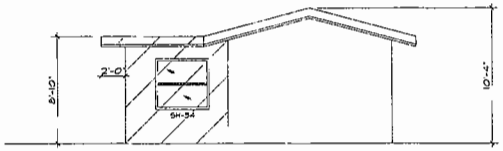
MIAMI-DADE COUNTY
PROCESS & ZONING
DATE: OCT 30 2008
BY: AGE



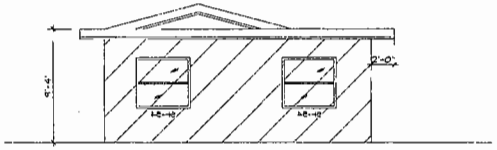
EAST ~~WEST~~ ELEV.
SCALE 1/4"=1'-0"



WEST ~~EAST~~ ELEV.
SCALE 1/4"=1'-0"



SOUTH ELEV.
SCALE 1/4"=1'-0"



NORTH ELEV.
SCALE 1/4"=1'-0"

RECEIVED
205-324
OCT 30 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AG

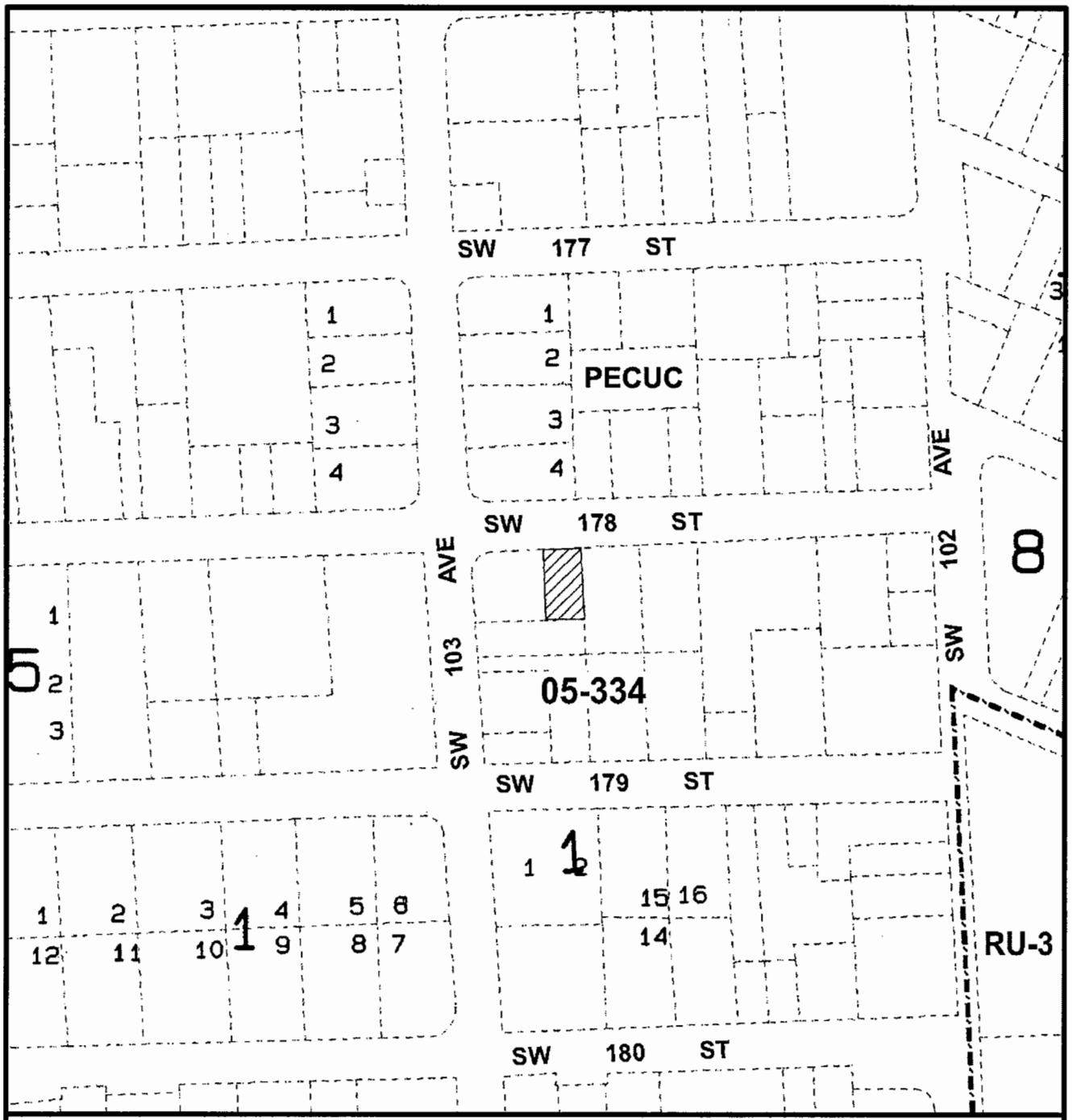
CHARLES C. MITCHELL, P.E.
1515 N.W. 167TH ST
MIAMI, FL 33169
CIVIL / STRUCTURAL #11127
(305) 945-0202

HOLMES DUPLEX
10272-74 SW 178th ST
MIAMI, FL 33175

DRAWN BY:
MARVIN JACKSON
DATE: 06/27/05

SHT. NO.
1
OF
1

RECEIVED
205-324
OCT 30 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AG



MIAMI-DADE COUNTY
HEARING MAP

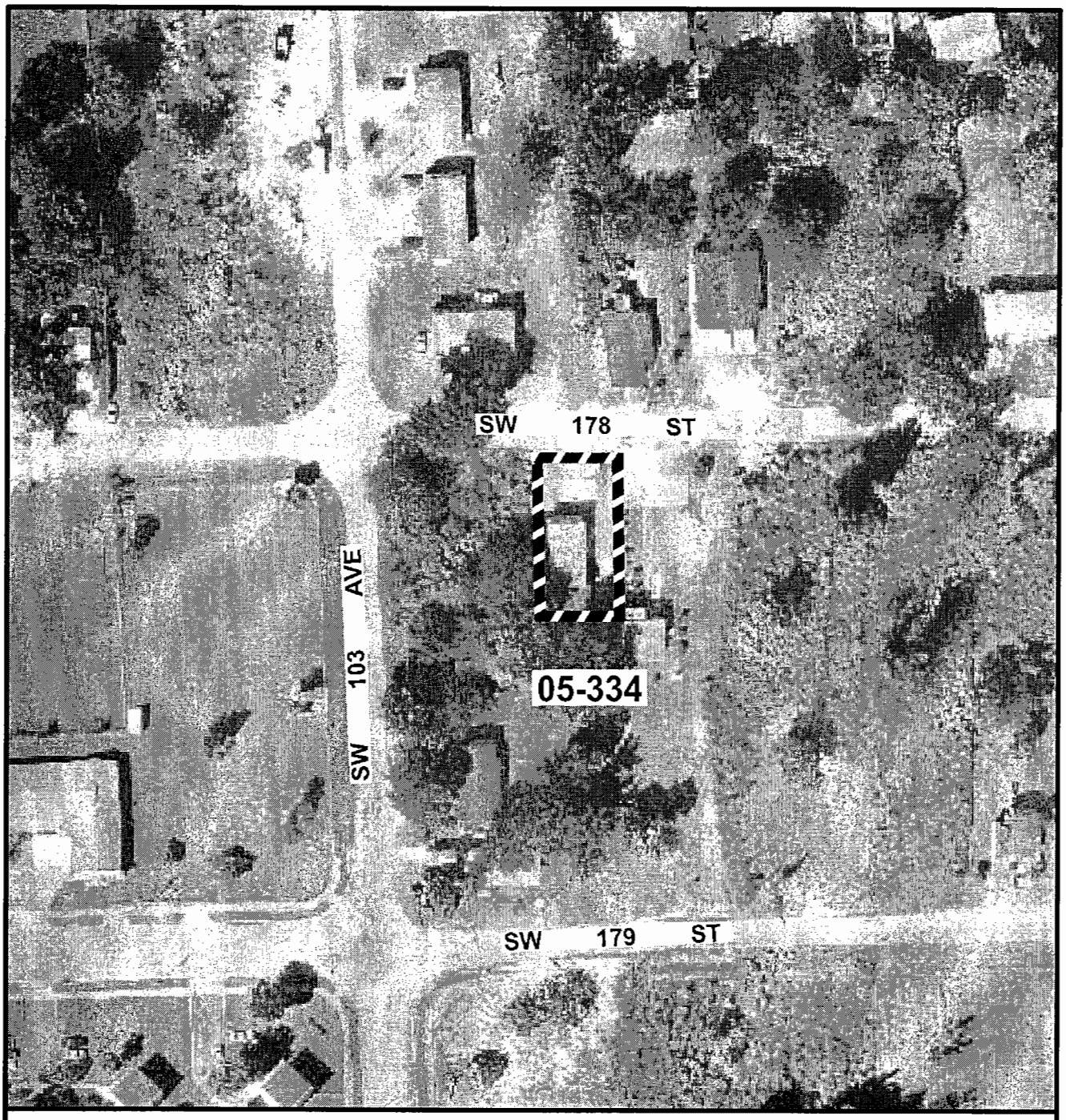
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 32 Township: 55 Range: 40
Process Number: 05-334
Applicant: MADISON HOLMES
Zoning Board: C14
District Number: 09
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-334. 10/05



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 32 Township: 55 Range: 40
Process Number: 05-334
Applicant: MADISON HOLMES
Zoning Board: C14
District Number: 09
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-334. 10/05

2. ARCHBISHOP JOHN C. FAVALORA **09-2-CZ14-2 (06-368)**
(Applicant) **Area 14/District 9**
Hearing Date: 2/11/09

Property Owner (if different from applicant) **Archdiocese of Miami.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1974	Coleman P. Carroll	Zone change from RU-1 to BU-1A.	BCC	Approved w/conds.
1979	Edward A. McCarthy	Special exception for a religious facility.	ZAB	Approved w/conds.
1988	Edward A. McCarthy	Special exception to expand religious facility.	ZAB	Approved
1993	Archbishop Edward McCarthy	Modification of conditions.	ZAB	Approved
1994	Edward McCarthy	Modification of Conditions.	ZAB	Modified Approval w/conds.
1996	Rev. John C. Favalora	Modification of Conditions.	ZAB	Approved

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: Archbishop John C. Favalora **PH:** Z06-368 (09-2-CZ14-2)

SECTION: 1-56-39 **DATE:** February 11, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 2

==========

A. INTRODUCTION

o REQUESTS:

(1) Applicant is requesting to waive the zoning regulations requiring S.W. 117 Avenue to be 125' in width; to permit 0' of dedication (62.5' required) for the west ½ of S.W. 117th Avenue.

(2) MODIFICATION of plans approved pursuant to Resolution No. 4-ZAB-38-79, last modified by Condition #5 of Resolution No. 5-ZAB-379-96, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That in the approval of the plan, the same be basically in accordance with that submitted for the hearing entitled 'St. Joachim Catholic Church,' as prepared by Villa & Brown, Inc., dated received April 4, 1996 and consisting of 7 sheets."

TO: "5. That in the approval of the plan, the same be basically in accordance with that submitted for the hearing entitled 'St. Joachim Catholic Church,' as prepared by Villa & Brown, Inc., dated received April 4, 1996 and consisting of 7 sheets, 1 sheet entitled 'St. Joachim Catholic Church – Road Closing & Additional Parking,' as prepared by David J. Cabarrocas, Architect, dated stamped received 9/19/07 and 2 sheets entitled 'St. Joachim Catholic Church – Administrative Offices and Community Center Building,' dated stamped received 5/15/08 and consisting of 3 sheets and for a total of 10 sheets."

(3) DELETION of Condition #1 of No. 4-ZAB-38-79, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property and reading as follows:

"1. That the dedication of rights-of-way shall be made in accordance with §33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

The purpose of the requests #1 and #2 is to allow the applicant to submit a revised site plan showing additional parking in the right-of-way requested to be waived herein for S.W. 117th Avenue, a reduction in the overall size of property, a building reconfiguration for the previously approved religious facility and to remove the condition that the right-of-way comply with zoning requirements unless not required by the Public Works Director.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

- **SUMMARY OF REQUESTS:**

This application seeks to modify a condition of a previous resolution and to delete another condition of said resolution, to allow the submission of revised plans for an existing religious facility to allow for the reconfiguration of buildings and to allow the applicant to submit revised plans showing additional parking in the right-of-way thereby removing the requirement that the right-of-way comply with zoning requirements. The applicant also seeks to waive the zoning regulations to permit 0' of dedication for the west ½ of SW 117 Avenue.

- **LOCATION:**

19150 SW 117 Avenue, Miami, Florida.

- **SIZE:** 5.22 acres

B. ZONING HEARINGS HISTORY:

In July 1974, the north 324' of the subject property was granted a district boundary change from RU-1, One Family Residential, to BU-1A, Limited Business District pursuant to Resolution #Z-188-74. In January 1979, pursuant to Resolution #4-ZAB-38-79, said subject property was then granted a Special Exception to permit a church. Subsequently, in 1988, the subject property was again granted a Special Exception to expand the existing church and to modify condition #5 of the previous resolution to provide for the addition of a one-story parish hall and additional parking, pursuant to Resolution #4-ZAB-424-88. In December 1993, pursuant to Resolution #5-ZAB-25-93, the subject property received a modified approval to modify condition #5 of Resolution #4-ZAB-38-79, to provide for expansion of the church building, proposed rectory/residence, then future community center and then future day care building along with a modification of condition #4 of said resolution to permit two additional curb cuts into SW 192 Street to serve the proposed additional parking area. This 1993 resolution also allowed for an Unusual Use to permit a day care facility, and non-use variances to permit parking within 25' of the right-of-way and of the sign regulations to permit a 60 (24 sq. ft. permitted) sq. ft. detached sign. Said condition was again modified pursuant to Resolution #5-ZAB-518-94, to permit two existing modular buildings for a temporary period, along with a non-use variance to permit the aforementioned modular buildings as a temporary office outside of an approved mobile home park (not permitted) and a modified approval of a use variance to permit RU-5A, Semi-Professional Office District uses in the RU-1, Single-Family Residential District, in order to limit the uses to only a medical clinic, in December 1994. Finally, in December 1996, the subject property was approved for a modification of condition #5 of Resolution #4-ZAB-38-79, to allow for further revisions to the site plan pursuant to Resolution #5-ZAB-379-96.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the northern 1/3 portion of the subject property for Business and Office use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (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. The remaining 2/3 of the subject property is designated Low Density Residential use under the Adopted 2015 and 2025 Land Use Plan. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. **Residential Communities**. The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.

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

4. **Objective TC-2**

   Rights-of-way and corridors needed for existing and future transportation facilities will be designated and reserved.

5. **TC-2D.** The section line, half section-line, and quarter section-line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. **The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected.**

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-1A, RU-1 and RU-4M; Church	Business and Office/ Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: BU-1; retail store	Business and Office
SOUTH: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
EAST: BU-2 and RU-1; shopping center and single-family residences.	Business and Office/ Low Density Residential, 2.5 to 6 dua
WEST: RU-4M; Nursing home	Low Density Residential, 2.5 to 6 dua

The subject property is located at 19150 SW 117 Avenue. The surrounding area is characterized by a mixture of commercial uses to the north and partially to the east, and residential uses to the south, east and west.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is an irregularly shaped 5.61-acre lot consisting of an existing church and parish hall, trailer, shed and parking lot. The northern half of the property is currently zoned BU-1A, Limited Business District and the remaining southern portion is zoned RU-1, Single-Family Residential District. Section 33-133(A)(43)(c), Right-of-Way Plan and Minimum Width of Street and Ways, requires that this section of SW 117 Avenue be 125' in width. The west 62.5' of the roadway abutting the subject property was previously dedicated to and presently owned by Miami-Dade County. The process to re-incorporate this portion of the right-of-way into the subject property is to first apply for a waiver of the right-of-way through the zoning hearings process. If approved, the applicant will have to apply for a road closing petition, and the property must re-platted. The applicant is hereby requesting to waive the zoning regulations requiring SW 117 Avenue to be 125' in width; to permit 0' of dedication (62.5' required) for the west half of SW 117 Avenue (request #1) in order to re-incorporate this portion of the right-of-way into the subject property; a modification of plans approved pursuant to Resolution #4-ZAB-38-79, last modified by condition #5 of Resolution #5-ZAB-379-96 (request #2) and deletion of Condition #1 of Resolution #4-ZAB-38-79 (request #3), to allow the applicant to submit a revised site plan showing additional parking in the right-of-way, requested to be waived herein for SW 117 Avenue, a reduction in the overall size of the property, a building reconfiguration for the previously approved religious facility and to remove the condition that the right-of-way comply with zoning requirements unless not required by the Public Works Director.

The submitted plans depict the 5.61-acre site developed with the existing church and parish hall located on the southern portion of the site as well as a proposed administrative office and community building located on the west of the property and a proposed daycare center and playground located on the northern portion of the site, both of which were previously approved. The plans also depict 272 parking spaces throughout the site, a number of which are located in the right-of-way to the east of the property line. Said plans depict an array of oak and palm trees throughout the property, along the property lines and located in the right-of-way abutting the east property line. The area to the north and northeast of the property is characterized by mainly commercial uses located in shopping centers. To the east and south are single-family residences and to the west is a multi-story residential building. However, staff's inspection of the site identified a wood trailer and additional wood structure located on the southwest portion of the site. These structures were also depicted in the submitted survey and aerial photographs of the site.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of

Miami-Dade County, Florida. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to the waiver of the right-of-way. The Miami-Dade Fire Rescue Department (**MDFR**) also **objects** to this application. Their memorandum indicates that the applicant must indicate the clear road width of 15' for one-way traffic for the circular drive and show clearance of 13'6"for the canopy at the front of the building.

Approval of this application would allow the applicant to waive the zoning regulations requiring SW 117 Avenue to be 125' in width, to allow the modification of previously approved plans, and deletion of a condition of previously approved resolutions the purpose of which is to allow the applicant to submit revised plans showing additional parking in the right-of-way. Additionally, the approval of the aforementioned requests will allow for a reduction in the overall size of the property, a building reconfiguration for the previously approved religious facility and the removal of the condition that the right-of-way comply with zoning requirements unless not required by the Public Works Director. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the northern approximately 1/3 of the subject property for Business and Office use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (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. The remaining southern approximately 2/3' is designated Low Density Residential use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the previously approved church on this BU-1A and RU-1 zoned parcel is consistent with the interpretative text of the CDMP.

However, the CDMP indicates in Objective TC-2 of the Transportation Element, that Rights-of-way and corridors needed for existing and future transportation facilities will be designated and reserved. Further, Policy TC-2D of the Transportation Element states that 'the County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected". As such, approval of the applicant's request to waive the zoning regulations requiring SW 117 Avenue to be 125' in width, to permit 0' (62.5' required) of dedication on the west half of SW 117 Avenue and modification of plans approved pursuant to Resolution #4-ZAB-38-79, later modified pursuant to condition #5 of Resolution #5-ZAB-379-96, and deletion of condition #1, approved pursuant to Resolution #4-ZAB-38-79, to allow the applicant to submit a revised site

plan showing additional parking in the right-of-way, a reduction in the size of property, a building reconfiguration for the previously approved religious facility and to remove the condition that the right-of-way comply with the zoning requirements unless not required by the Public Works Director, is **inconsistent** with the interpretative text of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variances (NUV) Standards, staff opines that the approval of the applicant's request to waive the zoning regulations requiring SW 117 Avenue to be 125' in width; to permit 0' of dedication (62.5' required) for the west half of SW 117 Avenue (request #1), would undermine 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 variances will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. The Public Works Department memorandum indicates that SW 117 Avenue is a section line road that may be widened in the future, and therefore, a reduction of the right-of-way width is not recommended. Staff therefore opines, that approval of the applicant's request for the reduction of the right-of-way width for SW 117 Avenue, would negatively impact the future development of the roadway and be detrimental to the community and therefore incompatible with the surrounding area. Accordingly, staff recommends denial without prejudice of request #1 under Section 33-311(A)(4)(b), NUV Standards.

When analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standard (ANUV), the applicant would have to prove that request #1 is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that said request does not comply with the standards of said section since the property can be utilized in accordance with the existing zoning regulations and previous approvals. Therefore, request #1 should be denied without prejudice under same.

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modification of plans approved pursuant to Resolution #4-ZAB-38-79, last modified by condition #5 of Resolution #5-ZAB-379-96 (request #2), and the deletion of condition #1 of the aforementioned, Resolution #4-ZAB-38-79 (request #3) the purpose of which is to allow the applicant to submit a revised site plan showing additional parking in the right-of-way, a reduction in the size of property, a building reconfiguration for the previously approved religious facility and to remove the condition that the right-of-way comply with the zoning requirements unless not required by the Public Works Director, will generate excessive noise, provoke excessive overcrowding of people, and tend to provoke a nuisance. It should be noted that the Public Works Department objects to the requested waiver of the right-of-way for SW 117 Avenue and their memorandum indicates that said roadway is a section line/arterial road. As such, staff opines that approval of the requests to reduce the right-of-way, would be **incompatible** with the area concerned and would impede traffic flow and connectivity in the area, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of surrounding area. The approval of the applicant's request to reduce the width of the section line road, SW 117 Avenue, is **inconsistent** with the interpretative text of the CDMP since this would interrupt the continuous section line road systems network and would affect future traffic circulation. Additionally, staff's inspection of the site and the submitted surveys, depict a wood trailer and another wood structure on the site that are in violation of condition #1 of Resolution #5-ZAB-379-96,

which stated that "no trailers, tents or similar structures and no temporary use of any type shall be permitted on the premises. The aforementioned structures have not been depicted on the submitted plans. Staff therefore, recommends denial without prejudice of requests #2 and #3 under the Generalized Modification Standards, Section 33-311(A)(7).

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to requests #2 and #3. Due to the lack of information, staff is unable to properly analyze these requests under said standards and, as such, said requests should be denied without prejudice under these standards.

Based on the aforementioned, staff is of the opinion that approval of the applicant's requests to waive the zoning regulations requiring SW 117 Avenue to be 125' in width; to permit 0' of dedication for the west half of SW 117 Avenue (request #1), would be detrimental to the surrounding community and will negatively impact access to and future development in the area. Further, the applicant's request for a modification of plans approved pursuant to Resolution #4-ZAB-38-79, last modified by condition #5 of Resolution #5-ZAB-379-96 (request #2) and deletion of Condition #1 of Resolution #4-ZAB-38-79 (request #3), would 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 surrounding area and **inconsistent** with the interpretative text of the CDMP. Staff therefore recommends, denial without prejudice of request #1, under Section 33-311(A)(4)(b), NUV Standard, and under Section 33-311(A)(4)(c), ANUV Standard. Additionally, staff recommends that requests #2 and #3, be denied without prejudice under the Generalized Modification Standards, Section 33-311(A)(7) and under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing.

I. **RECOMMENDATION:** Denial without prejudice

J. **CONDITIONS**: None

DATE INSPECTED: 09/28/07
DATE TYPED: 01/13/09
DATE REVISED: 01/15/09, 02/02/09, 02/05/09, 02/06/09
DATE FINALIZED: 02/06/09
MCL:MTF:NN:NC:CH

for Maria T. Tejo

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

Memorandum

MIAMI-DADE COUNTY

Date: July 16, 2007

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

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

Subject: C-14 #Z2006000368-Revised
Archdiocese of Miami
19150 S.W. 117th Avenue
Modification of a Previously Approved Resolution to Waive the Right-of-Way Dedication
(BU-1A/RU-4M/RU-1) (5.22 Acres)
01-56-39

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

Wellfield Protection

The subject property is located within the outer wellfield protection zone of the South Miami Heights Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative 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
All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year/1-day storm event.

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

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

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

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

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

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

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

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

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

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

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

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

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

PH# Z2006000368
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ARCHDIOCESE OF MIAMI

This Department objects to this application.

This Department objects to the request to reduce the right-of-way width for SW 117 Avenue. This road is a section line/arterial road that may be widened in the future, therefore the reduction of the right-of-way from its present width is not recommended.

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

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

Raul A Pino, P.L.S.
05-DEC-07

REVISION 3

Memorandum

Date: 05-DEC-07

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

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

Subject: Z2006000368

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated November 6, 2007.
OBJECTIONS:
APPLICANT MUST COMPLY WITH PREVIOUS FIRE DEPARTMENT MEMO.(See MDFR Memo dated November 6, 2007) INDICATE THE CLEAR ROAD WIDTH FOR CIRCULAR DRIVE AND SHOW CLEARANCE AT CANOPY AT FRONT OF BUSINESS. MINIMUM 15 FEET FOR ONE-WAY TRAFFIC AND MINIMUM VERTICAL CLEARANCE OF 13'6".

Service Impact/Demand:

Development for the above Z2006000368
located at 19150 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2237 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
9,808 (Office)	square feet	N/A (institutional)	square feet
N/A (Retail)	square feet	N/A (nursing home/hospitals)	square feet

Based on this development information, estimated service impact is: 7:63 alarms-annually.
The estimated average travel time is: 5:07 minutes

Existing services:

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

Station 52 - South Miami Hgts - 12105 Quail Roost Drive
Rescue, ALS Tanker

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped September 19, 2007. Substantial changes to the plans will require additional service impact analysis.

DATE: 12/22/08
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

ARCHBISHOP JOHN C. FAVALORA

APPLICANT

19150 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2006000368

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200801007589 was opened based on enforcement history request and inspected on 12-16-08. No violations were observed and the case was closed.
Previous case history;
Case 200701005634 was opened based on enforcement history request and inspected on 9-11-07. A warning notice was issued for Ch 33-4.2(a), fence in disrepair. A re-inspection was conducted on 10-22-07 and the property was found to be in compliance. The case was closed.
Case 200701005635 was opened based on enforcement history request and inspected on 9-11-07. A warning notice was issued under Ch 19-8(a), junk and trash. A re-inspection was conducted on 10-24-07 and the property was in compliance. The case was closed.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Archdiocese of Miami

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME: N/A

NAME AND ADDRESS	Percentage of Stock

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Stock

If there is a **CONTRACT FOR** PURCHASE by a Corporation, Trust or Partnership, LIST PURCHASERS BELOW, INCLUDING PRINCIPAL OFFICERS, STOCKHOLDERS, BENEFICIARIES OR PARTNERS. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME AND ADDRESS (if applicable)	Percentage of Stock

Date of Contract: _____

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

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

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

X Signature: John C Fowler
(Applicant)

X Sworn to and subscribed before me this 7 day of August, 2006. Affiant is personally known to me or has produced _____ as identification.

Ethel Marinelli
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Ethel Marinelli
Commission # DD421064
Expires: JUNE 05, 2009
Bonded Thru Atlantic Bonding Co., Inc.

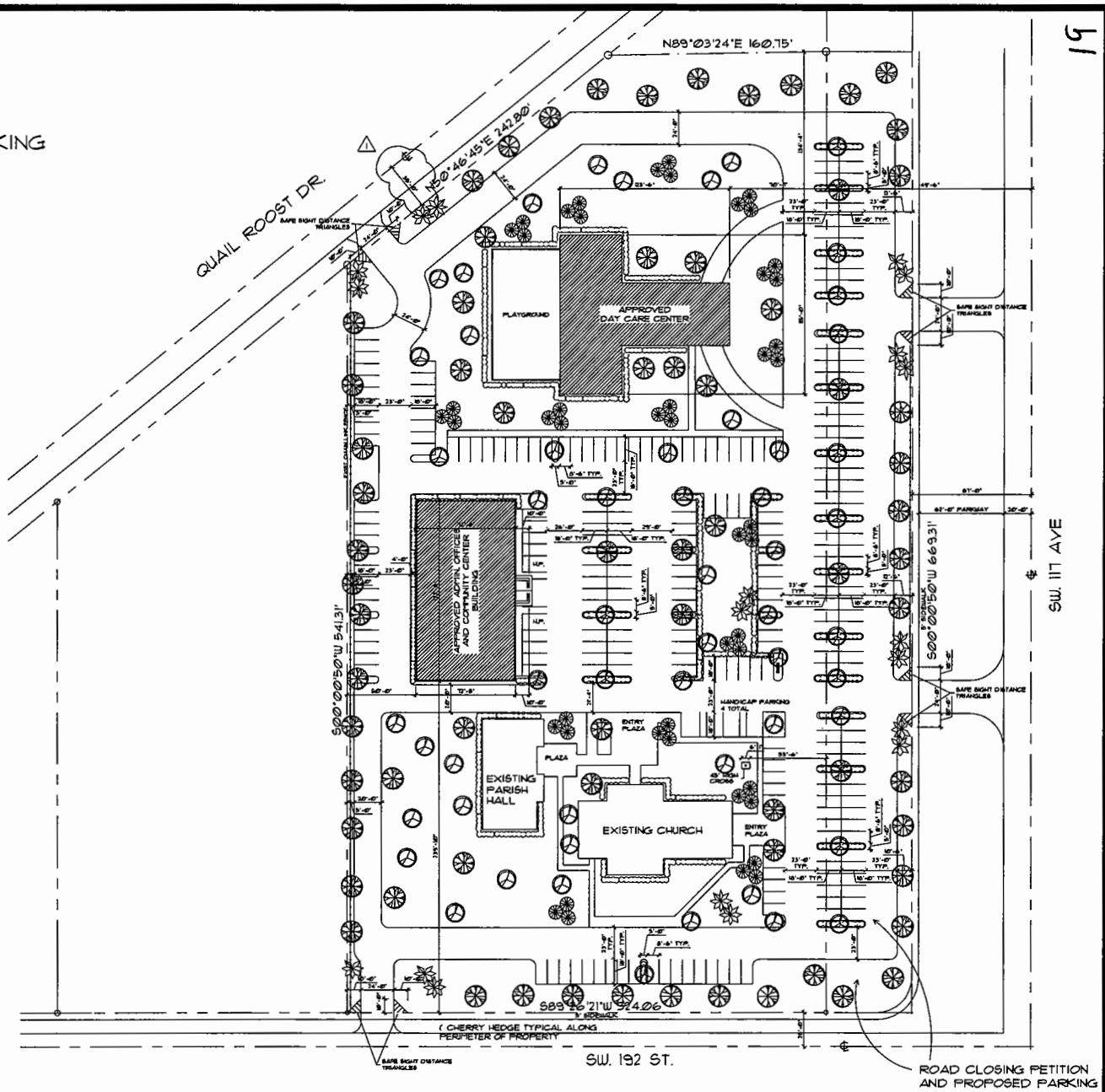
My Commission expires: June 5, 2009

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

RECEIVED
MIAMI-DADE COUNTY
PROCESS & ZONING
DATE: SEP 19 2007
STO VALIMERY

APPROVED MASTER PLAN

ROAD CLOSING PETITION AND PROPOSED ADDITIONAL PARKING



SITE PLAN
1" = 30'-0"

LANDSCAPE LEGEND

ZONING DISTRICT: RU-1 NET LOT AREA: 5.25 ACRES: 228,522 SQ.F.

OPEN SPACE: REQUIRED / PROVIDED

A.- 30% OF OPEN SPACE REQ'D. BY CHAPTER 33, AS INDICATED ON SITE PLAN. NET LOT AREA= ___ x.4= ___ SQ.FT. — N/A

B.- 30% OF PARKING LOT OPEN SPACE REQ'D. BY CHAPTER 33, AS INDICATED ON SITE PLAN. NUMBER OF SPACES ___ x 10 SQ.FT. PER PARKING SPACE.

C.- TOTAL SQ.FT. OF LANDSCAPED OPEN SPACE REQ'D. BY CHAPTER 33, 4-B.

LAWN AREA CALCULATION

A.- TOTAL SQ.FT. OF LANDSCAPED OPEN SPACE REQ'D. BY CHAPTER 33

B.- MAXIMUM LAWN AREA (NON-PERVIOUS) 50% OF 228,522 SQ.FT. — 114,261 / 97,179

TREES:

A.- MIN. TREES REQ'D. PER NET LOT ACRE. LESS SHAPING REDUCTION OF TREES REQ'D. PER REQUIREMENTS TREES X NET LOT ACRES. — 3

B.- MAXIMUM 25% TREES PROVIDED (1 X 50%) — 16 / 114

SPACING PERMITTED TO COUNT AS STREET TREES ON U.S. 2,000 X 50% — 36 / 66

C.- MINIMUM REQ'D. NO. TREES PROVIDED X 50% — 30 / 11

D.- STREET TREES (MIN. AND SPACING OF 30'O.C.) LINEAR FEET ALONG STREET (N.) 1,651 — 51 / 106

E.- STREET TREES LOCATED DIRECTLY BEHIND POWERLINES (MAX. AND SPACING OF 20'O.C.) LINEAR FEET ALONG STREET / 50 — 30 / 31

F.- N/A

SHRUBS:

A.- MAXIMUM REQ'D. = 10 PER 50 LINEAR ALLOWED — 1140 / 1600

B.- SHRUBS ALLOWED = 20% OF ABOVE SHRUBS REQUIRED — 540 / 1600

IRRIGATION PLAN: IF REQUIRED BY CHAPTER 33

TABLE CONTAINING INFORMATION AS INDICATED IN SUPPLIED

EXISTING TREES OF PLAN		PLANT NAME	NATIVE SPECIES		CALIPER	HEIGHT			CANOPY DIAMETER	QTY.
EXISTING	REP	COMMON	YES	NO	SINGULAR	MINIMUM	SPREAD (NO. OF SUCCESSIVE NUMBERS)	SPREADING MAXIMUM		
⊕	X	LIVE OAK	X			8'	30"	35'	35'	63
⊙	X	EARLEAF ACASIA		X		8'	30"	35'	35'	44
⊕	X	BADAL PALM	X		4"	8'	30"	10'	10'	46
⊕	X	ROYAL PALM		X		8'	30"	10'	10'	19
EXISTING	DOUBLE DIORA HEDGE 24" HIGH PLANTED AT 24" O.C.									
	CHERRY HEDGE 24" HIGH PLANTED AT 24" O.C.									
		NOTE: ALL EXISTING TREES TO REMAIN								

PLANTING NOTES:

TOTAL LANDSCAPE AREA ON SITE

ALL GREEN AREA TO CONSIST OF ST. AUGUSTINE BITTER BLUE SOD ON MIN. 4" TOP SOIL.

ALL TREES AND SHRUBS SHALL BE PLANTED ON MIN. 6" TOP SOIL AROUND AND BENEATH ROOTBALL OF MIN. 2" SHREDDED CYPRESS MULCH.

ALL TREES TO BE PROPERLY GUYED AND STAKED AT TIME OF PLANTING

LANDSCAPE AREAS THAT CUT TO BE PROVIDED WITH IRRIGATION SYSTEM.

ALL PLANT MATERIALS TO BE CLASSIFIED AS FLORIDA OR BETTER.

SITE AND BUILDING DATA:

LOCATION: 19150 SW. 87 AVE.
LAND AREA:
GROSS LOT AREA: 345,600 S.F. (7.93 ACRES)
NET LOT AREA: 272,200 S.F. (6.25 ACRES)
ZONING: R-1B
PROPOSED LAND USE: CHURCH, PARISH HALL, DAY CARE CENTER, ADMINISTRATIVE OFFICES, AND COMMUNITY CENTER.
BUILDING AREA:
CHURCH ..... 5,620 S.F.
EXIST. PARISH HALL ..... 3,400 S.F.
DAY CARE CENTER ..... 8,706 S.F.
ADMIN. OFFICES AND COMMUNITY CENTER ..... 9,608 S.F.
TOTAL BUILDING F.A.R ..... 12% = 27,336 S.F.
TOTAL LOT COVERAGE ..... 12% = 27,336 S.F.
PAVED AREA:
PARKING REQ. 138 PROVIDED 272
PAVED AREA ..... 144,115 S.F. OR 3.31 ACRES
LANDSCAPED AREA:
GREEN AREA ..... 37% = 100,349 S.F. OR 2.31 ACRES

NOTE:
SHRUBS, HEDGES, WALLS AND FENCES IN THE SAFE SIGHT DISTANCE TRIANGLES NOT TO EXCEED 2'-6" IN HEIGHT ABOVE THE PAVEMENT

LEGAL DESCRIPTION:
THE EAST 41.25 FEET OF TRACT 33 OF "PERRINE GRANT LAND COMPANY SUBDIVISION", LYING IN SECTION 1, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF QUAIL ROOST DRIVE (STATE ROAD No. 954) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP FOR SECTION 87091-2503, SHEET 9 OF 18, AND LESS THE EAST 62.50 FEET THEREOF AND LESS THAT EXTERNAL AREA FORMED BY A 25 FOOT RADIUS CURVE AT THE SOUTHEAST CORNER, TANGENT TO THE SOUTH LINE OF SAID TRACT 33 AND BEING TANGENT TO A LINE THAT LIES 62.50 EAST OF THE EAST LINE OF SAID TRACT 33, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 141, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

19

REVISIONS	
△ CITY COMMENT	09/19/07

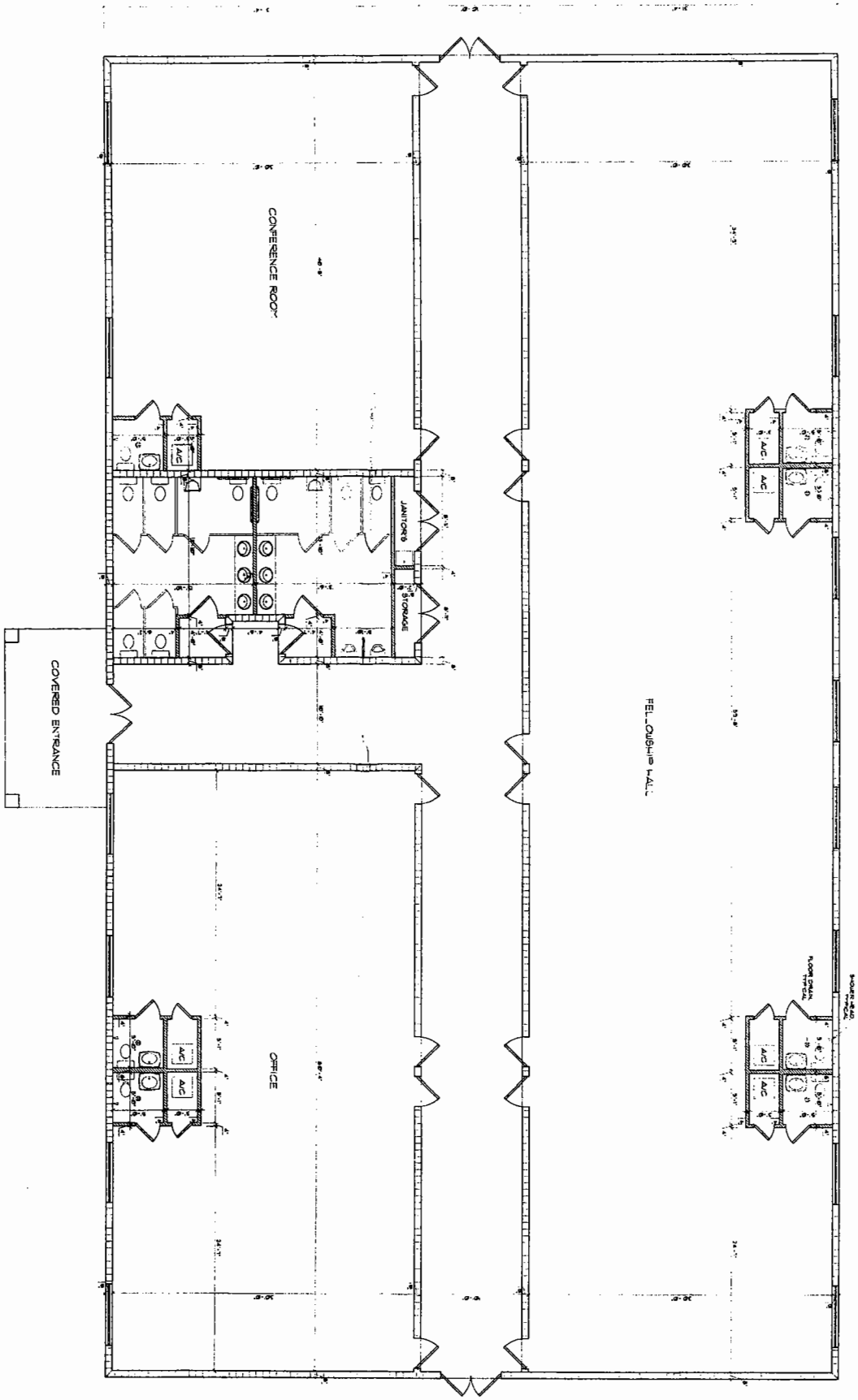
DRAWN: DD
CHECKED:
COMM.:
DATE: 09/19/2007

4086 EL PRADO BOULEVARD
COCONUT GROVE, FLORIDA 33133
(305) 661-9597

ST. JOACHIM CATHOLIC CHURCH - ROAD CLOSING & ADDITIONAL PARKING
MIAMI, FLORIDA

DAVID J. CABARROCAS / ARCHITECT - AR - 0004356

SHEET: A-1
OF: 1



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

RECEIVED
FEB 12 1998

20

SHEET A-2 OF 3	ST. JOACHIM CATHOLIC CHURCH - ADMINISTRATIVE OFFICES AND COMMUNITY CENTER BUILDING MIAMI, FLORIDA DAVID J. CABARROCAS / ARCHITECT - AR - 0004356	REVISIONS	DRAWN: DD CHECKED: DATE: 01/24/2005 4086 EL PRADO BOULEVARD COCONUT GROVE, FLORIDA 33133 (305) 661-9597

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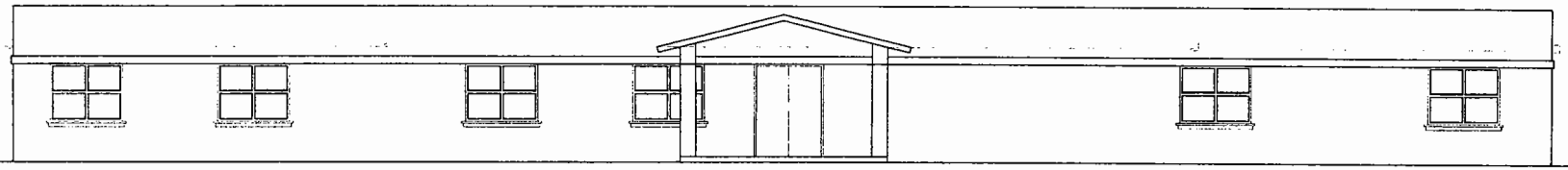
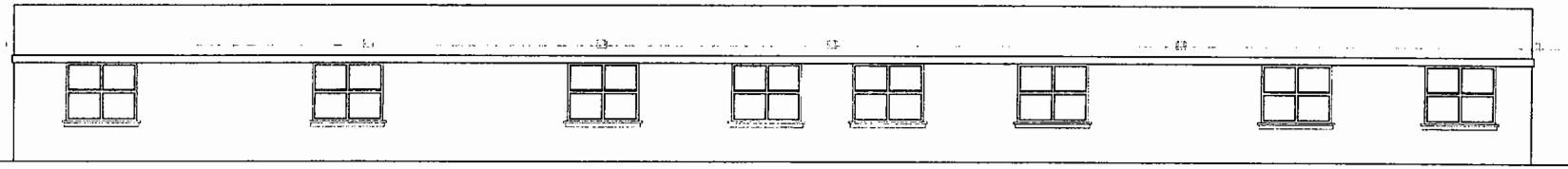
MIAMI-DADE COUNTY
PROMOTION & ZONING
DATE: SEP 19 2007
BY: RK

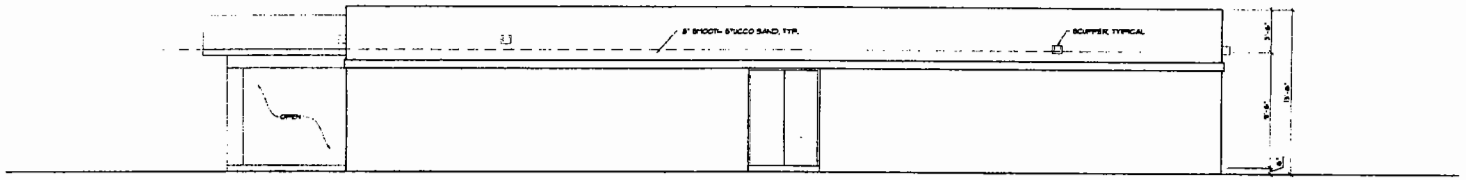
21



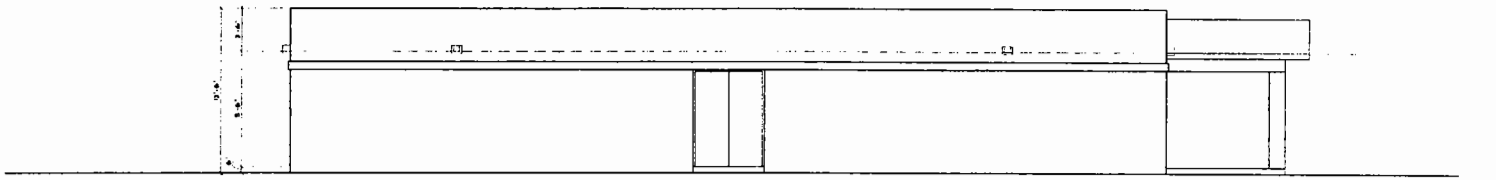
EAST ELEVATION
1/4" = 1'-0"



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



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



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

RECEIVED
DC-12
SEP 16 2005
CONTROL PROMOTION INC. FOR
MIAMI-DADE COUNTY PROMOTION AND ZONING DEPT.
BY

REVISIONS

DRAWN.	COMM.
DO	
CHECKED	DATE
	06/17/2005

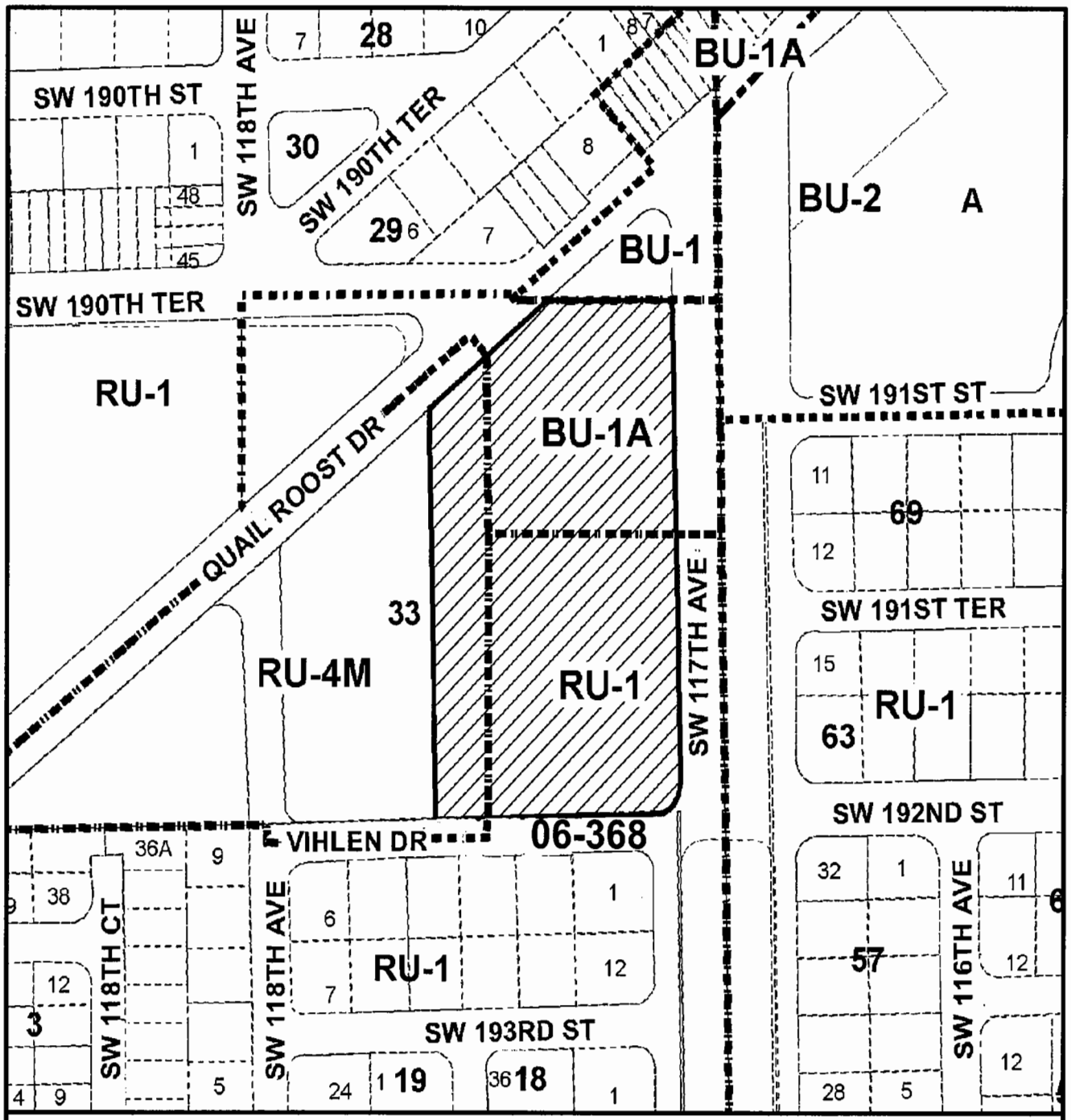
4086 EL PRADO BOULEVARD
COCONUT GROVE, FLORIDA 33133
(305) 661-9597

ST. JOACHIM CATHOLIC CHURCH - ADMINISTRATIVE OFFICES AND COMMUNITY CENTER BUILDING

MIAMI, FLORIDA

DAVID J. CABARROCAS / ARCHITECT - AR - 0004356

SHEET A-3
OF 3



MIAMI-DADE COUNTY
HEARING MAP

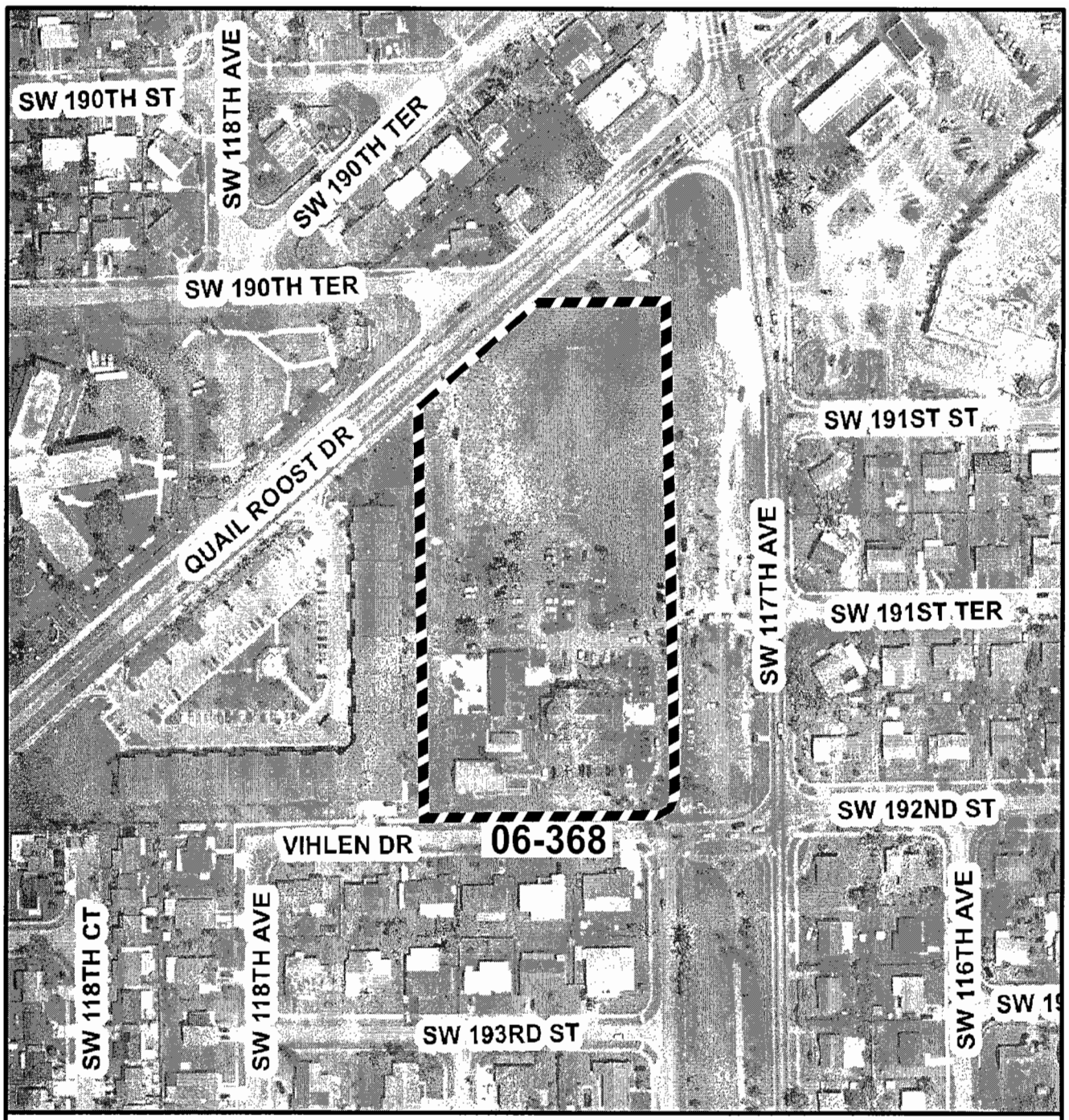
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 01 Township: 56 Range: 39
Process Number: 06-368
Applicant: ARCHDIOCESE OF MIAMI
Zoning Board: C14
District Number: 09
Cadastral: ERIC
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 06-368 01/11/06



MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 01 Township: 56 Range: 39
Process Number: 06-368
Applicant: ARCHDIOCESE OF MIAMI
Zoning Board: C14
District Number: 09
Cadastral: ERIC
Scale: NTS

MIAMI-DADE COUNTY

GEDMATICS 06-368 01/11/06

3. THE CHURCH OF THE ASCENSION, INC.
(Applicant)

09-2-CZ14-3 (08-97)
Area 14/District 9
Hearing Date: 2/11/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1964	J. O. Murray	- Special exception to permit religious facility and Sunday school. - Unusual Use to permit kindergarten and day school.	ZAB	Approved w/conds.
1971	Southminister United Presbyterian Church	Unusual Use nursery/sign(s).	ZAB	Denied without prejudice

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: The Church of the Ascension, Inc. **PH:** Z08-97 (09-2-CZ14-3)

SECTION: 30-55-40 **DATE:** February 11, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 3

==========

A. INTRODUCTION:

o REQUESTS:

(1) MODIFICATION of Condition #3 of Resolution No. 2-ZAB-400-64, passed and adopted by the Zoning Appeals Board and reading as follows:

FROM: "3. That the use be established and maintained in accordance with the approved plans.

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Church of the Ascension,' as prepared by Gator Engineering Consultants, P. A., 4 sheets dated stamped received 8/6/08, 3 sheets dated stamped received 5/21/08 with A4.3 dated last revised 11/25/08, 2 sheets dated stamped received 9/18/08 with SP 2 dated last revised 11/25/08 and 1 sign detail sheet as prepared by Andy Zitman, dated stamped received 9/18/08 for a total of 10 sheets."

The purpose of request #1 is to submit new plans for a previously approved religious facility showing a new sanctuary building and a multi-purpose building with additional signage.

(2) Applicant is requesting to permit buildings of public assemblage setback 24.9' (25' required) from the side street (south) property line.

(3) Applicant is requesting to permit a lot coverage of 22.8% (15% permitted).

(4) Applicant is requesting to permit 2 additional detached signs, each consisting of 22 sq. ft. (1 24 sq. ft. sign permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 - #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:**

  This application will allow the modification of a Condition of a Resolution that will permit the applicant to submit revised plans showing a larger religious facility. Additional requests to permit the religious facility setback 24.9' from the side street property line; to permit a greater lot coverage than that allowed by the Zoning Code; and to permit 2 additional detached signs are also being sought.

- **LOCATION:** 11201 S.W. 160 Street, Miami-Dade County, Florida.

- **SIZE:** 2.44 Acres

B. ZONING HEARINGS HISTORY:

In 1964, the subject property was approved with conditions by the Zoning Appeals Board (ZAB) for a special exception to permit a church and Sunday school including related activities of Boy and Girl Scout Programs and an unusual use to permit a kindergarten and day school, pursuant to Resolution No. 2-ZAB-400-64. It should be noted that in 1971, the subject site was denied without prejudice a request to permit the continued use of a day nursery and a request to permit the continued use of an existing second detached sign measuring 12 sq. ft., pursuant to Resolution No. 4-ZAB-328-71.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. 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.

2. Also permitted in residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.

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

4. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific

category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

5. **Policy 9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU; One-story religious facility	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; One-story single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH: AU; Religious facility	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; One-story single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; One-story single-family residences	Low Density Residential, 2.5 to 6 dua

The subject parcel is located at 11201 SW 160 Street. Single-family residences and a religious facility the surrounding area.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other

equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

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

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The 2.44-acre subject property is a corner lot located at 11201 SW 160 Street in an established residential neighborhood characterized by single-family residences and another religious facility that is located immediately to the south of the subject site. The site is currently improved with a one-story religious facility that consists of a fellowship hall and a church building. The Letter of Intent submitted by the applicant indicates that the subject site is to be redeveloped in two phases. During Phase I, the existing fellowship hall is to be expanded and renovated in order to accommodate Sunday school classrooms and a multi-purpose room and the existing sanctuary is to be renovated to accommodate 154 seats, a stage area, and administrative offices. Phase II will include the construction of a new sanctuary building that accommodates 437 seats and the former sanctuary building will be renovated to accommodate additional classrooms. As such, the applicant is requesting to modify Condition #3 of Resolution 2-ZAB-400-64 (request #1), in order to submit revised plans showing a new sanctuary building and a multi-purpose building with additional signage. Additional requests to permit buildings of public assemblage setback 24.9' (25' required) from the side street (south) property line (request #2), to permit a lot coverage of 22.8% (15% permitted) (request #3), and to permit 2 additional detached signs, each consisting of 22 sq. ft. (one 24 sq. ft. sign permitted) (request #4) are also being sought. Plans submitted by the applicant depict the aforementioned requests.

In 1964, the subject property was approved with conditions by the Zoning Appeals Board (ZAB) for a special exception to permit a church and Sunday school including related activities of Boy and Girl Scout Program and an unusual use to permit kindergarten and day school, pursuant to Resolution No. 2-ZAB-400-64. Approved permit plans submitted in 1966, indicated a proposed one-story multi-purpose building with a seating capacity of 167 located on the southwest corner of the site with future classroom buildings to be located towards the center of the site and a future church building sited towards the southeast corner of the site. Parking for 42 automobiles was configured along the western portion of the site. The survey submitted by the applicant in conjunction with this application indicates that although the church building was built, the future classroom buildings indicated in the 1966 permit plans were never constructed. Vehicular access depicted on the previously approved plans was proposed in the form of a two-way driveway from SW 160 Street that led directly into the primary parking area.

In contrast, the plans submitted as part of this application propose a two phase renovation and expansion of the existing fellowship building and sanctuary building with the second phase culminating with the construction of an entirely new 4,791 sq. ft. sanctuary to be built on the site that will accommodate a congregation of 437. The submitted plans indicate that upon construction of the new sanctuary building, the former sanctuary building will be renovated to accommodate 4 classrooms. Expansions and renovations to the existing fellowship hall include the incorporation of a multi-purpose area, stage, kitchen and restrooms to be added to the eastern portion of the existing building with 10 classrooms, a music room, reception area, and pastor offices located within the western portion of the existing building. Parking has been delegated along the west and north property lines and has been arranged to accommodate 92 automobiles. Staff notes that landscaping strips that vary in width from 10' to 13' as well as a 6' high wood fence have been provided along the west and north property lines. Additionally, the applicant has

provided an assortment of shrubbery in the forms of Pleomele and Red Tip Cocoplum hedges along these property lines, and has proposed Gumbo Limbo trees planted along the west and north property lines spaced 35' on center. Furthermore, a 6' high wood fence has been indicated along both the west and north property lines to help to buffer the visual impact to the abutting properties. Vehicular access to the site is provided by two two-way drives, one accessible from SW 160 Street and the other from SW 112 Avenue. As indicated in the submitted elevation plans, the buildings have fenestration typical to a religious facility and pitched tiled roofs, the highest of which reaches a height of 30'.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department **(PWD)** has no **objections** to this application. However, their memorandum further indicates that the site plan must show the existing 25 foot radius return at SW 160 Street and SW 112 Avenue. In addition their memorandum indicates that the subject site may require platting in accordance with Chapter 28 of the Miami-Dade County Code and that the application does not generate any new additional daily peak hour trips and as such the application meets traffic concurrency criteria. The Miami-Dade Fire Department **(MDFR) objects** to the application, and indicates that the applicant must provide a minimum clearance of 13'6" for the canopy located along the front of the building and that the driveway width within the canopy must be a minimum of 15'.

Approval of this application would allow the applicant to renovate and expand the existing religious facility on the subject property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use, which permits a density range of a minimum of 2.5 to a maximum of 6 units per gross acre. However, the interpretative text of the CDMP indicates that all existing lawful residential uses and zoning that are not specifically depicted on the LUP map are deemed to be **consistent** with the CDMP, as indicated in the section titled "Concepts and Limitations of the Land Use Plan Map." The religious facility use located on this site was previously approved at zoning hearing, therefore, the use is **consistent** with this provision of the interpretative text of the CDMP.

The Master Plan indicates that neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. The interpretative text of the CDMP indicates that, in reviewing 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. Staff opines that the proposed scale and size of the use is compatible with the scale of the surrounding uses which consist of single-family residences and another religious facility immediately to the south of the subject site. The subject site abuts single-family residences to the east, north, and west and the applicant has provided a minimum building setback of 85' from the west and north property lines as well as a minimum building setback of 61' from the east property line which, in conjunction with the landscaping elements illustrated on the plans, staff opines will mitigate any negative aural and visual impacts the expansion of the existing religious facility may have on the adjoining

residences. Further, staff notes that the maximum height permitted in the abutting RU-1 and AU zoning districts is 35'. As such the proposed maximum building height of 30' is compatible with the height permitted in the surrounding area. **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements; as such, staff opines that this proposal, as configured, would be harmonious with the scale and size of the proximate land uses as addressed above. Based on all of the aforementioned, staff opines that the proposed scale of the use is **consistent** with the provisions found within the interpretative text of the CDMP.

When request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff is of the opinion that the proposed site plan will not adversely impact the surrounding area and will be **compatible** with same. Approval of the request, to modify Condition #3 of Resolution 2-ZAB-400-64 in order to allow the applicant to submit revised plans showing a new sanctuary building and a multi-purpose building, would not, in staff's opinion, be detrimental to the area and negatively affect the stability of the residential neighborhood. As previously mentioned, the approved permit plans submitted in 1966, indicated a proposed one-story multi-purpose building with a seating capacity of 167 located on the southwest corner of the site with future classroom buildings to be located towards the center of the site and a future church building sited towards the southeast corner of the site. In contrast, the plans submitted as part of this application propose a two phase renovation and expansion of the existing fellowship building and sanctuary building with the second phase culminating with the construction of an entirely new 4,791 sq. ft. sanctuary to be built on the site that will accommodate a congregation of 437. Staff acknowledges that the subject site abuts single-family residences to the east, north, and west. However, the applicant has provided a minimum building setback of 85' from the west and north property lines as well as a minimum building setback of 61' from the east property line which, in conjunction with the landscaping elements illustrated on the plans, will mitigate any negative aural and visual impacts the proposed religious facility expansions may have on the adjoining residences. Furthermore, it should be noted that the proposed maximum building height of 30' is compatible with the maximum height of 35' that is permitted in the abutting RU-1 and AU zoning districts. However, staff notes that the submitted plans depict an existing sign sited on the southeast corner of the site as well as two existing detached signs each consisting of 22 sq. ft., one located towards the southwest corner of the site along SW 160 Street and the other located towards the northeast corner of the site along SW 112 Avenue. As such, it should be noted that the submitted plans illustrate a total of 3 signs on the subject site which, staff maintains is excessive, visually intrusive, and incompatible with the surrounding area. When considering the necessity for and the reasonableness of the proposed modification, staff is of the opinion that modified approval with conditions of request #1 to show the removal of the 2 detached signs located on the northeast and southwest corners of the site, will not have an unfavorable effect on same, and will not be contrary to the public interest. Therefore, staff recommends modified approval with conditions of request #1 under Section 33-311(A)(7).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public

interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to properly analyze the modification request under said standards and, as such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(17).

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and would not negatively affect the stability and appearance of the community. Request #2, to permit buildings of public assemblage setback 24.9' (25' required) from the side street (south) property line, would allow the applicant the maintenance and continued use of the existing fellowship hall building as currently designed. Staff opines that the requested encroachment of 0.1' is minor and is most likely due to an inadvertent construction error. Moreover, staff notes that another religious facility is located immediately to the south of the subject site. As such, staff opines that approval of request #2 will not have a negative visual impact on the abutting religious facility. Approval of request #3, to permit a lot coverage of 22.8% (15% permitted) will allow the applicant to renovate and expand the existing religious facility in accordance with the submitted site plan. Staff acknowledges that approval of request #3 will result in a lot coverage overage of 7.8%. However, as previously mentioned, staff is of the opinion that the applicant has designed the proposed renovations and expansions in a manner that is sensitive to the existing single-family residences located to the east, north, and west by providing generous building setbacks and landscaping elements. As such, staff opines that the proposed renovations and expansions are in scale with the 2.44 acre site and will not have a negative visual impact on surrounding properties. Based on all of the abovementioned, staff opines that requests #2 and #3 maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Staff finds requests #2 and #3 to be **compatible** with the surrounding area; therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

When request #4, to permit 2 additional detached signs, each consisting of 22 sq. ft. (one 24 sq. ft. sign permitted), is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area and would negatively affect the stability and appearance of the community. Staff acknowledges that the religious facility located to the south of the subject site was granted, among other requests, a request to permit a second sign (a cross) (one 24 sq. ft. sign permitted) 51 sq. ft. in size with a height of 40' (20' permitted), pursuant to Resolution No. 5-ZAB-22-93. However, as previously mentioned staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. Moreover, it should be noted that approval of request #4 would result in a total of 3 signs on the subject site, which staff maintains is excessive and will have a negative visual impact on the surrounding area. As such, staff notes that request #4 is **incompatible** with the surrounding area; therefore, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b) (NUV).

In addition, Policy 9B vii of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with

the CDMP, which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The applicant is requesting to permit 2 additional signs, each consisting of 22 sq. ft. (one 24 sq. ft. sign permitted) (request #4). Staff notes that photos submitted by the applicant indicate that the requested signs are existing and that one is located towards the southwest corner of the site along SW 160 Street and the other is located towards the northeast corner of the site along SW 112 Avenue. Furthermore, it should be noted that the main sign for this religious facility is sited on the southeast corner of the site near the intersection of SW 112 Avenue and SW 160 Street. As such, staff notes that that approval of request #4 would result in a total of 3 signs on the subject site which staff opines is excessive, visually intrusive, and would negatively impact adjacent properties and roadways, would not be in keeping with the intent and purpose of the zoning and land use regulations, and would be **incompatible** with the surrounding area.

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff notes that the property can be utilized in accordance with the zoning of the property and with previous zoning approvals. As such, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff opines that the proposed modification of the plans, except as modified to show the removal of the 2 detached signs located on the northeast and southwest corners of the site is **compatible** with the surrounding properties and as such, **consistent** with the provisions found within the CDMP. Staff therefore recommends modified approval with conditions of request #1 to show the removal of the 2 detached signs under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17). Further, staff recommends approval with conditions of requests #2 and #3 and denial without prejudice of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Modified approval with conditions of request #1, to show the removal of the 2 detached signs located on the northeast and southwest corners of the site, under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of requests #2 and #3 and denial without prejudice of request #4 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV)

J. CONDITIONS:

1. That all conditions of Resolution #2-ZAB-400-64 remain in full force and effect except as herein modified.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "The Church of the Ascension," as prepared by Gator Engineering Consultants, P. A., 4 sheets dated stamped received 8/6/08, 3 sheets dated stamped received 5/21/08 with A4.3 dated last revised 11/25/08, 2 sheets dated stamped received 9/18/08 with SP 2 dated last revised 11/25/08 and 1 sign detail sheet as prepared by Andy Zitman, dated stamped received 9/18/08 for a total of 10 sheets except as amended to show the removal of the 2 detached signs located on the northeast and southwest corners of the site.

3. That the applicant submit to the Department of Planning & Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to issuance of a building permit. Said landscaping shall be installed prior to final zoning inspection.

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

DATE INSPECTED: 07/15/08
DATE TYPED: 01/21/09
DATE REVISED: 01/22/09; 02/05/09
DATE FINALIZED: 02/05/09
MCL:MTF:NN:CXH:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2008

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

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

Subject: C-14 #Z2008000097
The Church of the Ascension, Inc.
11201 S.W. 160th Street
Modification of a Previous Resolution 4-ZAB-328-71 & Request to Setback and Spacing Requirements
(AU) (2.44 Acres)
30-55-40

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

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

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

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

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood

protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

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

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

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

Natural Forest Communities
The above-referenced site is located near a County-designated Natural Forest Community (NFC). NFC's are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features.

NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor of this pineland. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape Code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation
According to the site plan submitted with this zoning application, the proposal of the new building will not impact tree resources. Therefore, DERM has no objection to this zoning application; however, 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 the Code.

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP

for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

REVISION 1

PH# Z2008000097
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:THE CHURCH OF THE ASCENSION INC

This Department has no objections to this application.

The site plan must show the existing 25 foot radius return at SW 160th Street and SW 112th Avenue.

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

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

Raul A Pino, P.L.S.
05-NOV-08

Memorandum

Date: 09-JUN-08

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

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

Subject: Z2008000097

Fire Prevention Unit:

Applicant must provide a minimum clearance of 13'6" for canopy at front of building. Driveway width at canopy must be a minimum of 15 feet.

Service Impact/Demand:

Development for the above Z2008000097
located at 11201 S.W. 160 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2086 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
N/A (Office)	square feet	N/A (institutional)	square feet
7,565 (Retail)	square feet	9,998 (nursing home/hospitals)	square feet

Based on this development information, estimated service impact is: 6.70 alarms-annually.
The estimated average travel time is: 8.94 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, BLS Engine, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped May 21, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 12/18/08
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

THE CHURCH OF THE ASCENSION, INC.

APPLICANT

11201 S.W. 160 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000097

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

12-18-08 No violations Observed at this property.

Jose Lopez

RECEIVED
2008-097
MAY 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared **Norberto M. Cooper**, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president of **The Church of the Ascension Incorporated** a Florida Corporation, with the following address: **11201 SW 160th Street, Miami Florida 33157**

2. The Corporation owns the property, which is the subject of the proposed hearing.

3. The subject property is legally described as: **See Exhibit "A" attached hereto.**

4. Affiant is legally authorized to file this application for public hearing.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name: Phyllis Tynes-Saunders

Signature

Print Name: HUGH GILCHRIST

Norbert M. Cooper, President

Sworn to and subscribed before me on the 21st day of April, 2007. Affiant is personally known to me.

Name : Brenda Durden-McGintis
Notary Public – State of Florida
My Commission Expires: _____

BRENDA DURDEN-MCGINTIS
Notary Public - State of Florida
My Commission Expires May 19, 2008
Commission # DD303523
Bonded By National Notary Assn.

[f:\form\Affidavit Ownership Corporation.doc (4/22/07)]

18

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 CHURCH OF THE ASCENSION INCORPORATED

NAME AND ADDRESS	Percentage of Stock
GILCHRIST, HUGH 15050 SW 153 PLACE MIAMI FLA 33196 (T)	
SAUNDERS, PHYLLIS 6450 SW 144 STREET MIAMI FLA 33158 (D)	
BERKELEY, GEORGE 10782 SW 165 TERRACE MIAMI FLA 33157 (D)	
LEWIS, VALOA 20270 SW 208 TERRACE MIAMI FLA. 33189 (C)	
COOPER, NORBERT. M 15761 SW 104 AVENUE MIAMI FLA 33157 (P)	

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

TRUST/ESTATE NAME: N/A

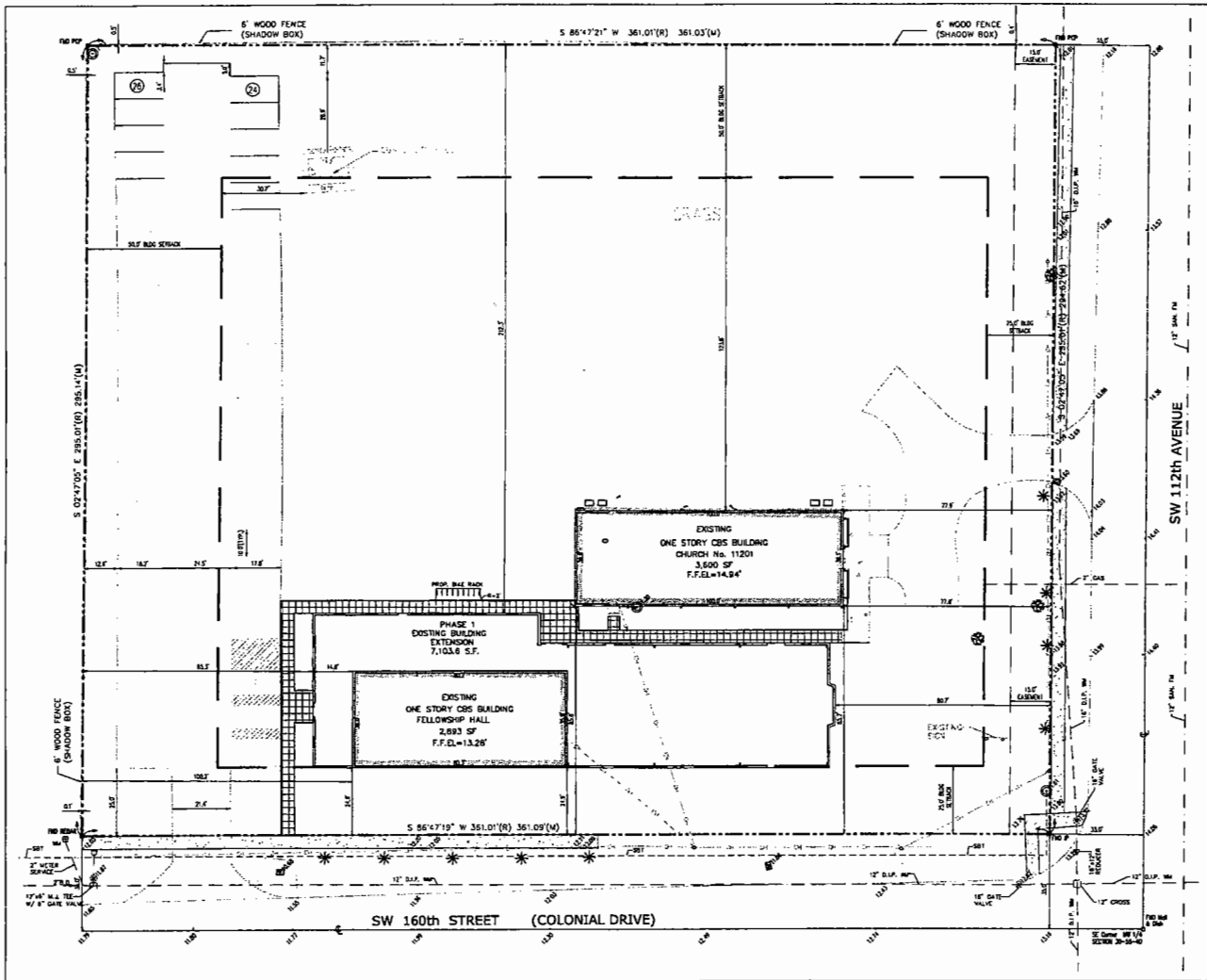
NAME AND ADDRESS	Percentage of Interest

RECEIVED
208-097
MAY 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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: N/A

NAME AND ADDRESS	Percent of Ownership



LEGEND:

- R/W LINE PROPERTY LINE
- SETBACK LINE
- PROPOSED CONCRETE WALKS
- EXISTING CONCRETE WALKS

RECEIVED 208-097 SEP 18 2008

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

SITE PLAN (PHASE 1)
SCALE. 1"=20'-0"

RECEIVED 208-097 SEP 18 2008

LEGAL DESCRIPTION

THE SOUTH 330 FEET OF THE EAST 396 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 LESS THE SOUTH AND THE EAST 35 FEET THEREOF, ALL PART OF SECTION 30, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

PROJECT DESCRIPTION

ZOINING DISTRICT	AU
LAND AREA	106,467.3 SF (2.44 AC)

EXISTING BUILDINGS

CHURCH BUILDING #11201	=	3,600.0 SF
FELLOWSHIP HALL	=	2,893.0 SF
TOTAL REMAINING	=	6,493.0 SF
EXISTING LOT COVERAGE	=	6.1%
EXISTING ASPHALT PAVING	=	20,199.1 SF
EXIST. CONC. WALKWAYS & SLABS	=	2,277.4 SF

PROPOSED BUILDINGS

FELLOWSHIP HALL ADDITION = 7,103.6 SF (PHASE 1)

PARKING CALCULATIONS

PARKING REQUIRED FOR SANCTUARY 2,444 SF/50 = 49 PARKING SPC	=	49 SPC
PARKING SPACES PROVIDED	=	50 SPC
REGULAR SPACES PROVIDED	=	47 SPC
HANDICAP SPACES PROVIDED	=	3 SPC

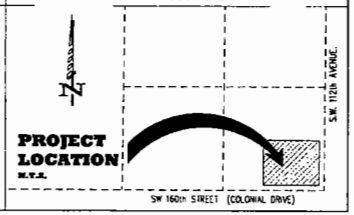
SITE CALCULATIONS

BUILDING AREA	=	13,596.6 SF	(12.8 %)
EXISTING ASPHALT PAVING	=	20,199.1 SF	(19.0 %)
PROPOSED CONCRETE WALKS	=	2,338.9 SF	(2.2 %)
LANDSCAPING AREA	=	70,332.7 SF	(66.0 %)
SITE AREA	=	106,467.3 SF	(100.0 %)
TOTAL IMPERVIOUS AREA	=	36,134.6 SF	(34.0 %)
TOTAL PERVIOUS AREA	=	70,332.7 SF	(66.0 %)

NOTE

1. NO CONCURRENT USE OF CHURCH SPACE, I.E. ONLY CHILDREN IN FELLOWSHIP HALL EXTENSION DURING CHURCH SERVICES.

LOCATION MAP



THE CHURCH OF THE ASCENSION
11201 SW 160th STREET
MIAMI, FLORIDA

SEAL.

GATOR ENGINEERING CONSULTANTS, P.A.
8910 MIRAMAR PARKWAY, SUITE 208
MIRAMAR, FL 33025
TEL: (954) 436-8000 FAX: (954) 704-8151
CERTIFICATE OF AUTHORIZATION NUMBER 5987

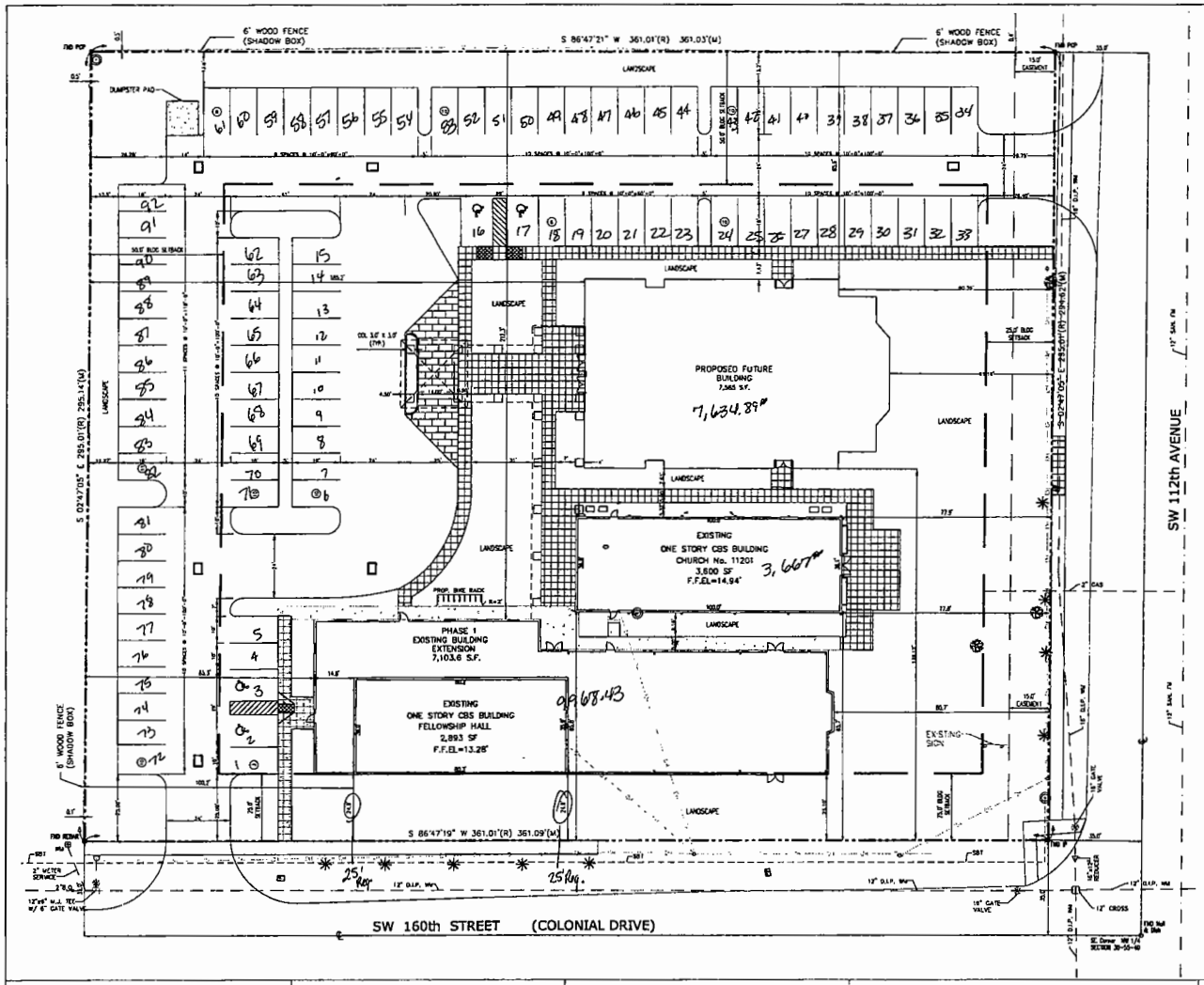
3118 GULF TO BAY BLVD. STE 228
CLEARWATER, FL 33759
PH. (727) 725-4707

REVISIONS

DRAWN BY: G.K.R.
CHECKED BY: R.R.J.
DATE: 04-23-08
SCALE: AS SHOWN
PHASE # 07242
CAD FILE: GC\SITE\LYT.DWG

SHEET OF
SITE PLAN (PHASE 1)
SP-1 OF 2

51



LEGEND:

- R/W LINE PROPERTY LINE
- EASEMENT LINE
- PROPOSED CONCRETE WALKS
- EXISTING CONCRETE WALKS

RECEIVED 208-097 SEP 18 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
11/25/08

MASTER SITE PLAN (PHASE 2)
SCALE. 1"=20'-0"

RECEIVED 208-097 SEP 18 2008
ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT.

LEGAL DESCRIPTION

THE SOUTH 330 FEET OF THE EAST 396 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 LESS THE SOUTH AND THE EAST 35 FEET THEREOF, ALL PART OF SECTION 30, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

PROJECT DESCRIPTION

ZONING DISTRICT	AU
LAND AREA	106,467.3 SF (2.44 AC)

EXISTING BUILDINGS

CHURCH BUILDING #11201	=	3,600.0 SF
FELLOWSHIP HALL	=	2,893.0 SF
TOTAL REMAINING	=	6,493.0 SF
EXISTING LOT COVERAGE	=	6.1%
EXISTING ASPHALT PAVING	=	20,199.1 SF
EXIST. CONC. WALKWAYS & SLABS	=	2,277.4 SF

PROPOSED BUILDINGS

PROPOSED SANTUARY	=	7,565 SF (PHASE 2)
COVER WALKWAY	=	3,358 SF (PHASE 2)
FELLOWSHIP HALL W/ADDITION	=	9,998 SF (PHASE 1)
EXISTING CHURCH BUILDING	=	3,600 SF
TOTAL	=	24,521 SF
PROPOSED LOT COVERAGE	=	23 %

PARKING CALCULATIONS

PARKING REQUIRED FOR SANCTUARY	=	~~98~~ SP 52
4,241SF/50 = ~~84~~ 85 PARKING SP		
5,104.35/100 = 51		
PARKING SPACES PROVIDED	=	92 SP
REGULAR SPACES PROVIDED	=	88 SP
HANDICAP SPACES PROVIDED	=	4 SP

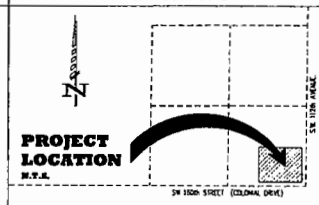
SITE CALCULATIONS

BUILDING AREA	=	21,854.6 SF (20.5%)
PROPOSED ASPHALT PAVING	=	36,971.3 SF (34.7%)
PROPOSED CONCRETE WALKS	=	6,770.7 SF (6.4%)
LANDSCAPING AREA	=	40,870.7 SF (38.4%)
SITE AREA	=	106,467.3 SF (100.0%)
TOTAL IMPERVIOUS AREA	=	65,596.6 SF (61.6%)
TOTAL PERVIOUS AREA	=	40,870.7 SF (38.4%)

NOTE

1. NO CONCURRENT USE OF CHURCH SPACE. I.E. ONLY CHILDREN IN EXISTING BUILDING DURING CHURCH SERVICES.

LOCATION MAP



THE CHURCH OF THE ASCENSION
11201 SW 160th STREET
MIAMI, FLORIDA

SEAL
DAVID BISHOP JACKSON, P.E.
REGISTERED PROFESSIONAL ENGINEER
FL P.E. NO# 38330

GATOR ENGINEERING CONSULTANTS, P.A.
8910 MIRAMAR PARKWAY, SUITE 208
MIRAMAR, FL. 33025
TEL: (954) 437-7777 FAX: (954) 704-8181
CERTIFICATE OF AUTHORIZATION NUMBER 5287

3118 GULF TO BAY BLVD. STE 228
CLEARWATER, FL. 33759
PH. (727) 725-4707

REVISIONS

DRAWN BY:	D.K.R.
CHECKED BY:	B.B.J.
DATE:	08-23-08
SCALE:	AS SHOWN
PROJECT #:	07043
CAD FILE:	07043FEL01.DWG

SHEET OF
MASTER SITE PLAN (PHASE 2)
SP-2 or 2

22

NOTES:

GENERAL PLANTING REQUIREMENTS

All sizes shown for plant material on the plans are to be considered Minimum. All plant material must meet or exceed these minimum requirements for both height and spread. Any other requirements for specific shape or effect as noted on the plan(s) will also be required for final acceptance.

All plant material furnished by the landscape contractor shall be Florida #1 or better as established by "Grades and Standards for Florida Nursery Plants" and "Grades and Standards for Florida Nursery Trees". All material shall be installed as per CSI specifications.

All plant material as included herein shall be warrantied by the landscape contractor for a minimum period as follows: All trees and palms for 12 months, all shrubs, vines, groundcovers and miscellaneous planting materials for 90 days, and all lawn areas for 60 days after final acceptance by the owner or owner's representative.

All plant material shall be planted in planting soil that is delivered to the site in a clean loose and friable condition. All soil shall have a well drained characteristic. Soil must be free of all rocks, sticks, and objectionable material including weeds and weed seeds as per CSI specifications.

Six inches (6") of planting soil 50/50 sand/topsoil mix is required around and beneath the root ball of all trees and palms, and 1 cubic yard per 50 bedding or groundcover plants.

All landscape areas shall be covered with Eucalyptus or sterilized seed free Melaleuca mulch to a minimum depth of three inches (3") of cover when settled. Cypress bark mulch shall not be used.

All plant material shall be thoroughly watered in at the time of planting; no dry planting permitted. All plant materials shall be planted such that the top of the plant ball is flush with the surrounding grade.

All landscape and lawn areas shall be irrigated by a fully automatic sprinkler system adjusted to provide 100% coverage of all landscape areas. All heads shall be adjusted to 100% overlap as per manufacturers specifications and performance standards utilizing a rust free water source. Each system shall be installed with a rain sensor. Water source shall non-potable.

It is the sole responsibility of the landscape contractor to insure that all new plantings receive adequate water during the installation and during all plant warranty periods. Deep watering of all new trees and palms and any supplemental watering that may be required to augment natural rainfall one site irrigation is mandatory to insure proper plant development and shall be provided as a part of this contract.

All plant material shall be installed with fertilizer, which shall be State approved as a complete fertilizer containing the required minimum of trace elements in addition to N-P-K, of which 50% of the nitrogen shall be derived from an organic source as per CSI specifications.

Contractors are responsible for coordinating with the owners and appropriate public agencies to assist in locating and verifying all underground utilities prior to excavation.

All ideas, designs and plans indicated or represented by this drawing are owned by and are the exclusive property of Thomas L. White, RLA.

The plan takes precedence over the plant list.

General site and berm grading to +/- 1 inch (1") shall be provided by the general contractor. All finished site grading and final decorative berm shaping shall be provided by the landscape contractor.

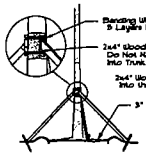
All sod areas as indicated on the planting plan shall receive Stenotaphrum secundatum, St. Augustine "Floratam" solid sod. It shall be the responsibility of the landscape contractor to include in the bid, the repair of any sod which may be damaged from the landscape installation operations.

All landscape areas shall be maintained to edge of pavement in right of way.

All plant material damaged during construction shall be replaced prior to a Certificate of Occupancy being issued.

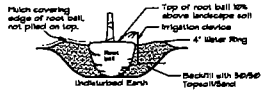
SMALL TREE PLANTING DETAIL

NTS



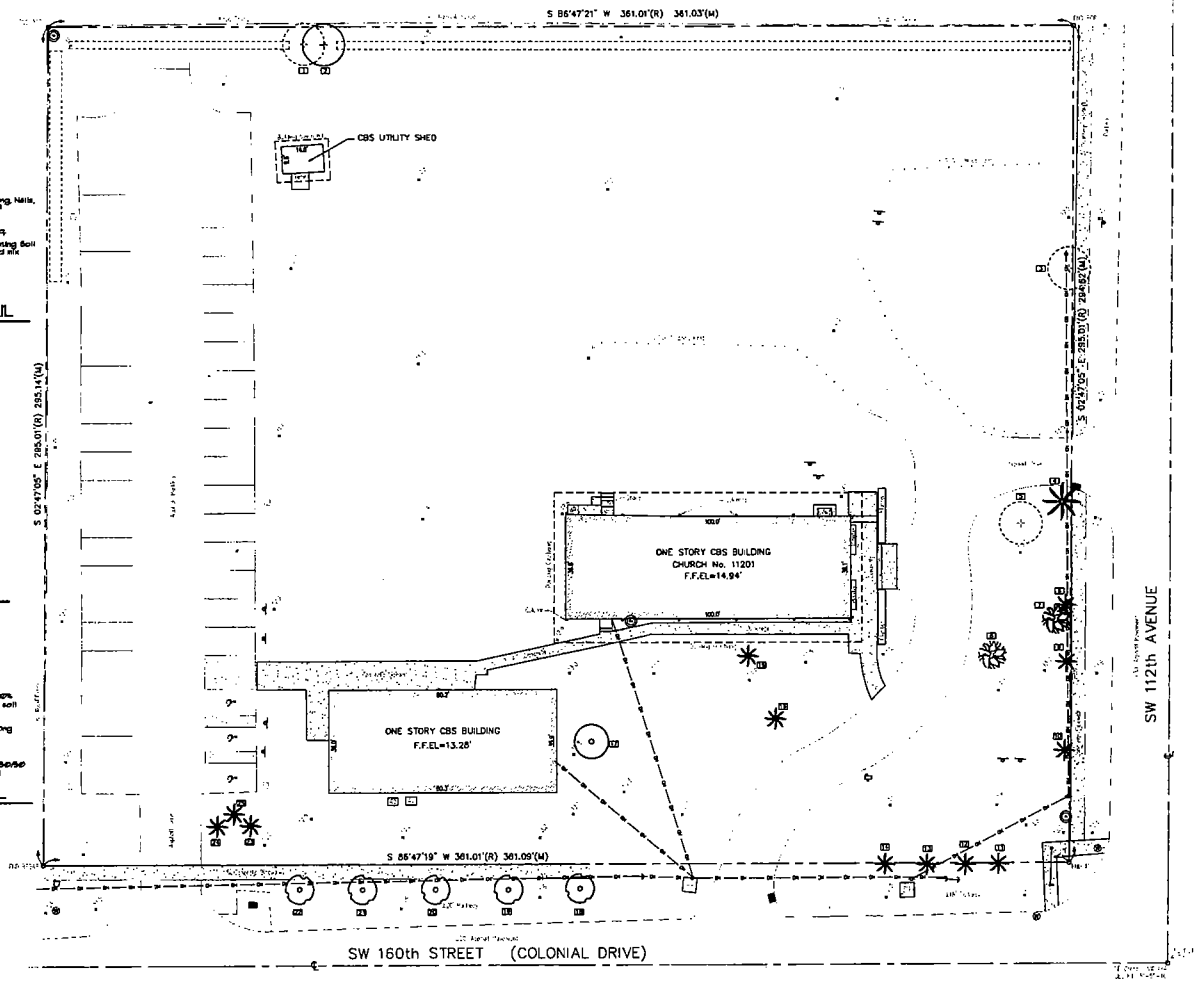
TREE/PALM BRACING DETAIL

NTS

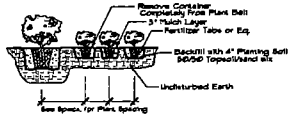


TREE/PALM PLANTING DETAIL

NTS

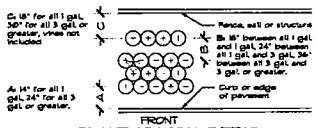


Tree #	Species (Botanical Name / Common Name)	Height (OA in Feet)	Spread (in Feet)	Caliper (in Inches)	Condition	Recommendation
1	Bursera simarubra / Gumbo Limbo	14	12	6	Good	To Remain
2	Dalbergia sissoo / Indian Rosewood	16	16	5	Fair	To Be Removed
3	Cassia spp. / Cassia	20	20	8	Good	To Remain
4	Syagrus romanzoffiana / Queen palm	10	8	8	Poor	To Be Removed
5	Tabebuia caraiba / Yellow Trumpet tree	10	10	6	Fair	To Remain
6	Adonidia merrillii / Christmas Palm	6	4	3	Fair	To Be Relocated
7	Pinus elliottii / Slash Pine	20	8	8	Poor—Hot Rocked	To Be Removed
8	Pinus elliottii / Slash Pine	40	12	12	Fair	To Remain
9	Adonidia merrillii / Christmas Palm	6	0	0	Dead	To Be Removed
10	Adonidia merrillii / Christmas Palm	8	5	4	Fair	To Be Relocated
11	Adonidia merrillii / Christmas Palm	5	5	4	Fair	To Be Relocated
12	Adonidia merrillii / Christmas Palm	5	5	4	Fair	To Be Relocated
13	Adonidia merrillii / Christmas Palm	5	5	4	Fair	To Be Relocated
14	Adonidia merrillii / Christmas Palm	5	5	4	Fair	To Be Relocated
15	Adonidia merrillii / Christmas Palm	6	5	4	Fair	To Be Relocated
16	Yucca spp. / Yucca	6	8	5	Fair	To Be Removed
17	Dypsis lutescens / Areca Palm	10	10	6	Fair	To Be Removed
18	Wodyetia bifurcata / Foxtail Palm	10	8	4	Fair	To Be Relocated
19	Wodyetia bifurcata / Foxtail Palm	10	8	4	Fair	To Be Relocated
20	Wodyetia bifurcata / Foxtail Palm	10	8	4	Fair	To Be Relocated
21	Wodyetia bifurcata / Foxtail Palm	10	8	4	Fair	To Be Relocated
22	Wodyetia bifurcata / Foxtail Palm	10	8	4	Fair	To Be Relocated
23	Adonidia merrillii / Christmas Palm	8	5	4	Fair	To Be Relocated
24	Adonidia merrillii / Christmas Palm	6	5	4	Fair	To Be Relocated
25	Adonidia merrillii / Christmas Palm	8	5	4	Fair	To Be Relocated



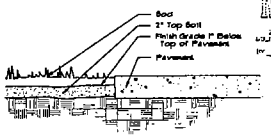
SHRUB PLANTING DETAIL

NTS



TYPICAL PLANT SPACING DETAIL

NTS



SOD INSTALLATION DETAIL

NTS

SCALE: 1"=20'-0"

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THOMAS WHITE, ASLA-LRA
LANDSCAPE ARCHITECT + LA
CERTIFICATE AR0015187 FL-5748A
2600 NE 7TH AVENUE
FORT LAUDERDALE, FLORIDA 33306
954-253-2265

Revision Dates
6-25-08: Per New Fellowship Hall & SW
8-1-08: Per Comments

Tree Survey
Church of the Ascension
11201 SW 160th Street
Miami, Florida

Sheet Description

Release Date: 9-24-07

Project Number

Drawing Number: L-1

SHEET 1 OF 2

23

LANDSCAPE REQUIREMENTS

Zoning District: RU-2 SF Residential District — Net Lot Area: 2.44 Acres 106,495.00 s.f.

		REQUIRED	PROVIDED
LAWN AREA CALCULATION			
Total s.f. of landscaped open space required by Chapter 33			
Maximum lawn area (sod) permitted = 35 10 % x 92,815.00s.f. = 106,495		32,485.25	29,900
TREES			
No. trees required per net lot acre		22 ✓	
less existing number of trees meeting minimum requirements = 8		6	
22 ✓ trees x 2.44 acres = 22		48	55
% palms allowed: No. trees provided / 2 x 30% =	15%	8	12 22%
% palms permitted to count as street trees on 1:1 basis x 30%		N/A	N/A
% natives required: No. trees provided x 30% =	26%	14	45 82%
Street trees (maximum average spacing of 35' o.c.) 0 linear feet along street / 35 = 0 16			0
Street trees located beneath power lines (maximum average spacing of 25' o.c.): 590 linear feet along street / 25 =		24	24
SHRUBS 41			
No. trees required x 10 = no. of shrubs allowed		~~374~~ 410 741 ✓	
No. shrubs allowed x 30% = no. of native shrubs required	30%	214	308 ✓ 42%
IRRIGATION PLAN		(Yes)	X (No)

Street trees 12' X 2" caliper

Lattrees 10' x 2" caliper

PLANT LIST

Code	Drought Tolerance	Qty.	Botanical Name / Common Name	Specifications
EXISTING TREES / PALMS				
BN (N)	V	1	Bursera simaruba / Gumbo Limbo	14' OA
CD	V	1	Cassia spp / Cassia	20' OA
PE (N)	V	1	Pinus elliotii / Slash Pine	40' OA
TC	V	1	Tabebuia caribia / Yellow Trumpet Tree	10' OA
WF	V	4	Wodyetia bifurcata / Foxtail Palm	10' OA
		8	Total Trees / Palms (Counted 2:1)	
		2	Native Trees / Palms	
		33%	Native Trees / Palms	
PROPOSED TREES / PALMS				
BN	V	8	Bismarkia nobilis / Bismark Palm	B&B Field Grown, 7x7', 12" cal.
BS (N)	V	17	Bursera simaruba / Gumbo Limbo	B&B Field Grown, 10' x 4-5', 2" cal.
CD (N)	V	9	Coccoloba diversifolia / Pigeon Plum	B&B Field Grown, 10' x 4-5', 2" cal.
IC (N)	V	24	Ilex cassine / Dahoon Holly	B&B Field Grown, 12' x 4-5', 2" cal.
LW (N)	V	2	Lysiloma latisiliqua / Wild Tamarind	B&B Field Grown, 10' x 4-5', 2" cal.
PE	V	9	Ptychosperma elegans / Solitaire Palm	B&B Field Grown, 12' OA, 3" cal., Single Trunk
QV (N)	V	8	Quercus virginiana / Live Oak	B&B Field Grown, 12' x 5-6', 2" cal.
SP (N)	V	5	Sabal palmetto / Cabbage Palm	Field Collected, 18-30' OA, Staggered Heights
		73	Total Trees / Palms (Counted 2:1)	
		63	Native Trees / Palms	
		88%	Native Trees / Palms	
		79	Total Site Trees / Palms	
		65	Native Site Trees / Palms	
		82%	Native Site Trees / Palms	
SHRUBS				
BSO	V	100	Bougainvillea spp. / Dwarf Bougainvillea Red	3 Gal., 18x18" OA, 2' OC
CIR (N)	V	176	Chrysobalanus icaco / Red Tip Cocoplum	3 Gal., 18x18" OA, 2' OC
TDO (N)	V	108	Tripsacum dactyloides / Dwarf Fakahatchee Grass	3 Gal., 24x24" OA, 3' OC
MFS (N)	V	24	Myrcianthes fragrans / Simpsn's Stopper	3 Gal., 24x24" OA, 3' OC
SAT	V	216	Schefflera arboricola / Trinette Arboricola	3 Gal., 18x18" OA, 2' OC
SNW	V	2	Strelitzia nicolai / White Bird of Paradise	7 Gal., 5-6' OA
Existing		115	Pleomele reflexa / Pleomele	6' OA
		741	Total Shrubs	
		308	Native Shrubs	
		42%	Native Shrubs	
GROUND COVERS				
AKN	L	200	Annual color / Seasonal Flowers	4" Pot, 6-10" OC

(N) Denotes Florida Native Species
V Denotes Very Drought Tolerant
M Denotes Moderately Tolerant

APPLICABLE DADE COUNTY CALCULATIONS

Required tree species: 30% of all tree species (Min. 10' oa hts. Used in the calculations) to be native.
Total Trees / Palms: 79 (2 Palms = 1 Tree)
Total Native Trees: 65
% Native Trees: 82%

Required palm percentage: max. of 15% of all tree species shall be palms (Min. 10' oa hts. Used in the calculations)
Total Trees / Palms: 79 (2 Palms = 1 Tree)
Total Palms: 12
% Palms: 15%

Required hedge species: a minimum of 30% of all hedges and shrubs (At a min. 18" o.a. ht.) to be native
Total shrubs: 741
Total native shrubs: 308
% native shrubs: 42%

Number of shrubs required = number of trees x 10
Total trees: 71
Total shrubs required: 710
Total shrubs provided: 741

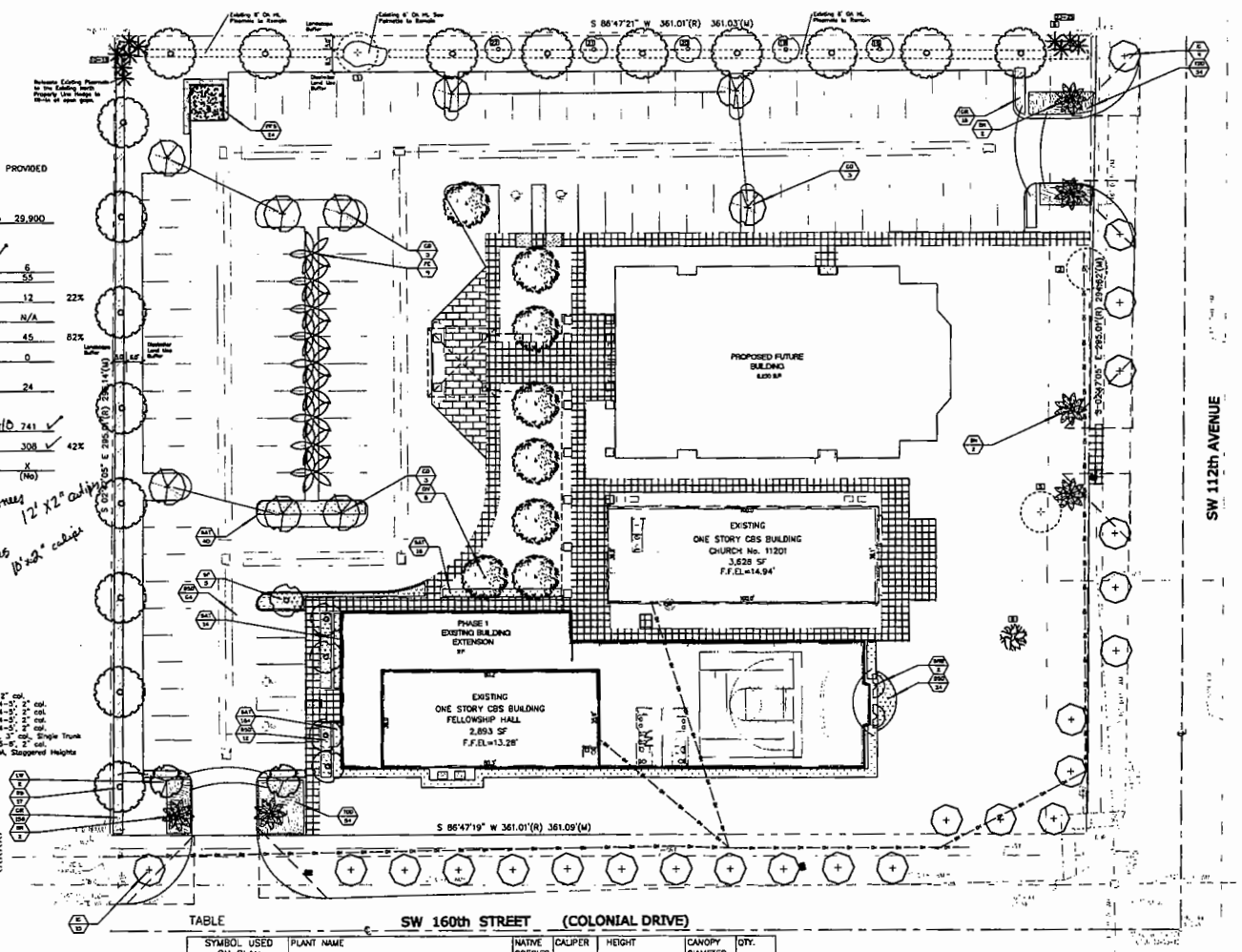

TABLE — SW 160th STREET (COLONIAL DRIVE)

SYMBOL USED ON PLAN Code	New	Existing	PLANT NAME Scientific / Common	NATIVE SPECIES Yes	No	CALIPER Installed	HEIGHT Installed	Estimated at maturity	CANOPY DIAMETER Estimated at maturity	QTY. *
BN	Yes	No	Bismarkia nobilis / Bismark Palm		X	12"	7'	25'	15'	6
BS	Yes	No	Bursera simaruba / Gumbo Limbo	X		2"	10'	60'	50'	17
CD	Yes	No	Coccoloba diversifolia / Pigeon Plum	X		2"	10'	30'	20'	9
IC	Yes	No	Ilex cassine / Dahoon Holly	X		2"	12'	20'	15'	24
LW	Yes	No	Lysiloma latisiliqua / Wild Tamarind	X		2"	10'	25'	20'	2
PE	Yes	No	Ptychosperma elegans / Solitaire Palm		X	3"	12'	25'	10'	9
QV	Yes	No	Quercus virginiana / Live Oak	X		2"	12'	60'	50'	8
SP	Yes	No	Sabal palmetta / Cabbage Palm	X		12"	20'	60'	12'	5
Existing	No	Yes	Bursera simaruba / Gumbo Limbo	X		6"	14'	60'	50'	1
Existing	No	Yes	Cassia spp / Cassia		X	8"	20'	40'	40'	1
Existing	No	Yes	Pinus elliottii / Slash Pine	X		12"	40'	50'	20'	1
Existing	No	Yes	Tabebuia caribia / Yellow Trumpet Tree		X	6"	10'	40'	15'	1
Existing	No	Yes	Wodyetia bifurcata / Foxtail Palm		X	4"	10'	30'	15'	4
BSO	Yes	No	Bougainvillea spp. / Dwarf Bougainvillea Red		X	N/A	18"	3'	N/A	100
CIR	Yes	No	Chrysobalanus icaco / Red Tip Cocoplum	X		N/A	18"	6'	N/A	176
TDO	Yes	No	Tripsacum dactyloides / Dwarf Fakahatchee Grass	X		N/A	18"	4'	N/A	108
MFS	Yes	No	Myrcianthes fragrans / Simpsn's Stopper	X		N/A	18"	8'	N/A	24
SAT	Yes	No	Schefflera arboricola / Trinette Arboricola		X	N/A	18"	5'	N/A	216
SNW	Yes	No	Strelitzia nicolai / White Bird of Paradise		X	N/A	18"	12'	N/A	2
Existing	No	Yes	Pleomele reflexa / Pleomele		X	N/A	6'	8'	N/A	115

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SCALE: 1"=20'-0"

THOMAS WHITE, ASLA-16A
LANDSCAPE ARCHITECT * LA1000
CERTIFIED ARBORIST FL-5246A
2600 NE 27th AVENUE
FORT LAUDERDALE, FLORIDA 33306
954-763-7765

Thomas White ASLA-16A
Seal

4-25-08: Per New Fellowship Hall & SW
8-1-08: Per Comments
Revision Dates

Landscape Plan
Church of the Ascension
11201 SW 160th Street
Miami, Florida

Sheet Description

Release Date 9-24-07

Project Number

Drawing Number L-2
SHEET 2 OF 2

L2

24

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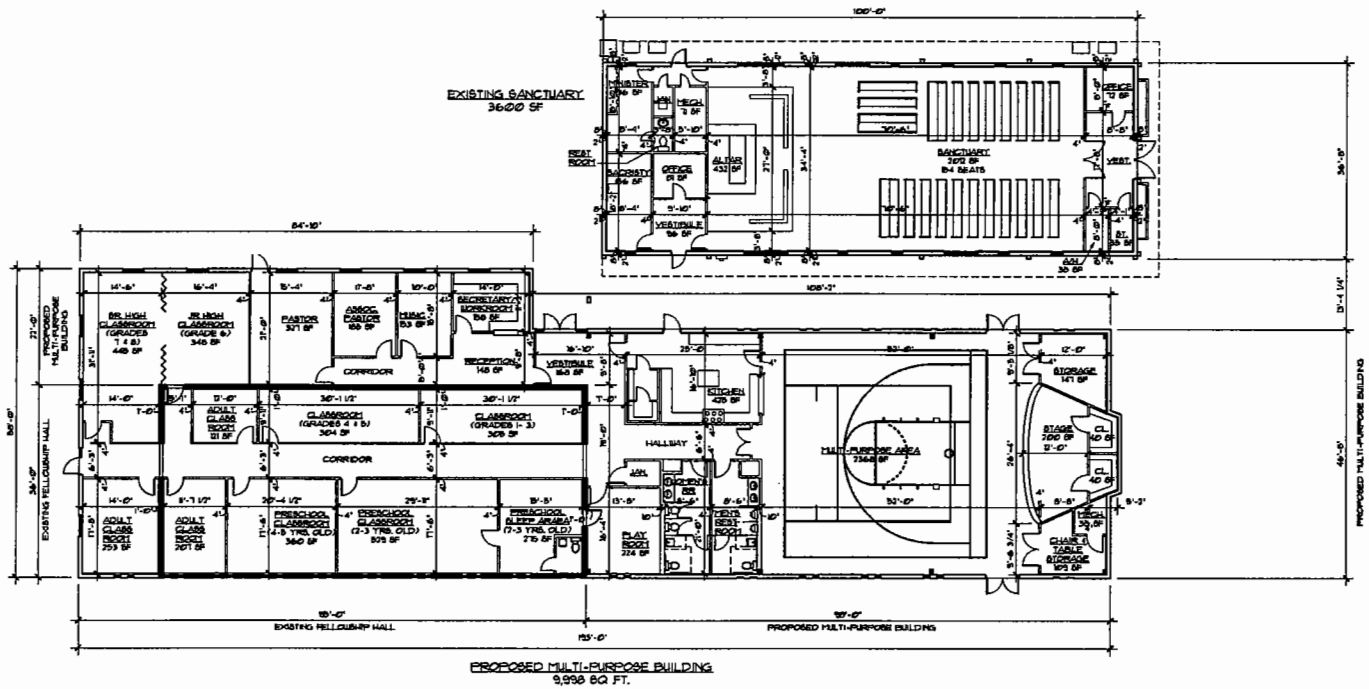

1 A2.1 FLOOR PLAN – PHASE 1
3/32"=1'-0"

NORTH

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THE CHURCH OF THE ASCENSION
13201 SW 164TH STREET
MIAMI, FL

KENNETH R. CARLSON – ARCHITECT, P.A.
1002 E. NEWPORT CENTER DR. SUITE 101
DEERFIELD BEACH, FLORIDA 33442
AA C061616
PH. (954) 427 - 8846
FAX (954) 427 - 9929
e-mail: kenneth@carlsonarch.com

cogun
Build the Right Ministry Space
3118 GULF TO BAY BLVD. STE 228
CLEARWATER, FL 33759
PH. (727) 725-4181

Revisions:

DRAWN BY: LPR
CHECKED BY: KRC
DATE: 3/21/08
SCALE: N
PROJECT #: [illegible]
CAD FILE: [illegible]

KENNETH R. CARLSON

SHEET A2.1
PAGE OF

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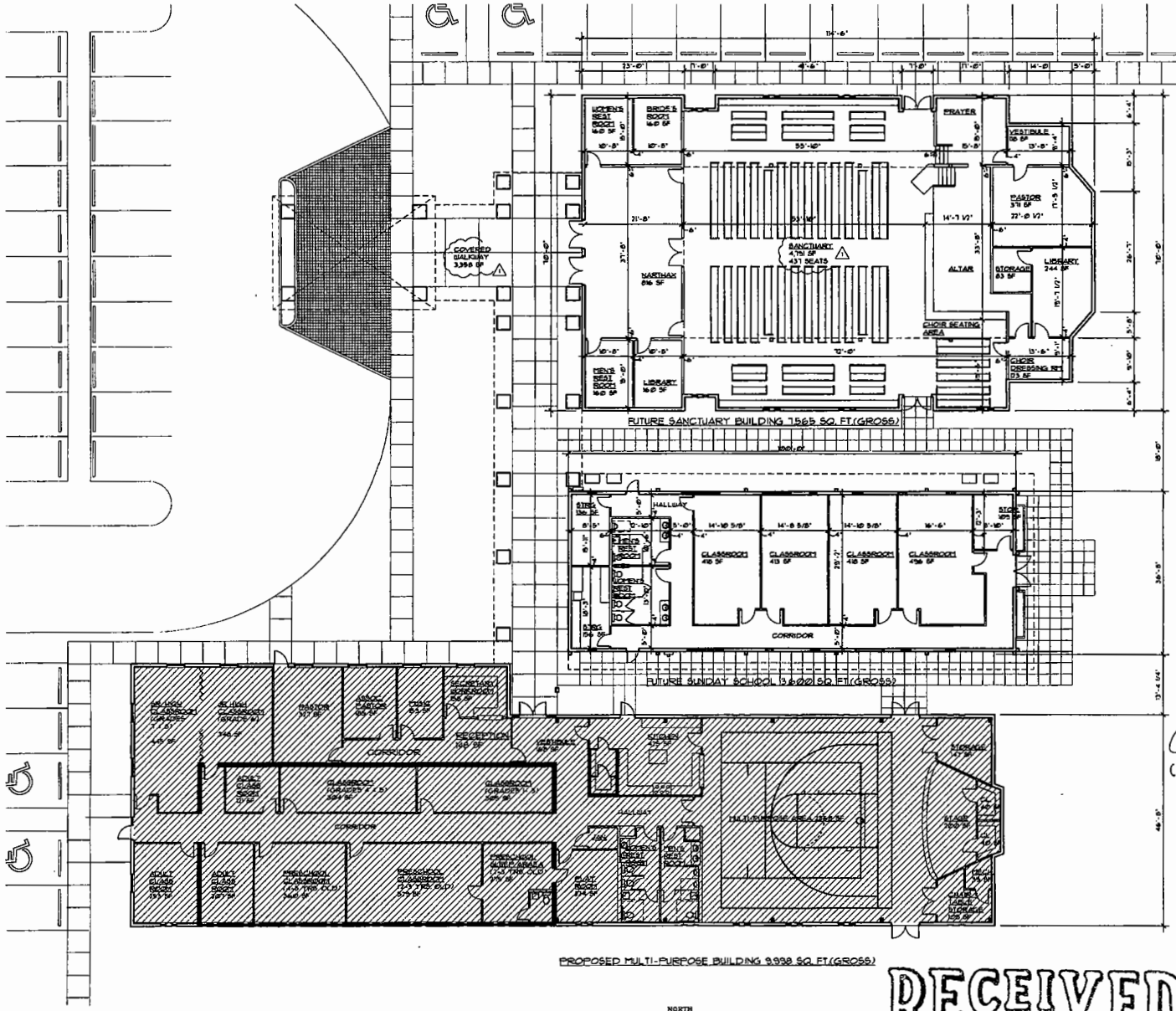

1 A3.1 FLOOR PLAN – PHASE 2
3/32"=1'-0"

114.50' X 70' = 8,015
6.33' X 19' = -120.27
15.25 X 5 = -76.25
19' X 6.33 = -120.27
9.83' X 5' = -49.15
5.67' X 2.5' = -14.17
-380.11

8,015
- 380.11
7,634.89
Total Sanctuary

21.67 X 37.67 = 816.30 (Don't include Narthex as Part Rm C)
15' X 15.67' = 235.05
7' X 64' = 448
70' X 43' = 3010
7' X 64' = 448
14' X 58.67' = 821.38
26' X 3.67' = 95.42
5' X 18' = 80
5,107.85 Sanctuary AREA

19' X 109' = 2,071
48.67' X 21 = 1022.07
3,093.07 (covered walkway)

5,107.85 + 3,093.07 = 8,200.92

(3 Buildings) 21,270.32
(walk-way) 3,093.07
24,363.39 / 106,467.3 = 22.8% Lot coverage.

OVER X

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AR 12546

JUL 18 2008
AR 12546
KENNETH R. CARLSON

THE CHURCH OF THE ASCENSION
12201 SW 140TH STREET
MIAMI, FL

KENNETH R. CARLSON – ARCHITECT, P.A.
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AA C001618
PH. (954) 427 - 8848 FAX (954) 427 - 9525
e-mail: kenc@kenrcarlson.com

3118 GULF TO BAY BLVD. STE 226
CLEARWATER, FL 33759
PH. (727) 725-4101

REVISED PER ZONING COMMENTS 7/8/08

DRAWN BY: LCR
CHECKED BY: KRC
DATE: 3/31/08
SCALE: 1/8"
PROJECT #: 04-07-04
CAD DWG FILE: A3.1-PL.dwg

SHEET A3.1
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#2

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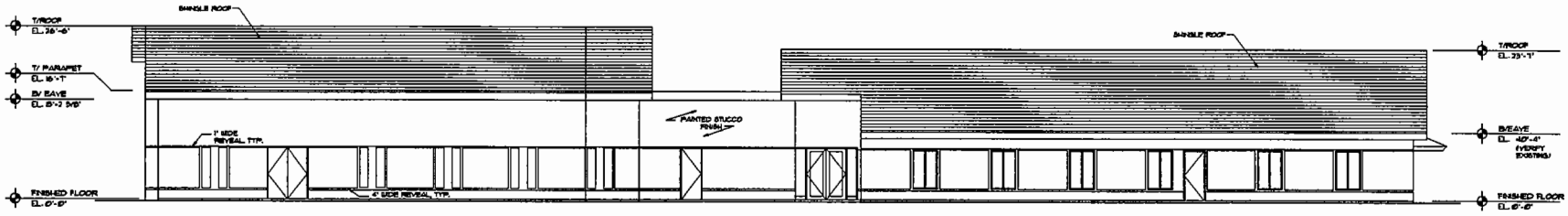

1 A4.1 NORTH ELEVATION
SCALE: 1/8"=1'-0"

2 A4.1 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

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MIAMI-DADE PLANNING AND ZONING
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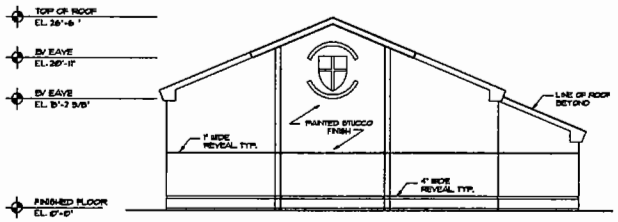
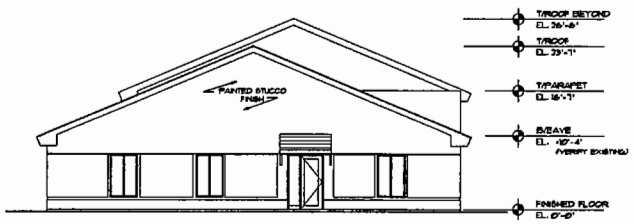


3 A4.1 EAST ELEVATION
SCALE: 1/8"=1'-0"



4 A4.1 WEST ELEVATION
SCALE: 1/8"=1'-0"

KENNETH R. CARLSON

THE CHURCH OF THE ASCENSION
11201 SW 160TH STREET
MIAMI, FL

KENNETH R. CARLSON - ARCHITECT, P.A.
1207 E. NEWPORT CENTER DR. SUITE 101
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AA C061616
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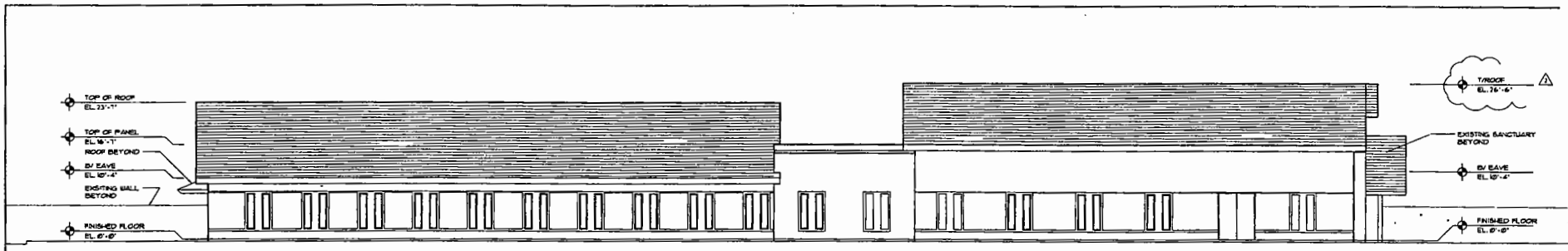
FAX (954) 427 - 9273

cogun
Build the Right Ministry Space
3118 GULF TO BAY BLVD. STE 228
CLEARWATER, FL 33759
PH. (727) 723-4101

Revisions:

DRAWN BY: LPR
CHECKED BY: KRC
DATE: 3/3/08
SCALE: 1/8
PROJECT #: 8647A
CAD DWG FILE: A08-STE

SHEET OF
A4.1
PAGE OF



1 / A4.2 **NORTH ELEVATION (PHASE 1)**
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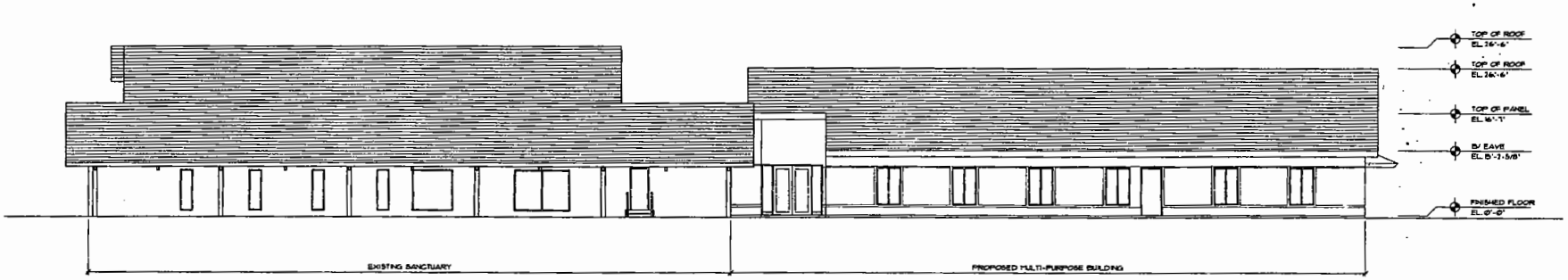

2 / A4.2 **SOUTH ELEVATION (PHASE 1)**
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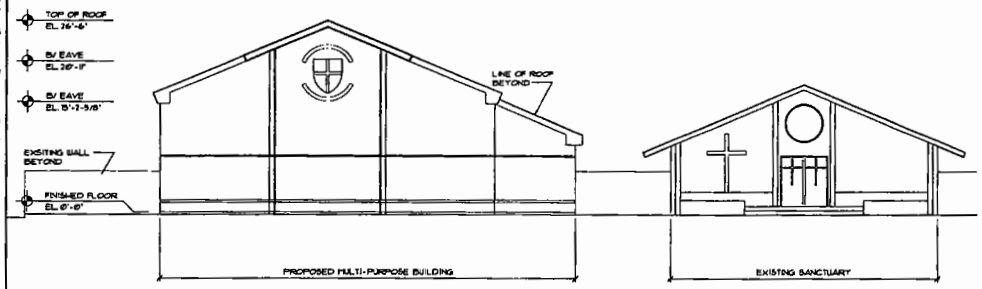

3 / A4.2 **EAST ELEVATION (PHASE 1)**
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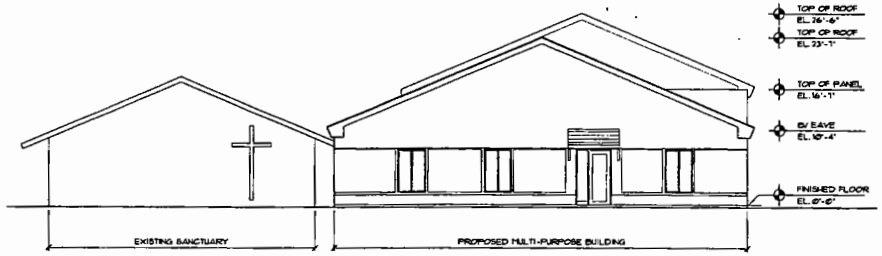

4 / A4.2 **WEST ELEVATION (PHASE 1)**
SCALE: 1/8"=1'-0"

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THE CHURCH OF THE ASCENSION
10201 SW 160TH STREET
MIAMI, FL

KENNETH R. CARLSON – ARCHITECT, P.A.
16502 E. NEWPORT CENTER DR. SUITE 101
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e-mail: kenc@kenrcarlson.com

3110 GULF TO BAY BLVD. STE 225
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PH. (727) 725-4107

Revisions
3/24/05 DEA REVIEW
4/11/05 DEA REVIEW

DRAWN BY: LTR
CHECKED BY: CRC
DATE: 3/24/05
SCALE: 1:1
PROJECT #: 05075
CAD DWG FILE: A4.2-ELEV.

AR 12548
KENNETH R. CARLSON

SHEET A4.2 OF
PAGE 6 OF 12

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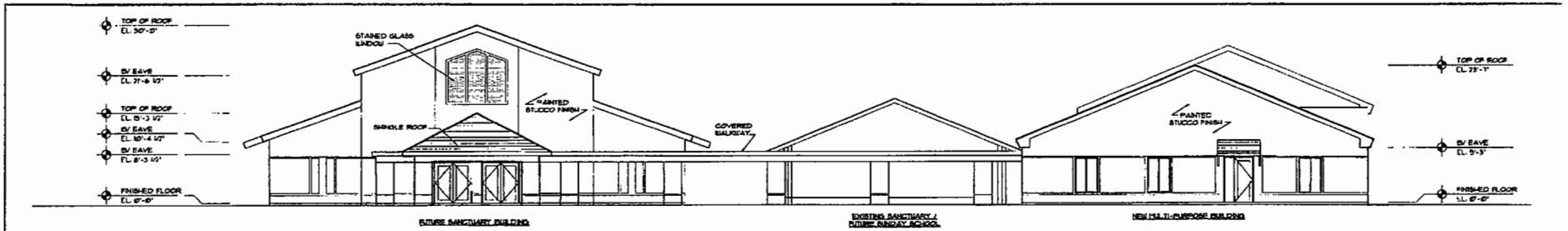
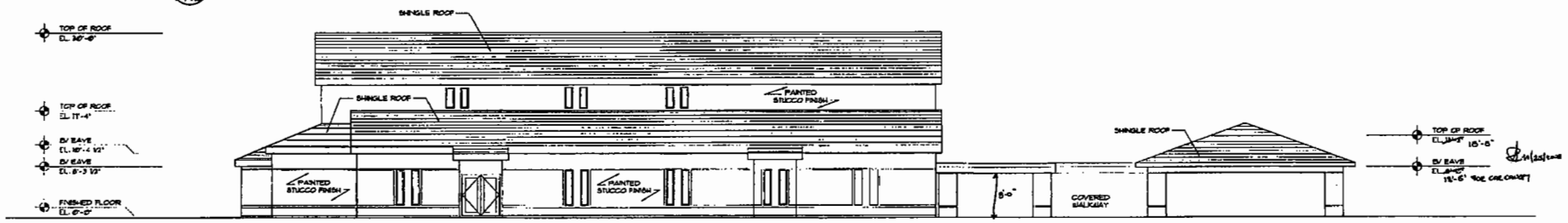


1 A4.3 VIEW FROM WEST PROPERTY LINE (PHASE 2)
SCALE: 1/8"=1'-0"



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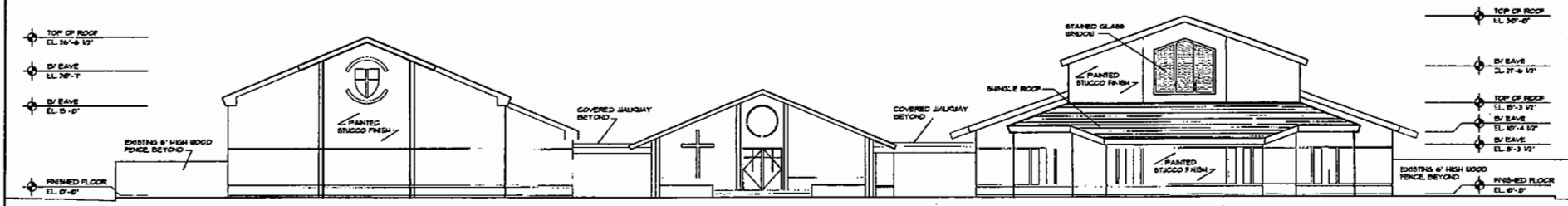

3 A4.3 VIEW FROM EAST PROPERTY LINE (PHASE 2)
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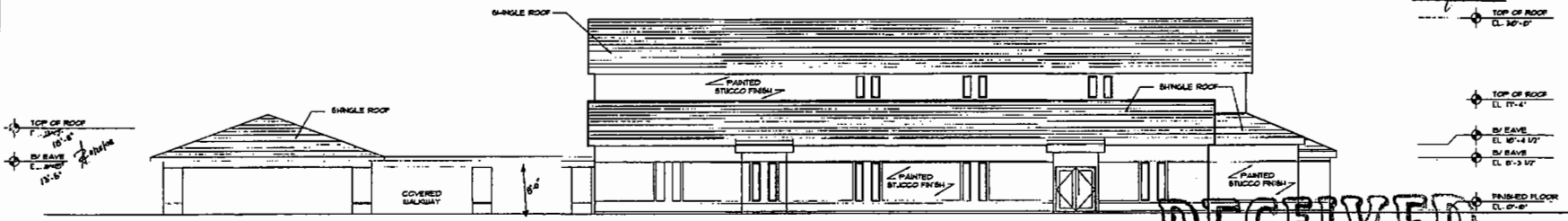

4 A4.3 VIEW FROM SOUTH ELEVATION (PHASE 2)
SCALE: 1/8"=1'-0"

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MAY 21 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY revised 11/25/08

APR 2 1 2008
AR 12546
KENNETH R. CARLSON

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c c g u n
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Revisions

DRAWN BY: LCR
CHECKED BY: LCR
DATE: 3-5-08
SCALE: 1/8"
PROJECT #: 05-014
CAD DWG FILE: A4.2-3.DWG

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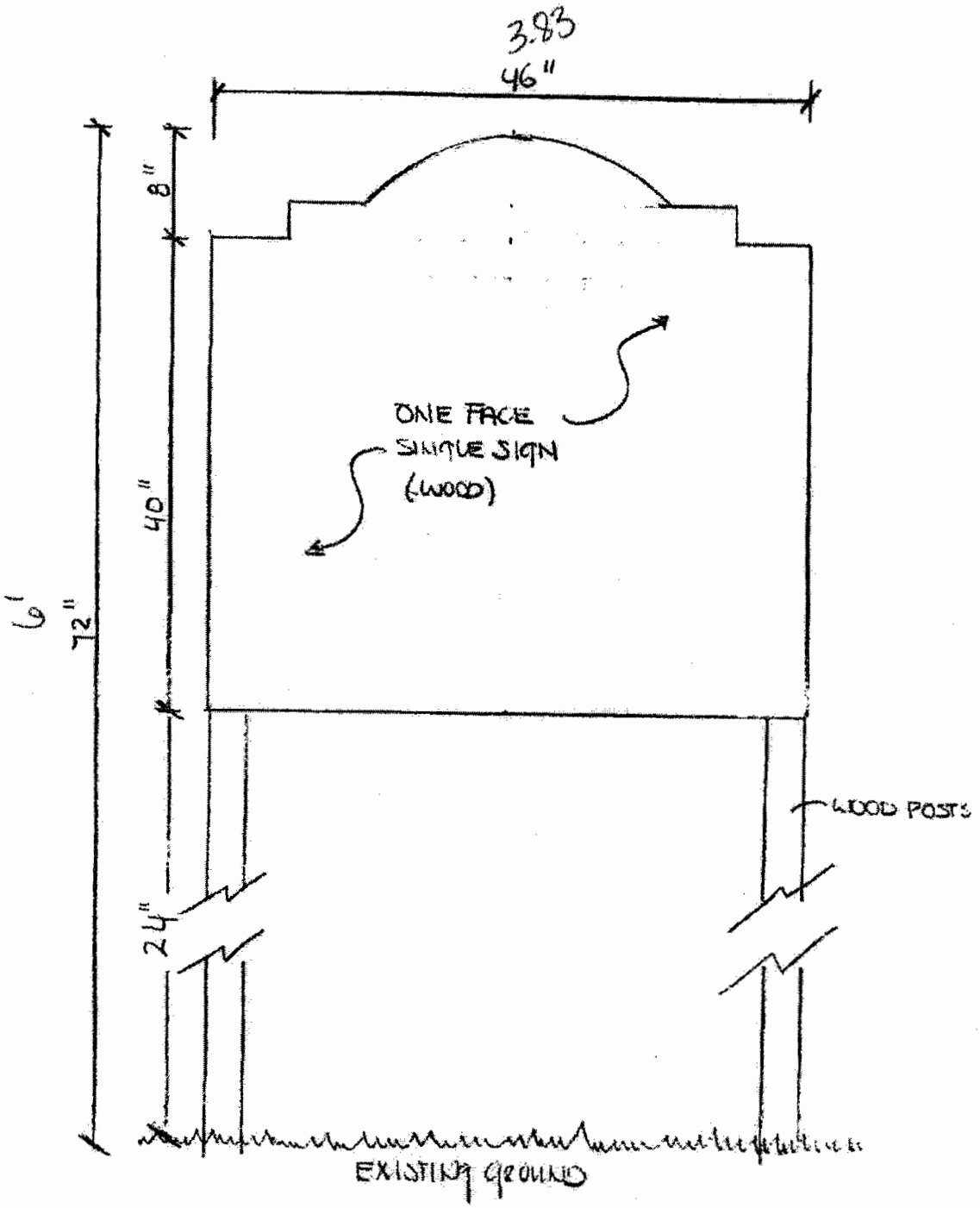

FIELD MEASURED:
9/14/2008
PREPARED BY:
ANDY ZIMMAN

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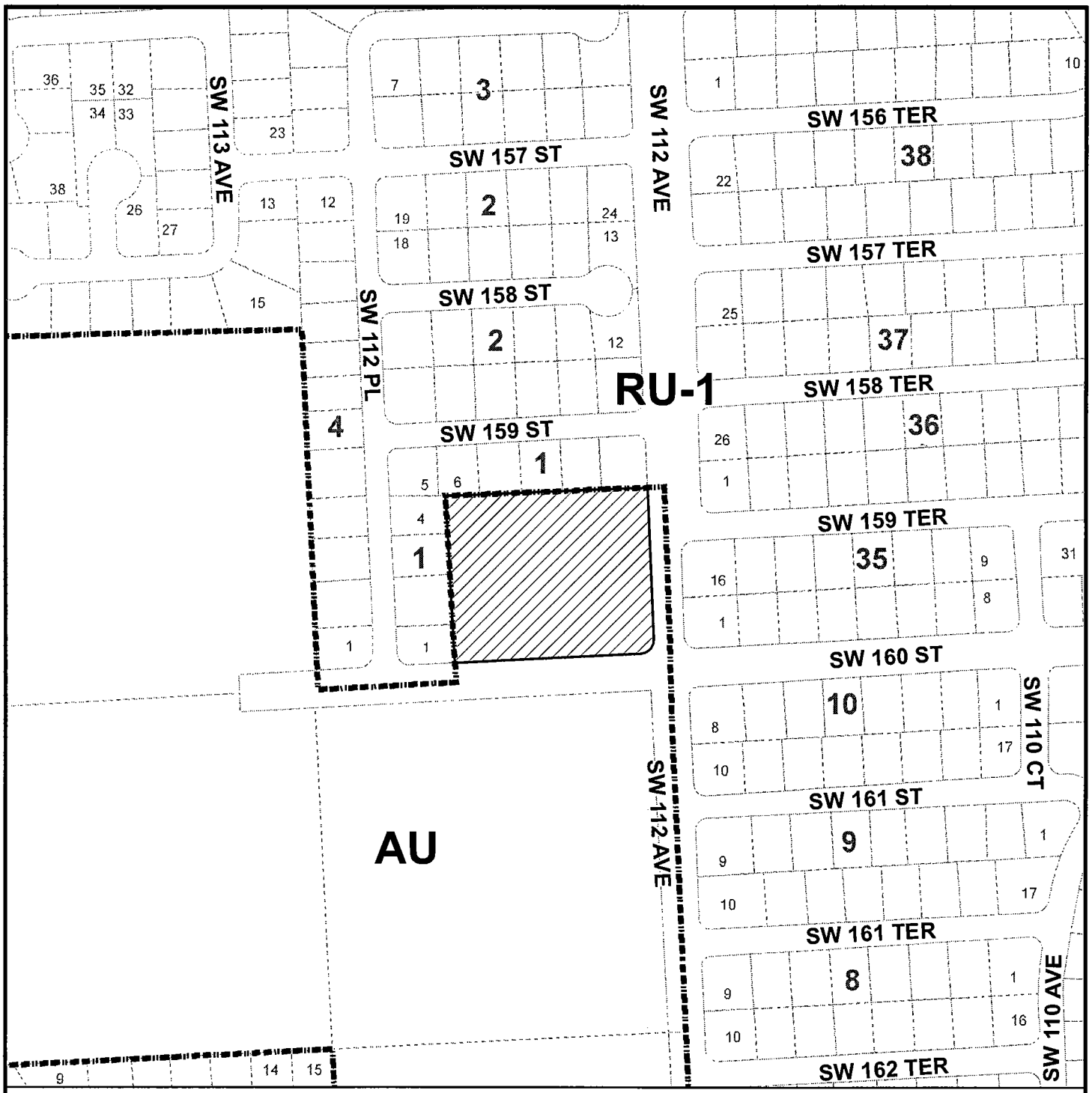
BY



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-097

SUBJECT PROPERTY

Section: 30 Township: 55 Range: 40
Applicant: THE CHURCH OF THE ASCENSION INC.
Zoning Board: C14
District Number: 9
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 06/02/08

REVISION	DATE	BY
		30

MIAMI-DADE COUNTY

AERIAL

Process Number

08-097

N
W E
S

SUBJECT PROPERTY

Section: 30 Township: 55 Range: 40
Applicant: THE CHURCH OF THE ASCENSION INC.
Zoning Board: C14
District Number: 9
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 06/02/08

REVISION	DATE	BY

4. VERIZON WIRELESS
(Applicant)

09-2-CZ14-4 (08-182)
Area 14/District 8
Hearing Date: 2/11/09

Property Owner (if different from applicant) **AT & T Wireless.**

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

If so, who are the interested parties? Verizon Wireless

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1980	J & C Enterprises, Inc.	Non-Use variances.	ZAB	Approved

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: Verizon Wireless **PH:** Z08-182 (09-2-CZ14-4)

SECTION: 7-56-39 **DATE:** February 11, 2009

COMMISSION DISTRICT: 8 **ITEM NO.:** 4

==========

A. INTRODUCTION

- **REQUEST:**

  UNUSUAL USE to permit a 150' high wireless supported service facility (cellular tower) to be increased to a maximum height of 170' and ancillary equipment.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Zoning Plan," as prepared by Kimley-Horn and Assocs. Inc., consisting of 1 sheet dated stamped received 11/4/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The request will allow the applicant to increase the height of a cellular tower.

- **LOCATION:** 20900 S.W. 167 Avenue, Miami-Dade County, Florida.

- **SIZE:** 4.86 Acres

B. ZONING HEARINGS HISTORY:

In 1980, the Zoning Appeals Board (ZAB) approved a request to permit the platting of the subject property with a smaller area than required in the IU-C zone, pursuant to Resolution #4-ZAB-176-80.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being out side the Urban Development Boundary for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved.

   In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller

than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.

2. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such 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."

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-C; wireless supported service facility	Agriculture
Surrounding Properties:	
NORTH: IU-C; telecommunication warehouse	Agriculture
SOUTH: IU-C; plant nursery	Agriculture
EAST: IU-C; plant nursery	Agriculture
WEST: AU; plant nursery	Agriculture

The subject site is located at 20900 S.W. 167 Avenue. Plant nurseries and warehouses characterize the surrounding area.

E. SITE AND BUILDINGS:

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

Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. The Board shall hear applications for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject 4.86-acre parcel of land is located at 20900 S.W. 167 Avenue and is developed with an existing wireless supported service facility. Plant nurseries and warehouses characterize the surrounding area. The applicant is seeking to permit a 150' high wireless supported service facility (cellular tower) to be increased to a maximum height of 170' and ancillary equipment. The applicant has submitted plans illustrating the 170' high wireless supported service facility located on the western portion of the subject site approximately 404.5' west of SW 167 Street. Additionally, said plans show a 525 sq. ft. area designated for the proposed ancillary equipment to be located west of the cellular tower.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and their memorandum indicates that this application does not generate and additional daily peak hour vehicle trips. Additionally, the **Miami-Dade**

Fire and Rescue Department has **no objections** to this application and has indicated that the estimated average travel time to the subject site is **9:12** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this area for **Agriculture** use. The Master Plan indicates that the principal uses in an agriculturally designated area should be agricultural uses ancillary to and directly supportive of agriculture such as packinghouses and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship. The CDMP further indicates that all existing lawful uses and zoning are deemed to be consistent with the CDMP as provided in the section entitled, "Concepts and Limitations of the Land Use Plan Map". Staff notes that the subject property is currently zoned IU-C, Controlled Industrial District, and an existing 150' high wireless supported service facility is currently operational on said site, which is consistent with the CDMP. According to the submitted Letter of Intent, the applicant is proposing to add 20' to the existing cellular tower in order to replace the ground wired linkage with microwave array, which will ensure dependable access to communication services for both emergency and routine users of the wireless network served by the existing tower. As previously mentioned, the subject property is surrounded by plant nurseries and a telecommunication warehouse to the north, which along with the area's rural residential communities will continue to utilize the wireless service provided by the applicant. As such, staff is of the opinion that the proposed height increase from 150' to 170' is **compatible** with the surrounding area and **consistent** with the interpretative text of the CDMP.

When the request, to permit a 150' high wireless supported service facility (cellular tower) to be increased to a maximum height of 170' and ancillary equipment, is analyzed under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff notes that these standards indicate that the Board shall hear applications for and grant or deny unusual uses, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with such area and its development. Staff supports this application and is of the opinion that the proposed additional 20' in height to the existing wireless supported service facility will be **compatible** with the surrounding area and **consistent** with the CDMP. As previously mentioned, the subject property is surrounded by plant nurseries and a telecommunication warehouse and approval of this application will not generate excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, as indicated by the Public Works Department and DERM in their memoranda. Additionally, in staff's opinion, it will not have a negative visual impact on the surrounding area. The subject site has adequate ingress, egress and loading areas such that servicing the facility will not block vehicular or pedestrian traffic on abutting street (SW 167 Avenue). The applicant has

indicated and staff has confirmed that in the event of a structural failure, the failed portion of the Antenna Support Structure will be totally contained within the subject property. Additionally, the existing Wireless Supported Service Facility provides access onto the property to fire, police and emergency services. The applicant has submitted a revised Letter of Intent, which indicates that adding the proposed 20' to the existing cellular tower will ensure dependable access to communication services for both emergency and routine users of the wireless network served by the existing tower. Staff is of the opinion that the proposed addition to the existing wireless supported service facility on the subject property would not result in a detrimental impact when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. Based on all of the aforementioned, staff is of the opinion that the proposed 20' increase of the existing wireless supported service facility tower and placement of the proposed ancillary equipment will be **compatible** with the immediate area and recommends approval with conditions of this application under Section 33-311(A)(3).

Notwithstanding the aforementioned, staff notes that a setback request found within the submitted plans must be advertised and, therefore, this application must be deferred to the March 11, 2009 meeting.

I. RECOMMENDATION:

Deferral.

J. CONDITIONS: None.

DATE INSPECTED: 11/03/08
DATE TYPED: 01/13/09
DATE REVISED: 01/16/09; 01/20/09; 01/21/09; 01/28/09
DATE FINALIZED: 01/28/09
MCL; MTF; NN; CH; JV

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

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2008

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

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

Subject: C-14 #Z2008000182
Verizon Wireless
20900 S.W. 167th Avenue
Special Exception to Permit an Increase in Height for an Existing Cell Tower
(IU-C) (4.86 Acres)
07-56-39

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

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

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

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

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

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

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

PH# Z2008000182
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:VERIZON WIRELESS

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.
28-NOV-08

Memorandum

Date: 07-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000182

Fire Prevention Unit:

APPROVAL:
These comments are for plans date stamped September 16, 2008.
Fire Engineering & Water Supply Bureau has no objection to this site plan.

Service Impact/Demand:

Development for the above Z2008000182
located at 20900 S.W. 167 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2283 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 9:12 minutes

Existing services:

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

Station 60 - Redland - 17605 SW 248 Street
ALS Tanker

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to Service Impact analysis.

DATE: 12/19/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

VERIZON WIRELESS

APPLICANT

20900 S.W. 167 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000182

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

12/16/2008 -CMS 200801007590 - Case opened on 12/17/08 & no current violations observed.

Past History - No past cases on this folio

VERIZON WIRELESS

CHERYL DAVIDSON

Disclosure of Interest-AT&T Corporation

AT&T Corporation is a publically traded company and registered with the Federal Securities Exchange Commission and thereby exempt from this Disclosure of Interest form.

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11

Disclosure of Interest-Verizon Wireless

Verizon Wireless is a publically traded company and registered with the Federal Securities Exchange Commission and thereby exempt from this Disclosure of Interest form.

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PLANNING & ZONING DEPARTMENT
BY:

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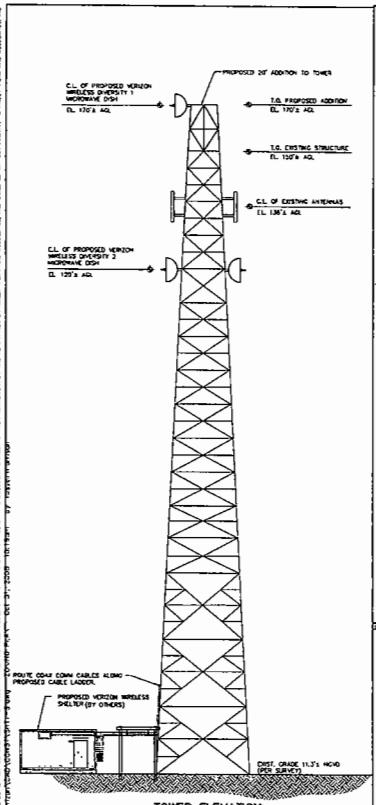
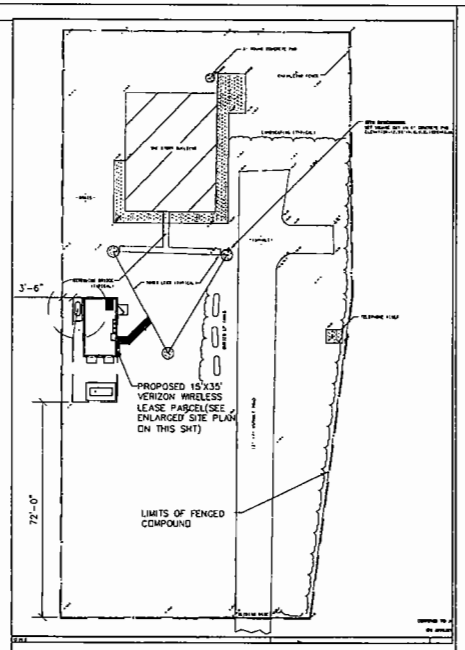


TOWER ELEVATION
N.T.S.

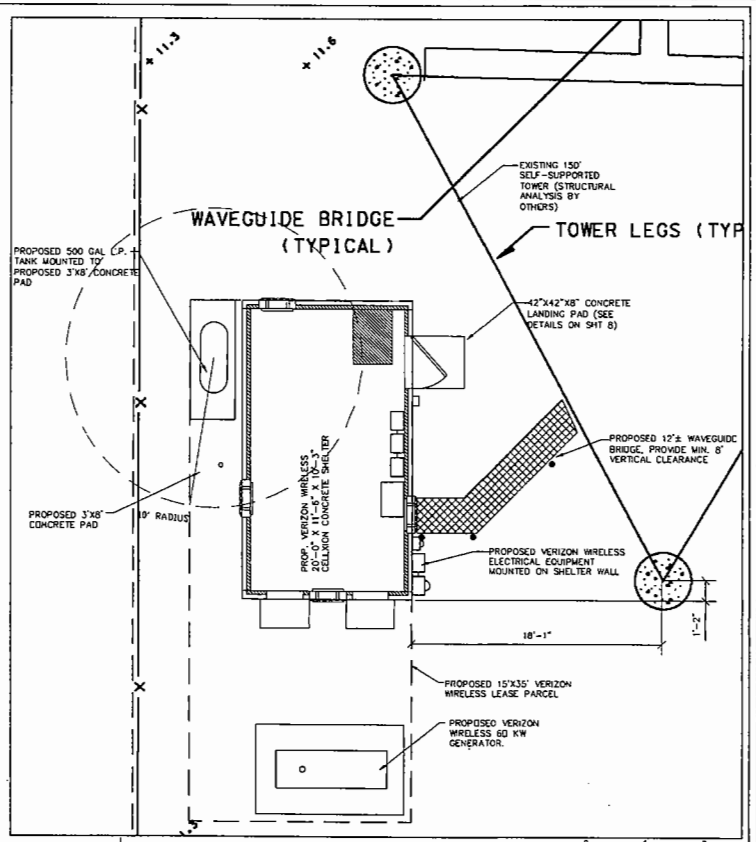
NOTE: ALL EXISTING & PROPOSED ATTACHMENTS TO TOWER BASED ON STRUCTURAL ANALYSIS BY OTHERS
NOTE: FOR CLARITY, EXISTING GROUND EQUIPMENT FOR OTHER CARRIERS NOT SHOWN.



OVERALL SITE PLAN-FENCED COMPOUND

NORTH

0 20 40
SCALE AS SHOWN



NORTH

ENLARGED SITE PLAN WITH LEASE PARCEL

0 4 8
SCALE AS SHOWN

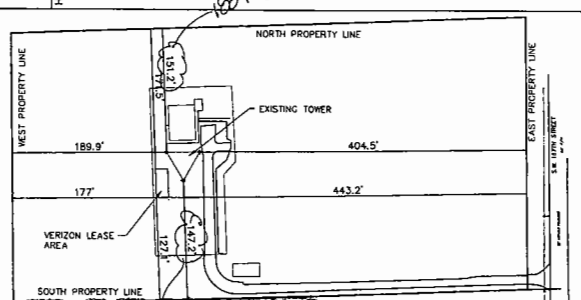
GENERAL NOTES:

1. - SEE SURVEY FOR LEGAL DESCRIPTION, EXISTING GRADES AND OTHER SITE INFORMATION.
2. - ANTENNAS, RADIO EQUIPMENT AND COAXIAL CABLE SHALL BE PROVIDED BY OWNER. CONTRACTOR SHALL COORDINATE SCHEDULING OF DELIVERY TO AVOID DELAYS.
3. - TOWER CABLE LADDER TO BE PROVIDED BY CONTRACTOR.
4. - CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS TO EQUAL OR BETTER CONDITION.
5. - CONTRACTOR SHALL COORDINATE WITH LOCAL POWER & TELEPHONE UTILITIES TO CONFIRM POINT OF SERVICE PRIOR TO INSTALLATION OF CONDUITS.
6. - EXISTING VEGETATION & ORGANIC MATERIAL SHALL BE REMOVED FROM BELOW THE CONCRETE PADS & SOIL SHALL BE COMPACTED TO OBTAIN 3000 PSF MIN. BEARING CAPACITY.
7. - THE N.F.I.P. FLOOD INSURANCE RATE MAPS INDICATE THAT THE PROPOSED IMPROVEMENTS LIE IN THE FLOOD ZONE AH (EL.7'), PER FIRM No. 12011C0215 F, DATED AUGUST 18, 1992
8. - CONTRACTOR TO INSTALL POWER AND TELEPHONE SERVICE FROM EXISTING SERVICES, UNDERGROUND TO EQUIPMENT LOCATION PER ELECTRICAL PLAN.
9. - MAINTAIN MIN. 3' WORKING AREA IN FRONT OF ALL ELECTRICAL CABINETS.
10. - EXISTING PROPERTY CONTAINS NO WETLANDS.
11. - THERE ARE NO SOLID WASTE DISPOSAL REQUIREMENTS FOR PROPOSED SITE.
12. - THERE ARE NO PROPOSED SIDEWALKS FOR PROPOSED SITE.
13. - THERE IS NO PROPOSED SEWAGE DISPOSAL SYSTEM AT PROPOSED SITE.
15. - THERE IS NO PROPOSED POTABLE WATER SUPPLY AT PROPOSED SITE.
16. - SEE ELECTRICAL PLANS FOR GROUNDING REQUIREMENTS.

PARENT TRACT LEGAL DESCRIPTION

TRACT 'A', ALQUIZAR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY. FOLIO NO. 30-5907-003-0010.

CALL 48 HOURS BEFORE YOU DIG
IT'S THE LAW!
1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.



SETBACK PLAN

RECEIVED
208-182
04 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

veri on wireless
777 YAMATO ROAD, SUITE 600
BOCA RATON, FL 33431
(561) 995-5300

PROJECT INFORMATION:
CINGULAR REDLANDS
SITE No 68276
20900 SW 167TH AVE
MIAMI, FL 33187
MIAMI-DADE COUNTY

CURRENT ISSUE DATE:
APRIL 2007

ISSUED FOR:
ZONING DRAWING

REV.:	DATE:	DESCRIPTION:

SEAL:
OCTOBER 31, 2008

PLANS PREPARED BY:
Kimley-Horn and Associates, Inc.
© 2007 KIMLEY-HORN AND ASSOCIATES, INC.
4431 EMBARCADERO DR.
WEST PALM BEACH, FLORIDA 33407
(561) 845-0665
FBPE CA00000696

PROJECT DATA:

SITE NAME:	CINGULAR REDLANDS
SITE ADDRESS:	20900 SW 167TH AVE, MIAMI, FL 33187
OWNER/PROP. MGR.:	VERIZON WIRELESS
BLDG. DEPT. / ZONING:	CITY OF MIAMI
BUILDING CODE:	2004 FLORIDA BUILDING CODE WITH 2006 SUPPLEMENTS
FLOOD ZONE:	ZONE 'X' PER FIRM MAP No. 12025C0215 J DATED 9/11/2004

DRAWN BY:	CHK.:	APV.:
ML	GAA	ORT

LICENSURE:

DAVID STEWART	PE 39180
CHARLES GEER	PE 31435
MARK FAIRCHILD	PE 51597
RUSSELL MORRISON	PE 51567
OSCAR TAZOC	PE 60742
ANGELINA FAIRCHILD	PE 43958

SHEET TITLE:
ZONING PLAN

SHEET NUMBER:
1 OF 1

KHA Job #:
044047548

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208-182
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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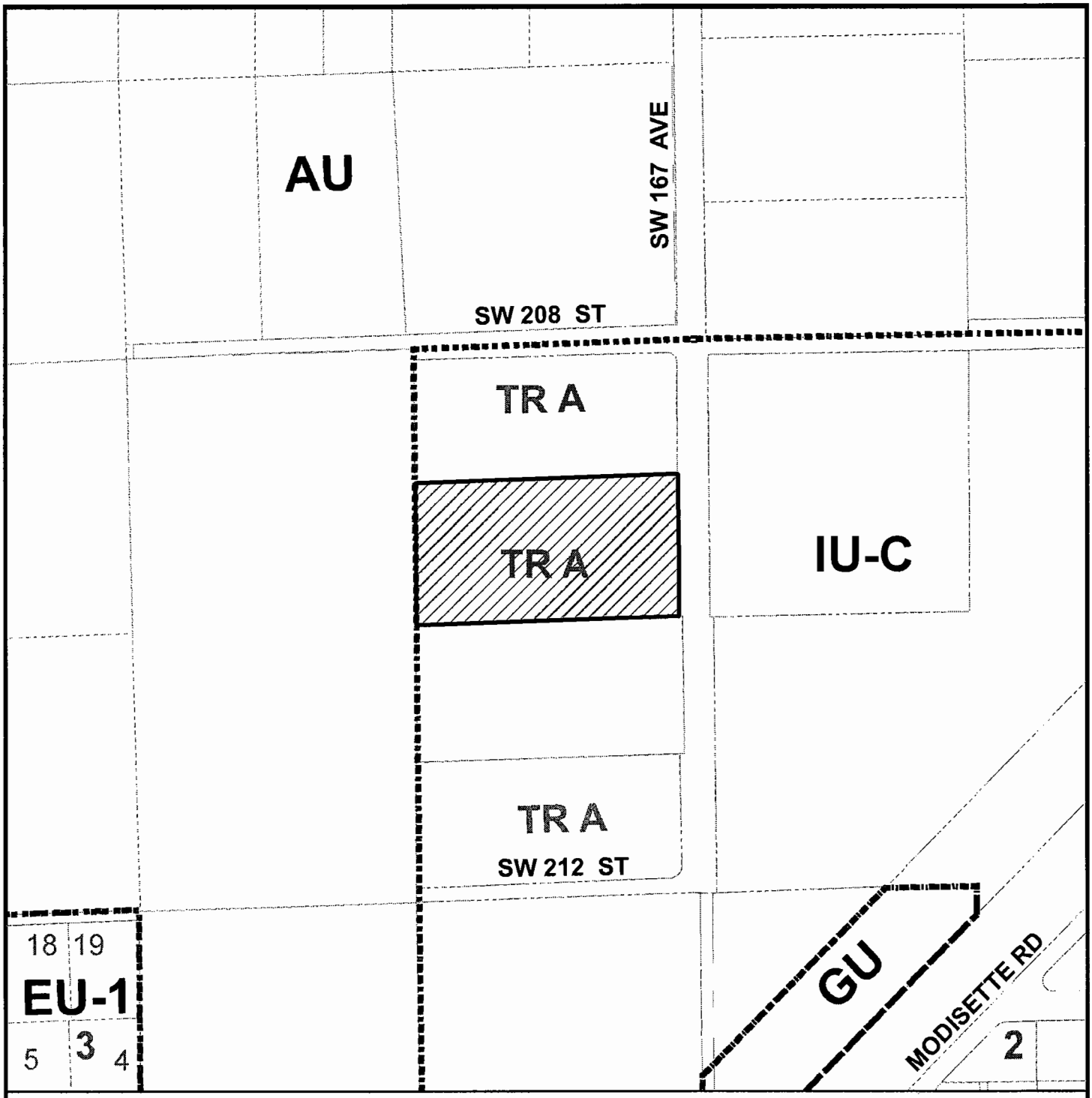


MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-182

Section: 07 Township: 56 Range: 39
Applicant: VERIZON WIRELESS
Zoning Board: C14
Commission District: 08
Drafter ID: KEELING
Scale: NTS
---------- Zoning

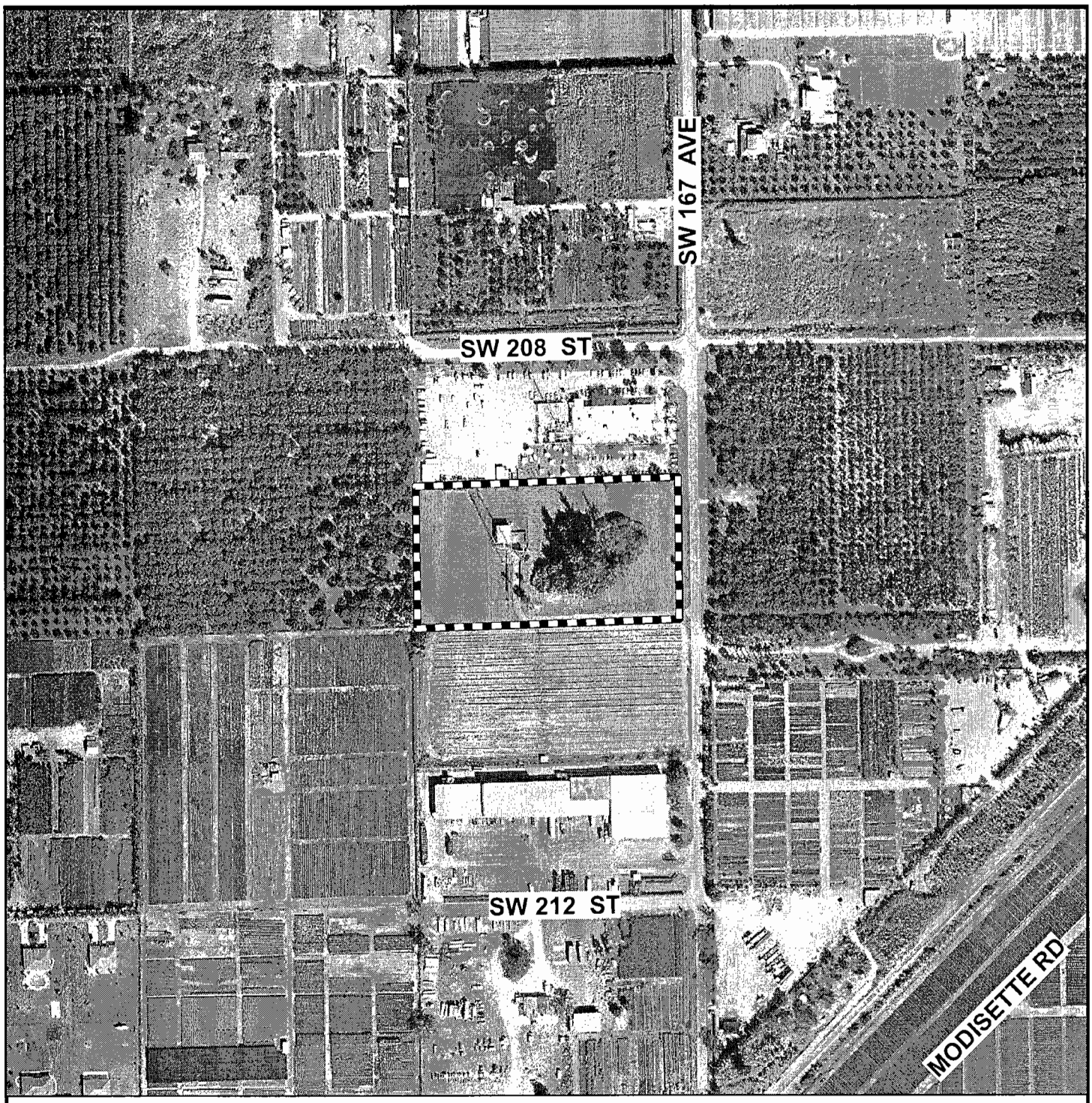
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/17/08

REVISION	DATE	BY
		14



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
08-182

Section: 07 Township: 56 Range: 39
Applicant: VERIZON WIRELESS
Zoning Board: C14
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SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/17/08

REVISION	DATE	BY