# KITS

3-18-2009 Version # 1

MIAMI-DADE COUNTY

## COMMUNITY ZONING APPEALS BOARD 14
## SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
## 10710 SW 211 Street, Miami
## Thursday, April 23, 2009 at 6:00 p.m.

### *PREVIOUSLY DEFERRED*

| | | | | | |
|---|---|---|---|---|---|
| A. | 08-12-CZ14-2 | MARITZA AGUILAR | 07-402 | 06-56-40 | |
| B. | 09-2-CZ14-4 | VERIZON WIRELESS | 08-182 | 07-56-39 | |
| C. | 09-3-CZ14-1 | TABOO LOUNGE, LLC | 08-2 | 5/6-56-40 | |
| D. | 09-3-CZ14-2 | FRAISA CORPORATION, ET AL | 08-185 | 07-56-40 | |

### *CURRENT*

| | | | | | |
|---|---|---|---|---|---|
| 1. | 09-4-CZ14-1 | SUSANNE DAVIDSON | 09-2 | 36-55-39 | N |
| 2. | 09-4-CZ14-2 | GREGORIO PEREZ & ETHEL | 09-3 | 30-55-40 | N |

# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

**COMMUNITY ZONING APPEALS BOARD - AREA 14**

**MEETING OF THURSDAY, APRIL 23, 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. 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 3/11/09

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

(1) 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.

(2) Applicant is requesting to permit the wireless supported service facility (cellular tower) setback 151.2' from the interior side (north) property line and setback 147.2' from the interior side (south) property line (188' required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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 "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: Approval with conditions of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) and denial without prejudice of same under Section 33-311(A)(4)(c).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3/11/09

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**C. TABOO LOUNGE L. L. C. (09-3-CZ14-1/08-2)** **5 & 6-56-40**
**Area 14/District 9**

(1) UNUSUAL USE to permit a nightclub.

(2) SPECIAL EXCEPTION of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility.

(3) Applicant is requesting to permit 141 parking spaces (155 required).

(4) Applicant is requesting to permit a one-way drive with a minimum width of 11' (14' required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and approval of requests # 3 and #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) under or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "ob_zurv design," as prepared by Joseph W. Belt, P. E., Sheet a_001 & SP_001 dated stamped received 11/25/08 and the remaining sheets dated stamped received 1/8/08 and "Liquor Survey," as prepared by James Beadman & Assoc., Inc. dated stamped received 8/27/08, for a total of 6 sheets. Plans may be modified at public hearing.

LOCATION: 19200 S.W. 106 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.34 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 16 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3/11/09

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**D. FRAISA CORPORATION, ET AL (09-3-CZ14-2/08-185)** **7-56-40**
**Area 14/District 9**

(1) RU-1 to RU-2

(2) UNUSUAL USE to permit a previously approved day care center to expand onto additional property to the north.

(3) MODIFICATION of Conditions #2 and #6 of Resolution No. CZAB14-27-98, passed and adopted by Community Zoning Appeals Board #14, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Daycare Center,' as prepared by M. Jackson, dated 11/4/97 and consisting of 2 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Extension The Second House Day Care #4,' as prepared by Remberto Contreras, P. E. and plans entitled 'Proposed Daycare Center,' as prepared by M. J., all dated stamped received 10/24/08 for a total of 6 sheets."

FROM: "6. That the use shall be restricted to a maximum number of forty-nine (49) children."

TO: "6. That the use shall be restricted to a maximum number of eighty (80) children."

The purpose of request #3 is to permit the applicant to submit revised plans showing an expansion of the day care center to the north and to increase the number of children.

(4) Applicant is requesting to permit a setback of 25.2' from the rear (west) property line and setback 10.92' from the interior side (north) property line (50' required for each) and spaced less than 75' from residences under different ownership to the west and north.

(5) Applicant is requesting to permit parking within 25' of the right-of-way of S.W. 114th Court (not permitted).

(6) Applicant is requesting to permit parking spaces closer than 25' to a property under different ownership to the north (not permitted).

(7) Applicant is requesting to permit a one-way drive with a width of 10' (14' required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #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) and approval of

requests #4-#7 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: 20841 S.W. 117 Avenue and 20810 S.W. 114 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.472 Acre

Department of Planning and Zoning Recommendation: Denial without prejudice of request #1; approval with conditions of request #2, approval with conditions of request #3 subject to the Boards acceptance of the proffered covenant, 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 #4 through #7 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 1 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3/11/09

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**1. SUSANNE DAVIDSON (09-4-CZ14-1/09-02)** **36-55-39**
**Area 14/District 9**

(1) Applicant is requesting to permit to a bedroom and storage room addition to a single-family residence setback 24' 10 " (25' required) from the front (north) property line and setback 6'4" (7'6" required) from the interior side (west) property line.

(2) Applicant is requesting to permit a study, bedroom and covered terrace addition to the single-family residence setback a minimum of 10' 4 " (25' required) from the rear (south) property line and setback 6'4 " (7'6 " required) from the interior side (west) property line.

(3) Applicant is requesting to permit an open entry courtyard setback 23'8 " (25' required) from the front (north) property line.

(4) Applicant is requesting to permit a planter setback a minimum of 19'7 " (25' required) from the front (north) property line.

(5) Applicant is requesting to permit a lot coverage of 37.23% (35% maximum permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "As Built Construction Drawings for Mr. & Mrs. Joe C. Davidson," as prepared by C. David Morton & Associates, sheet A-2 dated stamped received 1/6/09, and the remaining sheets date stamped received 1/23/09, or a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 11740 S.W. 174 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 104'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1, #3 and #4 and denial without prejudice of requests #2 and #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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**2. <u>GREGORIO PEREZ & ETHEL (09-4-CZ14-2/09-03)</u>** **30-55-40**
**Area 14/District 9**

(1) Applicants are requesting to permit a covered terrace addition to a single-family residence setback 17.98' (25' required) from the rear (west) property line.

(2) Applicants are requesting to permit a decorative fountain to be located in front of the residence (not permitted) and setback 17.98' (75' required) from the front (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Public Hearing (Open Terrace) as prepared by Golavillek, consisting of 2 sheets and dated stamped received 1/6/09. Plans may be modified at public hearing.

LOCATION: 16142 S.W. 107 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' x 109'

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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**NOTICE**

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

**********

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

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

**A. MARITZA AGUILAR**
**(Applicant)**

**08-12-CZ14-2 (07-402)**
**Area 14/District 9**
**Hearing Date: 4/23/09**

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

**B**

APPLICANT'S NAME: **MARITZA AGUILAR**

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 08-12-CZ14-2 (07-402) | March 11, 2009 | CZAB14 | | 09 |

**REC**: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

☐ DEFER: ☐ INDEFINITELY ■ TO: April 23, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to no quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| COUNCIL MAN | | Wilbur B. BELL | | | |
| COUNCIL MAN | | Nehemiah DAVIS | | | |
| COUNCIL MAN | | Patrice MICHEL | | | X |
| COUNCIL MAN | | Michael RODRIGUEZ | | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | | | X |
| | | VOTE: | | | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **ANDREW BOESE**
**THOMAS ROBERTSON**

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

**B**

APPLICANT'S NAME: **MARITZA AGUILAR**

REPRESENTATIVE: Applicant Not Present

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 08-12-CZ14-2 (07-402) | February 11, 2009 | CZAB14 | | 09 |

**REC**: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 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 Board's request due to the absence of the applicant.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| COUNCIL MAN | | Wilbur B. BELL | | | |
| COUNCIL MAN | | Nehemiah DAVIS | | | |
| COUNCIL MAN | | Patrice MICHEL | | | |
| COUNCIL MAN | | Michael RODRIGUEZ | | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | | | |
| | | VOTE: | | | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **THOMAS ROBERTSON**
**ANDREW BOESE**

# 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**

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**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:** April 23, 2009

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

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## 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. The item was later deferred from the February 11, 2009, meeting at the request of the Board and again from the March 11, 2009, meeting due to a lack of quorum. 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 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 **(MDFRD) 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. Staff notes that the Public Works Department objects to the applicants' requests to permit parking to back out onto the right-of-way and for reduced parking. Staff concurs with the opinion of the Public Works Department and opines that the approval of request #1, due to the physical limitations of the site on parking, 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, 02/12/09, 03/12/09
**DATE FINALIZED:** 03/12/09
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

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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: 03/24/09
REVISION 2

# TEAM METRO

## ENFORCEMENT HISTORY

MARITZA AGUILAR

**APPLICANT**

11421 SW 193 STREET, MIAMI-DADE COUNTY FLORIDA.

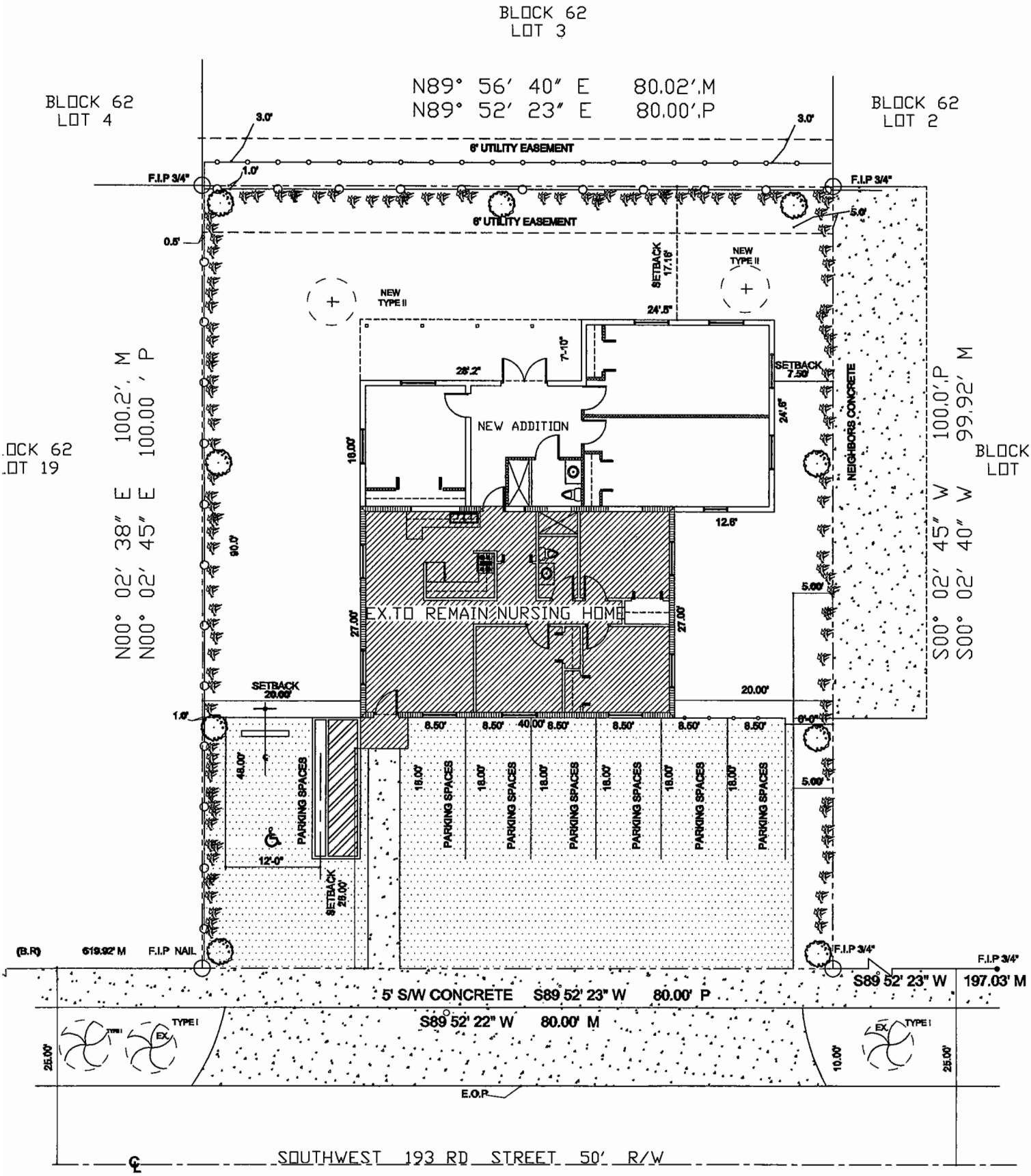
**ADDRESS**

Z2007000402

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901001757 was opened based on enforcement history request and inspected on 03-23-09.
No violations were observed and case was closed.
Previous case history;
Case 200901000230 was opened based on enforcement history request and inspected on 01-24-09.
No violations were observed and case was closed.
Case 200801007310 was opened based on enforcement history request and inspected on 12-01-08.
No violations were observed and case was closed.



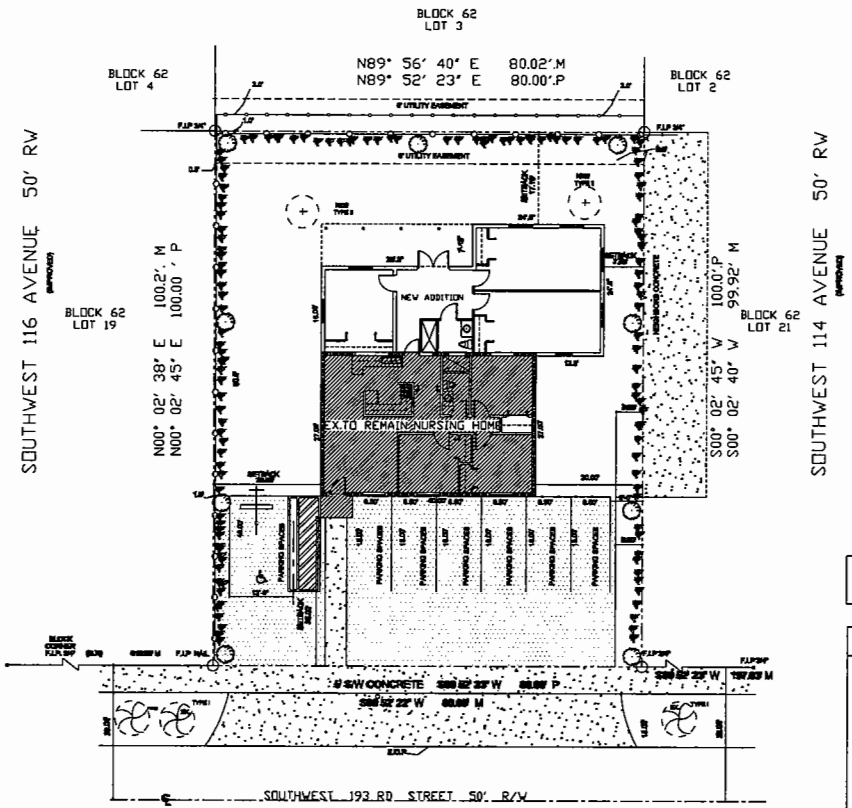

SITE PLAN

1"=10'

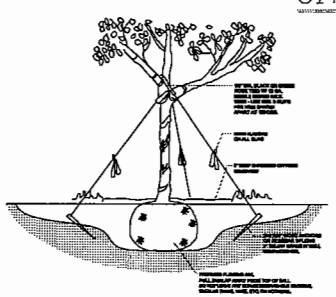
ENLARGED SITE PLAN

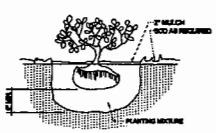
18

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 2007-0003
DATE: JUN 27 2008
BY: JL




SITE PLAN
1"=10'






## LEGAL DESCRIPTION

LOT 55, BLOCK 62 SOUTH MIAMI HEIGHTS FIRST ADDITION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGE 84-85, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

## PROPERTY ADDRESS

11421 SOUTHWEST 193 st STREET
MIAMI, FL. 33157

## BUILDING CRITERIA

| | |
|---|---|
| LOT GROSS AREA | 8,016 SF |
| EX FLOOR AREA | 1,059 SF |
| NEW ADDITION AREA | 794 SF |
| TOTAL AREA | 1,853 SF |
| % LOT COVER | 34 % |

## ZONING LEGEND

| ZONING: | REQ. | PROV. |
|---|---|---|
| HEIGHT (in Algs of ave) | 35' | 14'-4" |
| GROSS LAND AREA | 8,000 S.F. | |
| SETBACKS: FRONT | 25.00' | 25.00' |
| SIDE RIGHT | 7.50' | 7.50' |
| SIDE LEFT | 7.50' | 30.00' |
| REAR | 25.00' | 17.10' |

## FLOOD ZONE

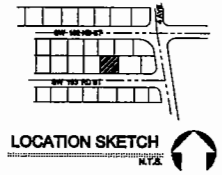
THIS IS NOT A FLOOD HAZARD ZONE

COMMUNITY PANEL No. 120635

PANEL No. 0355 SUFFIX: J

BASE FLOOD ELEV: N/A

FLOOD ZONE: X




LOCATION SKETCH
N.T.S.

## 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 THE CONTRACT.
2. CLEAN AND GRUB PREMISES OF ALL SUBTERRANEAN OR SURFACE MATERIALS CRAB, DEBCORIS 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, WEEDS AND PLANTS EXCEPT PROTECT ANY TREES INDICATED TO REMAIN ANY STONE, STUMPS AND ROOTS LARGER THAN 6 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 THE DIMENSIONS AS SHOWN IN PLANS. FORMS FOR FOUNDATIONS WILL BE REQUIRED WHEN EXCAVATIONS ARE NOT CLEAN CUT OR CAVINGS 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 REQUIRING FORMING LARGE ENOUGH TO ALLOW FOR THE INSTALLATION 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 R.L.T. 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 4
REPLACEMENT TREES

## LANDSCAPE LEGEND

ZONING DISTRICT: RU-1 NET LOT AREA 8016 ACRES 0.184 S.A.

| OPEN SPACE | REQUIRED | PROVIDE |
|---|---|---|
| A. MINIMUM FEET OF OPEN SPACE REQUIRED BY CHAPTER 18A AS INDICATED ON SITE PLAN NET LOT AREA 8016 X .35 = S.F. | 2805 | 2805 |
| B. MINIMUM FEET OF PARKING LOT SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN (21 PARKING SPACES 7 X 10 S.F. PER PARKING SPACE= 70) | 70 | 70 |
| C. TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 18A= | 2875 | 2875 |

LAWN AREA CALCULATION

| | | |
|---|---|---|
| A. % OF TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 18 | | |
| B. MINIMUM LAWN AREA (SEED PERMIT TO SOD) X 1.100 S.F. = 20% | | |
| REQUIRED LOT TREES | 6 | 6 |
| REQUIRED STREET TREES | 5 | 5 |
| SHRUBS REQUIRED | 30 | 30 |

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 THEREON, AND TAKE INTO CONSIDERATION ALL SUCH CONDITIONS THAT MAY AFFECT HIS WORK.
2. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE AS TO THE LOCATION OF UNDERGROUND UTILITIES OR OTHER SITE FEATURES AS ASPHALT PAVEMENT, CULVERTS, DITCHES OR WALLS, 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 90 DAYS AFTER INSTALLATION. PALMS SHALL BE GUARANTEED FOR ONE FULL YEAR.
7. ALL PLANT MATERIAL SHALL CONFORM TO QUALITY AND STANDARDS AS SET BY THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST APPLICABLE, OR SHALL BE FLORIDA #1.
8. PLANTING SOIL SHALL BE RELIABLE & FREE OF WEEDS, PLANT TRASH, LITTER, TOXIC SUBSTANCES, OR ANY OTHER OBJECTIONABLE MATERIALS.
9. PLANT MATERIALS SHALL BE FREE OF DISEASE, PESTS, SCALE OR LARVAE, OR ANY OBJECTIONABLE OR DAMAGED SUBSTANCE.
10. PLANTS SHALL BE TRUE OF SPECIES & VARIETY AS INDICATED ON THE LANDSCAPE LEGEND.
11. SOD SHALL BE GUARANTEED, WELL MATURED, FREE OF WEEDS, AND SUFFICIENTLY THICK TO INSURE A DENSE STAND OF LIVE GRASS OF 2" THICK MINIMUM.
12. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING & AS NECESSARY TO COVER THE FULL EXTENT OF THE AREAS INDICATED ON DRAWINGS.

NEW LANDSCAPE:

| | SYMBOL | NEW | EXIST. | TREE NAME: COMMON NAME | TREE NAME: CENTIF. NAME | HEIGHT AT PLANTING | COLUMN SIZE AT PLANTING | MINIMUM SPACING MIDDLE | QUANTITY |
|---|---|---|---|---|---|---|---|---|---|
| TYPE 1 | | 1 | 0 | LINE MIX | CLUSIUS VIRGINIANA | 10' | 3" | 20' | 6 |
| TYPE 2 | | 2 | — | PINE SHAPED TREE | THUJA OCCIDENTALIS HETERPHYLLA | 10' | 1 1/2" | 10' | 2 |
| | | 0 | — | SPANISH BAYONET | YUCCA TRECIUM | 10' | | 10-20 | 6 |
| TOTAL | | | | (2 TREES ALONG ALL PROPERTY LINES FOR TREES SCREENING THE PROPERTY) - (EXISTING TREES AND 1 NEW TREE) | | | | | |
| 50' to 50,000 | | | | | | | | | 50' |

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

NOTE: CONTRACTORS REFER TO TREE TO BE REMOVED. SE HAS ANALYZED ALL TREE CAYING APPROVED PLAN WILL BE REQUIRED TO REMAIN ON LOT AND SEPA, SE IN SHEET P. SHOWS OR LIGHTPOST PLANT GOUGE.

NOTES: ALL TREES WILL BE FLE 1 OR GREATER AS PER THE CURRENT COPY OF GRADES AND STANDARDS. ALL TREES WILL BE BALLOONED WITH A MINIMUM OF 2" OF CLEAN MULCH AND PLATED ACCORDING TO FINE ARBORICULTURAL TECHNIQUES SHOULD ALSO BE INCLUDED ON THE BREEDS. THE OWNER AND OR OCCUPANT SHALL HAVE THE RESPONSIBILITY OF MAINTAINING THE LANDSCAPED AREA REQUIRED BY THIS SUBMISSION.

DRAWN BY:

PM & ASSOCIATES
2450 S.E. 17th Ave. Suite # 211
Miami, Florida. 33175
Phone: (305) 223-2359
Fax: (305) 223-2364
pmdesign@pmdesign.com

PROJECT TITLE: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME

ADDRESS: 11421 SW 193 STREET MIAMI FLORIDA. 33157

DRAWING TITLE: SITE PLAN

REVISIONS

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

SEAL

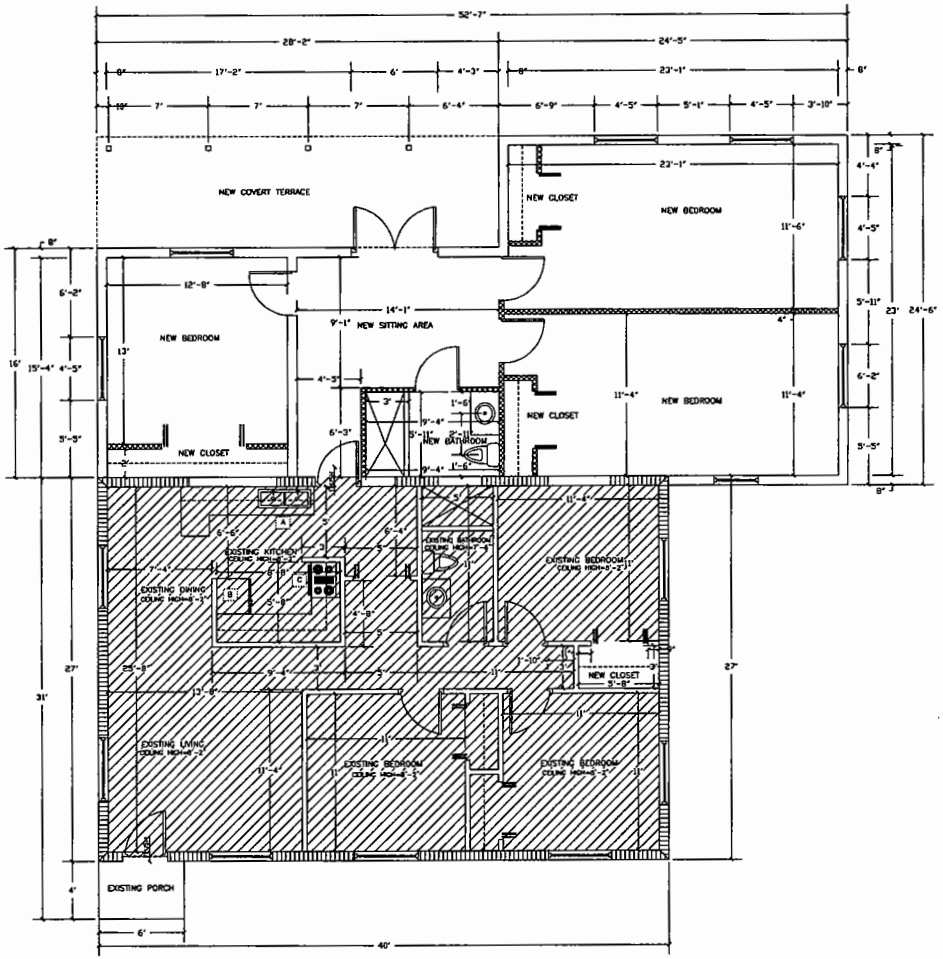
SHEET NO.

S-1

1 OF 4

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO. 2207-403
DATE: FEB 27 2008
BY: DL

20




PROPOSED FLOOR PLAN

SCALE: 1"=1/4"

HOUSE LEGEND

- EXISTING HOUSE
- M.L.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 | 1,853 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 ECRESS.

DRAW BY:
DRAWING SERVICES
2650 S.E. 137 Ave. Suite / 211
Miami, Florida. 33175
Phone: (305) 223-2959
Fax: (305) 223-2984
pedrodraw@yahoo.com

Project Title: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME

Address: 11421 SW 193 STREET MIAMI FLORIDA. 33157

Title Sheet: FLOOR PLAN

REVISIONS

DESCRIPTION

Project No.

Date: 06-09-08

Drawn By: PM2

Approved By:

SEAL

SHEET NO. F-1

2 OF 4

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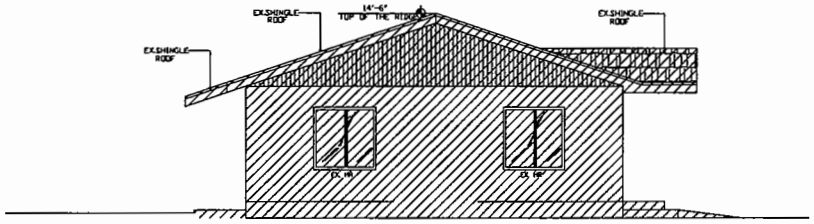
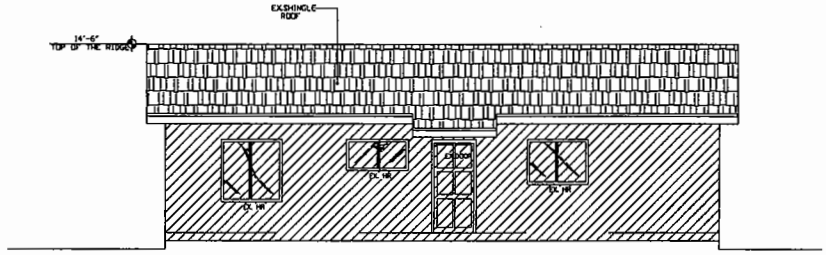
MIAMI-DADE COUNTY
PROCESSED
DATE ZONED
BY:

21

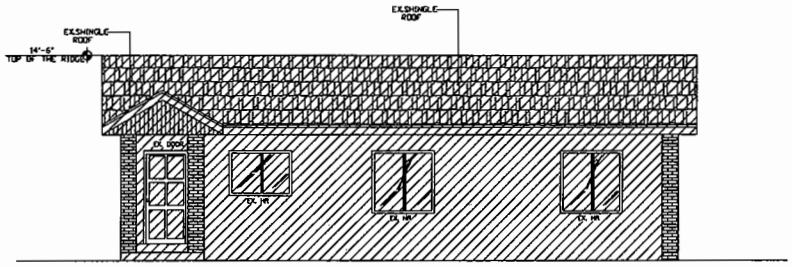



EXISTING WEST ELEVATION
SCALE 1/4"=1'-0"

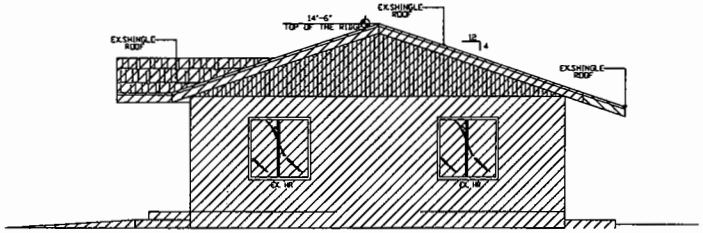



EXISTING NORTH ELEVATION
SCALE 1/4"=1'-0"

LEGEND
EX.HOUSE




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




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

DRAWN BY:

PM2 ARCHITECTS
7950 S.W. 157 Ave. Suite # 211
Miami, Florida. 33193
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pedro@pm2arch.com

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

Date/Sheet
ELEVATION

REVISIONS

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

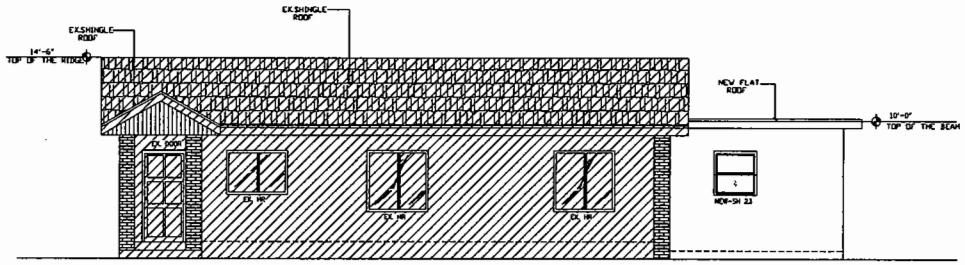
SEAL

SHEET NO.
E-1

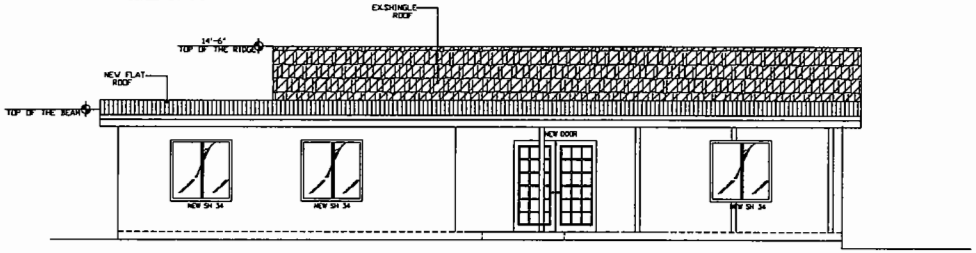
3 OF 4

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 227450
DATE: JUN 27 2008
BY: BZL

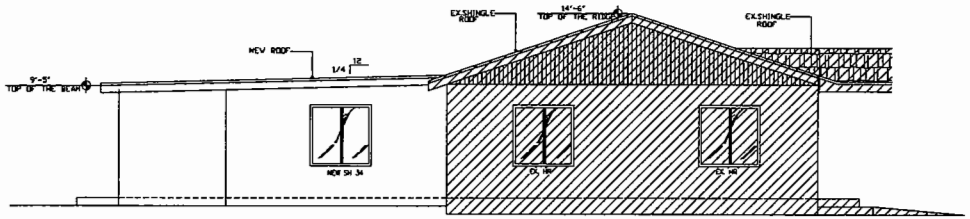
22



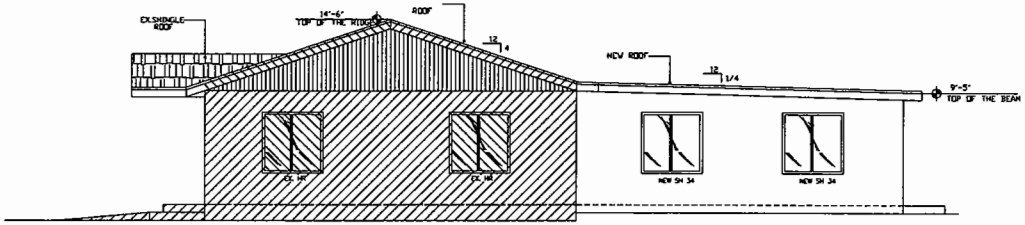

PROPOSED SOUTH ELEVATION
SCALE 1/4"=1'-0"



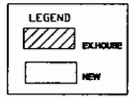

PROPOSED NORTH ELEVATION
SCALE 1/4"=1'-0"




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




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




DRAW BY:

TM DESIGNS
2450 S.W. 137 Ave. Suite # 211
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Fax: (305) 223-3064
pedro@tmdesigns.com

Project Title: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME

Address: 11421 SW 193 STREET MIAMI FLORIDA. 33157

Dwg Title: ELEVATION

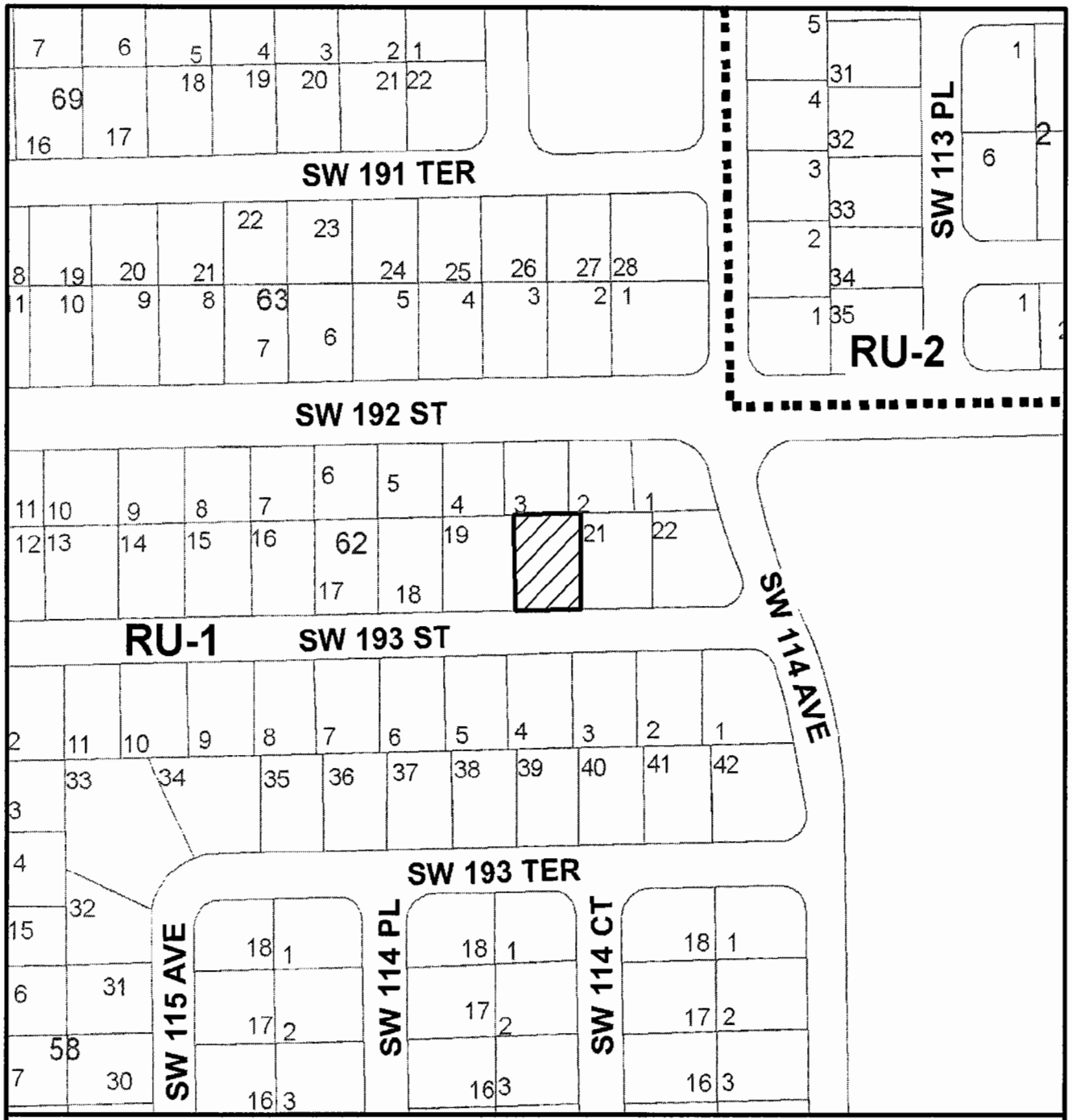
REVISIONS

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

**B. VERIZON WIRELESS**
**(Applicant)**

**09-2-CZ14-4 (08-182)**
**Area 14/District 8**
**Hearing Date: 4/23/09**

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
# COMMUNITY ZONING APPEALS BOARD - AREA 14
# MOTION SLIP

**A**

APPLICANT'S NAME: **VERIZON WIRELESS**

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 09-2-CZ14-4 (08-182) | March 11, 2009 | CZAB14 | | 09 |

**REC: Approval with conditions of request #1, and approval with conditions of request #2 under Section 33-311(A)(4)(b) and denial without prejudice of same under Section 33-311(A)(4)(c)**

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: April 23, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to no quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| | | | | | |
| COUNCIL MAN | | Wilbur B. BELL | | | |
| COUNCIL MAN | | Nehemiah DAVIS | | | X |
| COUNCIL MAN | | Patrice MICHEL | | | |
| COUNCIL MAN | | Michael RODRIGUEZ | | | X |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | | | |
| | | VOTE: | | | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **ANDREW BOESE**
**THOMAS ROBERTSON**

2

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

**#4**

APPLICANT'S NAME: **VERIZON WIRELESS**

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 09-2-CZ14-4 (08-182) | February 11, 2009 | CZAB14 | | 09 |

**REC**: Defferal.

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 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 staff's request to re-advertise.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| COUNCIL MAN | M | Wilbur B. BELL | X | | |
| COUNCIL MAN | S | Nehemiah DAVIS | X | | |
| COUNCIL MAN | | Patrice MICHEL | | | X |
| COUNCIL MAN | | Michael RODRIGUEZ | X | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | X | | |
| | | VOTE: | 4 | 0 | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **THOMAS ROBERTSON**
**ANDREW BOESE**

3

**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:** April 23, 2009

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

==========

## A. INTRODUCTION

- **REQUESTS:**

  (1) 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.

  (2) Applicant is requesting to permit the wireless supported service facility (cellular tower) setback 151.2' (188' required) from the interior side (north) property line and setback 147.2' (188' required) from the interior side (south) property line.

  Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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 "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 REQUESTS:**

  The requests will allow the applicant to increase the height of a cellular tower, which is setback less than required from property lines.

- **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.

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a

showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

## G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

## H. ANALYSIS:

This application was deferred from the February 11, 2009, meeting in order to advertise a setback request found within the submitted plans. The item was again deferred from the March 11, 2009, meeting due to a lack of quorum. 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 (request #1), and to permit the wireless supported service facility (cellular tower) setback 151.2' (188' required) from the interior side (north) property line and setback 147.2' (188' required) from the interior side (south) property line (request #2). 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 an 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 response 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. Additionally, the interpretative text of the CDMP indicates that 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. 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. Additionally, regarding the setback request, 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. As such, staff is of the opinion that the proposed height increase from 150' to 170', along with the accompanying setback request, is **compatible** with the surrounding area and **consistent** with the interpretative text of the CDMP.

When request #1, 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 the abutting street, SW 167 Avenue. As previously mentioned, 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 request #1 under Section 33-311(A)(3).

When request #2, to permit the wireless supported service facility (cellular tower) setback 151.2' (188' required) from the interior side (north) property line and setback 147.2' (188' required) from the interior side (south) property line, is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of said request would be **compatible** with the surrounding area, would not affect the stability and appearance of the community, and would not be detrimental to the neighborhood. As previously mentioned, the subject property is currently zoned IU-C and the existing 150' high wireless supported service facility is currently operational on said site. The applicant is proposing a 20' increase of the existing wireless supported service facility tower, which is surrounded by plant nurseries and a telecommunication warehouse to the north. As such, staff opines that the additional 20' will provide a minimal visual intrusion on the abutting properties. Staff notes that 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. As such, staff recommends approval with conditions of request #2 under the NUV Standards.

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

Based on all of the aforementioned, staff notes that the application as proposed is **consistent** with the interpretative text of the CDMP and that the approval of this application is **compatible** with the surrounding area. Therefore, staff recommends approval with conditions of request #1 and approval with conditions of request #2 under Section 33-311(A)(4)(b) and denial without prejudice of same under Section 33-311(A)(4)(c).

## I. RECOMMENDATION:

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

## J. CONDITIONS:

1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Zoning Plan," as prepared by Kimley-Horn and Assocs. Inc., consisting of 1 sheet dated stamped received 11/4/08.

2. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

3. That the applicants obtain a Certificate of Use for the wireless supported service facility 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.

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

**DATE INSPECTED:** 11/03/08
**DATE TYPED:** 01/13/09
**DATE REVISED:** 01/16/09; 01/20/09; 01/21/09; 01/28/09; 02/05/09; 02/09/09, 03/12/09
**DATE FINALIZED:** 03/12/09
MCL; MTF; NN; CH; JV

for Maria I. Tejo

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

NDN.

# 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: 02/19/09
REVISION 2

# TEAM METRO

## ENFORCEMENT HISTORY

VERIZON WIRELESS

**APPLICANT**

20900 SW 167 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2008000182

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Current case history;
Case #200901000675 was opened based on enforcement history request and inspected on 02/18/09.
No violations were observed and case was closed.
Previous case history:
Case 200801007590 was opened based on enforcement history request and inspected on 12-16-08.
No violations were observed and the case was closed.
Case 200801005839 was opened based on enforcement history request and inspected on 9-26-08.
No violations were observed and the case was closed.

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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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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208182
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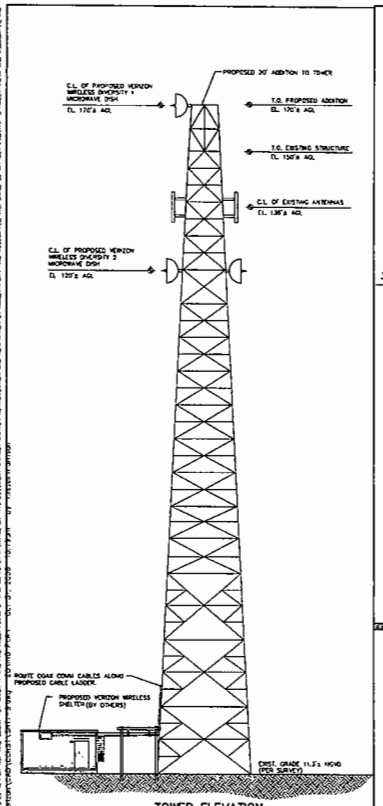
ZONING HEARINGS SECTION

16



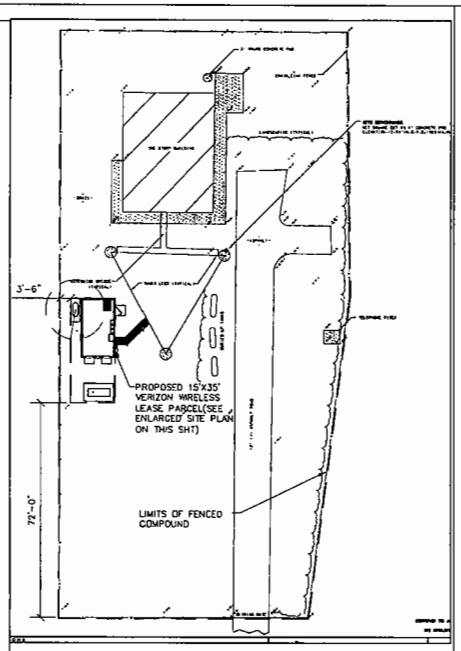

TOWER ELEVATION
N.T.S.

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

## 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. 30-6907-003-0010.

CALL 48 HOURS BEFORE YOU DIG
IT'S THE LAW!
1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

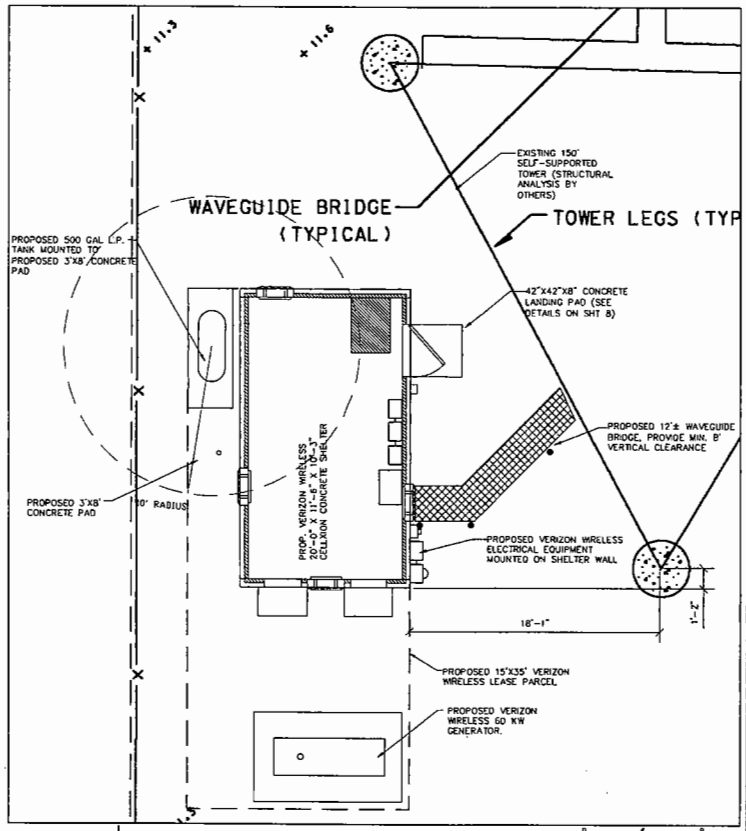



## OVERALL SITE PLAN-FENCED COMPOUND

NORTH
0 20 40
SCALE AS SHOWN

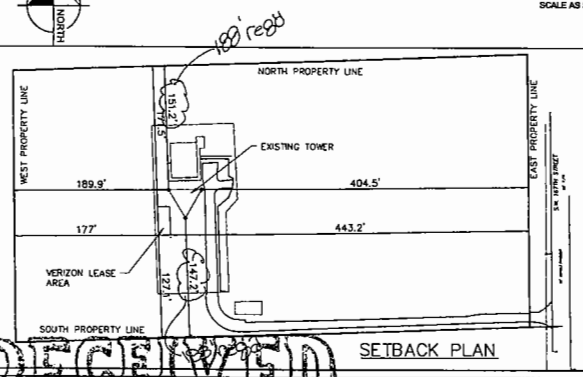
## GENERAL NOTES:

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.




NORTH
0 4 8
SCALE AS SHOWN

## ENLARGED SITE PLAN WITH LEASE PARCEL




## SETBACK PLAN

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BY

**veri on wireless**
777 YAMATO ROAD, SUITE 600
BOCA RATON, FL 33431
(561) 995-5500

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, 2005

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. 12025C0315 J DATED 9/11/2009 |

| DRAWN BY: | CHK.: | APV.: |
|---|---|---|
| ML | GAA | ORT |

LICENSURE:

| | |
|---|---|
| DAVID STEWART | PE 31180 |
| CHARLES GEER | PE 31435 |
| MARK FAIRCHILD | PE 51597 |
| RUSSELL MORRISON | PE 51567 |
| OSCAR TAZOE | PE 60742 |
| ANGELINA FAIRCHILD | PE 43958 |

SHEET TITLE:
ZONING PLAN

SHEET NUMBER:
1 OF 1

KHA Job #:
044047548

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BY

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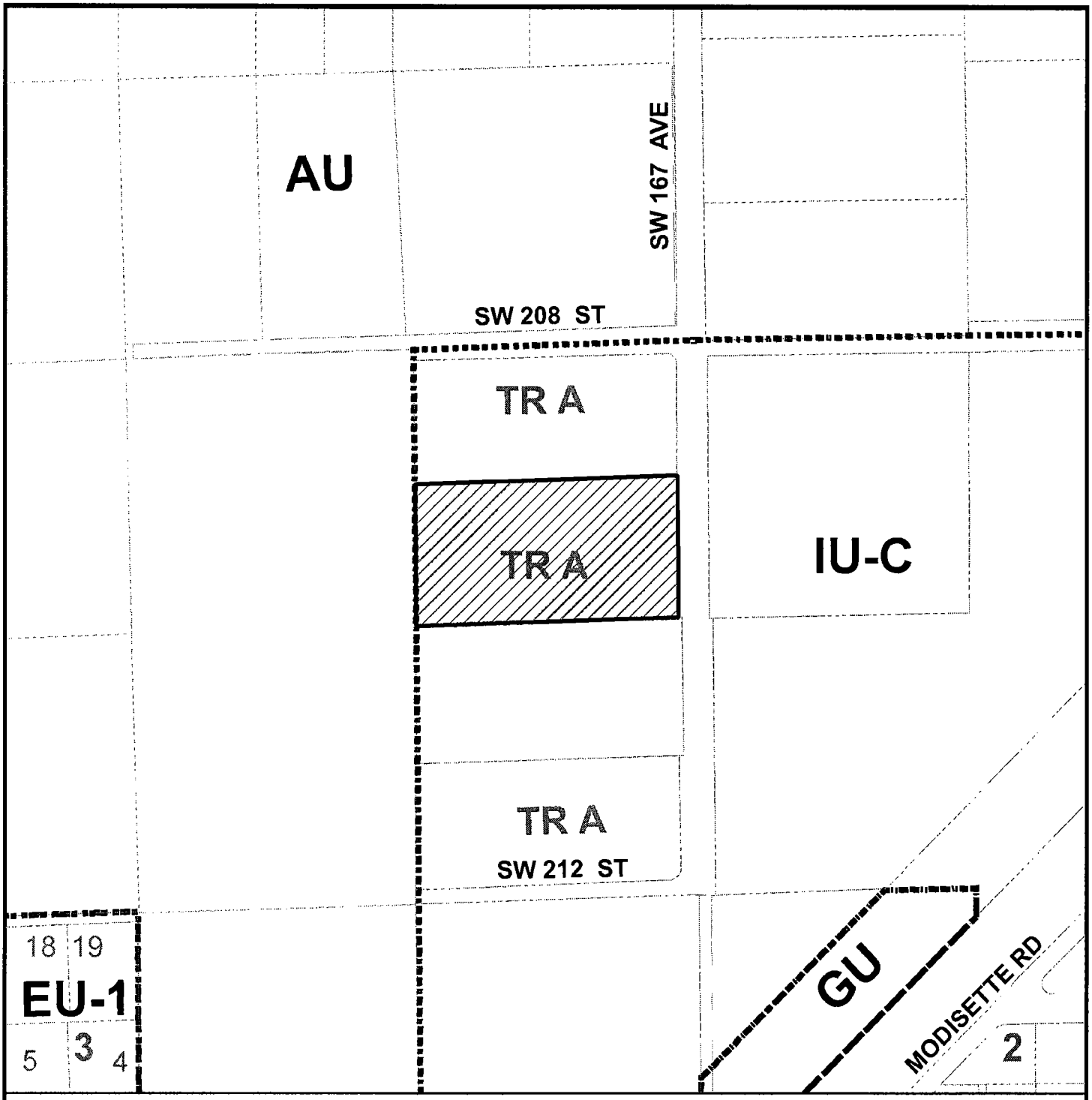
Drawing name: S:\CELL SITES\VERIZON\68276\PHASE VERIZON CINGULAR REDLANDS\CONSTRUCTION\CONSTRUCTION.DWG




**MIAMI-DADE COUNTY**
**HEARING MAP**

Process Number
**08-182**

SUBJECT PROPERTY

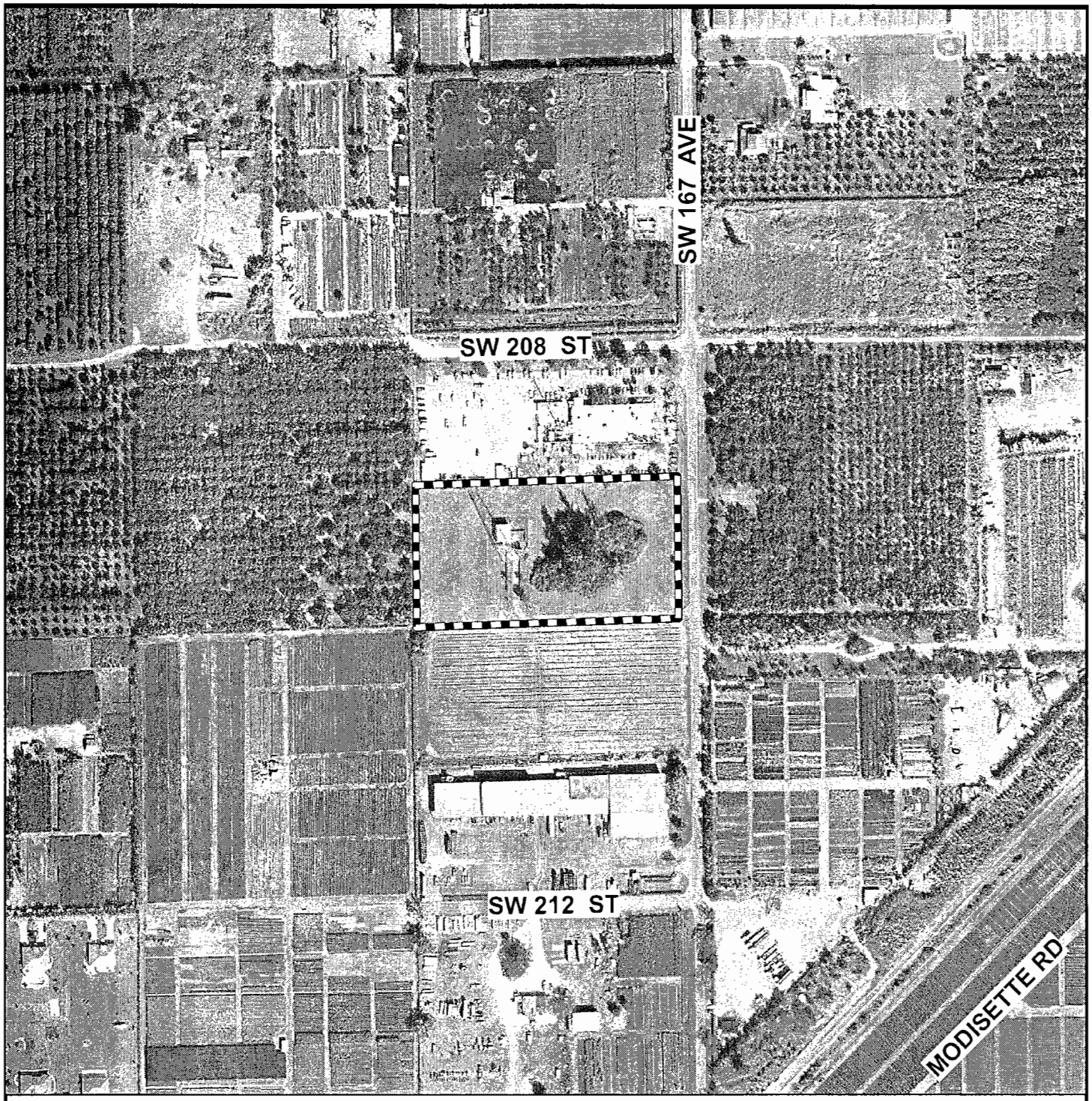
N
W E
S

Section: 07 Township: 56 Range: 39
Applicant: VERIZON WIRELESS
Zoning Board: C14
Commission District: 08
Drafter ID: KEELING
Scale: NTS
---------- Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/17/08

| REVISION | DATE | BY |
|---|---|---|
| | | 18 |




# MIAMI-DADE COUNTY

AERIAL YEAR 2008

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 |
|---|---|---|
| | | |

**C. TABOO LOUNGE, LLC**
**(Applicant)**

**09-3-CZ14-1 (08-2)**
**Area 14/District 9**
**Hearing Date: 4/23/09**

Property Owner (if different from applicant) **Marco Plyler.**

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? Taboo Lounge, LLC

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1974 | Universal American Realty Corp. | Zone change from RU-2 to IU-1. | BCC | Approved |

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

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

**#1**

APPLICANT'S NAME: **TABOO LOUNGE, LLC**

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 09-3-CZ14-1 (08-2) | March 11, 2009 | CZAB14 | | 09 |

**REC**: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

☐ DEFER: ☐ INDEFINITELY ■ TO: April 23, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to no quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| COUNCIL MAN | | Wilbur B. BELL | | | |
| COUNCIL MAN | | Nehemiah DAVIS | | | |
| COUNCIL MAN | | Patrice MICHEL | | | X |
| COUNCIL MAN | | Michael RODRIGUEZ | | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | | | X |
| | | VOTE: | | | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **ANDREW BOESE**
**THOMAS ROBERTSON**

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

**APPLICANT:** Taboo Lounge LLC **PH:** Z08-002 (09-3-CZ14-1)

**SECTION:** 5 & 6-56-40 **DATE:** April 23, 2009

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

==========

## A. INTRODUCTION

- **REQUESTS:**

  (1) UNUSUAL USE to permit a nightclub..

  (2) SPECIAL EXCEPTION of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility.

  (3) Applicant is requesting to permit 141 parking spaces (158 required).

  (4) Applicant is requesting to permit a one-way drive with a minimum width of 11' (14' required).

  Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and approval of requests #3 and #4 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 "ob_zurv design," as prepared by Joseph W. Belt, P. E., Sheet a_001 & SP_001 dated stamped received 11/25/08 and the remaining sheets dated stamped received 1/8/08 and "Liquor Survey," as prepared by James Beadman & Assoc., Inc. dated stamped received 8/27/08, for a total of 6 sheets. Plans may be modified at public hearing. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  This application will permit the establishment of a nightclub spaced less than required from a religious facility, with less parking than required and a reduced one-way drive.

- **LOCATION:** 19200 S.W. 106 Avenue, Miami-Dade County, Florida.

- **SIZE:** 3.34 Acres

## B. ZONING HEARINGS HISTORY:

In March 1974, pursuant to Resolution #Z-59-74, the subject property was a part of tract of land that was approved by the Board of County Commissioners (BCC) for a district

boundary change from RU-2, Two-Family Residential District, to IU-1, Light Industrial Manufacturing District.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being 3 miles east of and within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections.

2. **Other Land Uses Not Addressed.**

   Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

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 of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| IU-1; Industrial/ Commercial warehouse | Industrial and Office |
| **Surrounding Properties** | |
| **NORTH:** IU-1; commercial/industrial warehouses | Industrial and Office |
| **SOUTH:** IU-1; warehouse storage | Industrial and Office |
| **EAST:** IU-1; vacant land | Industrial and Office |
| **WEST:** IU-1; body shop | Industrial and Office |

The subject property is located at 19200 SW 106 Avenue in an existing warehouse complex and is surrounded by warehouses being used for industrial and commercial uses as well as vacant land.

## E. SITE AND BUILDINGS:

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

## F. PERTINENT REQUIREMENTS/STANDARDS:

**Section 33-311(A)(3) Special Exception, Unusual and New Uses.** 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 use which by the regulations are only permitted upon approval after public hearing; provide 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, 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 of 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.

**Section 33-311(A)(19) Alternative Site Development Option for Buildings and Structures in IU Zoning Districts**. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the IU-1, IU-2, IU-3, and IU-C zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(j) An alternative reduction in the number of required parking spaces shall be approved on an IU site after public hearing upon demonstration of the following:

1) the alternative reduction of the number of parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either

2) the total number of required parking spaces is not reduced below 10%; and

(A) the alternative reduction of the number of required parking spaces does the lot, parcel or tract is located within 660 feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) Map, within

one-quarter ( 1/4) mile from existing rail, transit stations, or existing express busway stops; or

(B) the hours of operation of multiple industrial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or

3) the alternative development involves a mixed-use project in which the number of off-street parking spaces is calculated by applying the Urban Land Institute (ULI) Shared Parking Methodology to the required number of parking spaces.

(k) **Notwithstanding the foregoing,** no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

(1) will result in a significant diminution of the value of property in the immediate vicinity; or

(2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

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

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

(A) the types of needs of the residents or other owners of property in the immediate vicinity and the needs of the occupants of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

(B) the proportionality between the impacts on the residents or on other owners of property in parcel(s) in the immediate vicinity and the amenities or buffering

required. For example, a reduction in lot area for numerous lots may warrant the provision of additional landscaped open space.

## G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

## H. ANALYSIS:

This item was deferred from the March 11, 2009, meeting due to a lack of quorum. The 3.34-acre subject property zoned IU-1, Light Industrial District, is located at 19200 SW 106 Avenue. The site consists of a semi-circular building containing 42 separate bays and a smaller building to the northeast of the site consisting of 2 bays. The latter building is being retrofitted to house one tenant, the nightclub, which is the subject of this application. Industrial and commercial uses located in warehouses as well as vacant land characterize the surrounding area. The applicant, Taboo Lounge L.L.C., is seeking an unusual use to permit a nightclub (request #1) and a special exception of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility (request #2). In addition, the applicant is seeking to permit 141 parking spaces (request #3) and to permit a one-way drive with a minimum width of 11' (request #4). The IU-1 zoning regulations require a minimum of 158 parking spaces for the subject property and a minimum 14' width for one-way drives. The applicant has submitted plans depicting the proposed nightclub in a stand-alone building located at the northeastern corner of the site. The plans depict the buildings surrounding the original parking areas, with additional parallel parking spaces around the perimeter of the buildings. Also, the applicant has submitted a liquor survey indicating the location of the proposed nightclub spaced 2,399' from a religious facility located northerly of the subject property on SW 186 Street.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria for an Initial Development Order and that it does not generate new additional daily peak hour vehicle trips. However, the memorandum indicates that approval of the applicant's request for fewer parking spaces will result in spillage of parking onto the right-of-way and that the driveway width, which does not meet the required 14' minimum, must be measured to striping and not to the building. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response

time is **6:05** minutes. However Miami-Dade County Public Schools **(MDCPS) objects** to this application and, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. Their memorandum indicates that the School District would appreciate the incorporation of a condition restricting the hours during which alcohol can be sold, should this application be approved.

Approval of this application will allow the applicant to establish a nightclub on the site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Industrial and Office** use. Uses permitted in this category are manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The Master Plan specifies that certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

The applicant is seeking an unusual use to permit a nightclub (request #1), a special exception of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility (request #2), a non-use variance to permit 141 (158 required) parking spaces (request #3) and to permit a one-way drive with a minimum width of 11' (request #4). Staff notes that the requested night club use (request #1) is substantially similar to the aforementioned uses that are not authorized in any LUP map category. However, the interpretative text of the CDMP allows for the approval of these uses only if the requested use would be compatible with and not have an unfavorable effect on the surrounding area. As such, staff opines that the requested unusual use accompanied by the requests for a Special Exception of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility (request #2), as well as variances to allow reduced parking (request #3) and to permit a reduced minimum width for a one-way drive (request #4), is overly intensive and would negatively impact the surrounding area. Staff notes the objection by the Public Works Department to the requested parking variance and reduced driveway width and concurs with the opinion that this would result in spillage of parking onto the right-of-way, thereby having a negative impact on traffic on the abutting streets. Further, **Policy LU-4A** of the interpretative text of the CDMP requires that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, **traffic and parking** among others. Based on the aforementioned objection of the Public Works Department

and the likely negative impact of the parking on the traffic on SW 106 Avenue, which abuts the subject property, staff opines that approval of this application with the requested variances would be **incompatible** with the surrounding area and therefore would be **inconsistent** with the interpretative text of the CDMP.

When analyzing request #1, for an unusual use to permit a nightclub and request #2, a Special Exception of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the requests 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, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff notes that the requested sale of liquor in conjunction with a nightclub use is spaced 2,399' from the religious facility, 101' less than the 2,500' spacing requirement. Notwithstanding the aforementioned, staff opines that the requested unusual use and special exception are accompanied by variances to permit reduced parking (request #3) and to permit a one-way drive with a reduced minimum width (request #4), which based on the memorandum from the Public Works Department, will result in the spillage of parking onto the right-of-way where it is not permitted. As such, as previously mentioned, approval of the requests with the additional variances will negatively affect traffic on the abutting streets. Therefore, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development, staff opines that approval of the requested special exception and unusual use would be **incompatible** with the area. Staff therefore opines that the applicant's request for an unusual use to permit a nightclub (request #1) and a Special Exception of spacing requirements to permit the sale of liquor in conjunction with a nightclub spaced less than the required 2,500' from a religious facility (request #2) should be denied without prejudice under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses.

When requests #3 and #4 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, would not 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 and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff concurs with the Public Works Department, who indicated in their memorandum that approval of the requested parking variance (request #3), would result in spillage of parking onto the adjacent street, SW 106 Avenue, and would have a negative impact on traffic circulation within this established industrial area. Further, staff opines that approval of the reduced width of the one-way drive on the subject property (request #4), would also negatively impact the traffic circulation on the subject property which could result in spillage of traffic onto the aforementioned SW 106 Avenue. Therefore, staff opines that

approval of requests #3 and #4 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 #3 and #4 under Section 33-311(A)(4)(b) (NUV).

When requests #3 and #4 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 #3 and #4 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.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(19) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. Notwithstanding, the ASDO standards require additional mitigation and documentation for approval under Section 33-311(A)(19). Staff has not received this information from the applicant and, as such, request #3 cannot be properly analyzed under the ASDO Standards 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 LUP map and the interpretative text of the CDMP and is **incompatible** with the surrounding area. Accordingly, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, denial without prejudice of request #3 under the Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(19), and denial without prejudice of requests #3 and #4 under Section 33-311(A)(4)(b) (NUV), and Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None

**DATE INSPECTED:** 01/28/08
**DATE TYPED:** 02/10/09
**DATE REVISED:** 02/11/09, 02/12/09, 03/12/09
**DATE FINALIZED:** 03/12/09
MCL:MTF:NN:TA:CH

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

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** January 25, 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 #Z2008000002
Taboo Lounge, LLC
19200 S.W. 106th Avenue
Unusual Use to Permit a Night Club,
Special Exception to Permit Liquor Sales Near a Religious Facility and
Request to Permit Less Parking than Required
(IU-1) (3.34 Acres)
06-56-40

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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 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.

Hazardous Materials Management
Due to the nature of uses allowed in the existing zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices.

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.

Fuel Storage Facilities
Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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.

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.

Tree Preservation
Section 24-49 of the Code provides for the preservation and protection of tree resources. 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 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 permitting procedures and requirements prior to site development.

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

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

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

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

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

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

REVISION 4

PH# Z2008000002
CZAB - C14

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:TABOO LOUNGE, LLC

This Department objects to this application.

This Department objects to the request to permit fewer parking spaces than required. Fewer parking spaces will result in vehicles parking within the right-of-way where it is not permitted.

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.
04-MAR-09

# Miami-Dade County Public Schools

giving our students the world

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

April 8, 2008

**Miami-Dade County School Board**
*Agustin J. Barrera, Chair*
*Perla Tabares Hantman, Vice Chair*
*Renier Diaz de la Portilla*
*Evelyn Langlieb Greer*
*Dr. Wilbert "Tee" Holloway*
*Dr. Martin Karp*
*Ana Rivas Logan*
*Dr. Marta Pérez*
*Dr. Solomon C. Stinson*

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

C-14

RECEIVED
APR 10 2008
ZONING SECTION, MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
BY

**Re: Taboo Lounge, LLC – No. 08-002**
**19200 SW 106 Avenue**

Dear Ms. Fojo:

Pursuant to the information provided by Miami-Dade County, it is our understanding that the above referenced applicant is requesting an unusual use to permit a night club with live entertainment and a special exception to permit the sale of alcoholic beverages spaced less than the required from a church. Please note that two public schools are located beyond 2,500 feet of the proposed night club: Bel Aire Elementary School (2,770 feet) and Miami Southridge Senior High School (2,500).

The School Board, as a matter of policy, is opposed to any liberalization of existing laws governing the sale of liquor in the vicinity of school property. As such, the School District opposes the granting of the applicant's request. However, should the Community Council decide to approve the non use-variance request, the School District would appreciate the imposition of conditions including a restriction on the hours during which alcohol can be served and the serving of alcohol with meals only.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Received by
Zoning Agenda Coordinator
APR 11 2008

Sincerely,

Corina S. Esquijarosa
Coordinator III

Received by
Zoning Agenda Coordinator
APR 11 2008

CSE:rr
L-401
cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

16

*Facilities Planning*
*Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132*
*305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net*

# Memorandum

**Date:** 18-SEP-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000002

## Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped September 5, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

## Service Impact/Demand:

Development for the above Z2008000002
located at 19200 SW 106 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2207 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 |
| 6,400 Retail | square feet | N/A nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 1.90 alarms-annually.
The estimated average travel time is: 6:05 minutes

## Existing services:

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

Station 50 - Perrine - 9798 Hibiscus Street
Rescue

## 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 5, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 02/09/09
REVISION 1

# TEAM METRO

## ENFORCEMENT HISTORY

TABOO LOUNGE, LLC

**APPLICANT**

19200 SW 106 AVENUE, MIAMI-DADE COUNTY FLORIDA.

**ADDRESS**

Z2008000002

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Current Case history;
Case 200901000473 was opened based enforcement history request and inspected on 2-5-09. No violations were observed and case was closed.
Previous case history;
Case 200801000304 was opened based on enforcement history request and inspected on 1-18-08. No violations were observed and case was closed.
Cases 200801002599,2600,2610,2611, and 6735 were opened for sign violations for tenants of the warehouse and all are in compliance.

## DISCLOSURE OF INTEREST*

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

CORPORATION NAME: TABOO LOUNGE, LLC

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| MARCO PLYLER, MGRM 11745 sw 82 ave Miami, Fl 33156 | 50% |
| RICHARD MASTIN, MGRM 2774 Quantum Lake Dr. Boyton Beach, Fl 33426 | 50% |
| | |
| | |

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

TRUST/ESTATE NAME _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

RECEIVED
208002
APR 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

| | |
|---|---|
| | |
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| | |
| | |

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

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

**Signature**: _____
(Applicant)

Sworn to and subscribed before me this 8 day of JAN 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 2/21/09

MONICA M. ANDERSON
Comm# DD0714380
Expires 2/21/2011
Florida Notary Assn., Inc

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APR 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

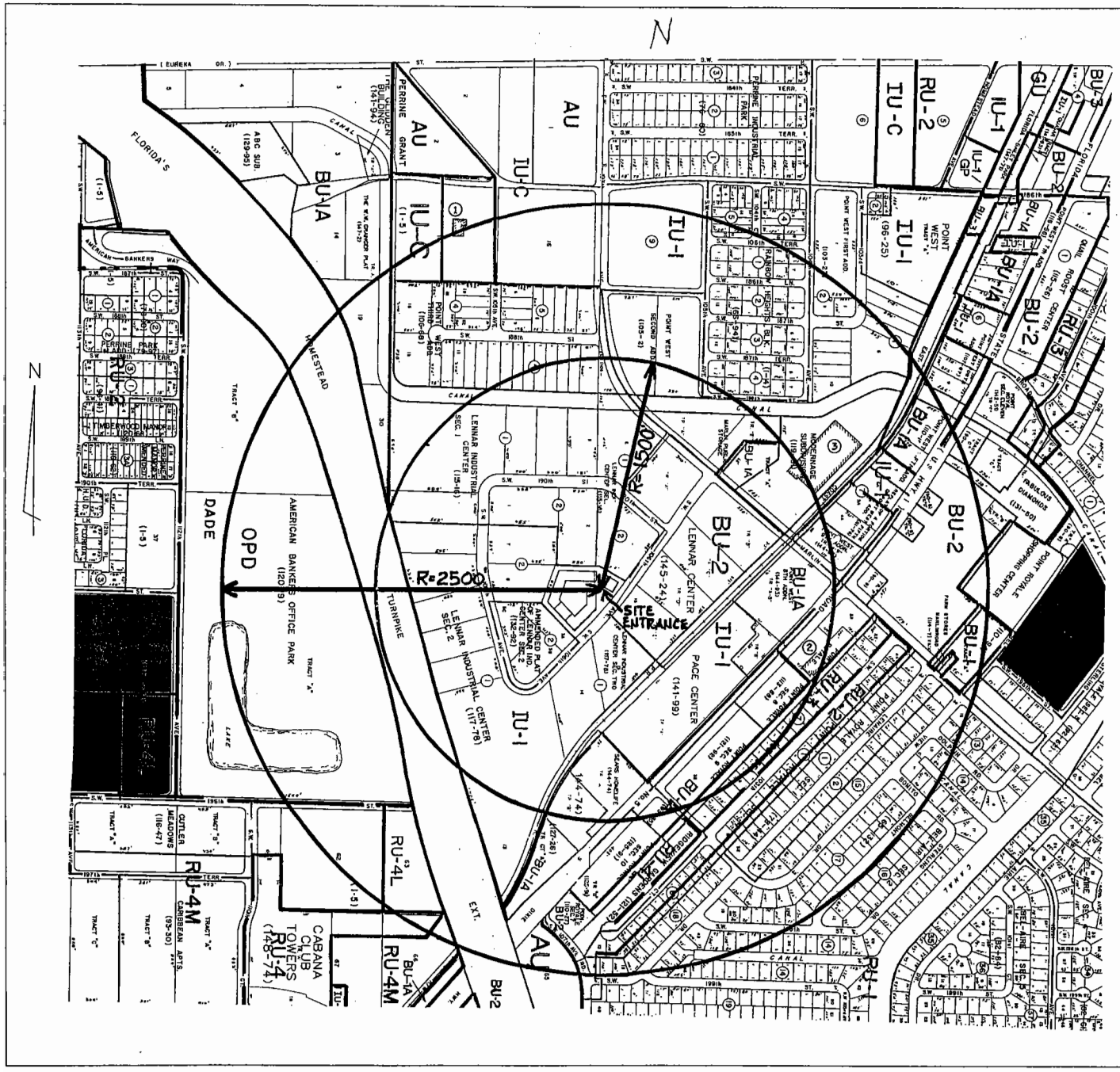
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

# SPECIFIC PURPOSE SURVEY

## LIQUOR SURVEY

### LOCATION MAP

SCALE: 1"=300'

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

## EXISTING LOCATIONS:

| No. | NAME | ADDRESS | TYPE OF BUSINESS | DISTANCE |
|---|---|---|---|---|
| 1 | SOUTH DADE CHRISTIAN CHURCH, INC. | 10850 QUAIL ROOST DR | CHURCH | 2389' |
| 2 | PATIO LIQUOR & LOUNGE | 19387 S DIXIE HWY | LIQUOR STORE | 1567' |
| 3 | BJ'S WHOLESALE CLUB | 10425 MARLIN ROAD | WHOLESALE CLUB | 1440' |

SURVEYOR'S REPORT:

THIS IS NOT A BOUNDARY SURVEY

THIS CERTIFIED DISTANCE SURVEY ( RADIAL SURVEY) , FOR PROPOSED LIQUOR STORE IS SUBJECT TO THE APPROVAL OF ZONING DEPARTMENT.

THE 1500 FOOT RADIUS DISTANCE TO OTHER ESTABLISHMENTS WAS MEASURED WITH A STRAIGHT LINE DISTANCE BETWEEN THE NEAREST PORTION OF THE STRUCTURES OF THE PLACE OF BUSINESS.

THERE IS NO OTHER LOCATION OF SIMILAR ESTABLISHEMENT ( ALCOHOLIC BEVERAGE STORE) , WITHIN A STRAIGHT LINE OF 1500 FEET ( IN A RADIAL DIRECTION) , EXCEPT AS SHOWN.

THE 2500 FOOT RADIUS DISTANCE FROM A PUBLIC SCHOOL WAS MEASURED WITH A STRAIGHT LINE FROM THE FRONT DOOR OF UNIT 18 OF THE PROPOSED PLACE OF BUSINESS TO THE NEAREST POINT OF THE PUBLIC SCHOOL GROUNDS.

THERE IS NO PUBLIC SCHOOL WITHIN A STRAIGHT LINE OF 2500 FEET FROM THE FRONT DOOR OF THE PROPOSED LIQUOR STORE ( IN A RADIAL DIRECTION) .

THE 2500 FOOT RADIUS DISTANCE FROM A CHURCH WAS MEASURED WITH A STRAIGHT LINE DISTANCE FROM THE FRONT DOOR OF UNIT 18 OF THE PROPOSED PLACE OF BUSINESS TO THE NEAREST POINT OF THE CHURCH STRUCTURE.

THERE IS NO CHURCH WITHIN A STRAIGHT LINE OF 2500 FEET FROM THE FRONT DOOR OF THE PROPOSED LIQUOR STORE ( IN A RADIAL DIRECTION) , EXCEPT AS SHOWN.

LEGAL DESCRIPTION:
PORTION OF LOT 4, BLOCK 2, LENNAR INDUSTRIAL CENTER SECTION 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 117, AT PAGE 78, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO; 30-5005-029-0100

PROPERTY ADDRESS:
19200 SW. 106th AVENUE, UNITS 1 AND 2, MIAMI, FLORIDA 33157

A. FIORE AND ASSOCIATES, INC.
LAND SURVEYORS LAND PLANNERS
921 S.W. 122nd Avenue, Miami, Florida 33184-2406
PH. (305) 221-3040

I HEREBY CERTIFY THAT THIS RADIAL SURVEY OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 61G17-6 OF FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

ANTONIO FIORE
PROFESSIONAL SURVEYOR AND MAPPER No. 3341
STATE OF FLORIDA

LB 6457

NOT VALID WITHOUT THE ORIGINAL SEAL OF THE LICENSED LAND SURVEYOR

| SCALE: 1"=300' | DRAWN BY: F.A.L. | REFERENCE: | FIELD BOOK: 08-0538 | DATE: 08-12-08 |
|---|---|---|---|---|

21

22

AREA OF NEW
INTERIOR
BUILDOUT

25'-0"
7'-0"
5'-0"
3'-0"

01 floor plan
1/8" = 1'-0"

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NOV 25 2008

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JOSEPH W. BELT P.E. #45147
CONSULTING ENGINEER
5004-C W. LINEBAUGH AVE.
TAMPA, FL. 33624
PH.(813) 961-3075
FX.(813) 961-1031
jbelt@tampabay.rr.com


NOV 15 2008

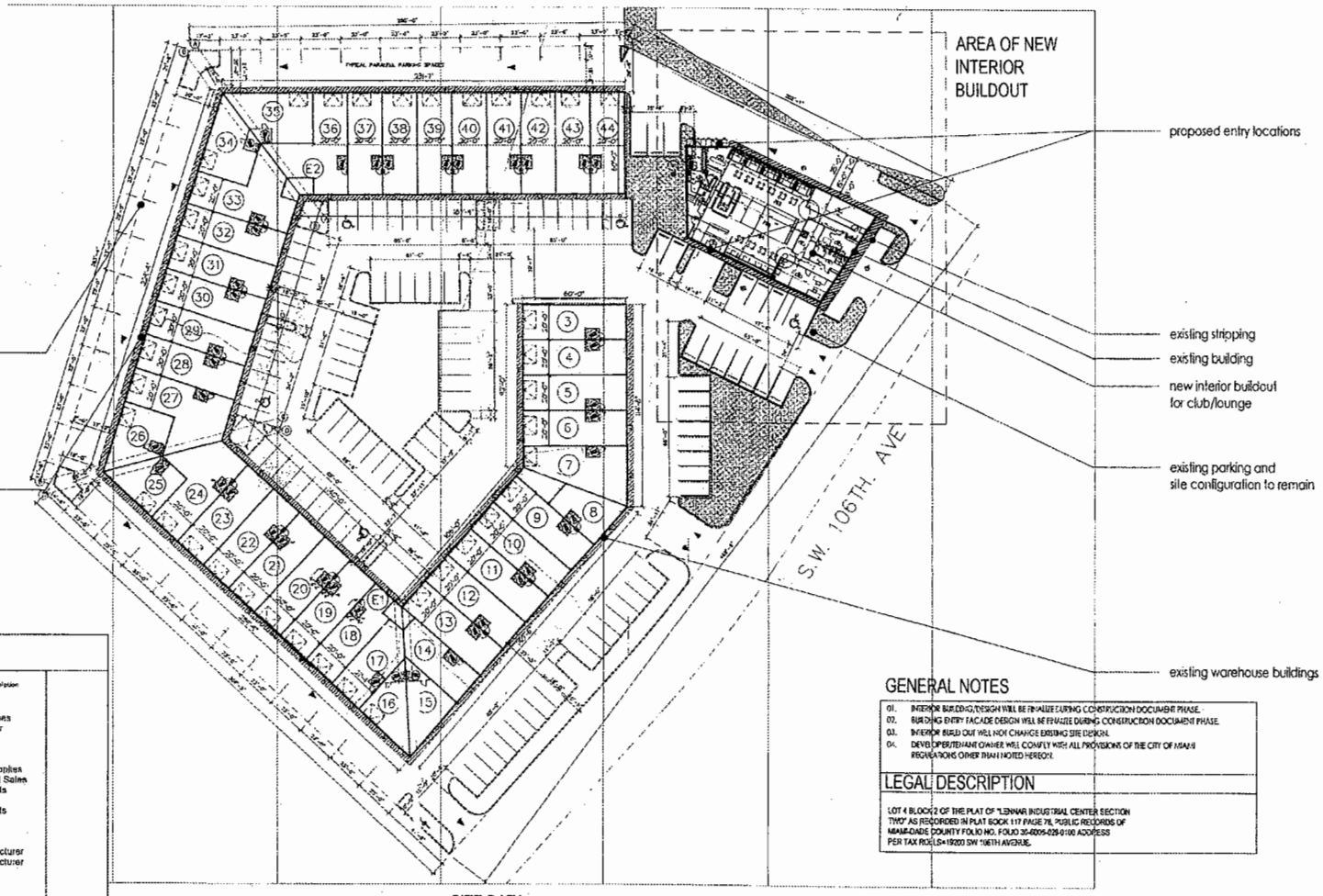
REVISIONS
1. new kitchen layout
2. review comments
3. review comments
4.
5.
6.
7.
8.
9.
10.

ORIGINAL: 04.30.2007
10.06.2008
11.13.2008

JOB NO.
DRAWN JWB
DESIGN JWB

SHEET NO.
a_001

23




## TENANT USES AND PARKING

Ideal Warehouse Park, LLC II
Tenant List

| Customer | Job Description |
|---|---|
| 01/02- Marco A. Plyler | |
| 03-Juan M. Vidal | Sales |
| 04-Plumber's Part, Inc. | Plumbing Supplies |
| 05-South Florida Funding & | Mortgage Broker |
| 06-Royal Protect, Inc. / Elizabeth | Storage |
| 07- Garret W. Gibbons | Auto Detailing |
| 08-empty | |
| 09-Terry R. Harwell | Hydroponics supplies |
| 10-Bone Island Fish Market | Fresh Sea Food Sales |
| 11-Alberto -A & F Carpet & Tile | Flooring Products |
| 12-Empty | |
| 13-Ramon Savinon/J.R. Tiles | Flooring Products |
| 14- Empty | |
| 15/16-Power Backup Store / | Generators |
| 17-Higher Standards | Body Shop |
| 18-Fabiola Karolewicz | Cabinet Manufacturer |
| 19-23 Fabiola Karolewicz | Cabinet Manufacturer |
| 24-Automotive Pros Corp | A/C Mechanic |
| 25-empty | |
| 26/27-Barth Sagona | Storage |
| 28-Patrick L. Donahue | Hobby Shop |
| 29- Eduardo Reyvez | Storage |
| 31/32-Frost Air Conditioning, Inc. | Storage |
| 33-Rich Estevez | Body Shop |
| 34-Barrington Hayles | Electronics Repair |
| 35-Ronald St Elmo Israel | Automotive |
| 36-E & J Autoworks | Machine Shop |
| 37-empty | |
| 38-Dwane Demos | Upholstery |
| 39- empty | |
| 40-Sound by Design/Sobert | Custom Speaker |
| 41-RCCG, Masterbuilder's | Resource Center |
| 42-Karel Locacl | Automotive |
| 43-Jose Reyes | Automotive |
| 44-Cristian Solo | Power Tool Repair |

## GENERAL NOTES

01. INTERIOR BUILDING DESIGN WILL BE FINALIZE DURING CONSTRUCTION DOCUMENT PHASE.
02. BUILDING ENTRY FACADE DESIGN WILL BE FINALIZE DURING CONSTRUCTION DOCUMENT PHASE.
03. INTERIOR BUILD OUT WILL NOT CHANGE EXISTING SITE DESIGN.
04. DEVELOPER/TENANT OWNER WILL COMPLY WITH ALL PROVISIONS OF THE CITY OF MIAMI REGULATIONS OTHER THAN NOTED HEREON.

## LEGAL DESCRIPTION

LOT 4 BLOCK 2 OF THE PLAT OF "LENNAR INDUSTRIAL CENTER SECTION TWO" AS RECORDED IN PLAT BOOK 117 PAGE 78, PUBLIC RECORDS OF MIAMI-DADE COUNTY FOLIO NO. FOLIO 30-6005-026-0100 ADDRESS PER TAX ROLLS-19200 SW 106TH AVENUE.

## SITE DATA

| | | |
|---|---|---|
| CURRENT ZONING: | IU-1 | IU-1 |
| CURRENT USE: | WAREHOUSE/RETAIL | NIGHTCLUB - ASSEMBLY A-2 |
| gross floor area: (area of new interior buildout) | 6,030sf | 6,030sf |
| existing site area: | 3.34 acres | |
| occupant load: | N/A | 210 occupants per F.B.C. |
| | | 202 occup. lounge area |
| | | 4 occup. storage area |
| | | 4 occup. office area |

## PARKING DATA

| PARKING REQUIRED (per new interior buildout) lounge requirements | |
|---|---|
| INDUSTRIAL USE | 20 spaces |
| OFFICE USE | 08 spaces |
| COMMERCIAL USE | 66 spaces (not used) |
| RESTAURANT/LOUNGE | 55 spaces |
| 6,030 gross floor area | |
| 2500 net floor area / 50 = 50 req. | |
| staff parking = 5 req. | |
| TOTAL EXISTING 141 spaces | 149 spaces required |

Restaurant, lounge, nightclub, or similar place (meeting hall, dink or wine house).
(1) Note: each establishment shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fraction part thereof devoted to patron use.

N
SCALE
1/32"=1'-0

FOR REVIEW AND PERMIT, NOT FOR CONSTRUCTION UNTIL APPROVED BY THE BUILDING OFFICIAL AND SPECIAL INSPECTOR THEN MUST BE MARKED "APPROVED FOR CONSTRUCTION" BY THE ENGINEER.

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NOV 2 5 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & ZONING DEPT.
BY


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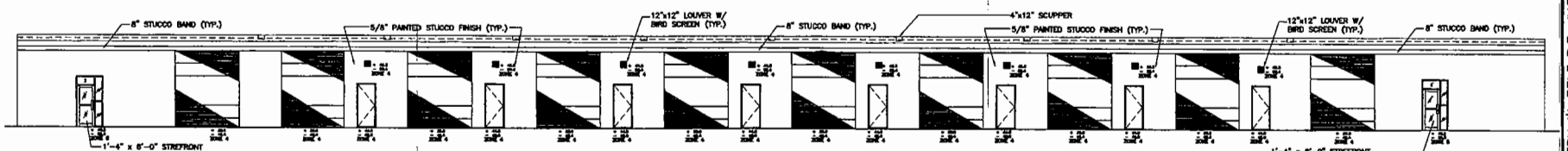
FX.(813) 961-1031
jbelt@tampabay.rr.com

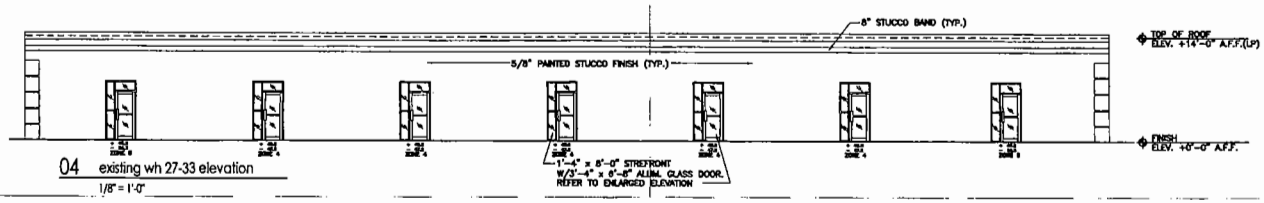

REVISIONS
1. Kitchen layout 08-30-2007
2. review comments 08-29-2006
3. review comments 11/17/2006
4. review comments 11/02/2006
5.
6.
7.
8.
9.
10.

JOB NO.
DRAWN JWB
DESIGN JWB
SHEET NO. sp_001

24




05 existing wh 18-25 rear elevation
1/8" = 1'-0"




04 existing wh 27-33 elevation
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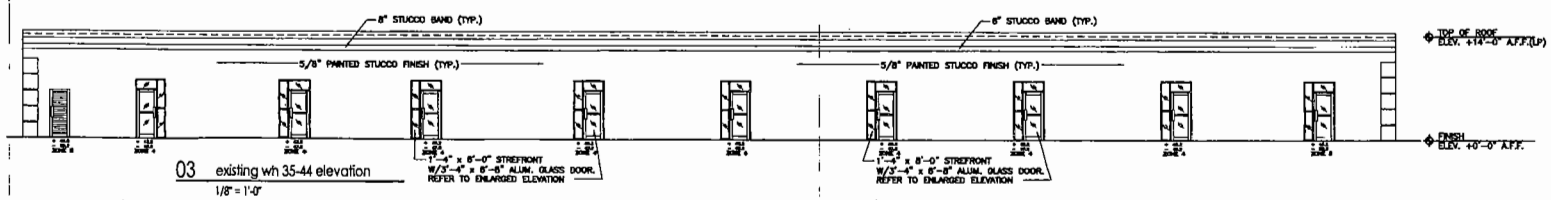


03 existing wh 35-44 elevation
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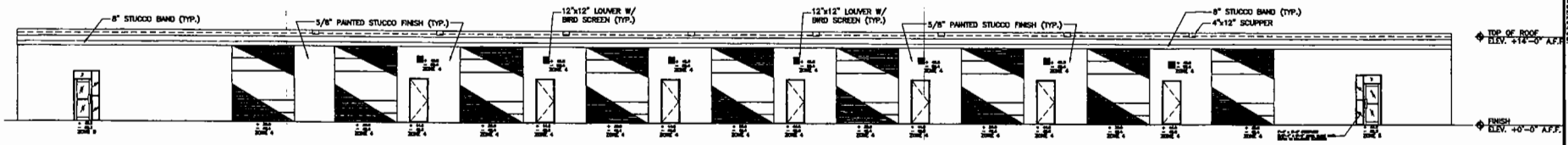


02 existing wh 26-44 rear elevation
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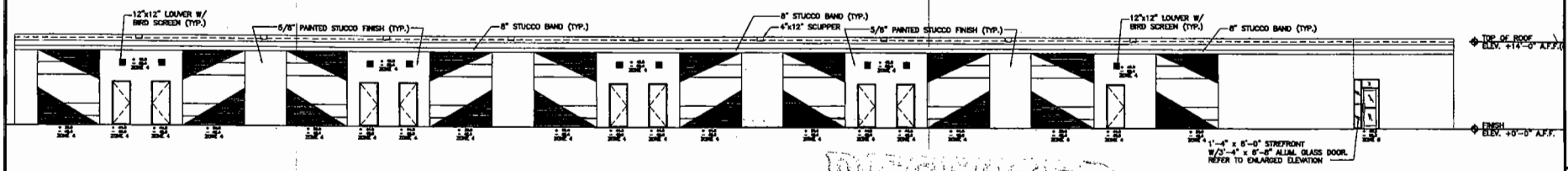


01 existing wh 35-44 rear elevation
1/8" = 1'-0"

*existing building elevation to remain.

FOR REVIEW AND PERMIT. NOT FOR CONSTRUCTION UNTIL APPROVED BY THE BUILDING OFFICIAL AND SPECIAL INSPECTOR THEN MUST BE MARKED "APPROVED FOR CONSTRUCTION" BY THE ENGINEER.


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FX.(813) 961-1031
jbelt@tampabay.rr.com


DEC 19 2007

REVISIONS 1 2 3 4 5 6 7 8 9 10 11 12

ORIGINAL:

PRELIMINARY

JOB NO.
DRAWN: JWB
DESIGN: JWB

SHEET NO. a_004


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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

25

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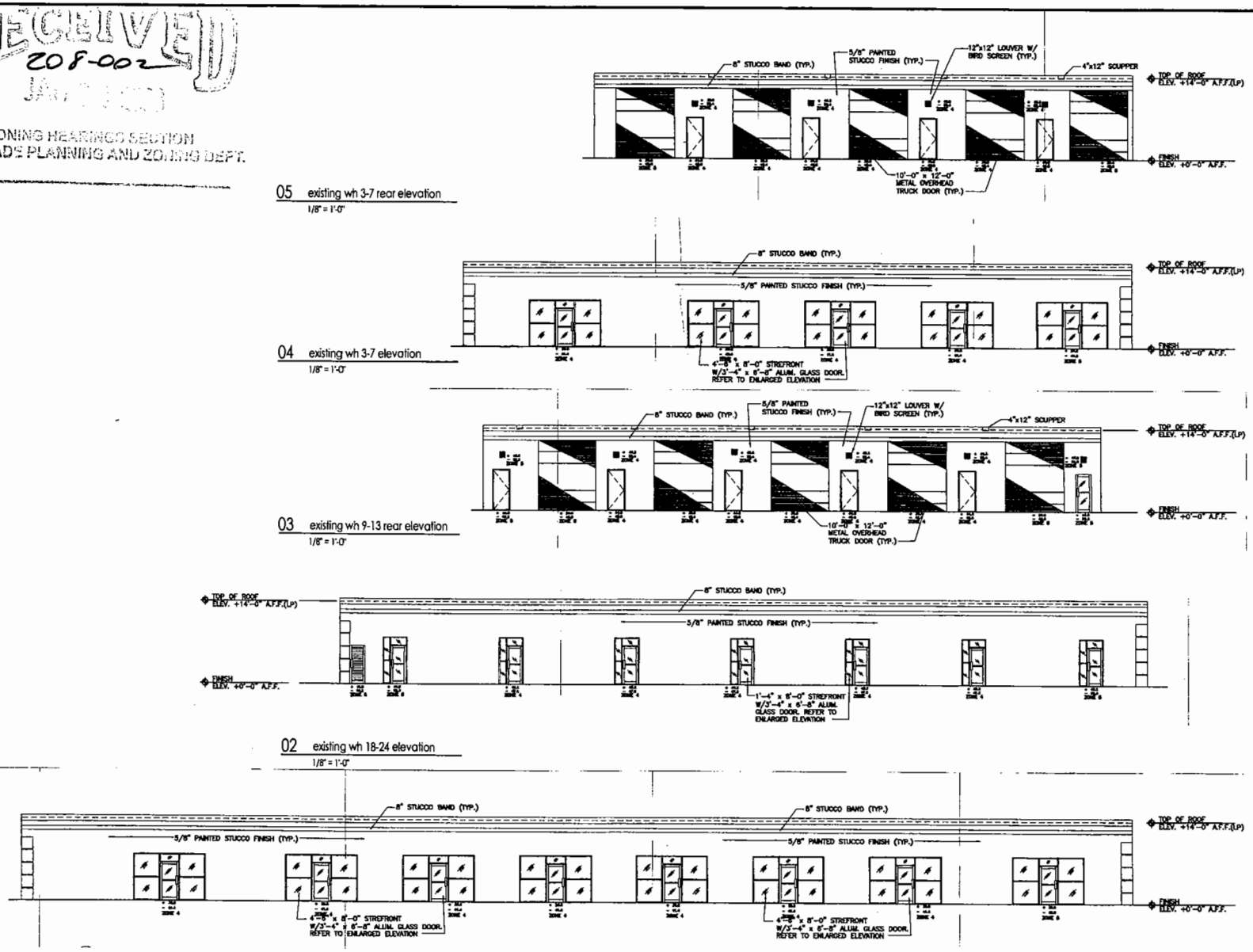
2008-002
JAN 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____




05 existing wh 3-7 rear elevation
1/8" = 1'-0"

04 existing wh 3-7 elevation
1/8" = 1'-0"

03 existing wh 9-13 rear elevation
1/8" = 1'-0"

02 existing wh 18-24 elevation
1/8" = 1'-0"

01 existing wh 8-15 elevation
1/8" = 1'-0"

*existing building elevation to remain.

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DEC. 1 9 2007

ORIGINAL:
REVISIONS
1 2 3 4 5 6 7 8 9 10

JOB NO.
DRAWN JWB
DESIGN JWB

SHEET NO. a_003

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JAN - 8 2008
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MIAMI-DADE PLANNING & ZONING DEPT.

26

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208-002
DEC 19 2007
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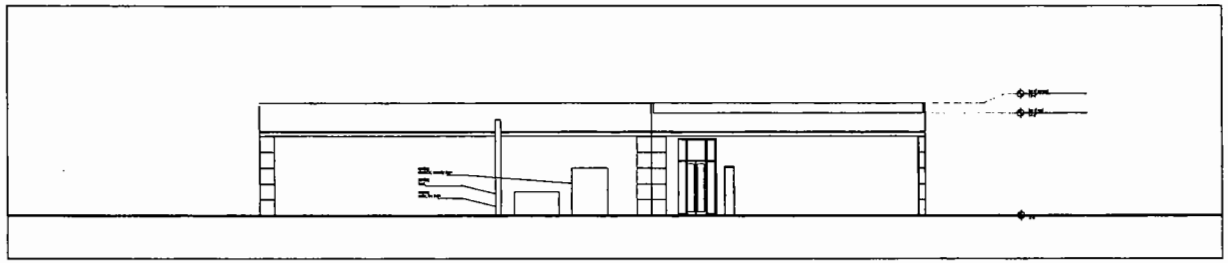
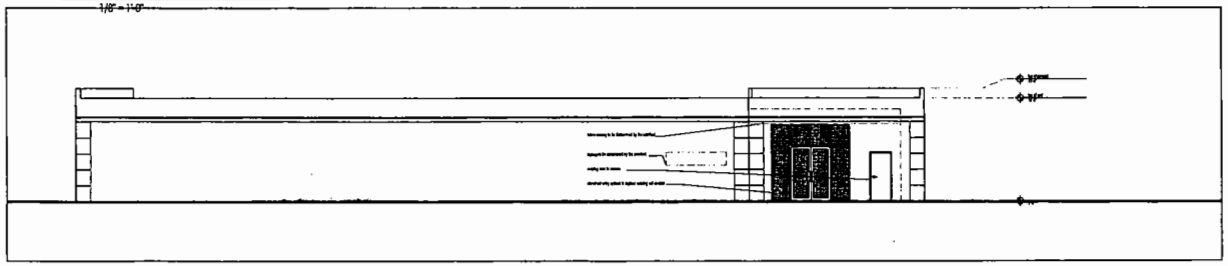
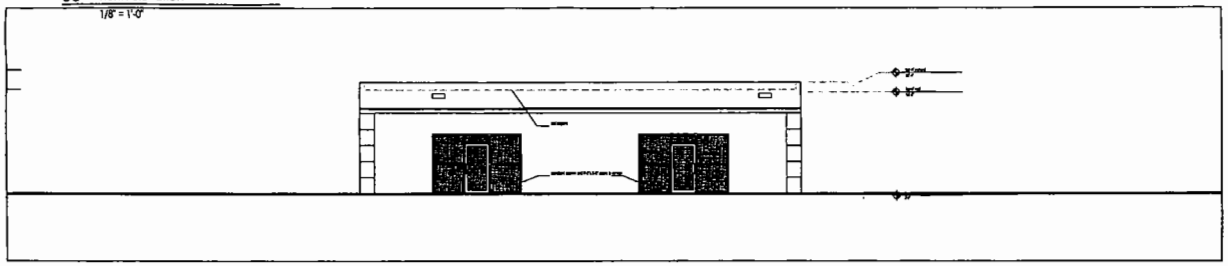
BY_____



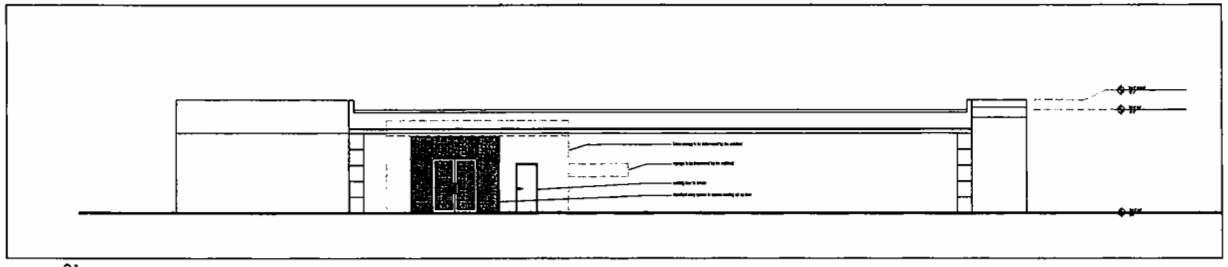
04 north elevation
1/8" = 1'-0"



03 north elevation
1/8" = 1'-0"



02 north elevation
1/8" = 1'-0"



01 north elevation
1/8" = 1'-0"

FOR REVIEW AND PERMIT. NOT FOR CONSTRUCTION UNTIL APPROVED BY THE BUILDING OFFICIAL AND SPECIAL INSPECTOR THEN MUST BE MARKED "APPROVED FOR CONSTRUCTION" BY THE ENGINEER

RECEIVED
208-002
JAN - 8 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____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DEC 19 2007

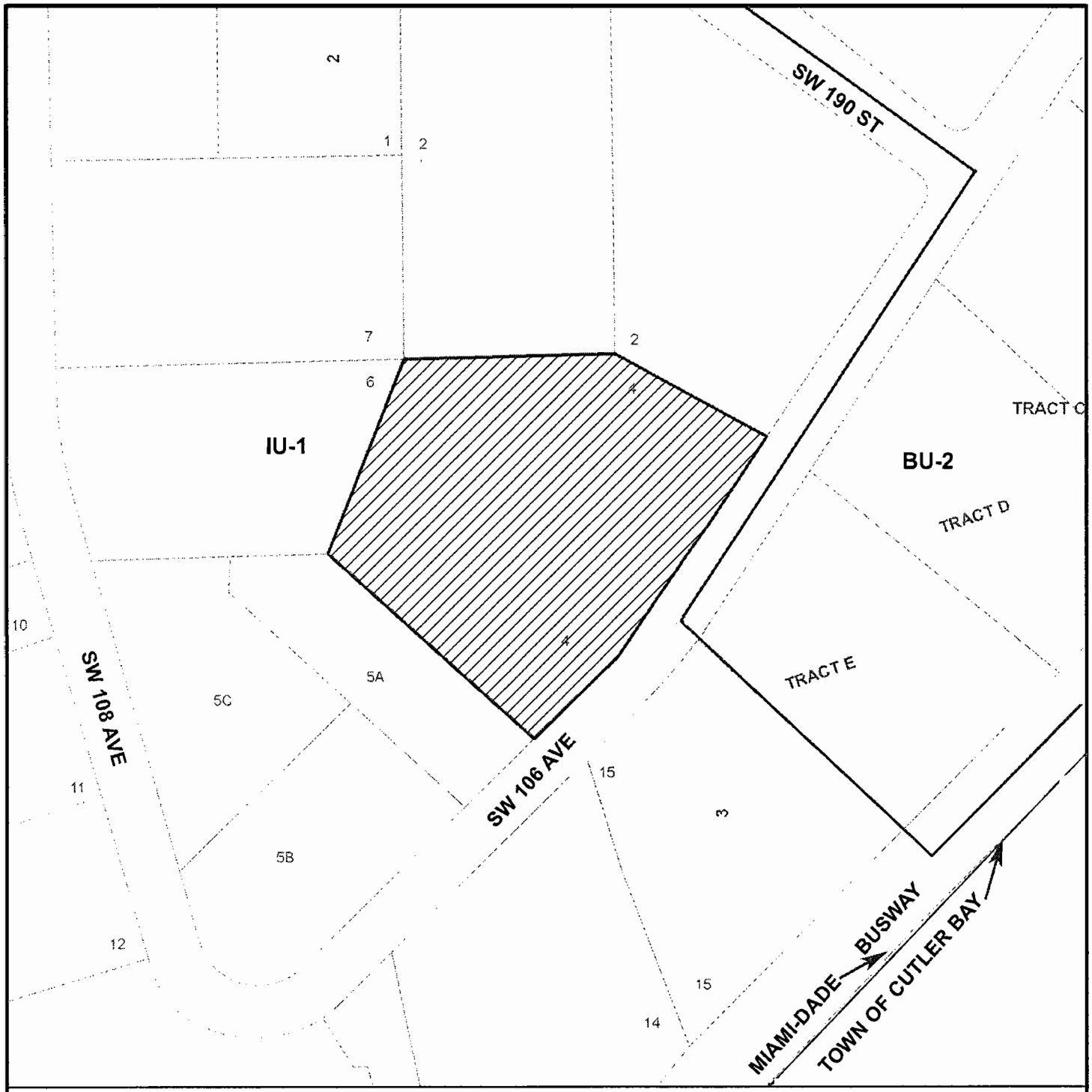
REVISIONS
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

ORIGINAL:

DD 48Y Design

JOB NO.
DRAWN JWB
DESIGN JWB

SHEET NO.
a_002




# MIAMI-DADE COUNTY

**HEARING MAP**

**Section: 06 Township: 56 Range: 40**
**Section: 05 Township: 56 Range: 40**
**Applicant: TABOO LOUNGE, LLC.**
**Zoning Board: C14**
**District Number: 09**
**Drafter ID: JOAQUIN**
**Scale: NTS**

**Process Number**

**08-002**

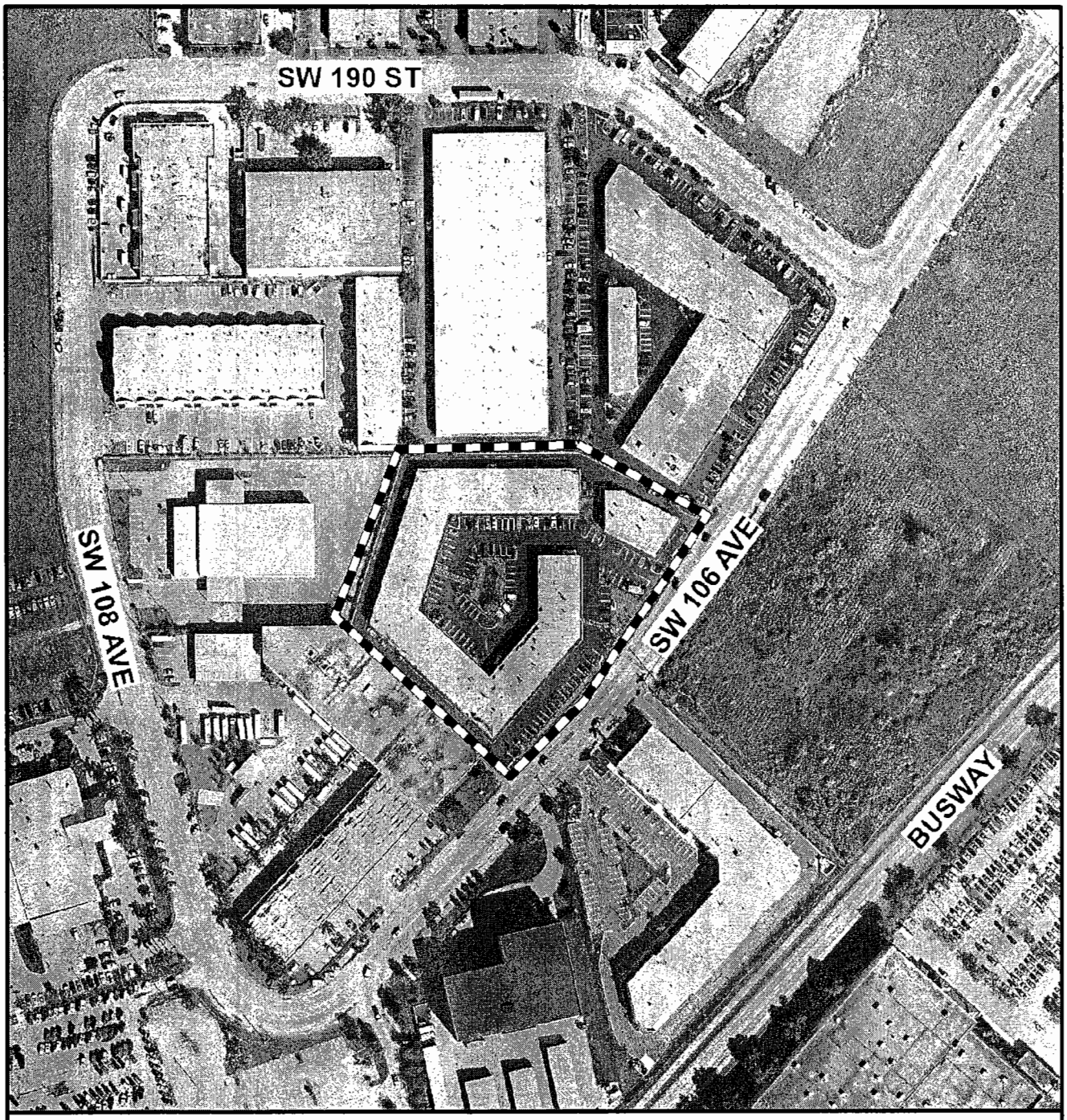
**SUBJECT PROPERTY**

N W E S

MIAMI-DADE COUNTY

CREATED ON: 01/10/08

| REVISION | DATE | BY |
|---|---|---|
| (IU-1) ZONE LINE REMOVED | 06/03/08 | DELRIOJ |




MIAMI-DADE COUNTY
**AERIAL**

**Process Number**
**08-002**

N

SUBJECT PROPERTY

**Section: 06 Township: 56 Range: 40**
**05 Township: 56 Range: 40**
**Applicant:TABOO LOUNGE, LLC.**
**Zoning Board: C14**
**District Number: 09**
**Drafter ID: JOAQUIN**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 01/16/08

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

**D. FRAISA CORPORATION, ET AL**
**(Applicant)**

**09-3-CZ14-2 (08-185)**
**Area 14/District 9**
**Hearing Date: 4/23/09**

Property Owner (if different from applicant) **Fraisa Corp. and Francisco Permuy & Isabel Hernandez.**

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 | Building & Zoning & Planning Dept. | Zone change from FU-2 to RU-1. | BCC | Approved |
| 1998 | Charles and Tatia Mitchell | - Unusual Use for day care.<br>- Multiple Non-Use variances. | CZAB-14 | Approved |
| 2007 | Fraisa Corp. | - Unusual Use to expand existing daycare.<br>- Modification of prior plans.<br>- Multiple Non-Use variances. | CZAB-14 | 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

**#2**

APPLICANT'S NAME: **FRAISA CORPORATION**

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 09-3-CZ14-2 (08-185) | March 11 | CZAB14 | | 09 |

**REC**: Denial without prejudice of request #1; approval with conditions of request #2 subject to the Board's acceptance of the proffered covenant, approval with conditions of request #3 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 #4 through #7 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: April 23, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to no quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| COUNCIL MAN | | Wilbur B. BELL | | | |
| COUNCIL MAN | | Nehemiah DAVIS | | | |
| COUNCIL MAN | | Patrice MICHEL | | | X |
| COUNCIL MAN | | Michael RODRIGUEZ | | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | | | X |
| | | VOTE: | | | |

EXHIBITS: ☐ YES ■ NO

COUNTY ATTORNEY: **ANDREW BOESE**
**THOMAS ROBERTSON**

2

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

**APPLICANTS:** Fraisa Corporation, Et Al **PH:** Z08-185 (09-3-CZ14-2)

**SECTION:** 7-56-40 **DATE:** April 23, 2009

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

==========

## A. INTRODUCTION:

### o REQUESTS:

(1) RU-1 to RU-2

(2) UNUSUAL USE to permit a previously approved day care center to expand onto additional property to the north.

(3) MODIFICATION of Conditions #2 and #6 of Resolution No. CZAB14-27-98, passed and adopted by Community Zoning Appeals Board #14, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Daycare Center,' as prepared by M. Jackson, dated 11/4/97 and consisting of 2 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Extension The Second House Day Care #4,' as prepared by Remberto Contreras, P. E. and plans entitled 'Proposed Daycare Center,' as prepared by M. J., all dated stamped received 10/24/08 for a total of 6 sheets."

FROM: "6. That the use shall be restricted to a maximum number of forty-nine (49) children."

TO: "6. That the use shall be restricted to a maximum number of eighty (80) children."

The purpose of request #3 is to permit the applicants to submit revised plans showing an expansion of the day care center to the north and to increase the number of children.

(4) Applicants are requesting to permit a setback of 25.2' from the rear (west) property line and setback 10.92' from the interior side (north) property line (50' required for each) and spaced less than 75' from residences, under different ownership to the west and north.

(5) Applicants are requesting to permit parking within 25' of the right-of-way of S.W. 114th Court (not permitted).

(6) Applicants are requesting to permit parking spaces closer than 25' to a property under different ownership to the north (not permitted).

(7) Applicants are requesting to permit a one-way driveway with a width of 10' (14' required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #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) and approval of requests #4-#7 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 seeks to permit the rezoning of two adjoining parcels of land from RU-1, Single-Family Residential District, to RU-2, Two-Family Residential District; to permit the expansion of a previously approved daycare center onto additional property to the north; and to allow the modification of two conditions of a previously approved resolution to allow the applicants to submit a revised site plan, which shows the expansion onto an abutting parcel to the north of the daycare center, as well as to increase the total number of children allowed. Additional requests are being sought to permit the daycare center with less setbacks than required, to be spaced less than required from abutting residential properties, to allow parking within 25' of the right-of-way and of a property under different ownership.

- **LOCATION:** 20841 S.W. 117 Avenue and 20810 S.W. 114 Court, Miami-Dade County, Florida.

- **SIZE:** 0.472 Acre

## B. ZONING HEARINGS HISTORY:

The subject property was a part of a tract of land that was rezoned from RU-2, Two-Family Residential District, to RU-1, Single-Family Residential District, in June 1974, pursuant to Resolution #Z-148-74. In April 1998, the southernmost parcel of the subject property, 20841 SW 117 Avenue, was approved for an Unusual Use to permit a day nursery along with Non-Use variances of zoning regulations to permit 49 children, to permit the existing building setback 22' from the side street (northerly) property line, 30.38' from the rear (northerly) property line and varying from 16.83' to 39.83' from the west property line, and spaced less than required from residences lying northerly and westerly of the subject property, pursuant to Resolution #CZAB14-27-98. Additionally, pursuant to said Resolution, the aforementioned portion of the subject property was also approved for a Non-Use Variance of Parking regulations to permit parking including driveways within 25' of the official right-of-way lines of SW 117 Avenue and SW 114 Place, along with Non-Use Variances to permit parking spaces closer than 25' to a property under different ownership to the west, to permit a one-way drive with a width of 10' and to permit 5 parking spaces with a back-out space of 7' and to back-out onto SW 117 Avenue. Subsequently, pursuant to Resolution #CZAB14-29-07, adopted in October 2007, the subject property was denied requests to permit an Unusual Use to permit the expansion of the daycare use onto additional property to the north (20810 SW 114 Court), and modifications of conditions #2 and #6, of Resolution #CZAB14-27-98, to permit the submission of revised plans showing the expansion of the daycare center and to increase the

number of children to 98, as well as Non-Use Variances to permit a setback of 25.2' from the rear (west) property line and 10.92' from the interior side (north and west) property line as well as being spaced less than 75' from residences under different ownership, and to permit parking within 25' of the official right-of-way.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property located approximately 3.25 miles north of and within the Urban Development Boundary (UDB) 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 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. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

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

4. **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, **daycare 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 relationships.

5. "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. The intensity of use that may be approved for "daytime service uses" such as **daycare centers** 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.

6. 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.

7. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for higher residential densities, public and semi-public uses, including **daycare** and congregate living uses.

8. **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 of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

9. **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; daycare center, single-family residence | Low Density Residential, 2.5 to 6 dua, |
| **Surrounding Properties:** | |
| NORTH: RU-1; single-family residence | Low Density Residential, 2.5 to 6 dua, |
| WEST: RU-1; single-family residences | Low Density Residential, 2.5 to 6 dua |
| EAST: RU-1; duplex residences | Low Density Residential, 2.5 to 6 dua, |
| SOUTH: RU-1; Water and Sewer facility | Low-Medium Density Residential, 6 to 13 dua |

The subject parcel is located at 20841 S.W. 117 Avenue and 20810 S.W. 114 Court. The surrounding area is comprised of single-family and duplex residences and a water utility plant.

## E. SITE AND BUILDINGS:

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

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

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

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

**Section 33-311(A)(3) Special Exceptions, Unusual And New Uses.** The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for

exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

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

## H. ANALYSIS:

This item was deferred from the March 11, 2009, meeting due to a lack of quorum. The subject property is located at 20841 S.W. 117 Avenue and 20810 S.W. 114 Court in an area characterized by single-family residences and a water utility plant. The irregular shaped subject property is comprised a total of 10,601 sq. ft. of lot area containing the previously approved daycare center fronting onto SW 117 Avenue and an abutting 9,976 sq. ft. lot located to the north containing a single-family residence on SW 114 Court, onto which the applicants propose to expand the current childcare facility. The applicants are seeking a zone change for the subject property from RU-1, Single-Family Residential District, to RU-2, Two-Family Residential District (request #1), a request to permit the expansion of the previously approved daycare center onto the additional property to the north (request #2) and the modification of two conditions of Resolution #CZAB14-27-98, which approved the aforementioned facilities on the southern portion of the subject property, in order to submit new site plans which depict the expansion of the facilities onto the additional property to the north and to increase the maximum number of children allowed to 80 children (request #3). Additional requests are also being sought by the applicants, to permit the day care center to setback 25.2' from the rear (west) and 10.92' from the interior side (north) property lines, and spaced less than 75' from existing residential buildings to the west and north (request #4) and to permit parking within 25' of an official right-of-way lines of SW 114 Court (request #5). The applicants also seek to permit parking closer than 25' to a property under different ownership to the north (request #6) and to permit a one-way drive with a width of 10' (request #7). The zoning regulations require that buildings used for public assemblage such as the daycare center be setback a minimum of 50' from the property line that abuts lots under different ownership and that buildings be spaced 75' from residential buildings on the aforementioned abutting properties. Further, no parking is permitted within 25' of an official right-of-way or within 25' of a property under different ownership. Said regulations also permit a minimum width of 14' for one-way drives. However, pursuant to the aforementioned Resolution, the southern portion of the subject property was approved for non-use variances of setback and spacing requirements to permit the daycare center building to setback 22' (25' required) from

the side street (easterly) property line, setback 30.38' from the rear (northerly) property line, setback 16.83' to 39.53' from the west property line, and spaced less than 75' from residences lying northerly and westerly of the subject property. The western portion of the property was also approved to permit parking within 25' of the right-of-way, to permit parking within 25' of a property under different ownership to the west and to permit a driveway with a width of 10', pursuant to said resolution. Said property was also approved to permit 5 parking spaces with a back-out space of 7' (22' required) and to back-out onto SW 117 Avenue (not permitted).

The submitted site plans depict the daycare center, showing the expansion onto the property to the north. The plans also show the requested setback and spacing variances along with the requested parking variances. The plans also show the intent of the applicants to mitigate the impact of the requested variances on the abutting properties in the form of a continuous 6' high wood fence and hedge along the rear and interior side property lines of the subject property. Additionally, the submitted plans indicate that the applicants have provided an adequate amount of trees and shrubbery to mitigate the visual impact of the development on the surrounding properties. Apart from fulfilling the landscaping requirements for the proposed development on the subject property, the submitted plans also show that the applicants have satisfied the requirements for parking and auto stacking for the daycare center. Further, the plans depict ample playground area at 2,047 sq. ft. along with adequate classroom space to accommodate the increase in the number of children being requested. Further, staff notes that the subject property was denied a similar request for the expansion of the daycare facility onto the property to the north as well as an increase in the number of children to 98, in October 2007, pursuant to Resolution #CZAB14-29-07. Additionally, the applicant has proffered a covenant limiting the development of the property to the submitted site plans and to a nursery use. Said covenant also restricts the nursery to a maximum of 80 students and the operating times to Monday to Friday inclusive, between the hours of 6:30 AM and 7:30 PM. However, staff is now supportive of the expansion of the aforementioned uses to the north, as well as the increase in the number of children to 80, but is not supportive of the applicants' request for a zone change to RU-2 for reasons that are outlined below. Further, staff opines that this application is essentially different from the 2007 application as the number of children requested in this application is less intensive. Based on the foregoing, staff is of the opinion that this application is not the same as the prior application. As such, the Doctrine of Administrative Res Judicata would not apply in this instance and this warrants the reconsideration of same, as it relates to Section 33-311(A)(4)(b) of the Miami-Dade County Zoning Code

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM's conditions indicated in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application subject to the conditions indicated in their memorandum, one of which is that the applicants provide daycare staff to facilitate the loading and unloading of children in the swale area to minimize the parking/stopping/standing time of the parents. Their memorandum also indicates that this application will generate **27** pm daily peak hour **vehicle trips** to the area. However, said trips will not exceed the acceptable Levels of Service on the area roadways which are currently operating at LOS "D". The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application. Also, they indicate that the estimated travel response time is **6:11 minutes**.

Approval of this application will allow the applicants to rezone the subject property from RU-1, Single-Family Residential District, to RU-2, Two-Family Residential District (request #1), and to provide additional daycare services to the community. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density** use which permits a minimum of 2.5 and a maximum of 6 units per acre, for a minimum of 1 unit and a maximum of 2 units on the subject property. This density category is generally characterized by single family housing, e.g. single family detached, cluster and townhouses. It could also 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 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. As such, the existing daycare use and the proposed extension are **consistent** with the interpretative text of the CDMP. Staff notes that the subject property is zoned RU-1 and that daycare centers are a permitted use in this zoning district after public hearing. As such, staff notes that the requested zone change to RU-2 is not needed to allow for the expansion of the daycare center. Further, the interpretative text of the CDMP states that **all approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists**. Staff notes that approval of the requested RU-2 zoning would allow a maximum density of 9.3 residential units per acre, which exceeds the maximum allowable density under the Low Density LUP map designation. Based on the aforementioned, staff opines that a rezoning of the subject property to RU-2 is unnecessary and would be **inconsistent** with the numerical density threshold of Low Density Residential designation of the LUP map of the CDMP.

The CDMP further states that 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. The existing daycare center is located on a frontage road of a 4-lane section line roadway, SW 117 Avenue, within 150' of the busway and across the road from a sewage plant, which is located to the south. Additionally, the subject property also lies approximately 150' northwesterly of an Industrial District that lies within the Cutler Ridge Metropolitan Urban Center (CRMUC) and a proposed Transit Center along the Miami-Dade Transit busway. As such, staff opines that the property is within an area that is transitional to higher intensity land uses, such as the transit center and industrial district to the southeast and sewage plant to the south. The applicants have also submitted plans, which maintain the residential character of the surrounding area. Though staff recognizes that the expansion of the uses onto the abutting property to the north may be intrusive, staff notes that the applicants have mitigated any negative visual impact on the abutting residential properties to the north and west by the provision of additional trees along the interior side (north) and partially along the rear (west) property lines. The applicants have also provided buffering along all interior side and rear property lines in the form of a 6' high wood fence and hedges. Further, as with the previous application, staff notes that the hours of operation for the expansion of the facility match those of the previous approval which were restricted to between 6:30 AM and 7:30 PM for the childcare facility, pursuant to Resolution #CZAB14-27-98. The hours of operation conform to the requirements of **Policy LU-4A** of the interpretative text of the CDMP, a necessary component in the evaluation of compatibility of the proposed expansion with the surrounding

area. Additionally, staff notes that the applicants, in contrast to the 2007 application, have reduced the number of children from 98 to 80. This along with the residential character of the architectural designs, the separation of the playgrounds away from the single-family residences to the north and west to mitigate the aural impact, and the orientation of the ingress and egress traffic and the drop-off areas away from these less intensive residential uses to the north and onto the section-line road, SW 117 Avenue, conform to the requirements of **Policy LU-4D** of the interpretive text of the CDMP. Said policy requires that potentially incompatible sites incorporate design solutions, which serve to integrate the compatible and complimentary elements and buffer any incompatible elements. As such, staff opines that the expansion of the facility onto an adjoining property to the north as designed is **compatible** with the surrounding area and **consistent** with the interpretive text of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicants are seeking approval for a district boundary change from RU-1, Single-Family Residential District, to RU-2, Two Family Residential District (request #1). As previously mentioned, the existing daycare center use and the proposed expansion are **consistent** with the uses allowed in the **Low Density Residential** designation in the LUP map of the CDMP. As such, staff opines that approval of the applicants' request to rezone the property to RU-2, is unnecessary and that it is **inconsistent** with the numerical density threshold of Low Density Residential designation of the LUP map of the CDMP. Based on the aforementioned, staff therefore recommends that the applicants' request to rezone the property be denied without prejudice.

When analyzing request #2 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the expansion of the child care facility onto an adjoining property to the north, in relation to the present and future development of the area, staff is of the opinion that the proposed expansion of a daycare center for 80 children, as opposed to the previous request for 98 children, would be **compatible** with the surrounding community. As previously mentioned, staff opines that the applicants have maintained the architectural design of the daycare center and expansion to conform to the residential character of the surrounding neighborhood. Specifically, the submitted plans depict a reconfigured driveway on the southernmost parcel to handle the increased traffic and satisfy the Public Works Department's auto stacking requirements, as well as to orientate the traffic patterns towards the more well travelled section line road, SW 117 Avenue. Staff also notes that the Public Works Department in their memorandum have also recommended as a condition for approval of this application, that the applicants restrict the drop off or pick up of children in the swale area and provide daycare staff to facilitate the loading and unloading of children, to minimize the parking, stopping and standing time for parents. The applicant has also included this condition in the previously mentioned covenant to which staff has no objection. Additionally, the applicants have provided abundant

landscape buffering along the rear (west) and interior side (north) property lines along with a 6' high wood fence to provide a visual buffer to the less intensive abutting residential properties. The submitted plans also indicate that the play area will be located away from the abutting residences to the west and north, which will mitigate any negative aural impact on the aforementioned properties. Therefore, in staff's opinion, the expansion of this use will not disrupt the overall welfare and privacy of the neighborhood. As previously mentioned, staff considered the original site of the daycare center to be transitional to the more intensive uses to the west and south. Further, staff opines that approval of this request will not have a negative impact on the economy of Miami-Dade County or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets or roads as evidenced by memoranda from the various departments concerned with evaluating this application. Based on the aforementioned, staff recommends approval with conditions of request #2, to permit the expansion of a previously approved daycare center under Section 33-311(A)(3).

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 applicants have not submitted documentation to indicate which modification standards are applicable to request #3. Due to the lack of information, staff is unable to properly analyze this request under said standards, and as such, staff opines that request #3 should be denied without prejudice under same.

When request #3 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that the proposed modifications of Conditions #2, and #6 of Resolution #CZAB14-27-98, that would allow the approval of plans expanding the use onto additional property to the north and to increase the total number of children allowed to 80 (49 previously approved) would not generate excessive noise or traffic, create any dangerous hazard, provoke excessive crowding of people, would not tend to provoke a nuisance or be incompatible with the surrounding area. The proposed modification of these conditions would allow the applicants to provide additional services to the community by accommodating an additional 31 children in the previously approved day care center and to expand the existing facility onto property to the north. Staff notes that the Public Works Department does not object to the request to park within 25' of an official right-of-way. Similarly, the Miami-Dade Fire Rescue Department does not object to the application. Further, the plans submitted by the applicants, as previously mentioned, are sensitive to the surrounding community. The new structure will consist of more than 1,245 sq. ft. of additional classroom space along with the necessary restroom facilities to accommodate the increased number of students and staff that will occupy these classrooms. The applicants have provided adequate classroom space and playground area to accommodate the additional students. The submitted plans display a design that is sensitive in terms of the siting of the playground area and the traffic pattern for the drop off area away from the residential area. The playground is located on the north portion of the original parcel, more than 30' away from the west property line on that area of the property that abuts single-family residences to the west and between the original daycare building and the building to the north on which the proposed expansion will be sited. To mitigate the possibility of any negative visual and aural impact resulting from the proposed development, the applicants have provided abundant landscape buffering along the north and west property lines in the form of trees and a continuous hedge within the landscape buffer.

As such, staff opines that the aforementioned efforts by the applicants to mitigate the impact of the proposed expansion of the site and the increase in the number of children are sufficient to maintain a reasonable transition between the less intensive residential uses to the north and the more intensive water and sewer plant to the south across the well travelled section line road, SW 117 Avenue. In so doing, staff opines that the applicants have designed the proposed development in keeping with the intent of the zoning regulations and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that approval of request #3 would be **compatible** with the surrounding area. However, staff would condition approval of this request that all conditions of Resolution # CZAB14-27-98, remain in place except as herein modified. Therefore, staff recommends approval with conditions of this request under Section 33-311(A)(7) (Generalized Modification Standards).

When requests #4- #7 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with RU-1 zoning regulations and previous zoning approvals, staff is of the opinion that requests #4-#7 cannot be approved under the Alternative Non-Use Variance (ANUV) Standards and should be denied without prejudice under same.

When request #4, to permit a setback of 25.2' from the rear (west) property line and setback 10.92' (50' required for each) from the interior side (north) property line and spaced less than 75' from a residence, under different ownership to the west and north, and request #5, to permit parking within 25' of the right-of-way lines of SW 114 Court are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of these requests would be **compatible** with the surrounding community. Staff notes that the southern portion of the subject property was previously approved for variances to allow setback variances of 22' (25' required) from the side street (easterly) property line, 30.38' and varying from 16.83' to 39.53' (50' required) respectively from the rear (northerly) and west property lines as well as being spaced less than 75' from residences lying northerly and westerly of the property, pursuant to Resolution #CZAB14-27-98. Additionally, pursuant to the aforementioned Resolution, the southern portion of the subject property was also approved for similar variances to allow parking within 25' of the official right-of-way. Staff also notes that the Public Works Department has no objections to the applicants' request to provide parking within 25' of the official right-of-way subject to conditions indicated in their memorandum. Further, as previously mentioned, the applicants have provided abundant buffering in the form of a continuous hedge and trees along the north and west property lines to mitigate the impact of the proposed development on the abutting residential properties.

Further, when the applicants' requests to permit parking closer than 25' to a property under different ownership to the north (request #6) and to permit a one-way drive with a width of 10' (request #7), are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of these requests would be **compatible** with the surrounding community. Staff notes that similar requests were approved on the southern portion of the property pursuant to the Resolution that is being modified in this application. Staff also notes that the applicant has provided additional buffering in the form of a continuous hedge along the north property line to mitigate any negative visual impact of the parking on the abutting residence to the north. As such, staff opines that these requests are not precedent setting and not visually intrusive to the abutting properties. Further, as previously mentioned, neither the Public Works Department nor Miami-Dade Fire Rescue Department

object to these requests, though the Public Works has indicated certain conditions for approval in their memorandum. Based on the aforementioned, staff recommends approval with conditions of requests #4 and #7 under the Non-Use Variance (NUV) Standards.

Accordingly, staff is of the opinion that the expansion of the existing daycare center with the requested encroachments is **compatible** with the area and is **consistent** with the CDMP. However, staff opines that the applicants' request to rezone the property to RU-2, is unnecessary, and approval of this request would be **inconsistent** with the CDMP. Accordingly, staff recommends denial without prejudice of request #1, approval with conditions of request #2, subject to the Board's acceptance of the proffered covenant under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses); approval with conditions of request #3 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 #4 through #7, 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 of request #1, approval with conditions of request #2, approval with conditions of request #3 subject to the Board's acceptance of the proffered covenant 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 #4 through #7 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV)

## J. CONDITIONS:

1. That all the conditions of Resolution #CZAB14-27-98 remain in full force and effect except as herein modified.

2. That the applicants obtain a new or revised Certificate of Use for the expansion of the daycare center from, and promptly renew the same annually with, 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.

3. That the applicants 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 the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use for the expansion.

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

5. That the use shall be restricted to a maximum number of 80 children.

6. That the applicants comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

7. That the applicants comply with all applicable conditions and requirements of the Public Works Department as stated in their memorandum dated 3/12/09.

**DATE INSPECTED:** 04/17/08
**DATE TYPED:** 02/04/09
**DATE REVISED:** 02/06/09, 02/09/09, 02/11/09, 03/12/09, 03/26/09, 03/27/09
**DATE FINALIZED:** 03/27/09
MCL:MTF:NN:NC:CH

for Maria I. Tejo

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

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 29, 2008

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

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

**Subject:** C-14 #Z2008000185
Fraisa Corporation
20841 S.W. 117th Avenue and 20810 S.W. 114th Court
District Boundary Change from RU-1 to RU-2
Unusual Use to Permit a Daycare Facility
(RU-1) (0.48 Acres)
07-56-40

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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 Supply and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject properties. 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.

Wetlands

The subject properties do 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 with this zoning application, the proposed requests will not impact tree resources. However, please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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.

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# Z2008000185
CZAB - C14

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:FRAISA CORPORATION, ET AL

This Department has no objections to this application subject to the following:

The Traffic Impact Study and Memoranda are acceptable and indicate a maximum accumulation of seven vehicles during the arrival and dismissal periods of the daycare facility. The onsite circular drive can accommodate up to three vehicles. The remaining required vehicle stacking of four vehicles may be provided in the swale area along the frontage of the school on SW 114th Ct.; though, the specific location, design, and surface treatment of this area will be determined at the time of Paving and Drainage Plans review.

Since this is a residential area, the use of the swale area is not recommended for loading and unloading of children; however due to the constraints of the site, the Department will accept this transient usage in this case. Nonetheless as a condition of approval, it is required that daycare staff be provided to facilitate the loading and unloading of children in this area to minimize the parking/stopping/standing time of the parents in the event that resident neighbors complain of this usage.

The site plan indicates that a fence gate opens out onto the public sidewalk of SW 114th Ct. This is unacceptable. The gate must open into the property.

Pedestrian safe sight distance triangle clear areas must be provided at all driveways.

For further details and/or questions, contact Mr. Harvey L. Bernstein at 305-375-1874, or via e-mail at hlb@miamidade.gov or Mr. Ricardo Gavilan at 305-375-2030, or via e-mail at rlg@miamidade.gov

Additional improvements may be required at time of permitting.

This Department has no objections to the request to permit parking within 25 feet of a right-of-way.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 27 PM daily peak hour

vehicle trips. The traffic distributions of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|---|---|---|---|
| 9756 | SW 117 Ave. s/o SW 184 St. | D | D |
| 9758 | SW 117 Ave. nw/o US-1 | D | D |

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

Raul A Pino, P.L.S.
12-MAR-09

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

Child Care Check List for
Day Nursery, Day Care, Kindergarten, Private School

School Name: THE SECOND HOUSE DAY CARE #4

School Address: 20814 SW 114 CT Tax Folio # 30 - 6007-008-1100

1. Is this an expansion to an existing school? ☒ Yes ☐ No If yes, indicate the number of students: 49 and age and grade ranges originally approved:

2. Total size of site: 1 REGULAR x 10TS = 20577 + 43,560 sq. ft. = .047 acres

3. Number of children or students requested: 80 Ages: 18 MONTHS TO SCHOOL AGE

4. Number of teachers: 5 number of administrative & clerical personnel 1

5. Number of classrooms: 7 Total square footage of classroom area: 5334

6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): 1068 SQ FT

7. Amount of exterior recreation /play area in square footage: 8217 SQ FT

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: N/A

9. Number of parking spaces provided for staff, visitors, and transportation vehicles: 8 parking spaces provided 8 parking spaces required by Section 33-124 (L)

10. Indicate the number of auto stacking spaces: 5 provided 5 required

11. Proposed height for the structure(s): EXISTING See Section 33-151.18(g)

12. Size of identification sign: 2 x 3 = 6 sq. ft. See Section 33-151.18 (c). Signage will require a separate permit. Contact the Permit Section at 786-315-2100.

13. Days and hours of operation: MONDAY TO FRIDAY 6:30 AM TO 6:30 AM

14. Does the subject facility share the site with other facilities? X Yes ___ No (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to Section 33-151.16.)

15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17? ☒ Yes ☐ No (If yes, describe the residential uses and indicate same on the plans.)

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery / kindergarten, preschool and after school care

35 sq. ft. x 80 (number of children) = 2800 sq. ft. of classroom area required.

b. Elementary Grades 1 - 6

30 sq. ft x _____ (number of children) = _____ sq. ft. of classroom area required.

c. Junior High and Senior High School (Grades 7-12)

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED : 2800
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 2334

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x 40 (1/2 of children) = 1800

b. Grades 1 - 6 500 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

c. Grades 7 - 12 800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 1800
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 8217

TREES: See Section 33-151.18(h), and the Planning Division for additional requirements (12th floor).

a. 28 trees are required per net acre. Trees required: 13 Trees provided: 13

b. Ten shrubs are required for each tree required. Shrubs required: 130 Shrubs provided: 150

c. Grass area for organized sports/ play area in square feet: 10140 sq FT

d. Lawn area in square feet (exclusive of organized sports/ play area): _____

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BY:

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School Address: 20810 SW 114 CT MIAMI Zip Code: 33177

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this ____day of, _____ at Miami-Dade County, Florida.

WITNESSES:

_____

_____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 5 day of November, 2007, before me personally appeared Francisco Permuy, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

Beatriz Soler

BEATRIZ SOLER
Notary Public - State of Florida
My Commission Expires May 17, 2010
Commission # DD 531184

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208185
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

23

# Memorandum

**Date:** 29-SEP-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000185

## Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped September 17, 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 Z2008000185
located at 20841 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2271 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A | dwelling units | N/A | square feet |
| residential | | industrial | |
| N/A | square feet | N/A | square feet |
| Office | | institutional | |
| N/A | square feet | 800 | square feet |
| Retail | | nursing home/hospitals | |

Based on this development information, estimated service impact is: 0.54 alarms-annually.
The estimated average travel time is: 6:11 minutes

## Existing services:

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

Station 34 - Cutler Ridge - 10850 SW 211 Street
Rescue, BLS 50¿ Squrt, 100' Platform, Squad

## 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 17, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 02/11/09
REVISION 3

# TEAM METRO

## ENFORCEMENT HISTORY

FRAISA CORPORATION, ET AL

**APPLICANT**

20841- 20810 SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2008000185

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901000450 was opened based on enforcement history request and inspected on 2-4-09. No violations were observed and case was closed.
Previous case history;
Case 200801007591 was opened based on enforcement history request and inspected on 12-19-08. No violations were observed and case was closed.
Case 200801005851 was opened based on enforcement history request and inspected on 9-22-08. No violations were observed and case was closed.
Case 200801006022 was opened based on enforcement history request and inspected on 9-27-08. No violations were observed and case was closed.
Case 200801004600 was opened based on enforcement history request and inspected on 7-27-07. A warning notice was issued for failure to obtain ZIP (zoning improvement permit) for a canopy on the property. A re-inspection was conducted on 9-6-07, the property was in compliance and case was closed.
Case 200801004601 was opened based on enforcement history request and inspected on 7-27-07. A warning notice was issued for prohibited signs erected on property. A re-inspection was conducted on 9-5-07, the property was in compliance and case was closed.
Case 200801004602 was opened based on enforcement history request and inspected on 7-27-07 and found to be in violation of Ch 33-95(f), a fence banner advertising Free VPK. Citation B020459 was mailed to the owner. Owner was previously cited for the same violation under case 200501000022(see below). A compliance check revealed the property in compliance, citation paid and closed on 9-10-07.
Case 20050100022 was opened based on an anonymous complaint and inspected 1-3-05. A warning notice was issued for a violation of Ch 33-95(f) for banner and pennants. A re-inspection was conducted on 1-12-05. The property owner did not comply and citation 930716 was issued. A

compliance inspection was conducted on 3-5-05, the banners were removed and an affidavit of compliance was submitted. On 3-5-05 the property owner filed an appeal. A guilty verdict was rendered at the hearing on 5-2-05 and the citation was paid and closed on 6-25-05.
Case 200401006189 was opened proactively for a sign violation and inspected on 11-14-04. A warning notice was posted on 11-23-04. An extension was granted to the property owner who obtained process number C2005059963. A re-inspection of the property 7-15-05 found the property in compliance and the case was closed.

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## DISCLOSURE OF INTEREST*

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

CORPORATION NAME: FRAISA CORPORATION

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| FRANCISCO PERNOY | 50 % |
| ISABEL HERNANDEZ | 50 % |
| | |
| | |

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

TRUST/ESTATE NAME _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

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

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BY: _____

NAME OF PURCHASER: _____

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

_____ | _____
_____ | _____
_____ | _____
_____ | _____
_____ | _____

Date of contract: _____

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

_____ | _____
_____ | _____
_____ | _____
_____ | _____
_____ | _____

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

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

**Signature:** _____
(Applicant)

Sworn to and subscribed before me this 5 day of Nov. 2007 Affiant is personally know to me or has produced _____ as identification.

Beatriz Soler
(Notary Public)

BEATRIZ SOLER
Notary Public - State of Florida
My Commission Expires May 17, 2010
Commission # DD 531184

My commission expires: 5/17/2010

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

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ZONING INFORMATION:
PROPERTY ADDRESS
20841 SW 117 AVE
MIAMI, FL. 33177

LEGAL DESCRIPTION
LOT 23, BLOCK 11 OF ADDITION
PB-23 P-17
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FL.
FOLIO NUMBER / 30-6087-006-1100

ZONING LEGEND
DISTRICT ——— RU-1
NET LAND AREA = 17,[illegible] SF = [illegible] A
LOT COVERAGE = [illegible] SF = [illegible]

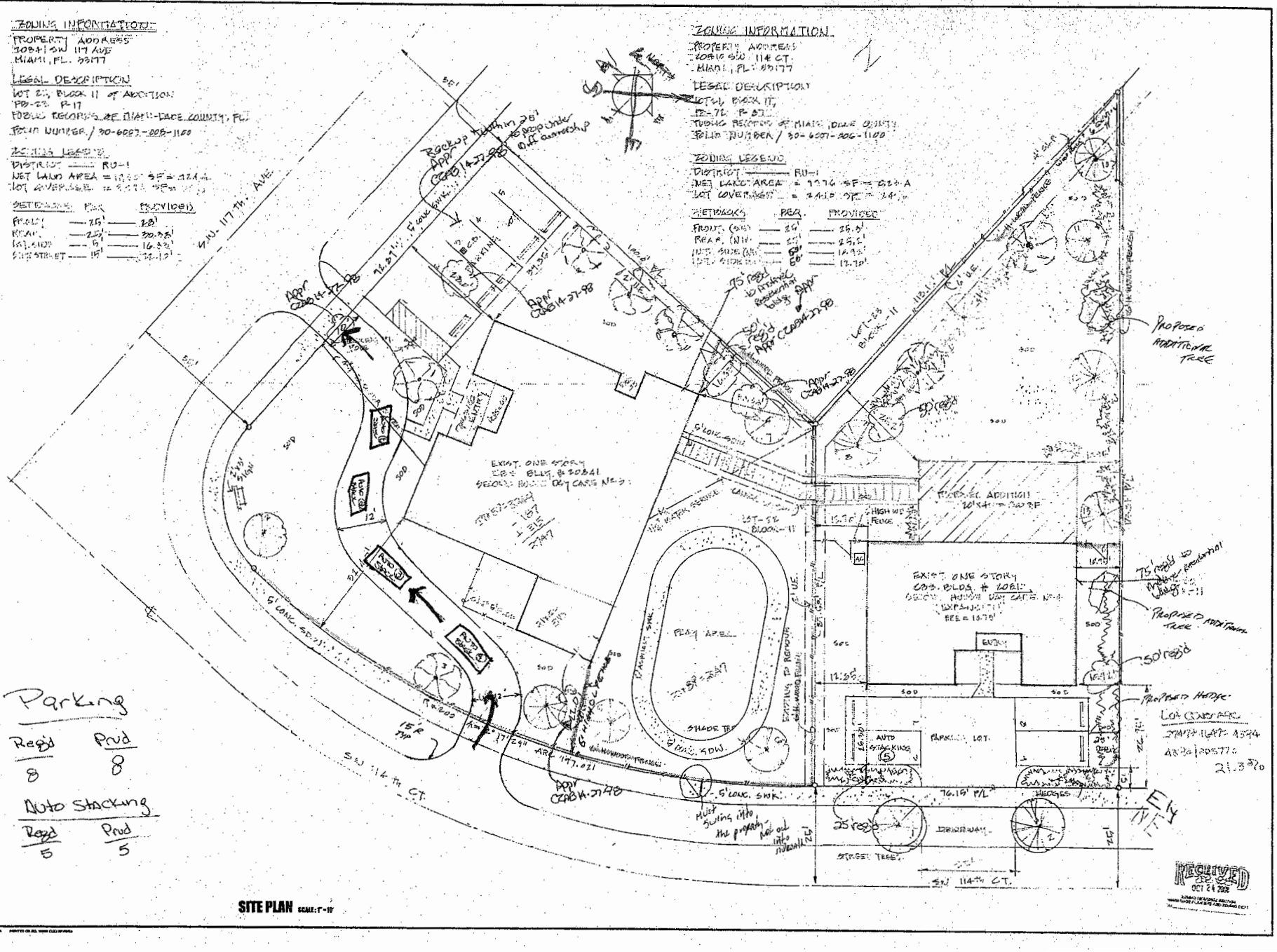
| SETBACKS | REQ. | PROVIDED |
|---|---|---|
| FRONT | 25' | 28' |
| REAR | 25' | 300.38' |
| INT. SIDE | 5' | 16.33' |
| SIDE STREET | 15' | 34.12' |

ZONING INFORMATION
PROPERTY ADDRESS
20816 SW 114 CT.
MIAMI, FL. 33177

LEGAL DESCRIPTION
LOT 21, BLOCK 11,
PB-72 P-87
PUBLIC RECORDS OF MIAMI-DADE COUNTY
FOLIO NUMBER / 30-6087-006-1100

ZONING LEGEND
DISTRICT ——— RU-1
NET LAND AREA = 1[illegible]76 SF = [illegible] A
LOT COVERAGE = [illegible] SF = [illegible]

| SETBACKS | REQ. | PROVIDED |
|---|---|---|
| FRONT (SW) | 25' | 26.8' |
| REAR (NW) | 25' | 25.2' |
| INT. SIDE (NE) | 5' | 16.93' |
| INT. SIDE (SE) | 5' | 12.70' |




SITE PLAN SCALE: 1"=10'

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ZONING DEVELOPMENT SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

| REVISIONS | BY |
|---|---|
| | |
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| | |

REMIGIO TO CONTRERAS P.E.
CONSULTING ENGINEER
CIVIL AND STRUCTURAL
[illegible] SW 8 ST. MIAMI FL. 33172
PH: (305) 663-0515 FL. PE. 21522

PROPOSED EXTENSION
THE SECOND HOUSE DAY CARE # 4
LOCATED AT 20841 SW 117 AVE.
MIAMI FL. 33177
PH: (305) 252-2330

10-14-08
R2-01-10

Date [illegible]
Scale [illegible]
Drawn [illegible]
Job [illegible]
Sheet A-1
Of 1 Sheets

ZONING INFORMATION

PROPERTY ADDRESS
20810 SW 114 CT.
MIAMI, FL. 33177

LEGAL DESCRIPTION
LOT 11, BLOCK 11,
PB-72 P-87
PUBLIC RECORDS OF MIAMI, DADE COUNTY
FOLIO NUMBER / 30-6007-006-1100

ZONING LEGEND
DISTRICT ——— RU-1
NET LAND AREA = 1176 SF = 0.23 A
LOT COVERAGE = 2410 SF = 24%

| SETBACKS | REQ. | PROVIDED |
|---|---|---|
| FRONT, (SE) | 25' | 25.3' |
| REAR, (NW) | 25' | 16.2' |
| INT. SIDE (NE) | 50' | 10.92' |
| INT. SIDE (SW) | 50' | 2.70' |

EXIST. ONE STORY
CBS. BLDG. # 20841
SELECT HOUSE DAY CARE NO 3

STKST-3249
- 187
+ 315
3747

PROPOSED ADDITION
20'x40' = 800 SF

EXIST. ONE STORY
CBS. BLDG. # 20810
SELECT HOUSE DAY CARE NO 4
EXPANSION
FFE = 10.75'

PARKING LOT.

AUTO STACKING (5)

PLAY AREA

SHADE TREE

STREET TREES

DRIVEWAY

SW 114th CT.

LOT COVERAGE
3747 + 1147 = 439
4894 / 20577 =
21.3%

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208-185
OCT 24 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
OCT 24 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

# ENLARGED SITE PLAN

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MIAMI-DADE COUNTY
PROGRESS & ZONING
DATE: OCT 24 2008
BY: [illegible]

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OCT 24 2008
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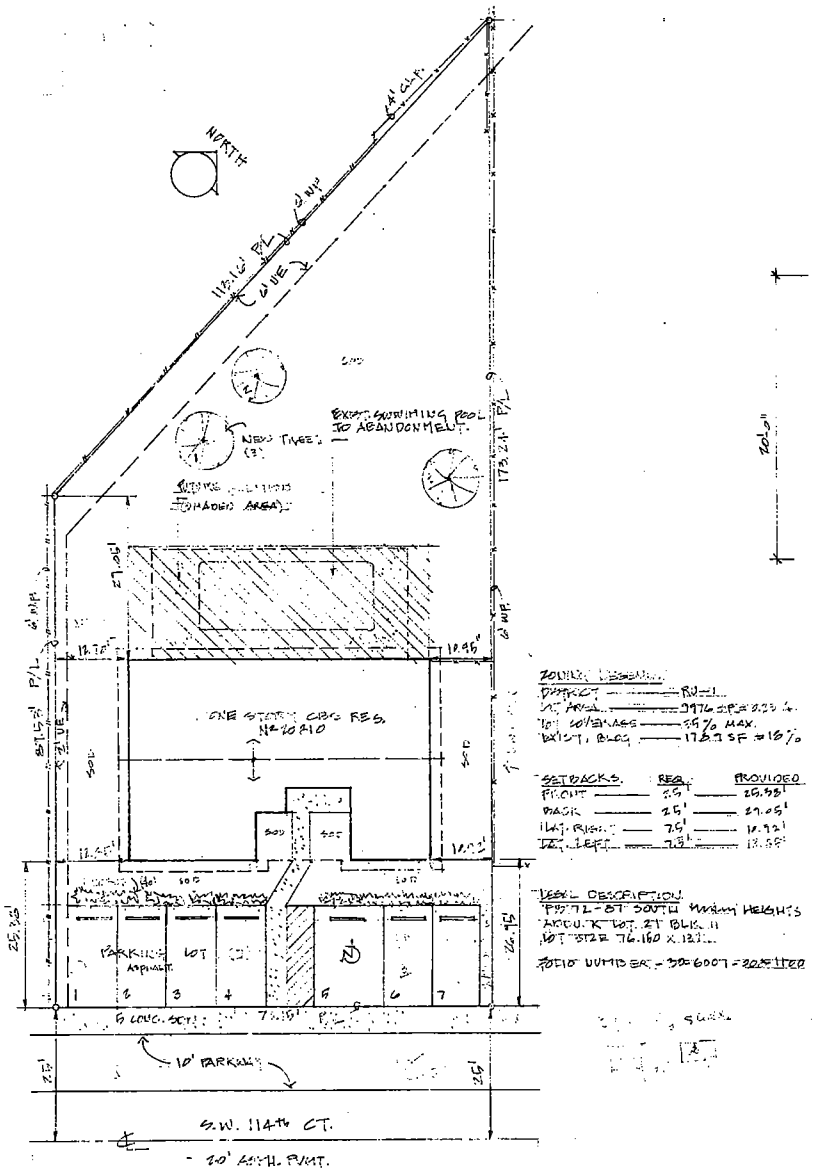
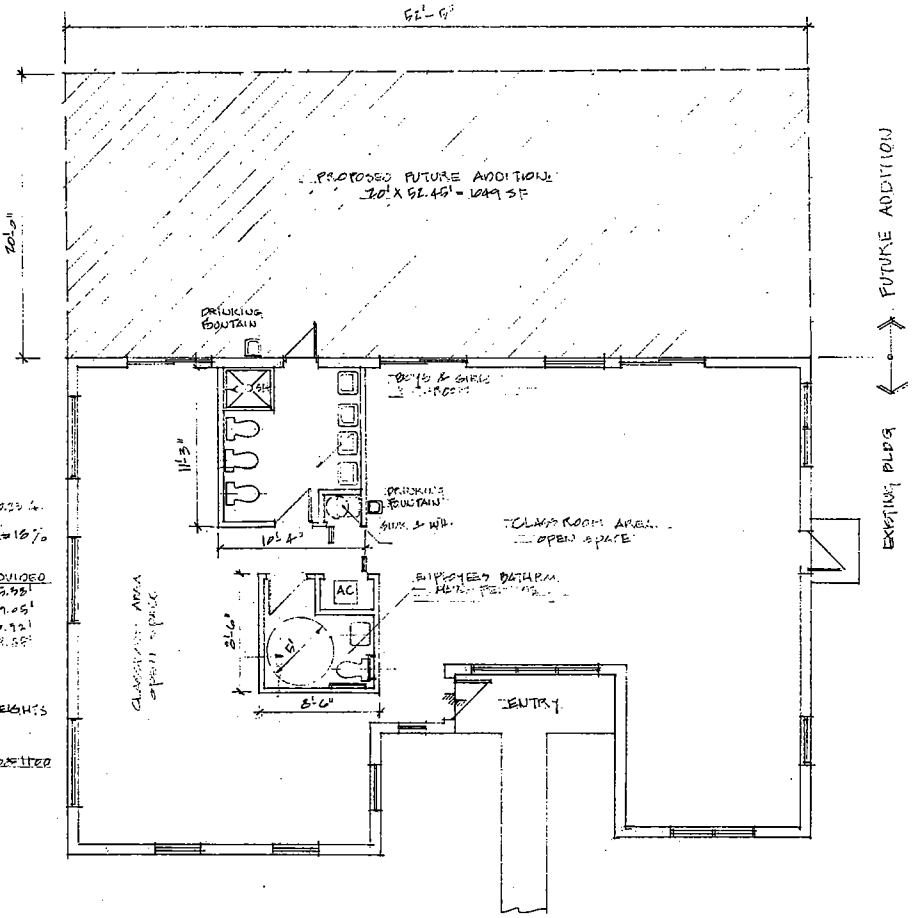
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

31




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




**PROPOSED FLOOR PLAN** SCALE: 1/4"=1'-0"

| REVISIONS | BY |
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REINIERIO CONTRERAS PE.
CONSULTING ENGINEER.
CIVIL AND STRUCTURAL.
30 N.W. 87 AVENUE (C-101) MIAMI FL. 33172
PH.:(305)663-0643 FL. 21522.

THE SECOND HOUSE DAY CARE
LOCATED AT 20841 SW 117 AVE.
MIAMI FL.33177

PH: (305) 252-2330

Date: Feb.-27-07
Scale: As Noted
Drawn: L.P.
Job:
Sheet: A-1
Of 2 Sheets

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MIAMI-DADE COUNTY
PROCESS #: 826-367
DATE: OCT 24 2008
BY: RAE

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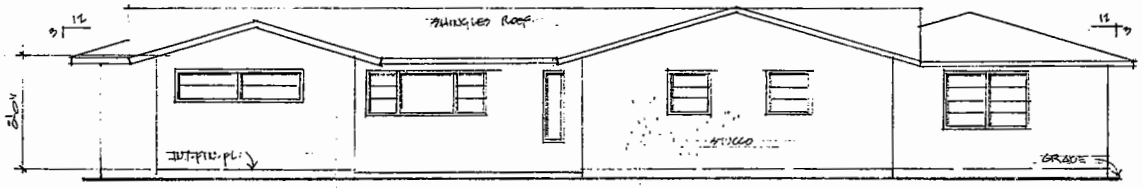
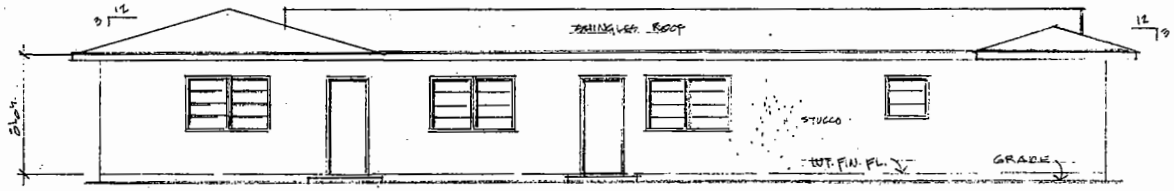
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

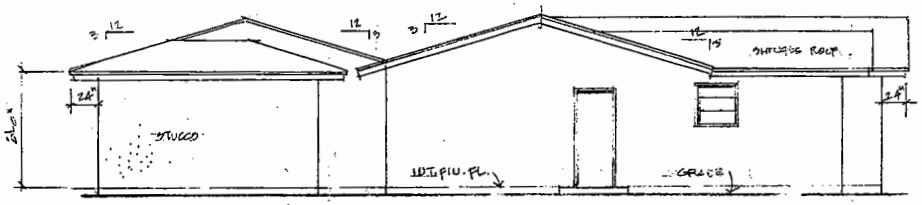
32



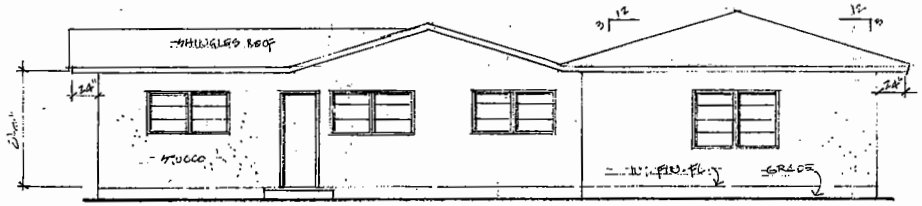

**WEST ELEVATION** SCALE: 1/4" = 1'-0"




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




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




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

PROPERTY ADDRESS:
22641 SW 117 AVE
MIAMI, FL 33177.
FOLIO NUMBER: 30-6881-008-1110

| REVISIONS | BY |
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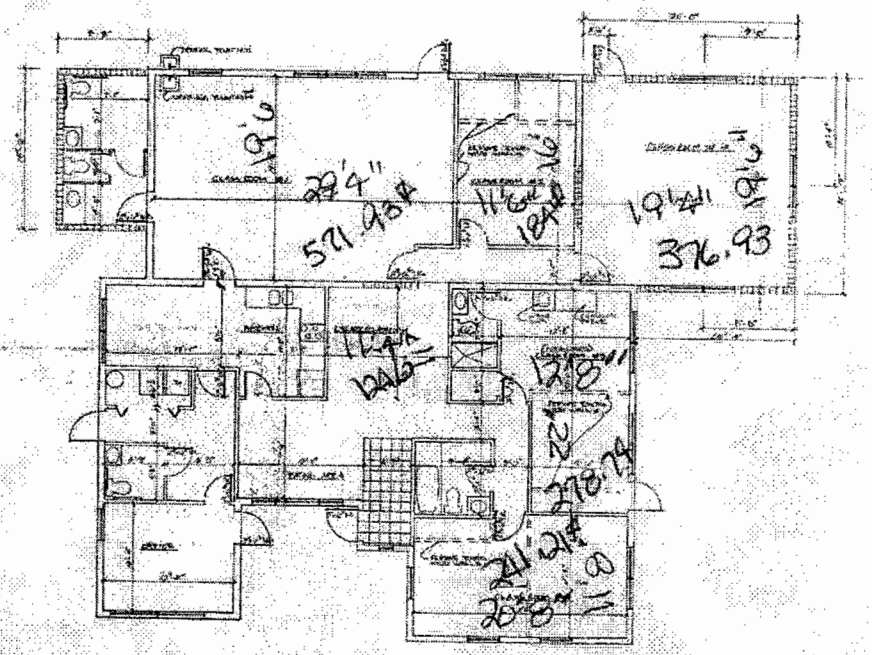
RENFUERTO CONTRERAS PSL
CONSULTING ENGINEER
CIVIL AND STRUCTURAL
20 NW. 87 AVE. (C-101) MIAMI FL.33172
PH (305) 663-1643, FL. PE. 21522

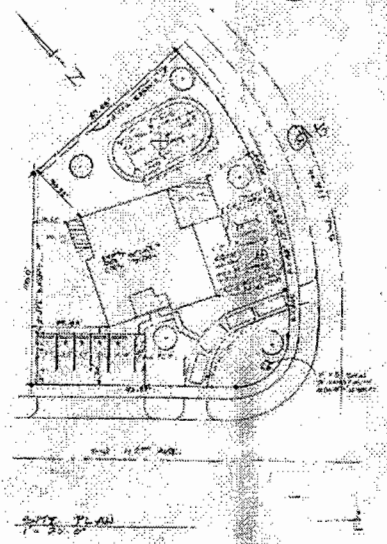
**PROPOSED EXTENSION**
**THE SECOND HOUSE DAY CARE # 4**
**LOCATED AT 22641 SW 117 AVE.**
**MIAMI FL.33177** PH: (305) 252-2330

Date 9-05-07
Scale AS NOTED
Drawn L.P.
Job 07-60
Sheet A3
Of 4 Sheets

33

376.93
184
571.93
124.63
278.74
241.21
1777.47
Class Room




PROPOSED DAY CARE CENTER
20841 S.W. 117TH AVE.
MIAMI, FLA.
93/77

FLOOR PLAN

SITE PLAN

FILE COPY

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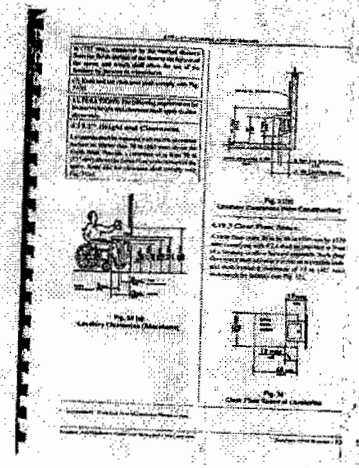
08-185
OCT 24 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



PROPOSED DAYCARE CENTER

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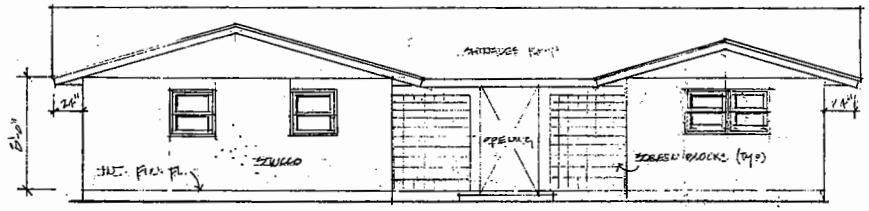
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

34

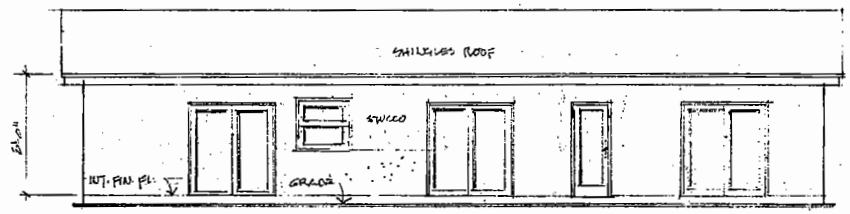
RECEIVED
MIAMI-DADE COUNTY
PROGRESS: 2008-1253
DATE: OCT 24 2008
BY: RE

RECEIVED
OCT 24 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

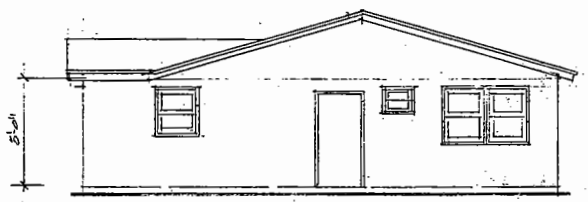
35



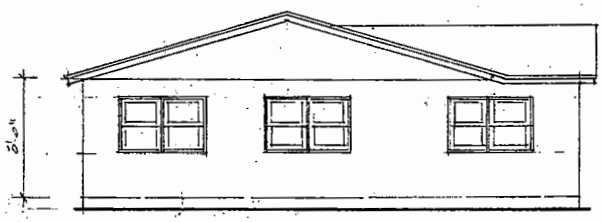

**SOUTHEAST ELEVATION** SCALE: 1/4" = 1'-0"




**NORTHEAST ELEVATION** SCALE: 1/4" = 1'-0"




**SOUTHEAST ELEVATION** SCALE: 1/4" = 1'-0"




**SOUTHWEST ELEVATION** SCALE: 1/4" = 1'-0"

PROPERTY ADDRESS:
20810 SW 117 CT.
MIAMI, FL 33177

FOLIO NUM.: 30-6007-008-1120

| REVISIONS | BY |
|---|---|
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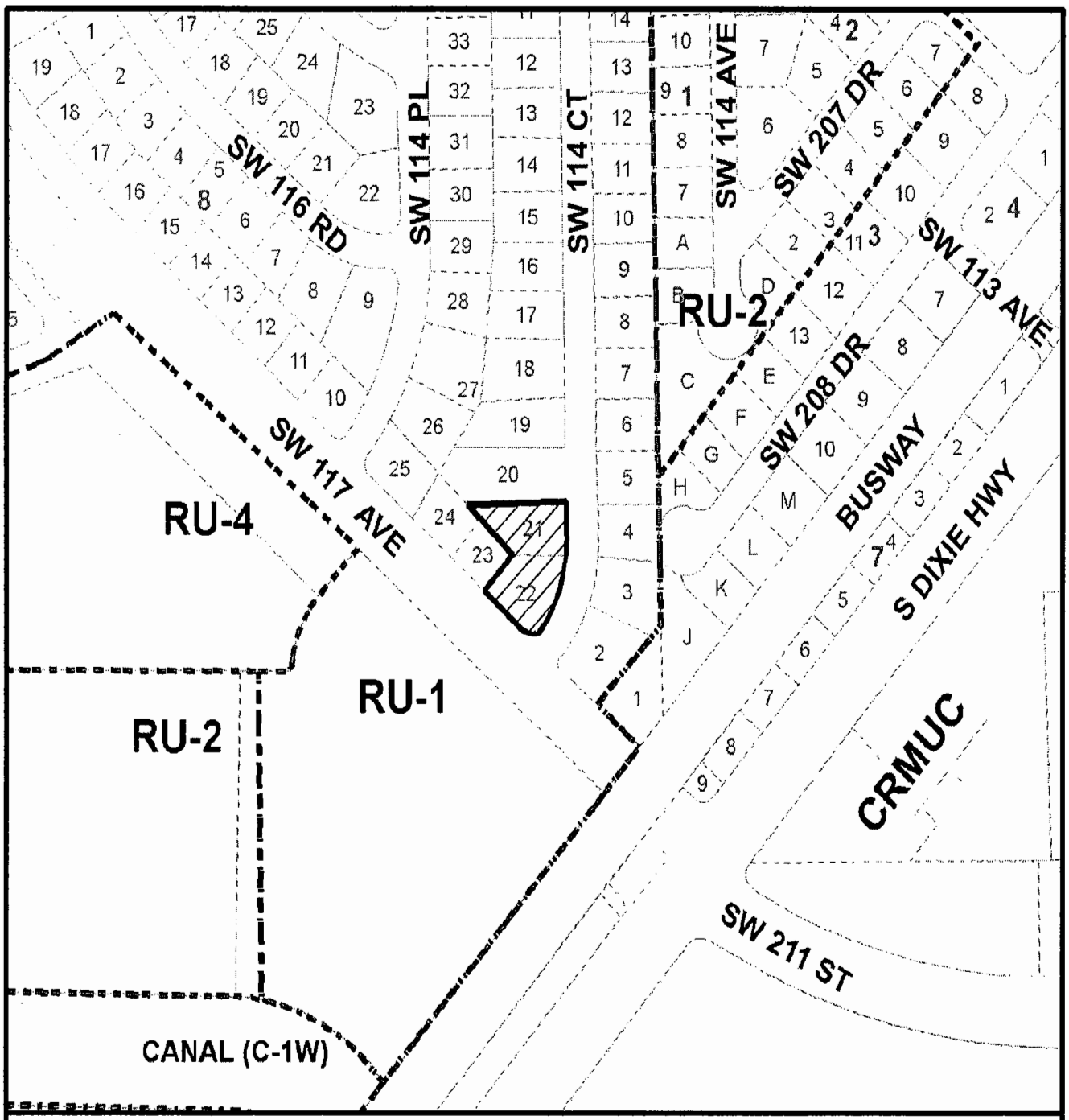
REMBERTO CONTERAS PE.
CONSULTING ENGINEER
CIVIL AND STRUCTURAL
20 NW 27 AVE (C-101) MIAMI FL 33172
PH (305) 860-8045 FX: 860-8152

**PROPOSED EXTENSION**
**THE SECOND HOUSE DAY CARE # 4**
**LOCATED AT 20841 SW 117 AVE.**
**MIAMI FL. 33177**
PH: (305) 252-2330

Date 3-27-07
Scale AS NOTED
Drawn L.P.
Job 07-
Sheet A-4 Of 4 Sheets




MIAMI-DADE COUNTY
**HEARING MAP**

**Process Number**
**08-185**

N

SUBJECT PROPERTY

**Section: 07 Township: 56 Range: 40**
**Applicant: FRAISA CORP.**
**Zoning Board: C14**
**District Number: 9**
**Drafter ID: KEELING**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 09/17/08

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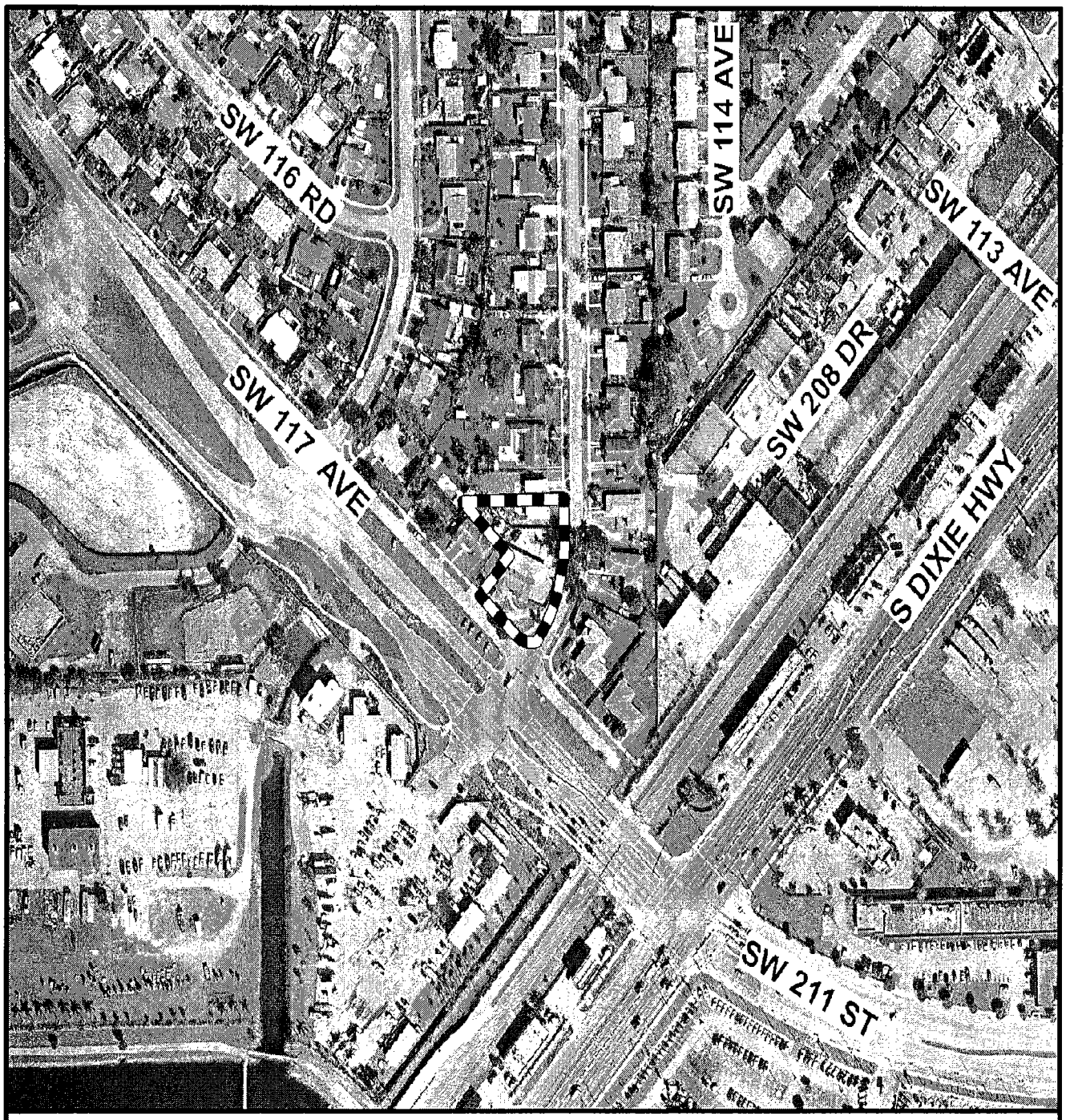



MIAMI-DADE COUNTY
**AERIAL**

**Process Number**
**08-185**

N

SUBJECT PROPERTY

**Section: 07 Township: 56 Range: 40**
**Applicant: FRAISA CORP.**
**Zoning Board: C14**
**District Number: 9**
**Drafter ID: KEELING**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 09/17/08

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

**1. SUSANNE DAVIDSON**
**(Applicant)**

**09-4-CZ14-1 (09-02)**
**Area 14/District 9**
**Hearing Date: 4/23/09**

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 |
|---|---|---|---|---|
| 1959 | David Woolin | District Boundary Change from AU & RU-1 to RU-1 & IU-1 | Zoning Commission | Approved in Part w/Conds. |

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

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

**APPLICANT:** Susanne Davidson **PH:** Z09-002 (09-4-CZ14-1)

**SECTION:** 36-52-40 **DATE:** April 23, 2009

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

==========

## A. INTRODUCTION:

### o REQUESTS:

(1) Applicant is requesting to permit a bedroom and storage room addition to a single-family residence setback 24'10" (25' required) from the front (north) property line and setback 6'4" (7'6" required) from the interior side (west) property line.

(2) Applicant is requesting to permit a study, bedroom and covered terrace addition to the single-family residence setback a minimum of 10'4" (25' required) from the rear (south) property line and setback 6'4" (7'6" required) from the interior side (west) property line.

(3) Applicant is requesting to permit an open entry courtyard setback 23'8" (25' required) from the front (north) property line.

(4) Applicant is requesting to permit a planter setback a minimum of 19'7" (25' required) from the front (north) property line.

(5) Applicant is requesting to permit a lot coverage of 37.23% (35% maximum permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "As Built Construction Drawings for Mr. & Mrs. Joe C. Davidson," as prepared by C. David Morton & Associates, sheet A-2 dated stamped received 1/6/09, and the remaining sheets date stamped received 1/23/09, or a total of 4 sheets. Plans may be modified at public hearing.

### o SUMMARY OF REQUESTS:

The applicant is seeking approval to allow the continued use of a bedroom and storage room addition to a single-family residence setback less than the required distance from the front and interior side property lines, to permit a study, bedroom and covered terrace addition setback less than the required distance from the rear

and interior side property lines, to permit an open entry courtyard setback less than the required distance from the front property line and to permit a lot coverage which exceeds the permitted lot coverage in the RU-1 zoning district.

- **LOCATION:**

  11740 SW 174 Terrace, Miami-Dade County, Florida.

- **SIZE:** 75' x 104'

## B. ZONING HEARINGS HISTORY:

In 1959, pursuant to Resolution #3369, the Board of County Commissioners granted a district boundary change from AU, Agricultural District, and RU-1, Single-family Residential District to RU-1, Single-family Residential District on a larger parcel of land which included the subject property.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **SUBJECT PROPERTY:** | |
| RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **SURROUNDING PROPERTY:** | |
| **NORTH:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **SOUTH:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **EAST:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **WEST:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |

This property is an interior lot located at 11740 SW 174 Terrace. The surrounding area is developed with single-family residences.

## E. SITE AND BUILDINGS:

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

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:

1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and

2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in Section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

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

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering

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

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

**Section 33-311(A)(4)(b) Non-Use Variance Standard.**
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** |
| MDTA | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |

## H. ANALYSIS:

The subject property is an interior platted lot with dimensions of 76' by 100' and is located at 5970 NW 110 Terrace in an established RU-1, Single Family Residential Zoning District.

The plans submitted by the applicant depict an existing single-family residence with a total lot coverage of 3,234 sq. ft. which includes an existing 472 sq. ft. aluminum carport attached to the west side of the residence; includes a 477 sq. ft. master bedroom and covered terrace addition to the rear (south) side of the existing residence and includes an existing front porch addition with an area of 216 sq. ft. The plans also depict an existing decorative fountain located in front of the existing residence, an existing 200 sq. ft. utility building located on the southwesterly portion of the site and an existing 43 sq. ft. barbeque structure located on the southeasterly portion of the site.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Since the requests will not add additional dwelling units to the community, the RU-1 zoned, single-family residence is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP.

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. The **Public Works Department does not object** to this application. The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application and has indicated that the average response travel time for this site is **7:18** minutes.

When requests #1, #3 and #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval that these requests would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the bedroom and storage room addition, entry courtyard and planter add "depth and curb appeal" to the home's façade and, as shown on the submitted elevations, has been architecturally designed in harmony with the existing residence and delineate the main entrance to the residence. Additionally, staff notes that the landscaped front yard area is well maintained and the planter visually enhances the façade of the subject site. As such staff recommends approval of requests #1, #3 and #4 under Section 33-311(A)(4)(b).

When request #2 and #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of this request would allow the maintenance and continued use of an existing study, bedroom and covered terrace addition which would be **incompatible** with the surrounding area, would negatively

affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the covered terrace addition adds additional outdoor living space to the applicant and her guests and that the bedroom and study add additional living space to the applicant. However, as indicated in request #5 the combined floor area of the study, bedroom and covered terrace addition with the rest of the single-family residence exceed the permitted 35% lot coverage by 2.23%. Staff is of the opinion that the applicant has over utilized the site and that the lot coverage and encroachment into the rear setback area are both excessive and although the plans submitted by the applicant depict an existing 6' high wood fence running along the rear (south) property line and along the interior side (west) property line, staff opines that the 14'8" encroachment into the 25' rear (south) setback area is excessive and causes an negative visual and aural impact on the neighboring property to the south. Staff notes that the proposal is also **incompatible** with the area as no similar approvals have been granted in the vicinity. In 1990, pursuant to Administrative Variance #1990000038, the then Director of the Building and Zoning Department, granted approval for an addition to a single-family residence to setback 20' from the rear property line on a parcel of land located at 11765 SW 175 Terrace, located approximately 150' southwesterly of the subject property, in 1980, pursuant to Administrative Variance #1980000175, the then Director of the Building and Zoning Department, granted approval for an addition to a single-family residence setback 20' from the rear property line on a parcel of land located at 11760 SW 175 Terrace, located approximately 250' southwesterly of the subject property and in 1993, pursuant to Administrative Variance #1993000236, the then Director of the Building and Zoning Department, granted approval for an addition to a single-family residence to setback 13' from the rear property line on a parcel of land located at 11730 SW 175 Terrace, located approximately 250' southeasterly of the subject property. As such, staff finds that no prior approvals in the area are as intrusive as the applicants request and therefore staff recommends denial without prejudice of request #2 and #5 under Section 33-311(A)(4)(b).

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

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

Accordingly, staff opines that requests #1, #3 and #4 of the application are **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and, therefore, recommends approval with conditions of requests #1, #3 and #4 and denial without prejudice of requests #2 and #5 under Section 33-311(A)(4)(b) (NUV) and denial

without prejudice of requests #1 through #5 under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

## I. RECOMMENDATION:

Approval with conditions of requests #1, #3 and #4 and denial without prejudice of requests #2 and #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

## J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "As Built Construction Drawings for Mr. & Mrs. Joe C. Davidson," as prepared by C. David Morton & Associates, sheet A-2 dated stamped received 1/6/09, and the remaining sheets date stamped received 1/23/09, or a total of 4 sheets. Plans may be modified at public hearing, except that the study room and covered terrace be removed from the plans. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the entry courtyard not be enclosed in any manner.

6. That the applicants secure a building permit for the existing non-permitted structures from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

**DATE INSPECTED:** 02/19/09
**DATE TYPED:** 02/26/09
**DATE REVISED:** 02/26/09; 03/02/09; 03/03/09
**DATE FINALIZED:** 03/03/09
MCL:MTF:NN:NC:AA

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

11

# Memorandum

MIAMI-DADE COUNTY

**Date:** January 22, 2009

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

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

**Subject:** C-14 #Z2009000002
Susanne Davidson
11740 S.W. 174 Terrace
Request to Permit an Existing Addition to a Single Family Residence that Exceeds Lot Coverage and Setback Requirements
(RU-1) (0.17 Acres)
36-55-39

---

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.

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.

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 26, 2008

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

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

**Subject:** Zoning Hearing Improvements

---

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

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

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

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

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

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

Leandro Rodriguez

# Memorandum

**Date:** 28-JAN-09

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2009000002

## Fire Prevention Unit:

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

## Service Impact/Demand:

Development for the above Z2009000002
located at 11740 S.W. 174 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2143 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:18 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, 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: 03/11/09

# TEAM METRO

**ENFORCEMENT HISTORY**

SUSANNE DAVIDSON

**APPLICANT**

11740 S.W. 174 TERRACE, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2009000002

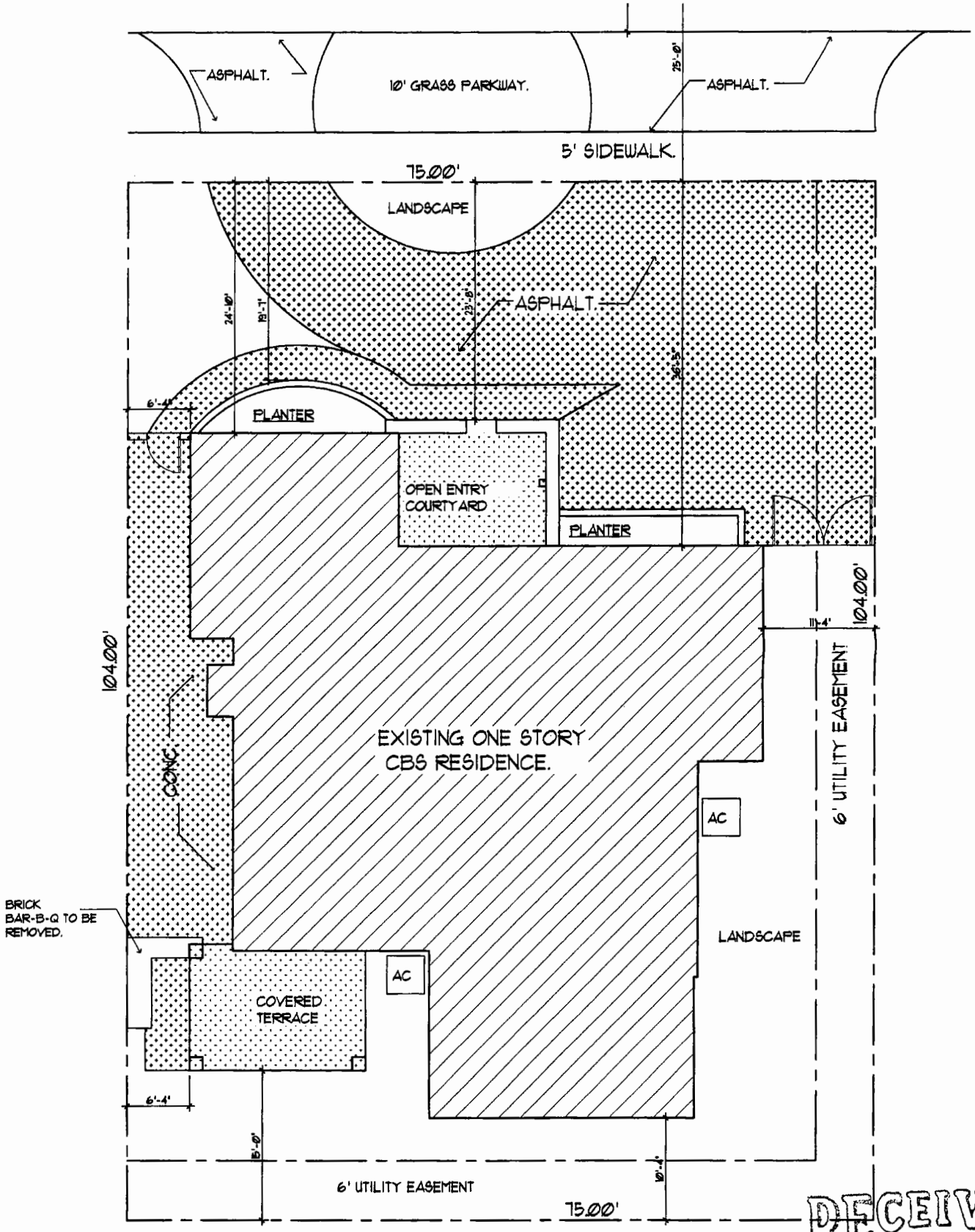
**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

200902002416 CLOSE (ENFORCEMENT HISTORY). NO VIOLATION OBSERVED.

200102002999 CLOSED (COMMERCIAL VEHICLE) ISSUED WARNING # 032830 CODE SECTION 33-124.1.

MARIA PANIZO



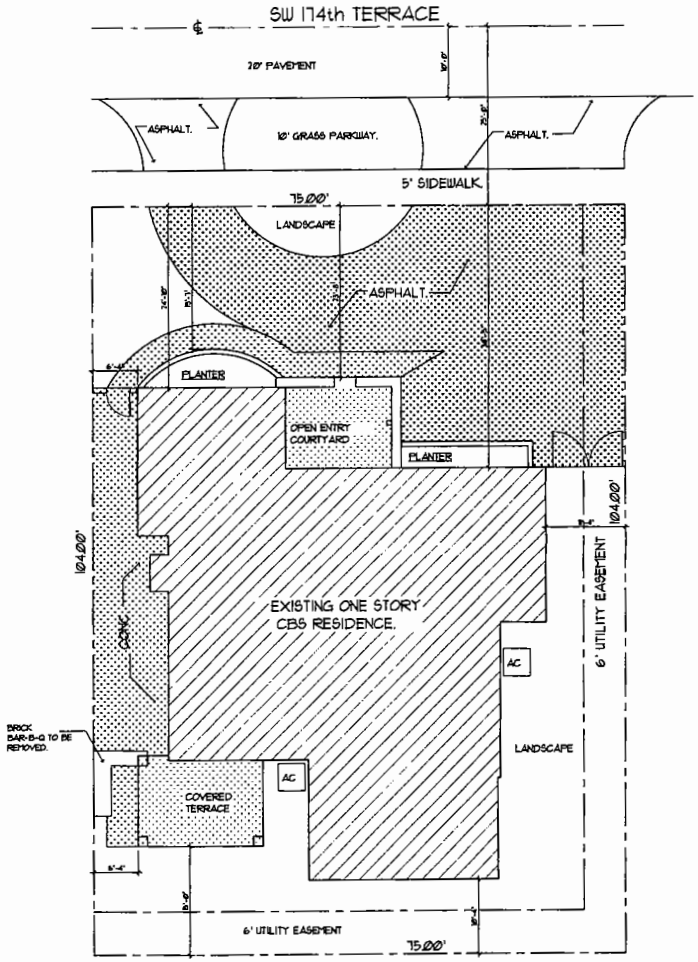

RECEIVED
JAN 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

AS BUILT SITE PLAN

ENLARGED SITE PLAN

16

Miami-01:3990.0001:1/22/2009:11:54:18




## ZONING LEGEND

SINGLE FAMILY & DUPLEX.

### ZONING:

HEIGHT (TO RIDGE OF ROOF)_____11'-11'
NET LAND AREA_____7,000 SF.
LOT COVERAGE (EVERYTHING UNDER ROOF_____3,151 SF (40.1 %).

| SETBACKS | REQUIRED | PROVIDED |
|---|---|---|
| FRONT | 25'-0" | 24'-10" |
| SIDE (EAST) | 7'-6" | 11'-4" |
| SIDE (WEST) | 7'-6" | 6'-4" |
| SIDE STREET | N/A | N/A |
| REAR (PRIMARY STRUCTURE) | 25'-0" | 10'-4 |
| REAR (COVERED TERRACE) | 25'-0" | 15'-0" |

AREA ADJACENT TO LAKE OR CANAL TO BE GRADED AS TO PREVENT DIRECT OVERLAND DISCHARGE OR STORMWATER INTO LAKE OR CANAL.

LOT WILL BE GRADED SO AS TO PREVENT OVERLAND DISCHARGE OR STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

ANY APPLICABLE RESOLUTION:_____N/A_____

### 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 553.73 (10), FLORIDA STATUTES, EFFECTIVE 7/10/87.

APPLICANT: MUST COMPLY WITH SECTION 13-13.1 OF THE MIAMI DADE COUNTY: (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 AT 305-375-2142.

THE HEIGHT OF FENCES, WALLS AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY TO RIGHT OF WAY.

THE HEIGHT OF FENCES IS MEASURED FROM GRADE. GRADE = ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD.

LEGAL DESCRIPTION:

LOT 2, BLOCK 19, SOUTH MIAMI HEIGHTS MANOR SUB., PLAT BOOK 68, PAGE 10, DADE.

1

## AS BUILT SITE PLAN

SCALE 1/8"=1'-0"

NORTH

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MIAMI-DADE PLANNING AND ZONING DEPT
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JAN 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

17

SEAL
1/23/09

FL LICENSE NO. 0000741

C. DAVID MORTON & ASSOCIATES

C. DAVID MORTON & ASSOCIATES
Architecture/Planning/Construction Management
14140 S.W. 117th Ave. Suite 105
Miami, FL 33186
(305) 383-7118 Fax (305) 383-0723

AS BUILT CONSTRUCTION DRAWINGS FOR
MR. AND MRS. JOE C. DAVIDSON
11740 SW 174 TERRACE
MIAMI FL. 33177.

REVISIONS
1 01/27/09

PROJECT NO.
08035
ISSUE DATE:
01/05/09

SHEET NO.
SP-1

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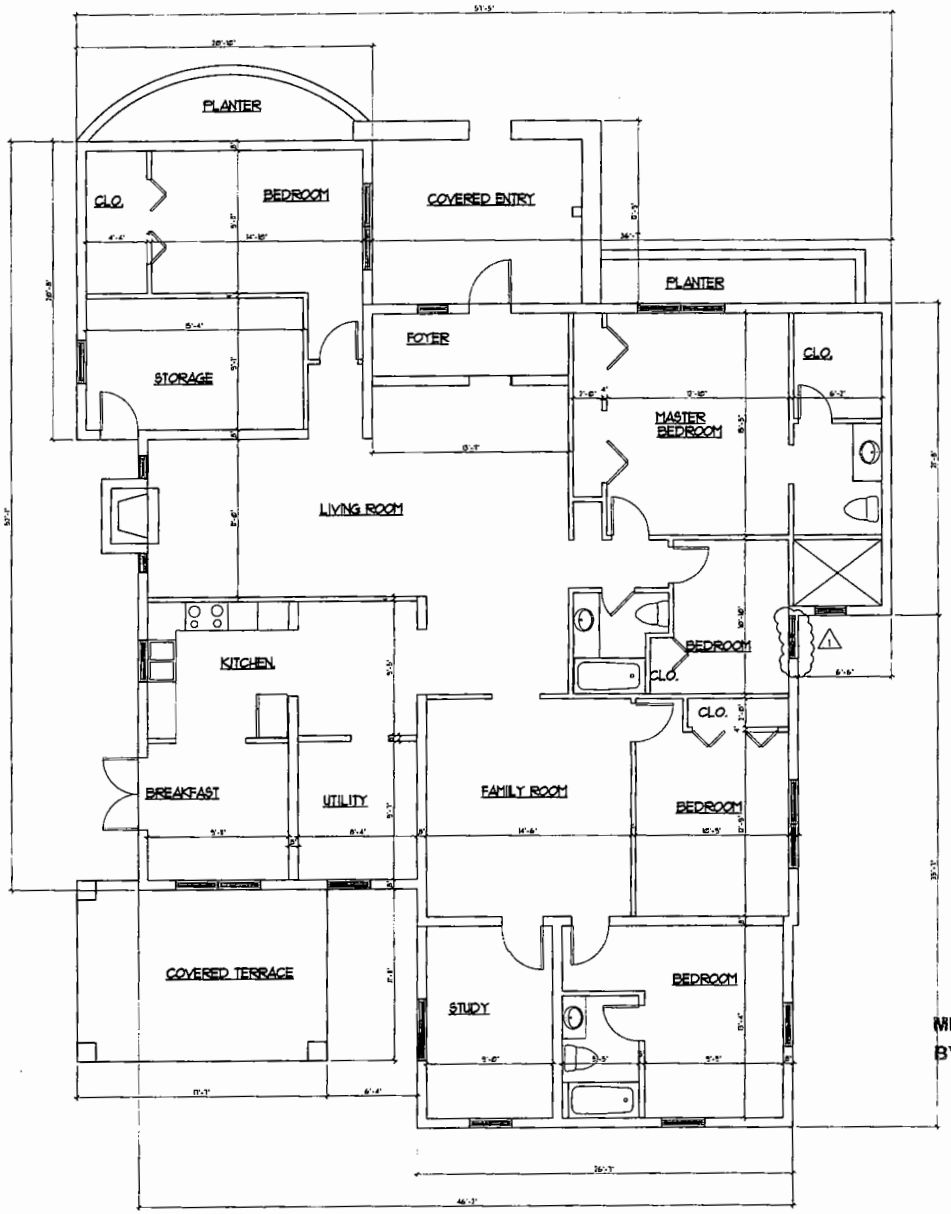


FLOOR PLAN

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

NORTH

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FL. LICENSE NO. 0000144

C. DAVID MORTON & ASSOCIATES

C. DAVID MORTON & ASSOCIATES
Architecture/Planning/Construction Management
14444 N.W. 60th Ave. Suite 205
Miami Lakes, FL 33014
(305) 823-7768 Fax: (305) 823-8759

AS BUILT CONSTRUCTION DRAWINGS FOR
MR. AND MRS. JOE C. DAVIDSON
11140 SW 114 TERRACE
MIAMI FL 33177.

REVISIONS
1 01/21/09

PROJECT NO.
08035

ISSUE DATE:
01/05/09

SHEET NO.
A-1

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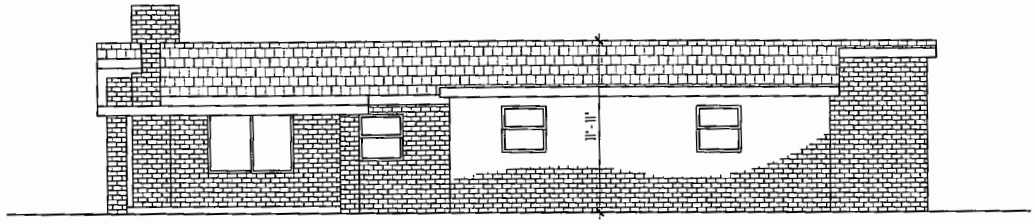
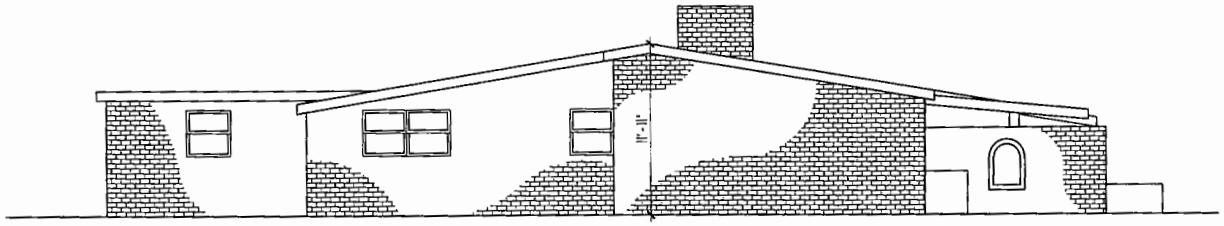



REAR (SOUTH) ELEVATION

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




LEFT (EAST) ELEVATION

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

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JAN 16 2009
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BY

19

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5 Nov 2001

C. DAVID MORTON & ASSOCIATES

FL. LICENSE NO. 0002441

C. DAVID MORTON & ASSOCIATES
Architecture • Planning • Interior Design
4444 Southwest 76th Ave. Suite 205,
Miami, FL 33155.
(305) 262-1788 Fax: (305) 740-0788

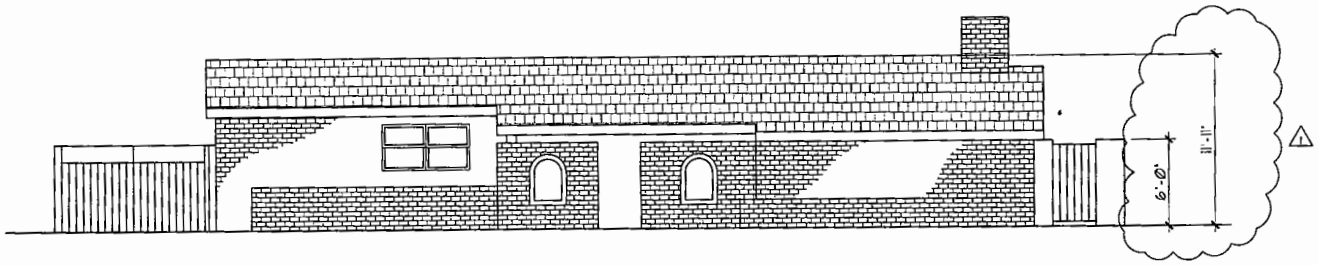
AS BUILT CONSTRUCTION DRAWINGS FOR
MR. AND MRS. JOE C. DAVIDSON
11140 SW 114 TERRACE
MIAMI FL 33177.

REVISIONS

PROJECT NO.
08035

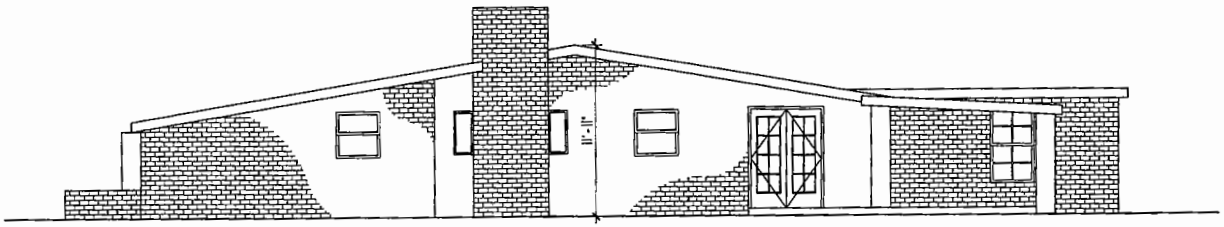
ISSUE DATE:
01/05/09

SHEET NO.
A-2




FRONT (NORTH) ELEVATION

SCALE 1/4"=1'-0"




RIGHT (WEST) ELEVATION

SCALE 1/4"=1'-0"

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JAN 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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JAN 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

C. DAVID MORTON & ASSOCIATES

FL. LICENSE NO. 0002441

C. DAVID MORTON & ASSOCIATES
Architecture/Planning/Construction Management
14444 Biscayne Blvd. North Miami, Florida 33181
(305) 893-7766 Fax: (305) 948-4726

AS BUILT CONSTRUCTION DRAWINGS FOR
MR. AND MRS. JOE C. DAVIDSON
11140 SW 114 TERRACE
MIAMI FL 33177.

REVISIONS
1 01/22/09

PROJECT NO.
0808035

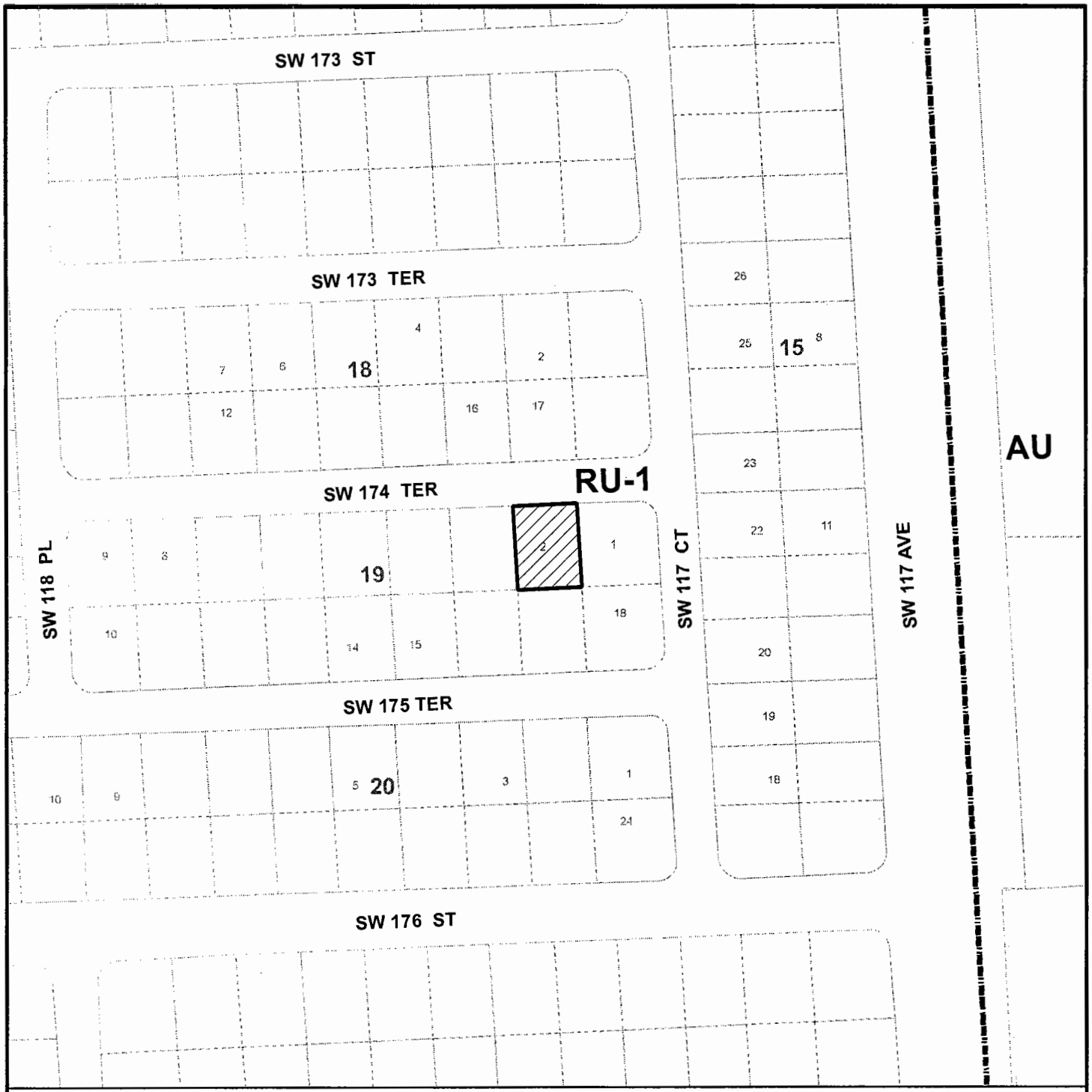
ISSUE DATE:
01/05/09

SHEET NO.
A-3

SEAL
1/23/09

2

Miami-Dade 01/27/2009 13:54:18




# MIAMI-DADE COUNTY

**HEARING MAP**

**Section: 36 Township: 55 Range:39**
**Applicant: SUSANNE DAVIDSON**
**Zoning Board: C14**
**Commission District:09**
**Drafter ID: KEELING**
**Scale: NTS**
**---------- Zoning**

**Process Number**
**09-002**

**SUBJECT PROPERTY**

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/09/09

| REVISION | DATE | BY |
|---|---|---|
| | | 21 |

**MIAMI-DADE COUNTY**
AERIAL YEAR 2008

Section: 36 Township: 55 Range:39
Applicant: SUSANNE DAVIDSON
Zoning Board: C14
Commission District:09
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number
**09-002**

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/09/09

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

**2. GREGORIO PEREZ & ETHEL**
**(Applicant)**

**09-4-CZ14-2 (09-03)**
**Area 14/District 9**
**Hearing Date: 4/23/09**

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 |
|---|---|---|---|---|
| | | | | 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 DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANTS:** Gregorio and Ethel Perez **PH:** Z09-003 (09-4-CZ14-2)

**SECTION:** 30-55-40 **DATE:** April 23, 2009

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

==========

## A. INTRODUCTION:

- **REQUESTS:**

(1) Applicants are requesting to permit a covered terrace addition to a single family residence setback 17.98' (25' required) from the rear (west) property line.

(2) Applicants are requesting to permit a decorative fountain in front of the residence (not permitted) and setback 17.98' (75' required) from the front (east) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Public Hearing (Open Terrace)" as prepared by Golavillek, consisting of 2 sheets and dated stamped received 1/6/09. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicants are seeking approval to allow the continued use of a covered terrace addition setback less than the required distance from the rear property line and to allow the continued use of a decorative fountain located in front of the principal residence and setback less than the required distance from the front property line.

- **LOCATION:**

16142 SW 107 Court, Miami-Dade County, Florida.

- **SIZE:** 80' x 109'

## B. ZONING HEARINGS HISTORY:

In 1959, pursuant to Resolution #3510, the Board of County Commissioners granted a district boundary change from AU, Interim District, to RU-1, Single-family Residential District on a larger parcel of land which included the subject property.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **SUBJECT PROPERTY:** | |
| RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **SURROUNDING PROPERTY:** | |
| **NORTH:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **SOUTH:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **EAST:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **WEST:** RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |

This property is an interior lot located at 16142 SW 107 Court. The surrounding area is developed with single-family residences.

## E. SITE AND BUILDINGS:

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

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the

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

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

**(g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe

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

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

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

**Section 33-311(A)(4)(b) Non-Use Variance Standard.**
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** |
| MDTA | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |

*Subject to conditions indicated in their memorandum.

## H. ANALYSIS:

The subject property is an interior platted lot with dimensions of 80' by 109' and is located at 16142 SW 107 Court, in an established RU-1, Single Family Residential Zoning District.

The plans submitted by the applicant depict an existing "U shaped" three bedroom-two bath single-family residence with a total lot coverage of 1,868 sq. ft. which includes an existing 315 sq. ft. covered terrace addition attached to the west side of the residence. The plans also depict an existing swimming pool and decorative fountain located in front of the existing residence.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Since the requests will not add additional dwelling units to the community, the RU-1 zoned, single-family residence is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP.

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. The **Public Works Department does not object** to this application. The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application and has indicated that the average response travel time for this site is **7:17** minutes.

When request #1 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions, that the covered terrace addition not be enclosed in any manner except for approved insect screen materials and that the applicants provide a 6' high wall/fence or hedge along the rear (west) property line, would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the covered terrace addition adds additional outdoor living space to the applicants' residence. Additionally, staff notes that the covered addition has also been harmoniously designed to match the same architectural style and scale of the existing residence. Staff notes that the proposal is **compatible** with the area as similar approvals have been granted in the vicinity. In 1994, pursuant to Administrative Variance #1994000471, the then Director of the Building and Zoning Department, granted approval of an addition to a single-family residence to setback 19.1' from the rear property line on a parcel of land located at 16133 SW 107 Place, which abuts the northwest corner of the subject property. As such, staff recommends approval of request #1 under Section 33-311(A)(4)(b) subject to conditions that the covered terrace not be enclosed in any manner except for approved insect screen materials and that a 6' high wall/fence or hedge be provided along the rear (west) property line.

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the of the decorative fountain would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the decorative fountain enhances the well maintained front yard landscaped area and enhances the façade of the entire site. Staff notes that the 57.02" encroachment into the front setback area is not visually noticeable from the street since the decorative fountain is harmonious with the façade of the existing single-family residence and blends in as one of the features within the landscaped area. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b).

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

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

Accordingly, staff opines that approval of requests #1 and #2 with conditions is **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and, therefore, recommends approval with conditions under Section 33-

311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

## I. RECOMMENDATION:

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

## J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Hearing (Open Terrace)" as prepared by Golavillek, consisting of 2 sheets and dated stamped received 1/6/09. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the covered terrace addition to the existing single-family residence not be enclosed in any manner except for approved insect screen materials approved.

5. That buffering be provided along the rear (west) property line either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the covered terrace addition.

6. That the applicants secure a building permit for the existing non-permitted structures from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

**DATE INSPECTED:** 02/25/09
**DATE TYPED:** 02/25/09
**DATE REVISED:** 02/26/09; 03/02/09; 03/13/09
**DATE FINALIZED:** 03/13/09
MCL:MTF:NN:NC:AA

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

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** February 6, 2009

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

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

**Subject:** C-14 #Z2009000003
Gregorio and Ethel Perez
16142 S.W. 107 Court
Request to Permit a Covered Terrace Addition to a Single Family Residence that Exceeds Setback Requirements
(RU-1) (0.20 Acres)
30-55-40

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

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

Concurrency Review Summary

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

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

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

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 26, 2008

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

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

**Subject:** Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

# Memorandum

**Date:** 02-FEB-09

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2009000003

## Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

## Service Impact/Demand:

Development for the above Z2009000003
located at 16142 S.W. 107 COURT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2115 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:17 minutes

## Existing services:

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

Station 50 - Perrine - 9798 Hibiscus Street 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: 03/20/09

# TEAM METRO

**ENFORCEMENT HISTORY**

GREGORIO PEREZ & ETHEL

**APPLICANT**

16142 SW 107 COURT, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

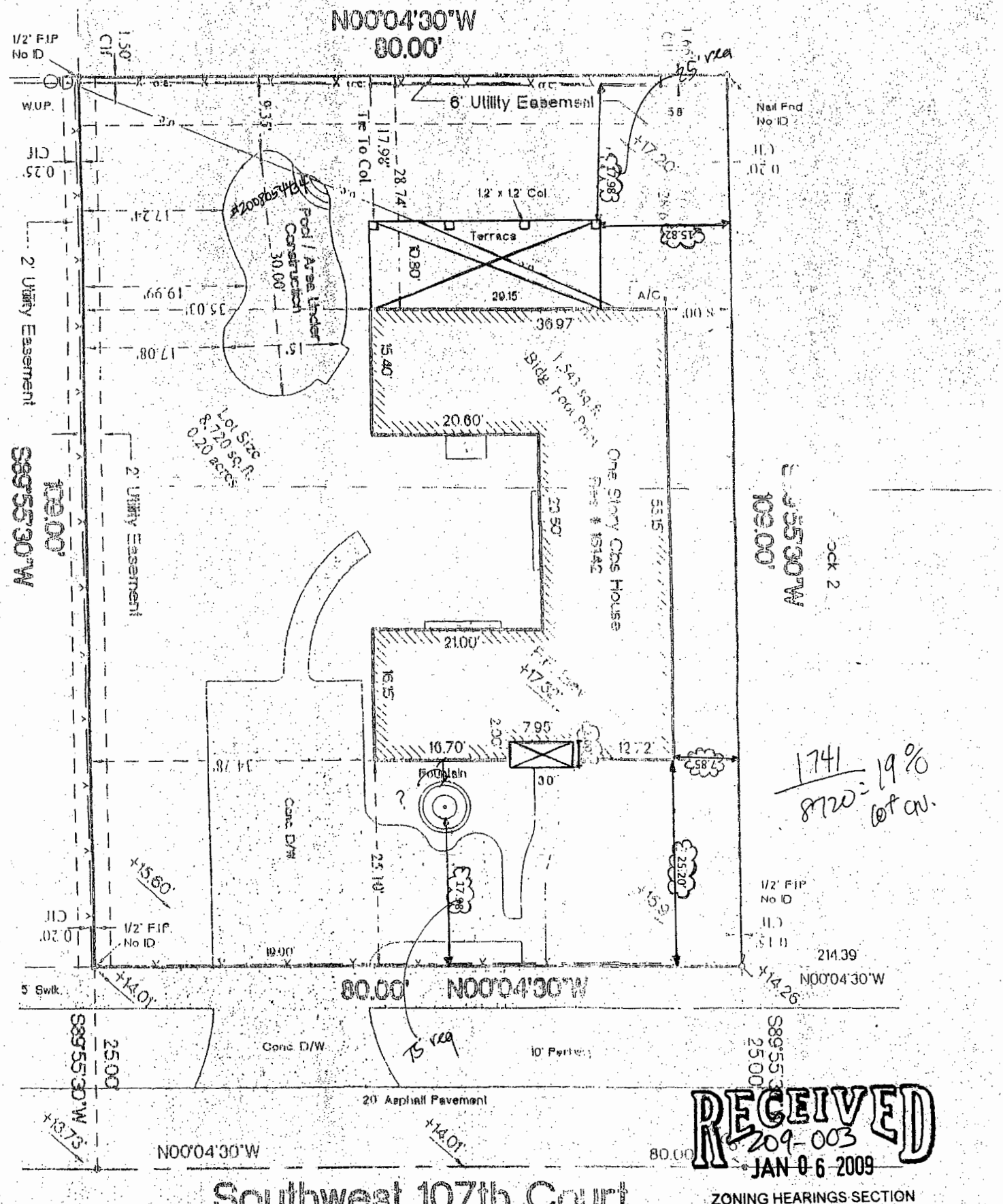
Z2009000003

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

200902002417 CLOSED NOT VIOLATION FOUND (ENFORCEMENT HISTORY CASE) ON NEW SETBACKS.

PATRICIA ARCILA




1741 / 8720 = 19% of cov.

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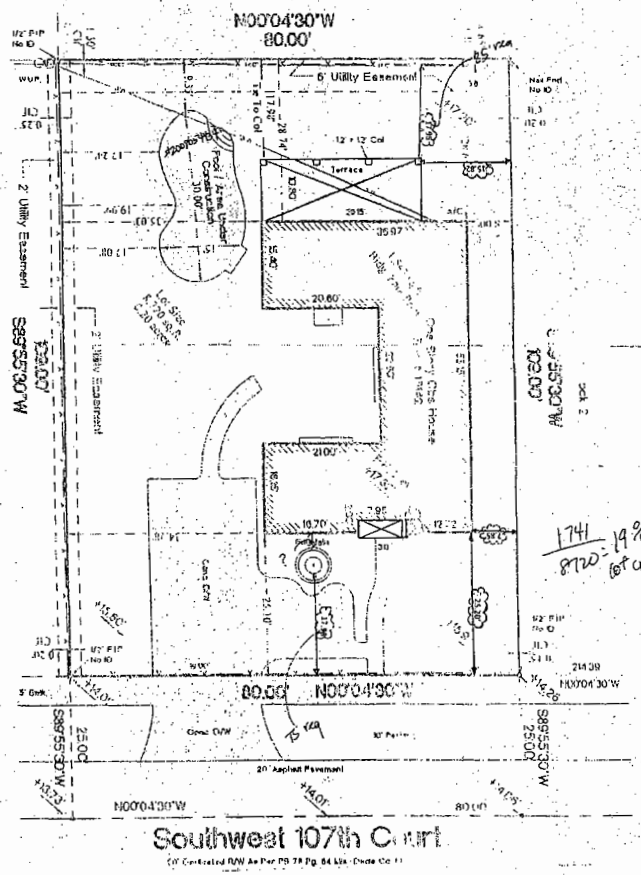
209-003
JAN 06 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

15

ENLARGED SITE PLAN

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 209-003
DATE: JAN 06 2009
BY: [illegible]




## ZONING LEGEND

ZONED: SINGLE FAMILY

| | |
|---|---|
| NET LAND AREA: | 8,720 SQ.FT. |
| LOT COVERAGE (EVERYTHING UNDER ROOF) | 1,497 SQ.FT. |
| EXISTING RESIDENCE = 1,497 SQ.FT. | |
| LEGALIZATION = 223 SQ.FT. | |
| LANDSCAPE AREA = 7,223 SQ.FT. | |

SETBACKS:

| | REQUIRED | PROPOSED |
|---|---|---|
| FRONT | 25' | 0' |
| SIDE | 7.5' | 0' |
| SIDE | 7.5' | 0' |
| REAR | 25' | 17.93' |

AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO LAKE OR CANAL.
LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

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 553.79 (10), FLORIDA STATUTES, EFFECTIVE 7/10/97

APPLICANT:

WILL COMPLY WITH THE ORDINANCE 89-90 (SECTION 13-131 OF 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 DEPT.
THE HEIGHT OF FENCES, WALL AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY HEADING TO A RIGHT OF WAY.
THE HEIGHT OF FENCES IS BEING MEASURED FROM GRADE – ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD.

## LEGAL DESCRIPTION

16142 SW 107 CT MIAMI, FL 33157
LOT 5 BLOCK 2
SUBDIVISION FAIRWAY LAKE SOUTH SECTION ONE
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78 AT PAGE 84 OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA.

Notes:
- SWIMMING POOL PERMIT # 2008054434
- FENCE PERMIT # 2008089931

## SCOPE OF WORK

LEGALIZATION FOR :

- OPEN TERRACE

FOLIO: 30-5030-002-0300 ADDRESS: 16142 SW 107 CT
LOT/UNIT: 5 BLOCK/BLDG: 2 PLAT BOOK: 78 PAGE: 84
SUBDIVISION: FAIRWAY LAKE SOUTH
COST OF CONSTRUCTION– SCOPE OF WORK
INTERIOR RENOVATION –COST OF WORK (MUST INCLUDE ITEMIZED LIST): $
ADDITION –COST OF WORK SQ. FT. OF CONST. X ( 47 SQ. FT. LIVING SPACES) $
SQ.FT. OF CONST. X (35 SQ. FT. STORAGE GARAGE TERRACE) $
TOTAL COST, OF WORK $

CROWN OF ROAD 8.59'

| | LOWEST FLOOR ELEVATION/INCLUDING BASEMENT/ SUNKENT AREAS | GARAGE/STORAGE FLOOR ELEVATION | ADJACENT GRADE ELEVATION (NEXT TO THE WALL OF THE STRUCTURE) |
|---|---|---|---|
| EXISTING | 10.50 FT. NGDV | N/A | 9.03 FT. NGDV |
| PROPOSED | 10.50 FT. NGDV | N/A | 9.03 FT. NGDV |

THE OWNER OF THIS PROPERTY UNDERSTANDS THAT THE WORK AMOUNT INDICATED ABOVE IS GOING TO BE KEPT ON THE OFFICIAL PERMIT RECORD DURING A SIX (6) MONTH PERIOD FROM THE DATE OF WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. IF ANY ADDITIONAL REPAIR, RECONSTRUCTION, ALTERATION, ADDITION, REMODELING OR COMBINATION THEREOF IS DONE BEFORE THE CERTIFICATE OF COMPLETION IS ISSUED, OR WITHIN THE TRACKING PERIOD, IT WILL BE CONSIDERED A CONTINUANCE OF THE ABOVE WORK, IF THE PROPERTY IS DECLARED SUBSTANTIALLY IMPROVED OR DAMAGE AND THE FLOOR ELEVATION IS NOT IN COMPLIANCE THE STRUCTURE WILL BE ELEVATED IN ACCORDANCE WITH CHAPTER 11C OF THE MIAMI-DADE COUNTY CODE

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209-003
JAN 06 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

| Drawing No. | Project No. | PROJECT: | OWNER: | APPROVED BY: | APPROVED BY: | Revision No. | Date | |
|---|---|---|---|---|---|---|---|---|
| 528 of | Date: DRAWN BY: CHECKED BY: | PUBLIC HEARING (OPEN TERRACE) ADDRESS: 16142 SW 107 CT MIAMI, FL 33157 | ETHEL RODAS ADDRESS: 16142 SW 107 CT MIAMI, FL 33157 | | ORLANDO E. DIAZ | | | SITE PLAN |

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PROCESSING SECTION
DATE: JAN 06 2009
BY: [illegible]

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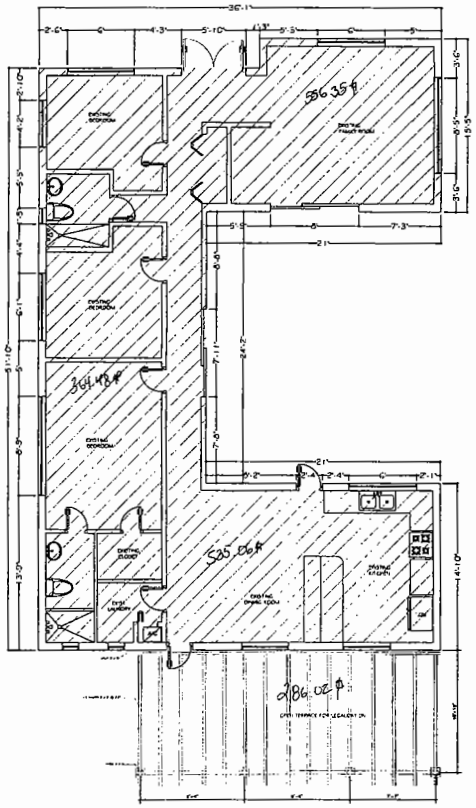
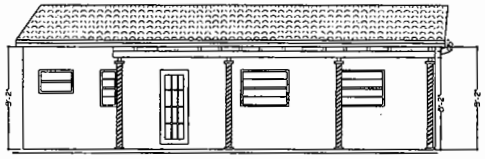
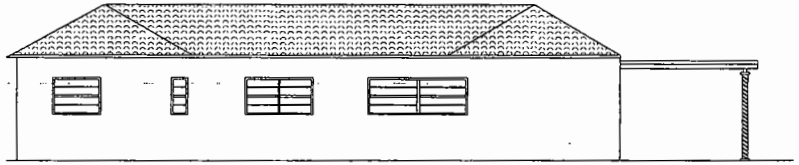
JAN 06 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

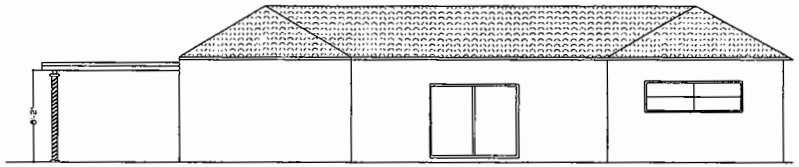


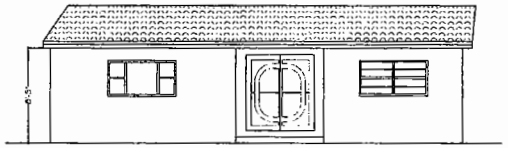
REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FROM ELEVATION

## GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES AND ALL OTHER EXISTING CONDITIONS PRIOR TO COMMENCING ANY WORK. CONTRACTOR TO ALSO VERIFY AND APPROVE ALL INFORMATION ON DRAWINGS. ACCEPTANCE OF THESE PLANS CONSTITUTES APPROVAL. PLEASE NOTIFY ENGINEER BY CERTIFIED MAIL OF ANY CONFLICTS OR DISCREPANCIES, IF ANY.
2. CONTRACTOR SHALL FURNISH AND BE SOLELY RESPONSIBLE FOR ALL TEMPORARY BRACING AND SHORING REQUIRED TO MAINTAIN PLUMBNESS AND STABILITY OF ALL STRUCTURAL ELEMENTS DURING CONSTRUCTION.
3. THE CONTRACTOR SHALL OBTAIN FROM ALL SUBCONTRACTORS THE FINAL APPROVED SITE AND LOCATION OF ALL OPENINGS TO BE PROVIDED FOR RESPECTIVE TRADES. HE SHALL BE RESPONSIBLE FOR LOCATION AND DETAILS.
4. ALL CONCRETE FOR FOUNDATIONS & SLABS ON GRADE SHALL REACH 2500 P.S.I. COMPRESSIVE STRENGTH AT 28 DAYS, AND ALL COLUMNS, GROUTED CELLS, SLABS ABOVE GRADE AND TIE BEAMS SHALL REACH 3000 P.S.I. COMPRESSIVE STRENGTH MINIMUM AT 28 DAYS UNLESS OTHERWISE NOTED.
5. CONTRACTOR/OWNER SHALL BE RESPONSIBLE FOR VERIFYING REQUIRED GRADE & FINISHED FLOOR ELEVATIONS WITH RESPECT TO DADE COUNTY FLOOD CRITERIA, EXISTING CROWN OF ROAD ELEVATIONS, FEDERAL FLOOD CRITERIA OR ANY OTHER GOVERNING BODY.
6. OWNER AND CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING, BY CERTIFIED MAIL UPON COMMENCEMENT OF PROJECT.
7. THE OWNER SHALL BE SOLELY RESPONSIBLE FOR INVESTIGATION IN REFERENCE TO WHETHER STRUCTURE CAN BE BUILT ON SITE. PAYMENT OF THESE DRAWINGS CONSTITUTES ACCEPTANCE & AGREEMENT WITH THE FOLLOWING STATEMENT: NO PARTY SHALL INITIATE DELAY CLAIMS AGAINST FERNANDO GOMEZ-PINA, P.E. LIABILITIES SHALL BE LIMITED TO FEES PAID TO THE DESIGN PROFESSIONAL.

PLEASE NOTE - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY ALL JOB CONDITIONS AND DIMENSIONS.

RECEIVED
209-003
JAN 06 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

FERNANDO GOMEZ-PINA, P.E.
CONSULTING ENGINEER
FL. P.E. No 14710 (CIVIL)
250 CALABRIA AVENUE
CORAL GABLES, FL. 33134
TEL: (305) 461-2188
FAX: (305) 461-2238
FGP@FGPENGINEERING.NET

Project Title: LEGALIZATION OF OPEN TERRACE FOR: ETHEL RODAS

16142 SW 107 CT
MIAMI, FLORIDA 33157

Address:

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF FERNANDO GOMEZ-PINA, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

REVISIONS

BLDG DEPT REVISIONS

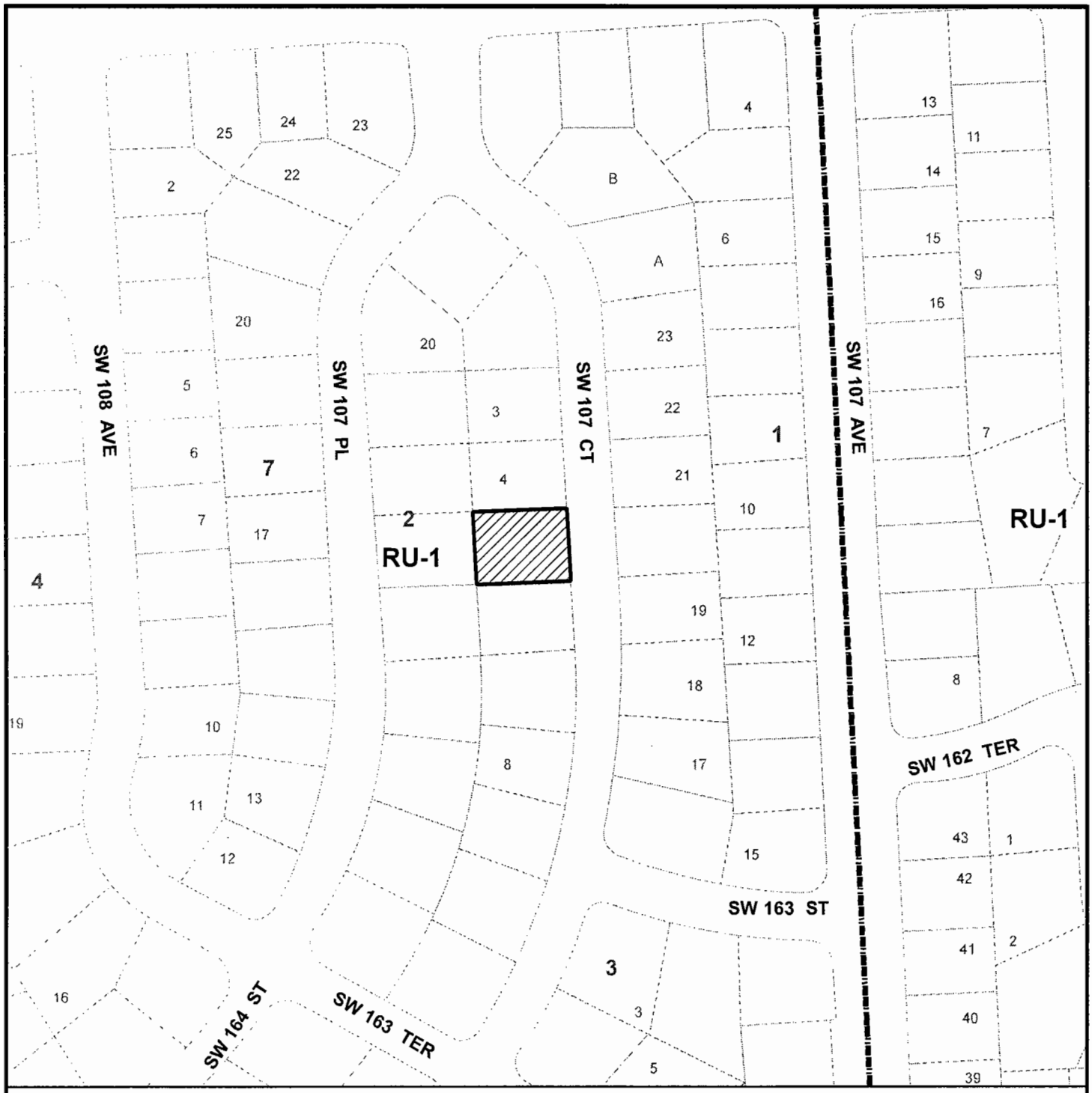
DESCRIPTION
Project No.
Date:
Drawn By:
Approved By:
F.G.P.

SEAL

SHEET NO.
A-1

1 OF 5

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT




# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**
**09-003**

**Section: 30 Township:55 Range: 40**
**Applicant: GREGORIO PEREZ & ETHEL**
**Zoning Board: C14**
**Commission District: 09**
**Drafter ID: ALFREDO**
**Scale: NTS**
**---------- Zoning**

**SUBJECT PROPERTY**

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/09/09

| REVISION | DATE | BY |
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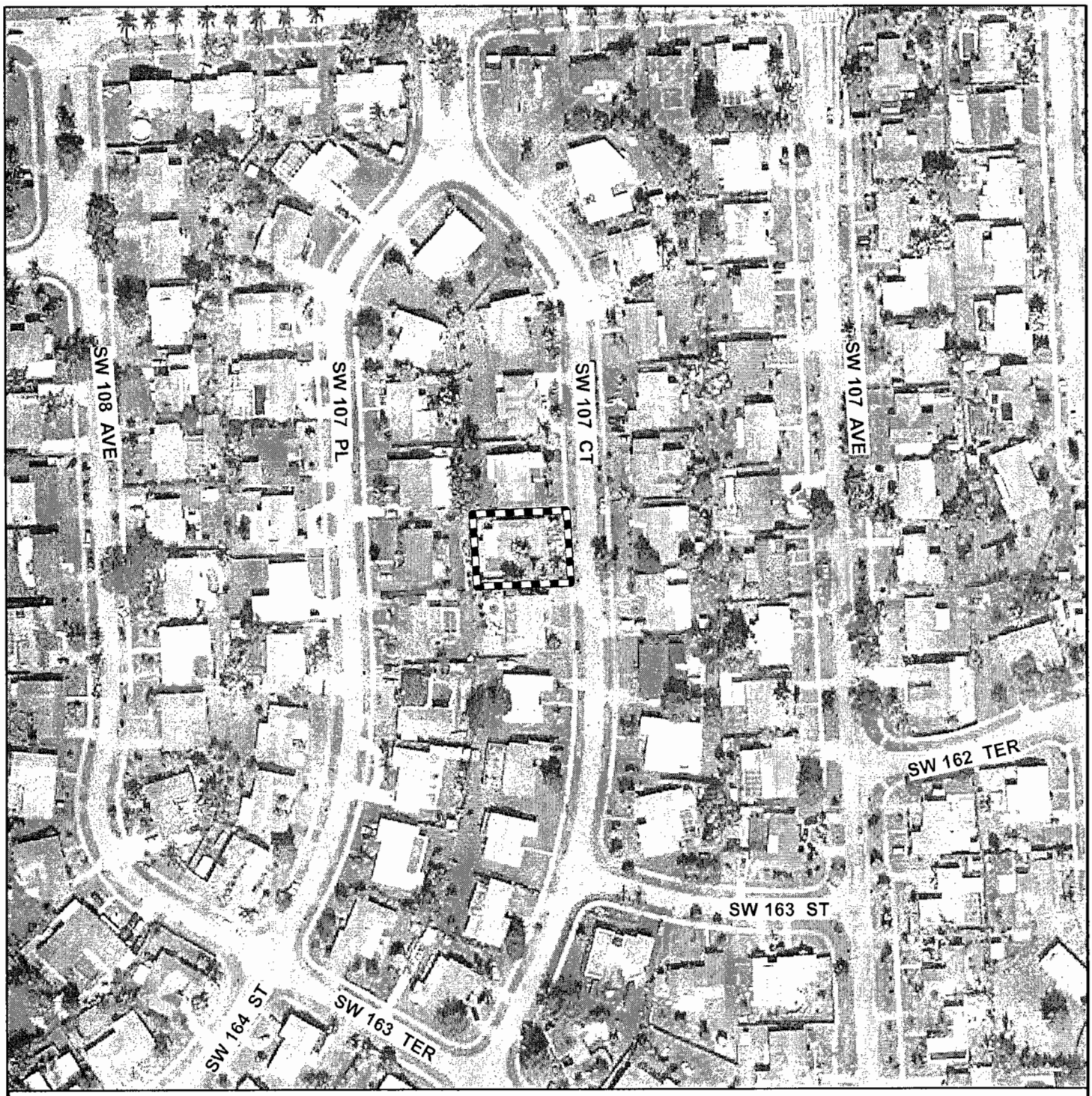


# MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
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---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/09/09

| REVISION | DATE | BY |
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