

KITS

8-3-2009 Version # 1



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Wednesday, September 9, 2009 at 6:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|---------------|----------|---|
| 1. | 09-9-CZ14-1 | <u>AMERICO BARREIRO & GUILHERMINA
BARREIRO</u> | <u>08-51</u> | 32-55-40 | N |
| 2. | 09-9-CZ14-2 | <u>GERARDO A. DIAZ</u> | <u>08-112</u> | 07-57-39 | N |
| 3. | 09-9-CZ14-3 | <u>VICTOR MEDEROS/ODALYS MARTOS
JTRS</u> | <u>09-65</u> | 11-56-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, SEPTEMBER 9, 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

LOCATION: 29625 SW 177 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.52 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of request #1 under
Section 33-311(A)(3), approval with
conditions of request #2 under Section 33-
311(A)(4)(b) and denial without prejudice of
request #2 under Section 33-311(A)(4)(c).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. VICTOR MEDEROS/ODALYS MARTOS JTRS
(09-9-CZ14-3/09-065)**

**11-56-39
Area 14/District 8**

Applicants are requesting to permit a chickee hut setback 6.3' (20' required) from the interior side (west) property line and 5.6' (7.5' required) from the rear (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex 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 "Plans for Victor Mederos Chickee Hut," as prepared by Owner Victor Mederos, dated stamped received 5/4/09 and consisting of 2 pages. Plans may be modified at public hearing.

LOCATION: 12931 S.W. 212 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 129.38' x 116.85'

Department of Planning and
Zoning Recommendation:

Denial without.

Protests: _____ 0 _____

Waivers: _____ 5 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. AMERICO BARREIRO & GUILHERMINA BARREIRO
(Applicant)

09-9-CZ14-1 (08-051)
Area 14/District 9
Hearing Date: 9/09/09

Property Owner (if different from applicant) **AMERICO BARREIRO & GUILHERMINA.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2007	Director of the Department of Planning & Zoning	- Multiple Zones to (PECUC).	BCC	Approved on a modified basis

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: Americo and Guilhermina Barreiro

PH: Z08-051 (09-9-CZ14-1)

SECTION: 32-55-40

DATE: September 9, 2009

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

- (1) Special Exception to permit a concrete batching plant.
- (2) Applicants are requesting a setback of 25' (0' required for 25% of the building width, 6' required for the remainder) from the front (north) property line.
- (3) Applicants are requesting to permit parking in front of the building (not permitted).
- (4) Applicants are requesting to permit a building height of 1-story (2-stories minimum required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2- #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 "Concrete Plant at SW 168 Terr.," as prepared by Robayna & Associates, Inc., consisting of 3 sheets, 2 sheets prepared by T.D.M. and 3 sheets prepared by Buck Stell, all dated 12/4/08 and totaling 8 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application will allow the development of a concrete batching plant on the subject site. The requests are being sought because the existing building and proposed development on the site do not meet the new zoning regulations for the Perrine Community Urban Center District (PECUC). These requests include the following: to permit an existing building to setback more than required from the front property line, to permit parking in front of the building and to permit the existing single-story building on the site.

o **LOCATION:** 9800-9790 SW 168 Terrace, Miami-Dade County, Florida.

o **SIZE:** 300' x 218.5'

ZONING HEARINGS HISTORY:

A portion of the subject property was approved for a Special Permit to allow a salvage yard in February 1959, pursuant to Resolution #2830. In October 2007, pursuant to Resolution #Z-52-07, the subject property, which was previously zoned, IU-2, Heavy Industrial Manufacturing District, was a part of a section of land that was approved for a district boundary change from multiple zones to PECUC (Perrine Community Urban Center) District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

Urban Centers

Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and **Community Centers** which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the

intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Zoning Not Specifically Depicted on the LUP Map.

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

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
PECUC/ID; vacant building	Community Urban Center
<u>Surrounding Properties:</u>	
NORTH: PECUC/ID; warehouses	Community Urban Center
SOUTH: PECUC/ID: concrete batching plant	Community Urban Center
EAST: PECUC/ID; parking lot	Community Urban Center
WEST: PECUC/ID; garage	Community Urban Center

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
Urban Design:	Acceptable

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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

Section 33-314(C)(14) of the Zoning Code states that applications for development approval or modifications thereof for projects located within the Core sub-district of the Urban Center zoning districts must be heard before the Board of County Commissioners (BCC) after a recommendation is made by the Community Zoning Appeals Board (CZAB) having jurisdiction in that area.

The subject property is located at 9800 and 9790 SW 168 Terrace, approximately **3.5 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property, which was previously zoned IU-2, Heavy Industrial Manufacturing District, was a part of a section of land that was rezoned from multiple zones to PECUC (Perrine Community Urban Center) District. The approval of this application will permit the applicants to develop the property with a concrete batching plant with variances to the setback, parking and building height requirements on the subject property. The subject property lies within the **Perrine Community Urban Center (PECUC) District** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

The subject property lies within the Center Sub-District of the PECUC and is designated as Industrial (ID) under the PECUC's Land Use Plan map. The ID zone allows all uses allowed in the IU-1, Light Industrial Manufacturing District and the IU-2 district after public hearing pursuant to Section 33-311(A)(3) of this code. The applicants seek to permit the development of the site consisting of an existing building, with variances of setback, parking and building height regulations of the Standard Urban Center regulations. The existing concrete structure was built in accordance with the prior IU-2, District regulations. However, the submitted plans indicate adequate landscaping and the required 8' high concrete wall along the north, east and west property lines. Additionally, staff notes that the property abuts another batching plant to the south and that the submitted plans indicate that the proposed batching plant is located to the rear (south) of the property. As such, pending the approval of the applicants' request for a Special Exception to permit the concrete batching plant under the aforementioned section, staff opines that the proposed development of the site is **compatible** with the future development of the area and is **consistent** with the PECUC designation on the LUP map of the CDMP. Staff therefore, opines that approval of the requested variances to the regulations would maintain the basic intent and purpose of the PECUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Perrine in southern Miami-Dade County.

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 the application does meet traffic concurrency and will generate **3** additional PM daily peak hour **vehicle trips**. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of roadways, which are currently operating at LOS "B" and "D". The Miami-Dade Fire Rescue Department (**MDFRD**) also **does not object** to this application and they indicate that the estimated response time is **5:04 minutes**.

When analyzing the 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 concrete batching plant would be **compatible** with the surrounding area. When considering the necessity for and reasonableness of such applied for special exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development, staff is of the opinion that the proposed new facility will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities including water, sewer, solid waste disposal, transportation, streets, roads, highways or provoke excessive overcrowding or concentration of people or population, as indicated in memoranda from the Public Works Department, DERM and MDFRD. As previously mentioned, the subject property abuts a concrete batching plant to the south. Additionally, staff notes that in 1959, pursuant to Resolution #2820, a portion of the subject property was approved for a Special Permit to allow a salvage yard, which in staff's opinion, is compatible with the proposed batching plant. However, in order to maintain the integrity of the proposed development, staff recommends that a Unity of Title be submitted at the permitting. Accordingly, staff recommends approval with conditions of the requested special exception to permit the concrete batching plant under Section 33-311(A)(3).

When requests #2 through #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 **compatible** with the surrounding area, and would not negatively affect the appearance of the community. As previously mentioned, the subject property consists of an existing one-story building setback 25' from the front property line, which the submitted plans indicate will be used as the office and locker room for the plant. Additionally, said plans indicate parking in front of the building line along the northeast corner of the subject property. However, as previously mentioned, the plans indicate a proposed 8' high concrete wall along the front property line except for the ingress and egress points. In addition, there is a row of Silver Buttonwood trees and a continuous hedge along the front (north) property line that will mitigate any negative visual impacts from the parking in front of the building. Further, the plans indicate the siting of the concrete batching plant to the rear (south) of the property where it abuts a property also housing a concrete batching plant. The interior side (east and west) property lines contain a 15' wide landscape buffer consisting grass and a row of Mahogany trees along with a proposed 8' high concrete wall, which also mitigates any negative visual impact from the plant and the building on the abutting properties to the east and west. Therefore, in staff's opinion, approval of the aforementioned requests are not out of character with the planned development of the area under the PECUC guidelines and would not set a negative precedent for the development of the area as envisioned. Staff opines that these requests (requests #2 through #4), do maintain the basic intent and purpose of the zoning regulations, will be **compatible** with the surrounding land uses and will not be detrimental to the community. Therefore, requests #2 through #4 should be approved with conditions under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that requests #2 through #4 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed in accordance with the PECUC district regulations and the applicants have not proven that compliance with same would result in an unnecessary hardship. Therefore,

these requests cannot be approved under Section 33-311(A)(4)(c) (ANUV) and should be denied without prejudice under same.

Based on the aforementioned, staff recommends approval with conditions of request #1, approval with conditions of requests #2 through #4, under Section 33-311(A)(4)(b) (NUV) and denial of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

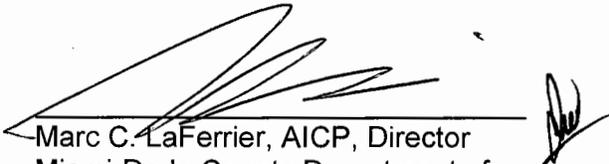
Approval with conditions of request #1, approval with conditions of requests #2 through #4, under Section 33-311(A)(4)(b) (NUV) and denial of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan shall include but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Concrete Plant at SW 168 Terr.," as prepared by Robayna & Associates, Inc., consisting of 3 sheets, 2 sheets prepared by T.D.M. and 3 sheets prepared by Buck Stell, all dated 12/4/08 and totaling 8 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. 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.
5. That the applicants obtain a Certificate of Use for the concrete batching plant 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.
6. That the applicants submit a unity of title agreement or agreement in lieu of unity of title, in recordable form, encumbering the entire portion of the subject property, prior to the issuance of a building permit for any structure.

Americo and Guilhermina Barreiro
Z08-051
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DATE INSPECTED: 07/01/09
DATE TYPED: 07/24/09
DATE REVISED: 07/27/09, 08/14/09
DATE FINALIZED: 08/14/09
MCL:NN:AA:CH


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

Memorandum



Date: June 17, 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 #Z2008000051
Americo Barreiro and Guilhermina Barrerio
9800 and 9790 S.W. 168th Terrace
Special Exception to Permit a Concrete Batching Plant
(PUCD) (1.5 Acres)
32-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (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 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, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

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

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

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

There are records of current contamination assessment or remediation issues on the subject property regarding soils contaminated with metals and petroleum (Perrine Auto Salvage, 9800 S.W. 168th Terrace, IW-5/F-296).

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.

Due to the nature of activities associated with the proposed land use, DERM review, approval, and permits will be required for activities that could be a source of air pollution. The DERM Air Quality Management Division may be contacted at (305) 372-6925 for further information in this regard.

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

There are no tree resources issues on the subject properties.

Enforcement History

DERM has found the following enforcement record:

Perrine Auto Salvage (SA/IW Closed Case).

On August 7, 1997 a Notice of Violation (NOV) was issued to this facility for a petroleum hydrocarbon release into a septic tank. A Contamination Assessment Report (CAR) and no further action plan (NFAP) were submitted. The NFAP was approved the case was subsequently closed on August 7, 1998 due to compliance.

Perrine Auto Salvage (IW 317 Open Case)

On March 10, 2004, evidence of soil contamination was documented on the subject property. A NOV followed by Final Notice Prior to Court Action (FNPTCA) were issued to this facility requiring submittal of a Source Removal Report (SRR), and Site Assessment Report (SAR) for the industrial waste discharges on the property. Further enforcement action is pending as the required SAR was never submitted.

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: AMERICO BARREIRO & GUILHERMINA BARREIRO

This Department has no objections to this application.

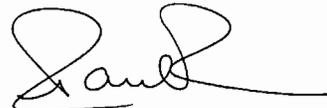
Additional improvements may be required at time of platting

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9728	SW 107 Ave. s/o SW 160 St.	D	D
9868	SW 168 St. w/o SW US-1	B	B

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.

01-OCT-08

Memorandum



Date: 23-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000051

Fire Prevention Unit:

This memo supersedes MDRF Memorandum dated October 15, 2008.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped December 4, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure compliance with the MDRF 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 MDRF requirements.

Service Impact/Demand:

Development for the above Z2008000051
 located at 9800 & 9790 S.W. 168 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2147 is proposed as the following:

N/A	dwelling units	2,160	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 0.10 alarms-annually.
 The estimated average travel time is: 5:04 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 50 - Perine - 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 December 4, 2008. Substantial changes to the plans will require additional service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

ADDRESS:

**AMERICO BARREIRO &
GUILHERMINA BARREIRO**

**9800 & 9790 SW 168
TERRACE**

DATE: JULY 30, 2009

**ZONING HEARING#:
08-51**

CURRENT ENFORCEMENT HISTORY:

200902009656 OPEN JULY 30, 2009 (OPEN AIR STORAGE AND
STORING LARGE BOATS AND BOAT TRAILERS, ALSO PILE OF DEBRIS,
CONCRETE AND WOOD).

200702000629 CLOSED (ISSUED CIVIL VIOLATION NOTICE # 995412 C/L
FENCE PERMIT).

200602000306 CLOSED (ISSUED MANUAL WARNING N7991 JUNK &
TRASH/OVERGROWTH).

200502003938 CLOSED (NOT VIOLATION FOUND).

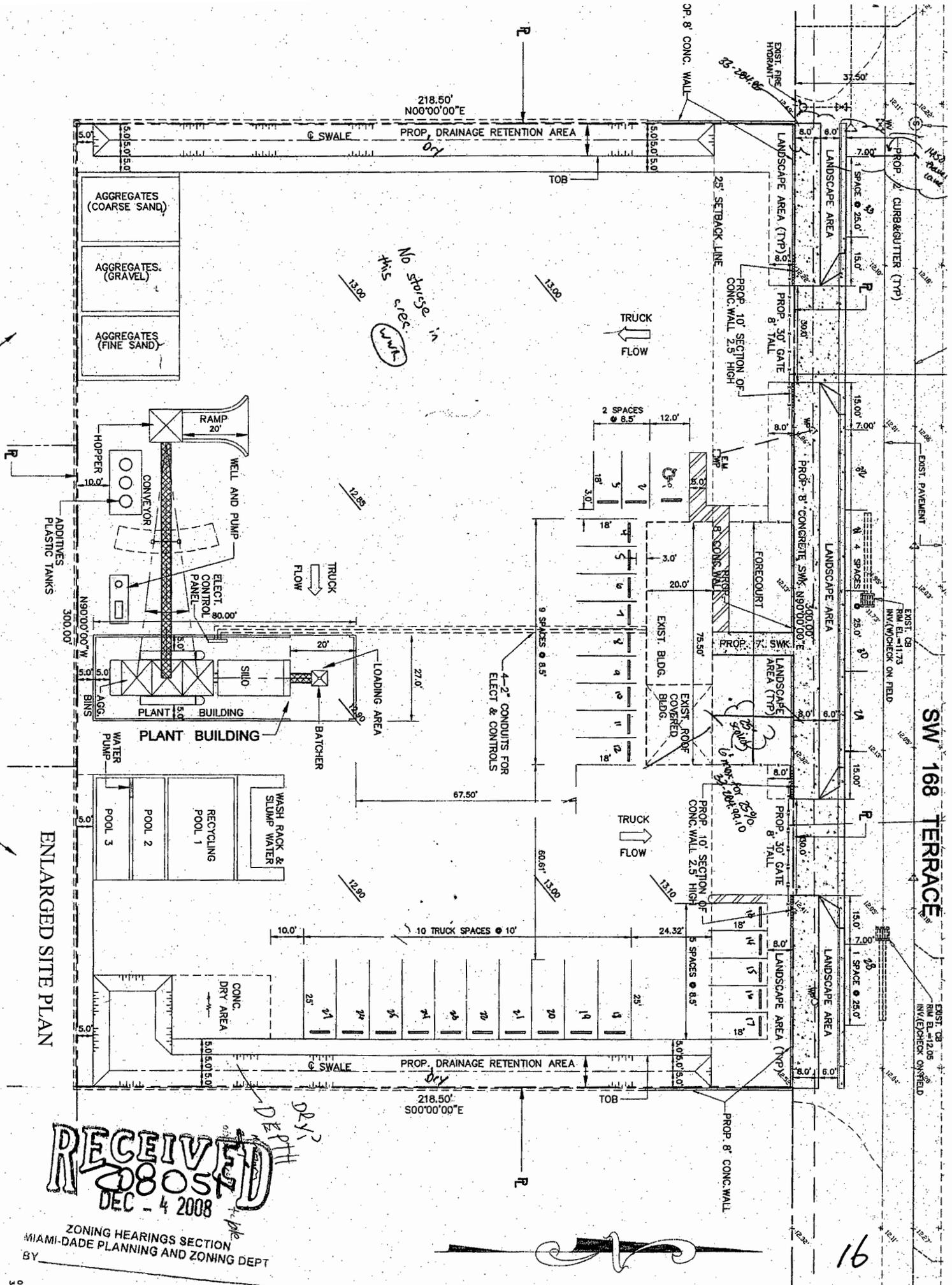
200402001221 CLOSED (NOT VIOLATION FOUND).

200302008129 CLOSED (NOT VIOLATION FOUND).

200202001403 CLOSED (ISSUED DECAL # 73409)

200102004931 CLOSED (JUNK & TRASH ABANDONED VEHICLE).

200002002727 CLOSED (NOT VIOLATION FOUND).



ENLARGED SITE PLAN

SW 168 TERRACE

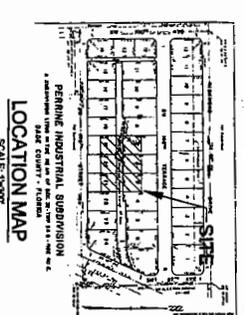
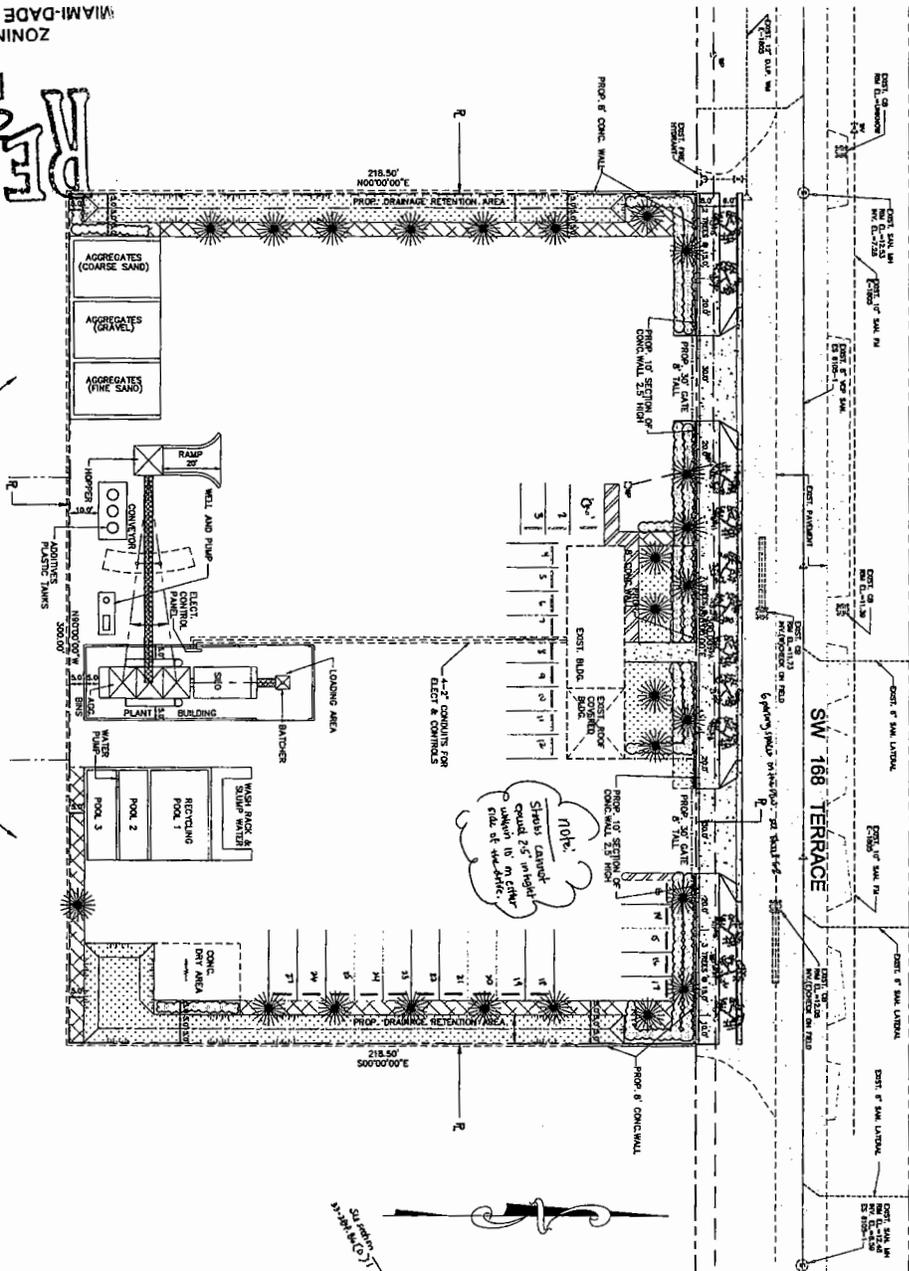
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MIAMI-DADE PLANNING AND ZONING DEPT
BY

16

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 THE CITY OF MIAMI
 PLANNING AND ZONING DEPARTMENT
 11/26/2008

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 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT



LANDSCAPE LEGEND - CHAPTER 18A
 ZONING DISTRICT: U-2 NET LOT AREA: 1.92 ACRES 55,550 SQ. FT.

REQUIRED	PROVIDED
OPEN SPACE	
A. MINIMUM PERCENT OF OPEN SPACE BY CHAPTER 23, AS REQUIRED ON SITE PLAN	5.8%
B. NET LOT AREA = 55,550 SQ. FT. X 10% = 5,555 SQ. FT.	5,555
C. BY CHAPTER 23, AS REQUIRED ON SITE PLAN	5,555
D. PERCENTAGE OF OPEN SPACE BY CHAPTER 23, AS REQUIRED BY CHAPTER 23, AS REQUIRED ON SITE PLAN	10.0%
E. PERCENTAGE OF OPEN SPACE BY CHAPTER 23, AS REQUIRED BY CHAPTER 23, AS REQUIRED ON SITE PLAN	10.0%
F. TOTAL NUMBER OF TREES PROVIDED	12
G. TOTAL NUMBER OF SHRUBS PROVIDED	111
H. TOTAL NUMBER OF PALMS PROVIDED	111
I. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
J. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
K. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
L. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
M. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
N. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
O. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
P. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
Q. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
R. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
S. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
T. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
U. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
V. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
W. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
X. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
Y. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111
Z. TOTAL NUMBER OF HEDGE SHRUBS PROVIDED	111

LEGEND

- SILVER BOTTOMWOOD (NATIVE) / CONOCARPUS (ERECTUS) - 1/2 PROVIDED
- DIAMETER OF 4" AT BRANCH HEIGHT AND HEIGHT OF 12' AT TIME OF PLANTING
- MANGROVE (NATIVE) - 1/2 PROVIDED
- DIAMETER OF 2" AT BRANCH HEIGHT AND HEIGHT OF 10' AT TIME OF PLANTING
- HEGDES (SHRUBS) - 5/8 PROVIDED
- GRASS - SHALL BE PERMANENTLY RESISTANT TO PESTICIDES (EXCEPT FOR GRASS)
- GROUND COVER - 5/8 PROVIDED

LEGAL DESCRIPTION

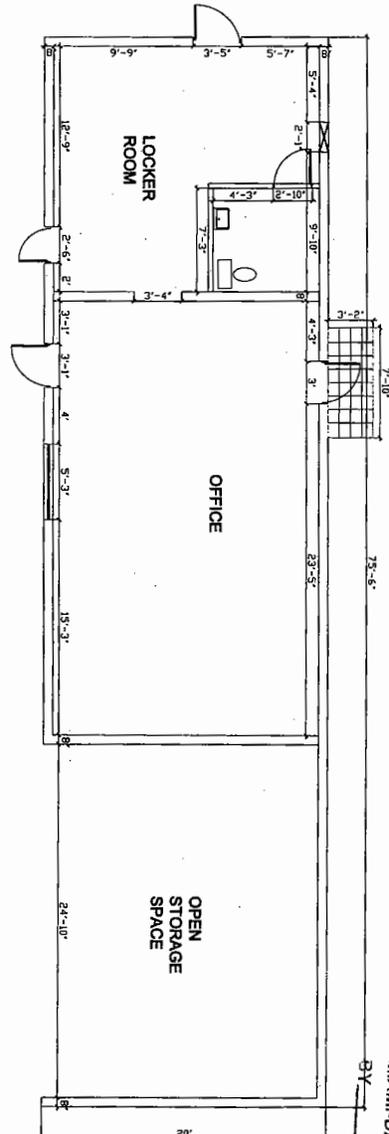
LOTS 5, 6 & 7, BLOCK 2 OF "PERSHORE INDUSTRIAL SUBDIVISION" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 94, AT PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

<p>ROBAYNA AND ASSOCIATES INC. ENGINEERS - PLANNERS - ARCHITECTS - SURVEYORS 5620 NW 156th STREET MIAMI GARDENS, FL 33054 (305) 433-3333</p>	<p>DESIGNED: APR NAME: RLW-AMH DRAWN: RLR SCALE: 1" = 20'</p>	<p>DATE: DEC 3 2008 FOR THE FIRM: BARREIRO CONCRETE CO. INC.</p>	<p>APPROVALS: [Signature] DATE: 1/22/09 CHECKED FOR ZONING COMMENTS: 1/22/09 REVIEWED FOR ZONING COMMENTS: 1/22/09</p>
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PROJECT: CONCRETE PLANT AT SW 168 TERR.
 DRAWING NAME: LANDSCAPE PLAN
 SHEET: 1-1
 DATE: 10-19-07
 FILE NO.: 070046

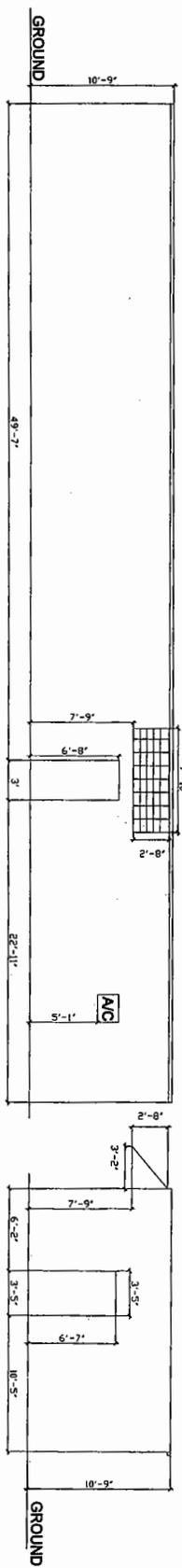
18

RECEIVED
 BARREIRO CONCRETE COMPANY
 168 SW 168th Street
 Miami, FL 33144

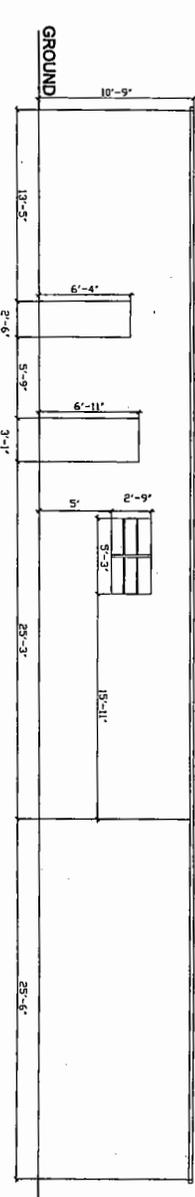


ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY

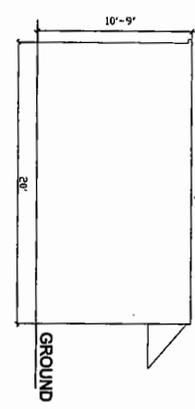
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ELEVATION (NORTH WALL)



ELEVATION (SOUTH WALL)



ELEVATION (WEST WALL)

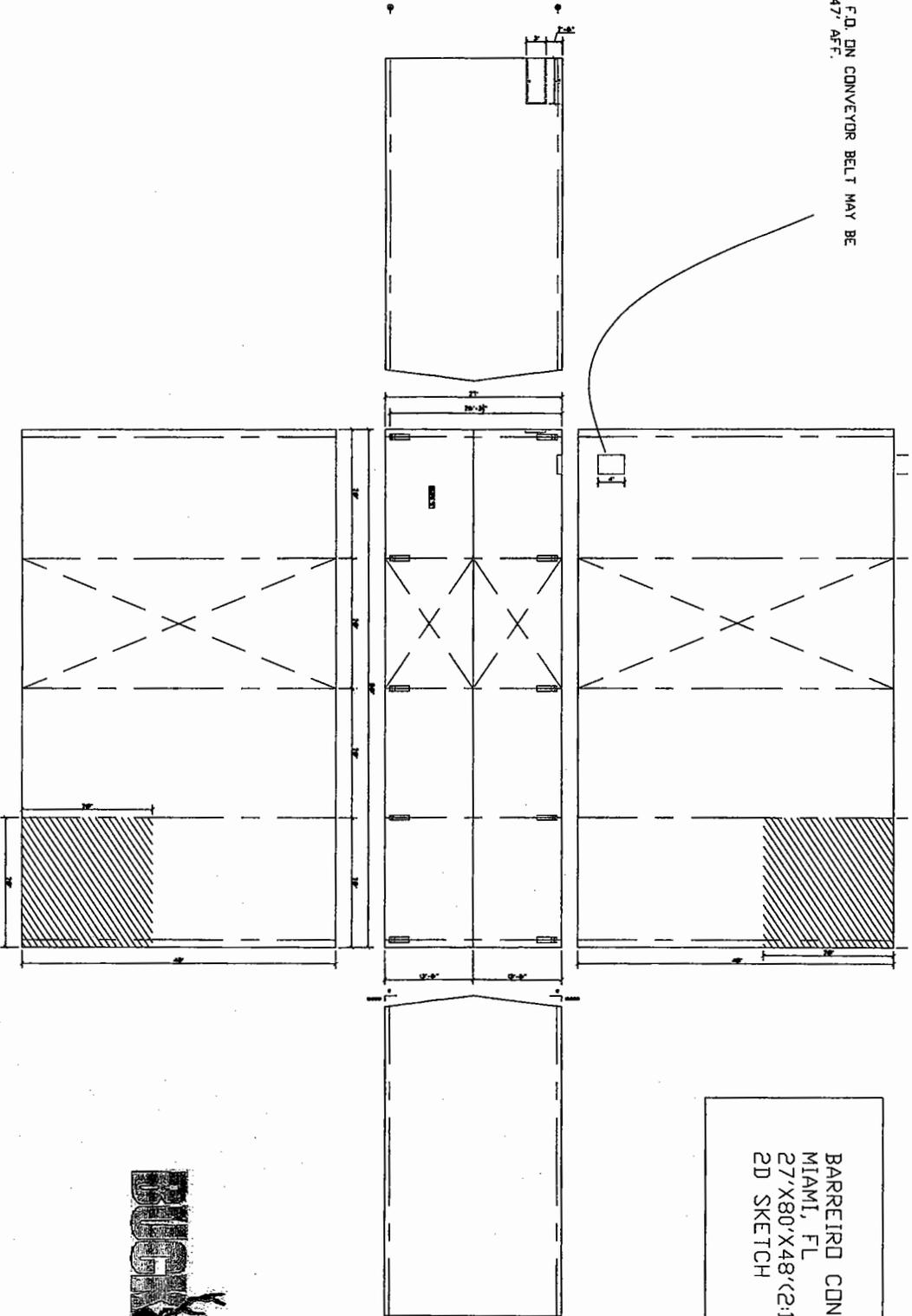
NOTE: INFORMATION OBTAINED FROM CLIENT

<p>DATE: 08-02-08 SHEET: B-1</p>	<p>PROJECT: CONCRETE PLANT AT SW 168 TERR. PREPARED FOR: BARRERO CONCRETE MATERIALS, INC.</p>	<p>ROBAYNA AND ASSOCIATES INC. ENGINEERS - PLANNERS - SURVEYORS 2000 NW 150th Street Miami Lakes, FL 33014 PH: (305) 822-9216 E.O. # 3304</p>	<p>DESIGNED: RLR DRAWN: OER CHECKED: RLR SCALE: 1" = 1/4"</p>	<p>CERTIFICATION: DEC 03 2008 FOR THE FIRM: RAFAEL C. ROBAYNA P.E. (1943) STATE OF FLORIDA</p>	<p>APPROVALS: [] DATE: [] REVISION: [] DATE: []</p>
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19

RECEIVED
MUNICIPAL CENTER
1000 BAYFRONT BLVD
MIAMI, FL 33133

HEADER FOR F.O. ON CONVEYOR BELT MAY BE
PLACED TO 47' AFF.



BARREIRD CONCRETE
 MIAMI, FL
 27'X80'X48'(2:12)
 2D SKETCH

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

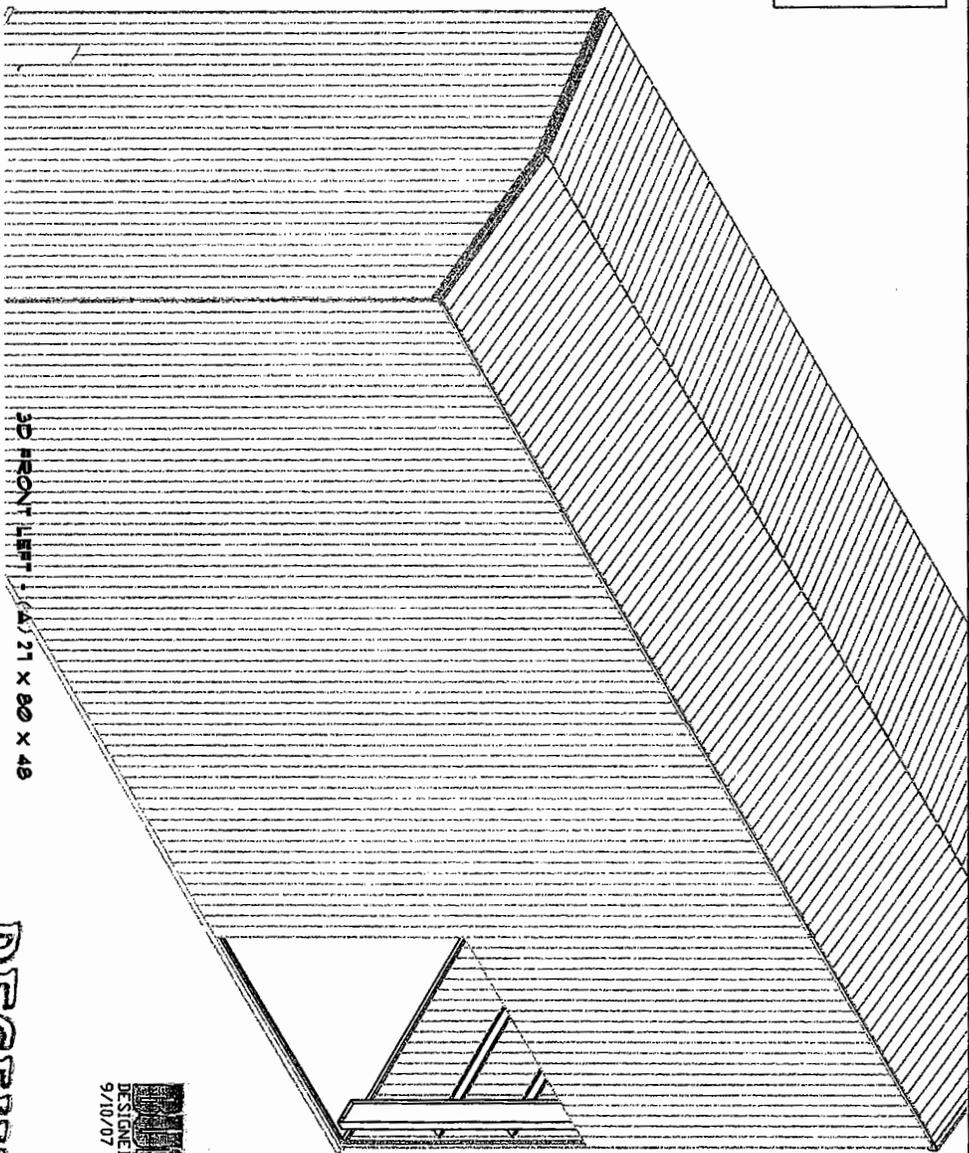
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20

BUCKSTEEL

RECEIVED
 12/15/08
 3rd Bureau

BARREIRO CONCRETE
MIAMI, FL
27'X80'X48'(1.5:12)
3D SKETCH



3D FRONT LEFT - (A) 21 X 80 X 48

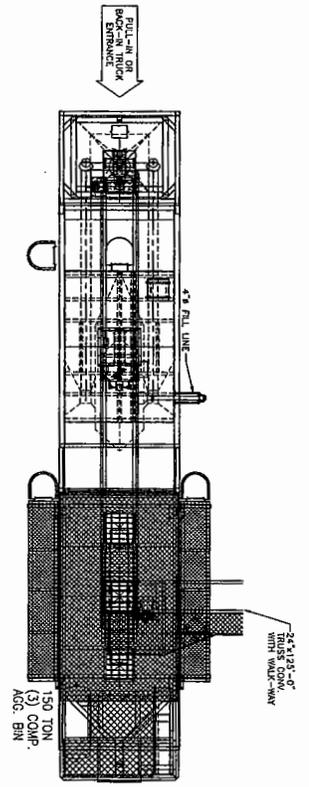
MICROSTEEL
DESIGNED BY: BB
9/10/07

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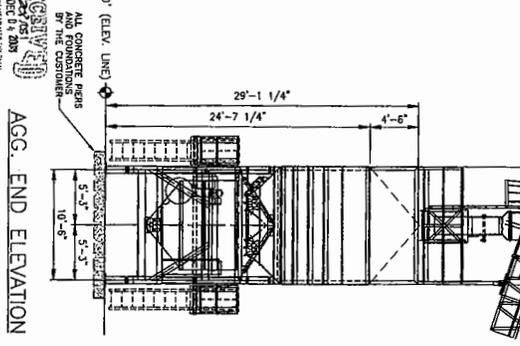
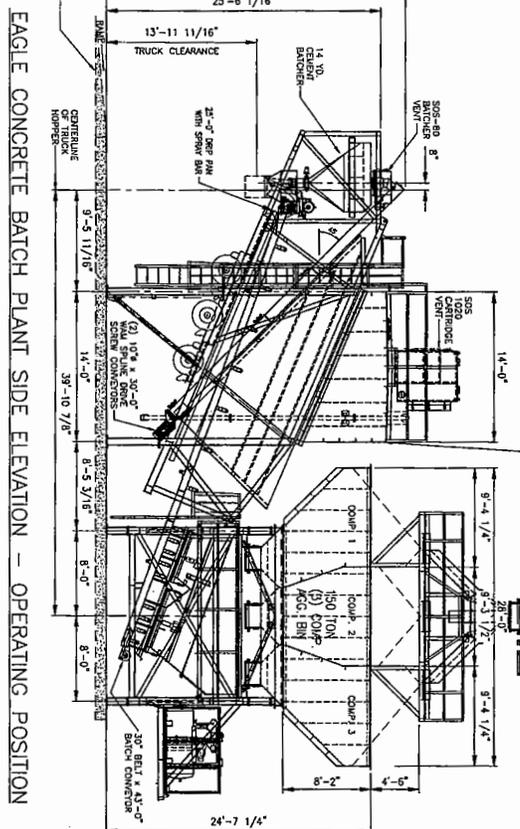
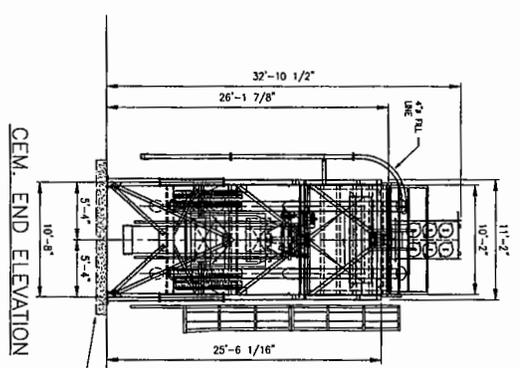
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PLANNING AND ZONING DEPT.
315 N. MIAMI

MIAMI-DADE PLANNING AND ZONING DEPT
ZONING HEARINGS SECTION
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 PRELIMINARY DRAWING ONLY
 DRAWING SUBJECT TO CHANGE
 NOT FOR CONSTRUCTION



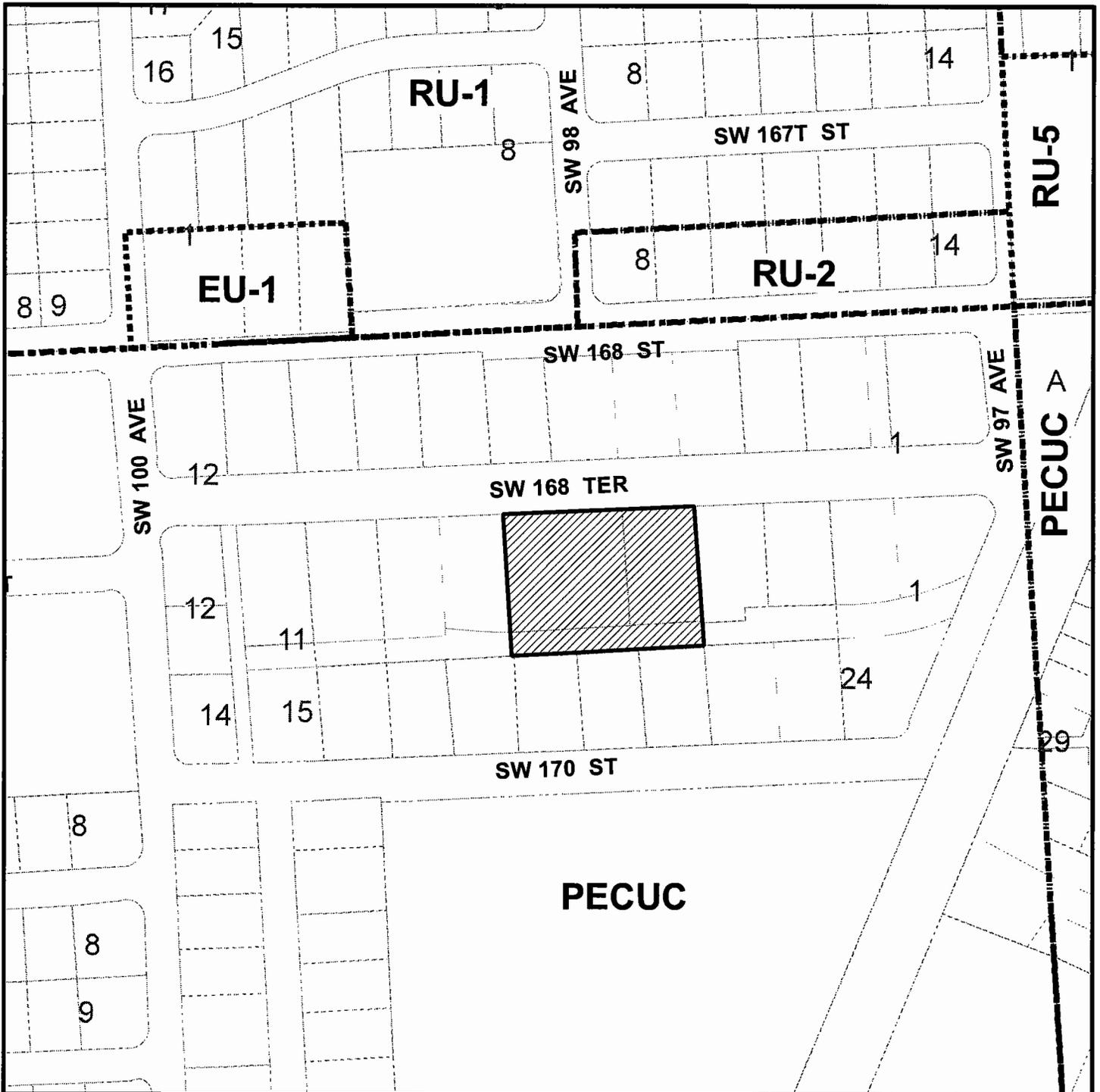
EAGLE CONCRETE BATCH PLANT PLAN VIEW LAYOUT



NO.	DESCRIPTION	DATE	BY	CHKD.	REVISION
1	ISSUED FOR PERMITS	06/13/07	1
2	2

Steelcase
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 DEC 4 2008

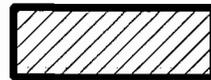
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-051

Section: 32 Township: 55 Range: 40
 Applicant: AMERICO & GUILHERMINA BARREIRO
 Zoning Board: C14
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS



SUBJECT PROPERTY



REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
AERIAL

Process Number
08-051



Section: 32 Township: 55 Range: 40
 Applicant: AMERICO & GUILHERMINA BARREIRO
 Zoning Board: C14
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS

SUBJECT PROPERTY



REVISION	DATE	BY

2. GERARDO A. DIAZ
(Applicant)

09-9-CZ14-2 (08-112)
Area 14/District 8
Hearing Date: 9/09/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

NO HISTORY

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

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

APPLICANT: Gerardo A. Diaz

PH: Z08-112 (09-9-CZ14-2)

SECTION: 7-57-39

DATE: September 9, 2009

COMMISSION DISTRICT: 8

ITEM NO.: 2

A. INTRODUCTION:

o **REQUESTS:**

- (1) UNUSUAL USE to permit a day care center.
- (2) Applicant is requesting to permit a right-of-way dedication of 40' (62.5' required) along the (east portion) of Krome Avenue (SW 177 Avenue).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex 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 Zoning Department entitled "Little Eagles Learning Center" as prepared by Edgar Munoz, P.E., dated stamped received 2-6-09 and consisting of 7 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow an unusual use to establish a day care center on the subject property and permit said property with a reduced right-of-way dedication along the east side of Krome Avenue.

o **LOCATION:** 29625 SW 177 Avenue, Miami-Dade County, Florida.

o **SIZE:** 2.52 Acres

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 **2 miles** east of the Urban Development Boundary for **Estate Density Residential**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.
2. **Residential Communities.** The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are

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

3. "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 **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. In particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.

4. **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.
5. **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.
6. **Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement:
 4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

5. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
EU-1; Single-family residence	Estate Density Residential 1 to 2.5 dua
<u>Surrounding Properties:</u>	
<u>NORTH:</u> AU: Agricultural use	Estate Density Residential 1 to 2.5 dua
<u>SOUTH:</u> EU-1; Vacant	Estate Density Residential 1 to 2.5 dua
<u>EAST:</u> EU-1; Single-family residence	Estate Density Residential 1 to 2.5 dua
<u>WEST:</u> EU-M; Single-family residence	Estate Density Residential 1 to 2.5 dua

The subject property is a corner parcel located at 29625 SW 177 Avenue. The surrounding properties are developed with single family residences, vacant parcels and agricultural uses.

E. SITE AND BUILDINGS:

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

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions

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

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 comment
MDT	No comment
Fire Rescue	Objects
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The 2.52-acre parcel of land zoned EU-1, Estate 1 family 1 Acre gross District, is a corner lot located at 29625 SW 177 Avenue (Krome Avenue) approximately 2 miles east of the Urban Development Boundary and is improved with a single-family residence. The subject property is designated for **Estate Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The interpretative text of the CDMP provides that neighborhood and community services such as **day care centers** are permitted only when consistent with other goals objectives and policies of the Plan and compatible with the neighborhood. The interpretative text of the CDMP indicates that in areas designated Estate Density Residential neighborhoods, daytime service uses such as **day care centers**, should be located only in activity nodes, transition areas and section centers, 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. Therefore, staff opines, the proposed day care and after-school use on the subject property are in keeping with the Guidelines for Urban Form.

Within the interpretative text of the CDMP, **Policy LU-4A** provides that when evaluating compatibility among proximate land uses, the County shall among other things consider such factors such as: access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. The plans submitted by the applicant indicate that the existing one-story single-family residence will be converted to accommodate the proposed day care center. The Child Care Checklist indicates that the proposed day care center will be operating with a staff of 10, provide a service for 60 children ranging in ages from infants to 5 years, contain four classrooms and will be operational Mondays through Fridays from the hours of 7:00 A.M. to 7:00 P.M.

Access to the facility for ingress and egress to the parking areas will be located on the north side of the site onto SW 296 Street (Avocado Drive) and on the east side onto SW 177 Avenue (Krome Avenue). Additionally, the landscaping plans indicate that the site will be improved with a total of 135 trees and 880 shrubs in addition to the existing landscaped areas. The applicant proposes to retrofit the one-story single-family structure into the day care center which as indicated on the submitted plans, will retain the residential scale and character of the site. The interpretative text of the CDMP, **Policy LU-4C** provides 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. In staff's opinion, the establishment of this day care center will be highly accessible to its patrons due to its location, which lies at the southeast corner of two section line roads (Krome Avenue and Avocado Drive). As such, staff is of the opinion that the proposed day care use is **consistent** with the LUP map designation and with the objectives of the CDMP and compatible with the surrounding area.

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 requirements as indicated in their memorandum for this application. The **Public Works Department (PWD)** has **no objections** to this application. Their memorandum indicates that the applicant must improve the parking lot area with additional directional signage and an increase in driveway width. The Public Works Department also indicates that the application

meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. The **Fire Department objects** to this application and has indicated in their memorandum that the applicant must provide a Knox pad lock for the manual gate and provide a 15' clear roadway for one-way traffic. The response time to this facility is approximately **7:15** minutes.

When analyzing request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the day care center and after school care in relation to the present and future development of the area, staff is of the opinion that the proposed day care center would be **compatible** with the surrounding area, including the existing estate residential communities and agricultural uses that surround the subject property. In staff's opinion, the introduction of this use into this estate and agricultural area will not disrupt the overall welfare and privacy of the neighborhood by generating excessive noise or traffic. The request to permit the day care center to serve 60 children is not, in staff's opinion, overly intensive and will not generate excessive noise within the surrounding area. Staff notes that the playground area is centrally located within the subject property and that the proposed landscaped areas will provide adequate buffering to the neighboring properties to the east and south. In addition, the proposed street trees and public right-of-way dedications for SW 296 Street (Avocado Drive) and SW 177 Avenue (Krome Avenue) also will provide adequate buffering to the neighboring properties across such streets. Furthermore, as indicated by the Public Works Department the application meets traffic concurrency and the proposed day nursery will generate 50 PM daily peak hour vehicle trips which do not exceed the acceptable level of service in the area. As such, the proposed use does not unduly burden or affect public transportation facilities and the proposed day care center with after-school care will be readily accessible to section-line roadways, Krome Avenue and Avocado Drive. Staff notes that the submitted plans indicate that the applicant has provided the required number of parking spaces on site as well as a surplus of 5 parking spaces yielding a total of 15 parking spaces for the facility. Five of the spaces are auto-stacking spaces for drop-off and pick up of children, which staff opine, is more than sufficient and will not result in the queuing of vehicles in the abutting rights-of-way. Staff notes that the submitted plans depict two proposed ingress/egress driveways with one being located on the northern portion of the site along Avocado Drive. Staff opines that the traffic flow generated as a result of the site configuration and the subject property's location on the southeast of section line roadways will not be intrusive to the adjacent residential areas. Therefore, in staff's opinion, the introduction of the proposed day care center into this area will not disrupt the neighborhood by generating excessive noise or traffic. Staff is of the opinion that the existing site is adequately sized to accommodate the proposed day care center. According to the submitted plans provided with this application, the applicant is providing 2,100 sq. ft. of classroom area and 1,500 sq. ft. of outdoor recreational playground to properly accommodate the 60 children proposed for enrollment. The proposed use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). As such, staff recommends that request #1 for an unusual use to permit a day care center, be approved with conditions under Section 33-311(A)(3).

Based on all of the aforementioned, staff is of the opinion that the approval with conditions of this application is **compatible** with the surrounding area and is **consistent** with the LUP map designation and the interpretative text of the CDMP. Accordingly, staff recommends approval with conditions of request #1 under Section 33-311(A)(3).

When request #2 is analyzed under Section 33-311(A)(4)(b) to allow the continued use of the subject property with an existing right-of-way dedication of 40' in lieu of the required 62.5' on the east side of SW 177 Avenue (Krome Avenue). Staff notes that the additional 22.5' zoned right-of-way dedication has been determined not to be necessary by the Public Works Department and that the existing 40' right-of-way dedication is compatible with most of the section line streets throughout Miami-Dade County. As such the existing 40' right-of-way dedication on the east side of SW 177 Avenue (Krome Avenue) provides sufficient width for additional traffic lanes. Staff recommends that request #2, to allow a 40' right-of-way dedication in lieu of the required 62.5', be approved with conditions under Section 33-311(A)(4)(b).

I. RECOMMENDATION:

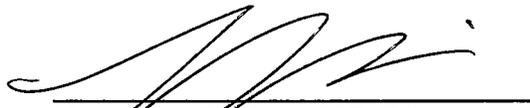
Approval with conditions of request #1 under Section 33-311(A)(3), approval with conditions of request #2 under Section 33-311(A)(4)(b) and denial without prejudice of request #2 under Section 33-311(A)(4)(c).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Little Eagles Learning Center" as prepared by Edgar Munoz, P.E., dated stamped received 2-6-09 and consisting of 7 pages.
3. That the use be established and maintained in accordance with the approved plan.
4. That prior to issuance of a building permit, 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. Said landscaping shall be installed prior to final zoning inspection.
5. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of Public Health, and the State of Florida Department of Children and Families (Child Care Licensing Unit).
6. That the use shall be restricted to a maximum number of 60 children.
7. That the hours of operation shall be between 7:00 A.M. to 7:00 P.M
8. That the use may be conducted on the premises Monday through Friday.

9. That the applicant obtain a Certificate of Use 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.
10. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
11. That the applicant comply with all applicable conditions and requirements of the Public Works Department memorandum.
12. That all signage be in compliance with the zoning regulations and that no caricatures be placed on the fences or walls of the structure.

DATE INSPECTED: 07/21/09
DATE TYPED: 07/21/09
DATE REVISED: 07/24/09, 08/14/09
DATE FINALIZED: 08/14/09
MCL:NN:CH:TA



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

Memorandum



Date: March 19, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-14 #Z2008000112-1st Revision
Gerardo Diaz
29625 S.W. 177 Avenue
Unusual Use to Permit a Daycare
(EU-1) (2.46 Acres)
07-57-39

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.

Potable Water Service

The subject property is located within the franchised water service area of the City of Homestead. Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

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

Wastewater Disposal

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

Notwithstanding the foregoing, the applicant is advised that any activity that may generate liquid waste other than domestic sewage, including but not limited to, medical or dental offices, shall not be permitted on this property, unless and until is connected to the public sanitary sewer system.

Tree Preservation

The subject property contains specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of Chapter 24, the Code of Miami-Dade County requires that specimen trees be preserved whenever reasonably possible. The landscape plan submitted with this application entitled "Little Eagles Learning Center", prepared by Edgar Muñoz P.E., sheet 4/7 dated November 18, 2008 (revised February 5, 2009) and Sheet 5/7 dated November 19, 2008 (revised January 31, 2009) depicts all tree resources on site including specimen-size trees. According to the landscape plans these tree resources will not be impacted by the proposed parking area and playground. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

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

Stormwater Management

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

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

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.

Pollution Remediation

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

Wetlands

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

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

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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GERARDO A. DIAZ

This Department has no objections to this application.

This Department has no objections to the request to permit 40 feet of dedication for the east half of SW 177 Avenue (Krome Avenue) where 62.5 feet is required.

The northbound movement from the parking lot should be southbound to provide a queue lane and bypass lane.

15 foot minimum turning radii along all vehicle paths shall be provided.

The required handicapped walkway shall extend from the handicapped parking spaces, across the driveway, to the pedestrian sidewalk landing in front of the building.

A "DO NOT ENTER" sign shall be provided at the exiting one way driveway.

A "DO NOT ENTER" sign shall be provided at the entrance of the obsolete driveway.

Widen the "U" from the south end of the parking width to the south end of the drop-off area from 14 feet to 20 feet, except 22 feet behind parking space No. 7, which is the required back-out length as per Miami-Dade County Code.

Existing driveway at SW 296 Street (Avocado Drive) shall be moved eastward to provide the minimum 125 feet of required offset from the Northbound Krome Avenue edge of travel way to the beginning edge of driveway along SW 296 Street (Avocado Drive).

Fences along the right-of-way must be relocated to new property line after right-of-way dedications.

Additional improvements may be required at time of permitting/platting.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 50 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals 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
9932	SW 288 St. w/o US-1	B	B
9936	SW 296 St. w/o US-1	C	C
9938	SW 296 St. e/o SW 197 Ave.	C	C
9942	SW 304 St. w/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.

28-JUL-09

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

School Name: Little Eagles Learning Center

School Address: 29625 S.W. 177 Av Tax Folio # 30 - _____

1. Is this an expansion to an existing school? Yes No If yes, indicate the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: 307.27 x 348.96 = 107,224.93 + 43,560 sq. ft. = 2.46 acres
3. Number of children or students requested: 60 Ages: 0 to 5 years old
4. Number of teachers: 8 number of administrative & clerical personnel 2
5. Number of classrooms: 4 Total square footage of classroom area: 2,100 s/f
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
1,310 s/f
7. Amount of exterior recreation /play area in square footage: 1,500 s/f
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
NONE
9. Number of parking spaces provided for staff, visitors, and transportation vehicles:
15 parking spaces provided 10 parking spaces required by Section 33-124 (L)
10. Indicate the number of auto stacking spaces: 5 provided 4 required
11. Proposed height for the structure(s): 22' See Section 33-151.18(g)
12. Size of identification sign: 8 x 4 = 32 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 through Friday, 7:00 AM to 7:00 PM
14. Does the subject facility share the site with other facilities? 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.)

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

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MIAMI-DADE PLANNING AND ZONING DEPT.

JH

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
 $35 \text{ sq. ft.} \times \underline{60} \text{ (number of children)} = \underline{2100} \text{ sq. ft. of classroom area required.}$
- b. Elementary Grades 1 - 6
 $30 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (number of children)} = \underline{\hspace{2cm}} \text{ sq. ft. of classroom area required.}$
- c. Junior High and Senior High School (Grades 7-12)
 $25 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (number of children)} = \underline{\hspace{2cm}} \text{ sq. ft. of classroom area required.}$

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

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care
 $45 \text{ sq. ft.} \times \underline{60} \text{ (1/2 of children)} = \underline{1350} \text{ S/F}$
- b. Grades 1 - 6
 $500 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (first 30 children)} = \underline{\hspace{2cm}}$
 $300 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (remaining children)} = \underline{\hspace{2cm}}$
- c. Grades 7 - 12
 $800 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (first 30 children)} = \underline{\hspace{2cm}}$
 $300 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (next 300 children)} = \underline{\hspace{2cm}}$
 $150 \text{ sq. ft.} \times \underline{\hspace{2cm}} \text{ (remaining children)} = \underline{\hspace{2cm}}$

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

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: 69 Trees provided: 135
- b. Ten shrubs are required for each tree required. Shrubs required: 600 Shrubs provided: 880
- c. Grass area for organized sports/ play area in square feet:
- d. Lawn area in square feet (exclusive of organized sports/ play area):

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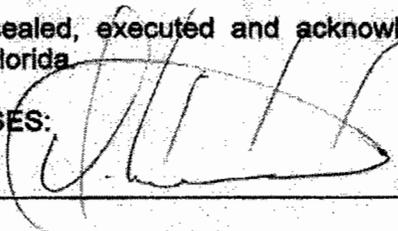
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 BY:

School Address: 29625 S.W. 177 AV MIAMI FL Zip Code: 33030

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

Signed, sealed, executed and acknowledged on this 18 day of June 2008 at Miami-Dade County, Florida

WITNESSES:

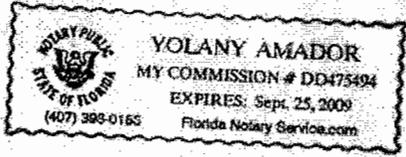


ORAN R. AMADOR

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 18 day of June, 2008, before me personally appeared Mr. Gerardo A. Diaz, 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:



Yolany Amador
15435 SW 36 terrace
Miami, FL 33185
(786) 512-4018

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
JW

Memorandum



Date: 26-FEB-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000112

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated July 9, 2008.
 These comments are for plans date stamped February 6, 2009.

OBJECTIONS

Applicant must comply with previous Fire comments memorandum dated July 9, 2008.
 - Provide a Knox pad lock for for manual gate or a Knox key switch for electrical gate.
 - Provide 15 feet clear roadway width for One-Way traffic.

Service Impact/Demand:

Development for the above Z2008000112
 located at 29625 S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2573 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>3,410</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.28 alarms-annually.
 The estimated average travel time is: 7:15 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 16 - Homestead - 325 NW 2 Street
 Rescue, ALS Engine, ALS 75, Ladder

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 February 6, 2009. Substantial changes to the plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

GERARDO A. DIAZ

29625 S.W. 177 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000112

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;

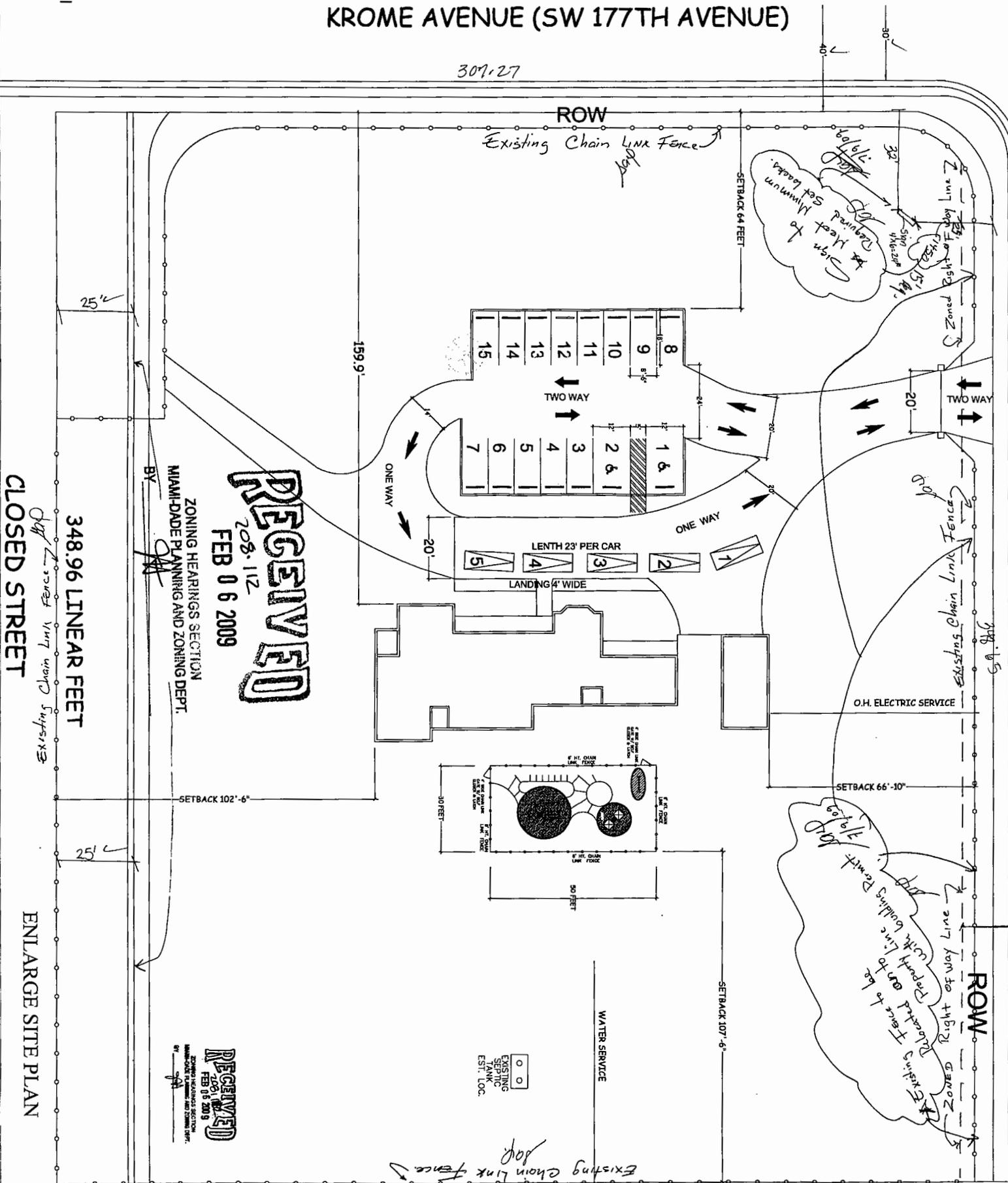
Case #200901006532 was opened based on enforcement history request and inspected on 07-23-09. No violations observed and case was closed.

Previous case history

Case #200901000672 was opened based on enforcement history request and inspected on 02-18-09. No violations observed and case was closed.

KROME AVENUE (SW 177TH AVENUE)

307.27



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

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348.96 LINEAR FEET
 CLOSED STREET

ENLARGE SITE PLAN

KROME AVENUE (SW 177TH AVENUE)

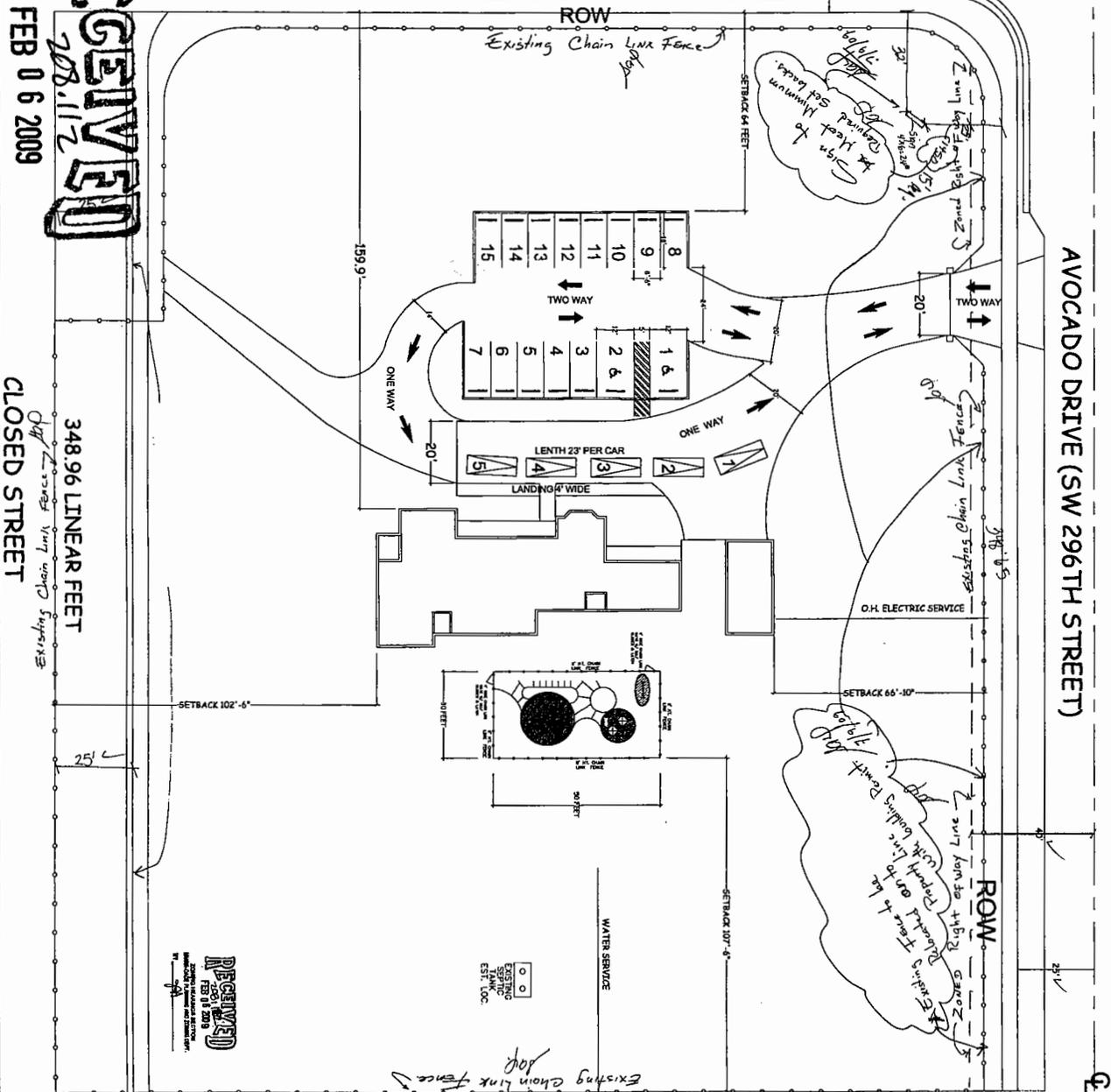
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *AV*

348.96 LINEAR FEET
CLOSED STREET

AVOCADO DRIVE (SW 296TH STREET)

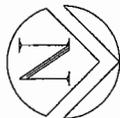


307.27 LINEAR FEET

SITE INFORMATION

1) ZONING: EU1	RESIDENTIAL SINGLE FAMILY
EXISTING LAND USE:	DAY CARE
2) LOT AREA: 107,224	ACRES: 2.46
3) GROUND FLOOR BUILDING:	(CONTING)
BLDG. FOOTPRINT:	2,410 SQ. FT.
4) TOTAL SITE AREA:	1,170 SQ. FT.
5) LANDSCAPED GREEN AREAS:	103,814 SQ. FT.
6) DRIVEWAY:	1,170 SQ. FT.
7) DRIVEWAY:	1,170 SQ. FT.
8) DRIVEWAY:	1,170 SQ. FT.
9) DRIVEWAY:	1,170 SQ. FT.
10) DRIVEWAY:	1,170 SQ. FT.
11) DRIVEWAY:	1,170 SQ. FT.
12) DRIVEWAY:	1,170 SQ. FT.
13) DRIVEWAY:	1,170 SQ. FT.
14) DRIVEWAY:	1,170 SQ. FT.
15) DRIVEWAY:	1,170 SQ. FT.

LEGAL DESCRIPTION:
The North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4, less the North 25.00 feet, less the East 300.00 feet, and less the West 40.00 feet thereof, in Section 7, Township 57 South, Range 39 East, lying and being in Miami-Dade County, Florida. Official Records Book 21969 at Page 141.



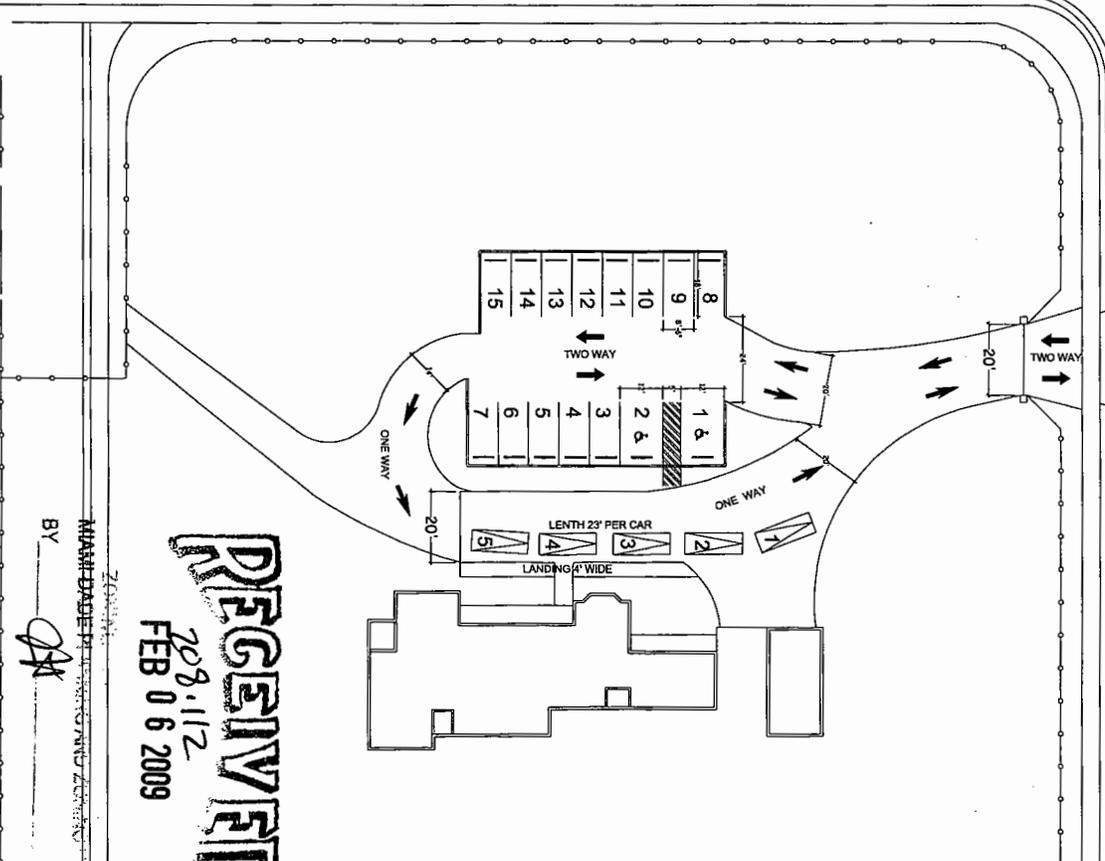
SITE PLAN

LITTLE EAGLES LEARNING CENTER
29625 SW 177 AVENUE
HOMESTEAD, FLORIDA

EDGAR MUNOZ, P.E.
Fl. Lic. 50051
6623 NW 173 LANE
Miami, Florida 33015
(305) 827-4672

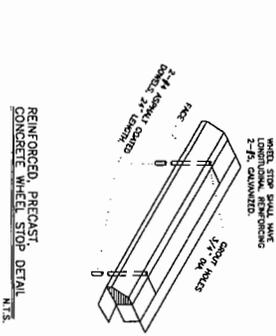
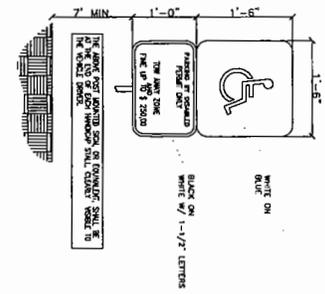
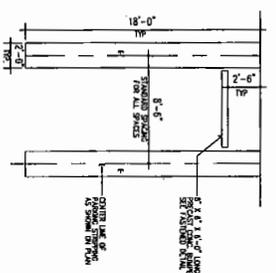
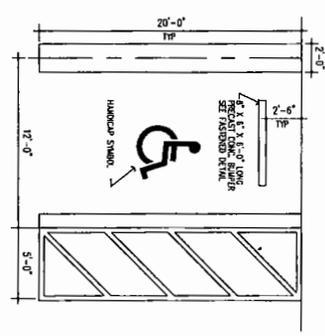
DATE: 1/16-1/10
DRAWN BY: 117

CLOSED STREET
PARKING PLAN



RECEIVED
208.112
FEB 06 2009

BY *[Signature]*



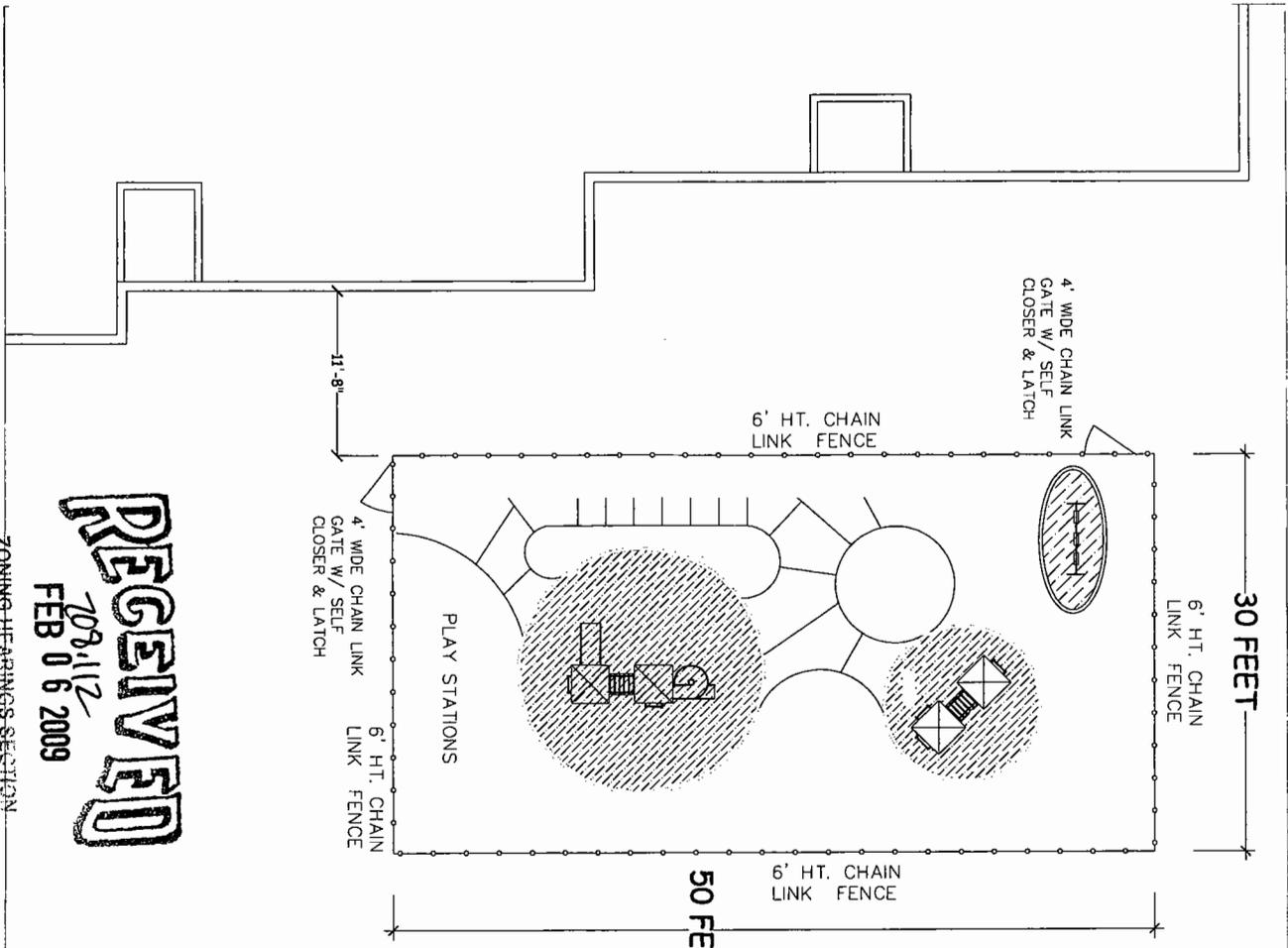
PARKING COMPUTATIONS
 CHILDREN SUPERVISORS = 6 PERSONS
 ADMINISTRATION = 3 PERSONS
 OTHER = 1 PERSON
 REQUIRED 1 PARKING SPACE PER PERSON = 10 PARKING SPACES.
 PROVIDE A TOTAL OF 15 PARKING SPACES
 INCLUDING 2 HANDYCAP PARKING SPACES.

REINFORCED, PRECAST CONCRETE WHEEL STOP DETAIL
 (PAINT AS PER COLOR SELECTED BY CITY OF MIAMI ADOPTED)
 Not to Scale

*Handicap
2 handicap wheel stop
10 handicap parking spaces
15 parking spaces
no paint*

EDGAR MUNOZ, P.E.
 Fl. Lic. 50051
 6623 NW 173 LANE
 Miami, Florida 33015
 (305) 827-4672

LITTLE EAGLES LEARNING CENTER
 29625 SW 177 AVENUE
 HOMESTEAD, FLORIDA



RECEIVED
 709.112
 FEB 06 2009

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

PLAYGROUND COMPUTATIONS
 ESTIMATED NUMBER OF CHILDREN = 60
 REQUIRED A TOTAL OF 4 1/2 SQUARE FEET PER CHILD
 REQUIRED = 1,350 SQUARE FEET OF OUTDOORS PLAYGROUND
 PROVIDED A TOTAL OF 1,500 SQUARE FEET OF PLAYGROUND

*50 x 30 = 1500 sq. ft. of outdoor play area
 1500 sq. ft. / 25 sq. ft. per child = 60 children*

PLAYGROUND

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

RECEIVED
 FEB 11 2009

DAY CARE	3/7
709.112	1/4" = 1'-0"
3/7	

EDGAR MUNOZ, P.E.
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 6623 NW 173 LANE
 Miami, Florida 33015
 (305) 827-4672

LITTLE EAGLES LEARNING CENTER
 29625 SW 177 AVENUE
 HOMESTEAD, FLORIDA

KROME AVENUE (SW 177TH AVENUE)

AVOCADO DRIVE (SW 296TH STREET)

CLOSED STREET

RECEIVED
209.112
FEB 06 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

LANDSCAPE

3/11/09 JMB

NOTE:
All Trees will be Reserved and when Construction work is Close to a Tree A Barrier 15 Feet wide Around The Tree will be Installed

RECEIVED
FEB 11 2009

LANDSCAPE: LOT AREA 2.34 ACRES	
REQUIRED	PROVIDED
INSIDE PROPERTY TREES	66 138
INSIDE PROPERTY SHRUBS	560 660
ALONG STREET TREES	29 49
ALONG STREET SHRUBS	290 400

NOTE:
SHRUBS ARE NOT SHOWN FOR CLARITY

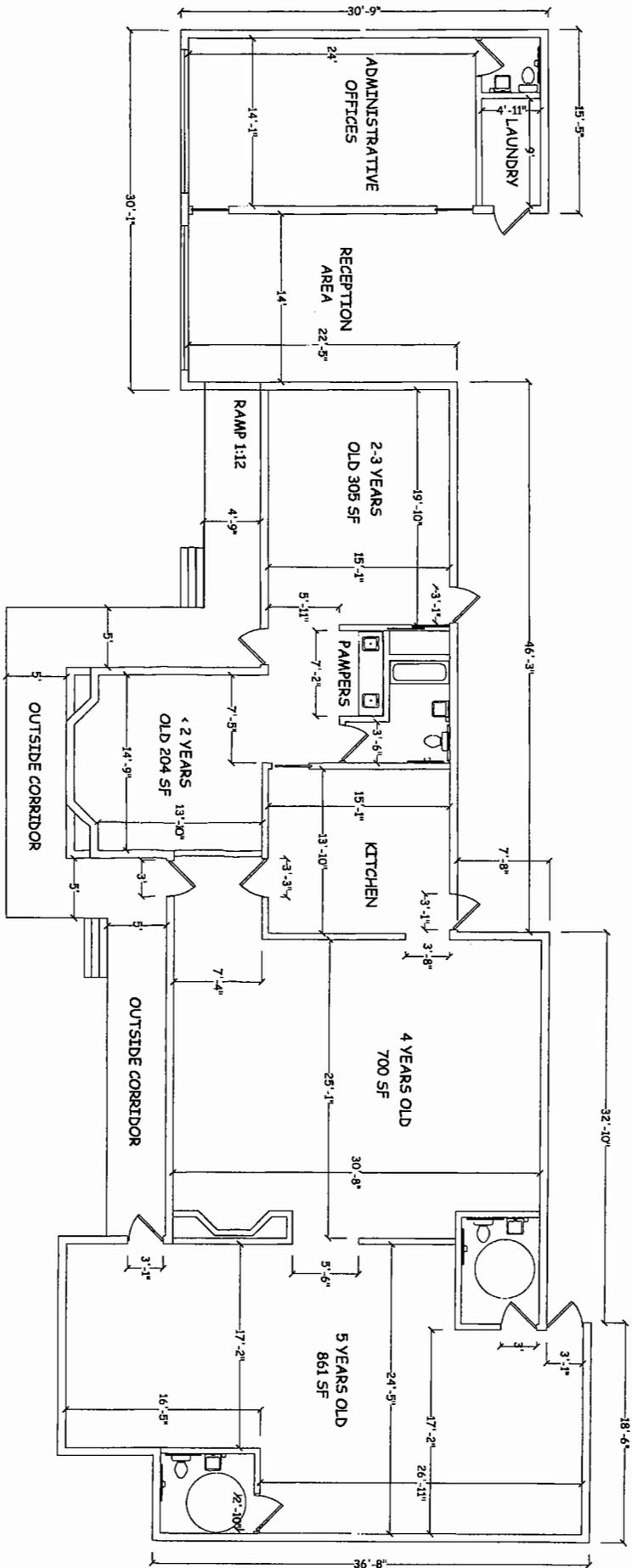


DATE: 4/7
BY: NTS
78104008

EDGAR MUNOZ, P.E.
Fl. Lic. 50051
6623 NW 173 LANE
Miami, Florida 33015
(305) 827-4672

LITTLE EAGLES LEARNING CENTER
29625 SW 177 AVENUE
HOMESTEAD, FLORIDA

FLOOR PLAN



CALCULATIONS:

CONSTRUCTION AREA = 3,410 SQUARE FEET
 NET AREA FOR CHILDREN CARE = 2,100 SF
 NUMBER OF CHILDREN = 60
 AREA FOR EACH CHILD = 35 SQUARE FEET

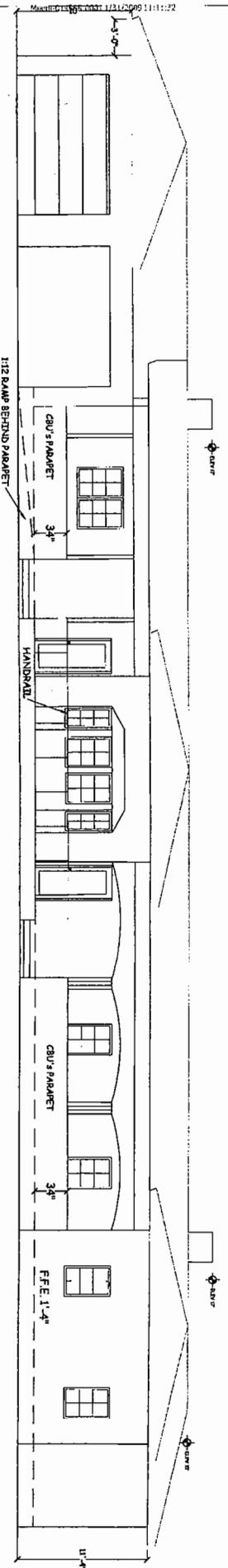
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 FEB 06 2009

RECEIVED
 FEB 06 2009

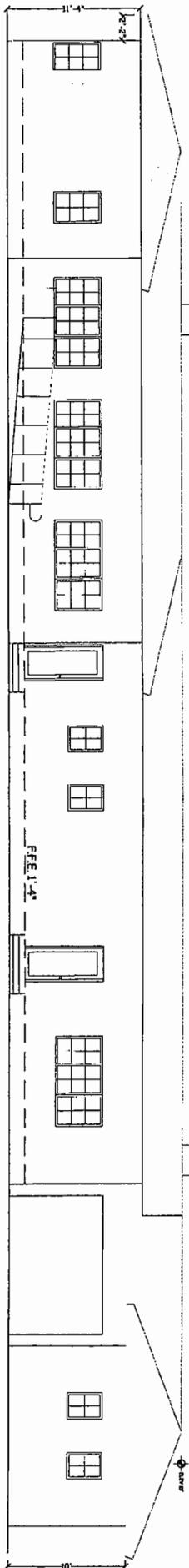
<p>EDGAR MUNOZ, P.E. FL Lic. 50051 6623 NW 173 LANE Miami, Florida 33015 (305) 827-4672</p>	<p>LITTLE EAGLES LEARNING CENTER 29625 SW 177 AVENUE HOMESTEAD, FLORIDA</p>	<p>6/7</p>
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

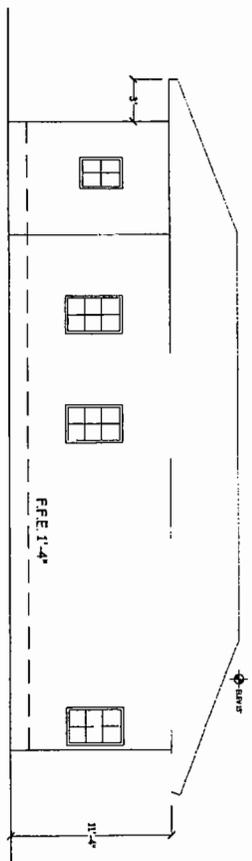
BY PA



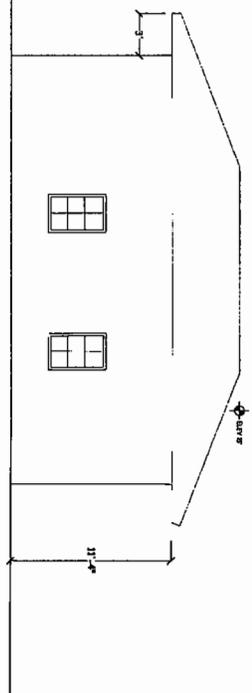
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

RECEIVED
 FEB 06 2009

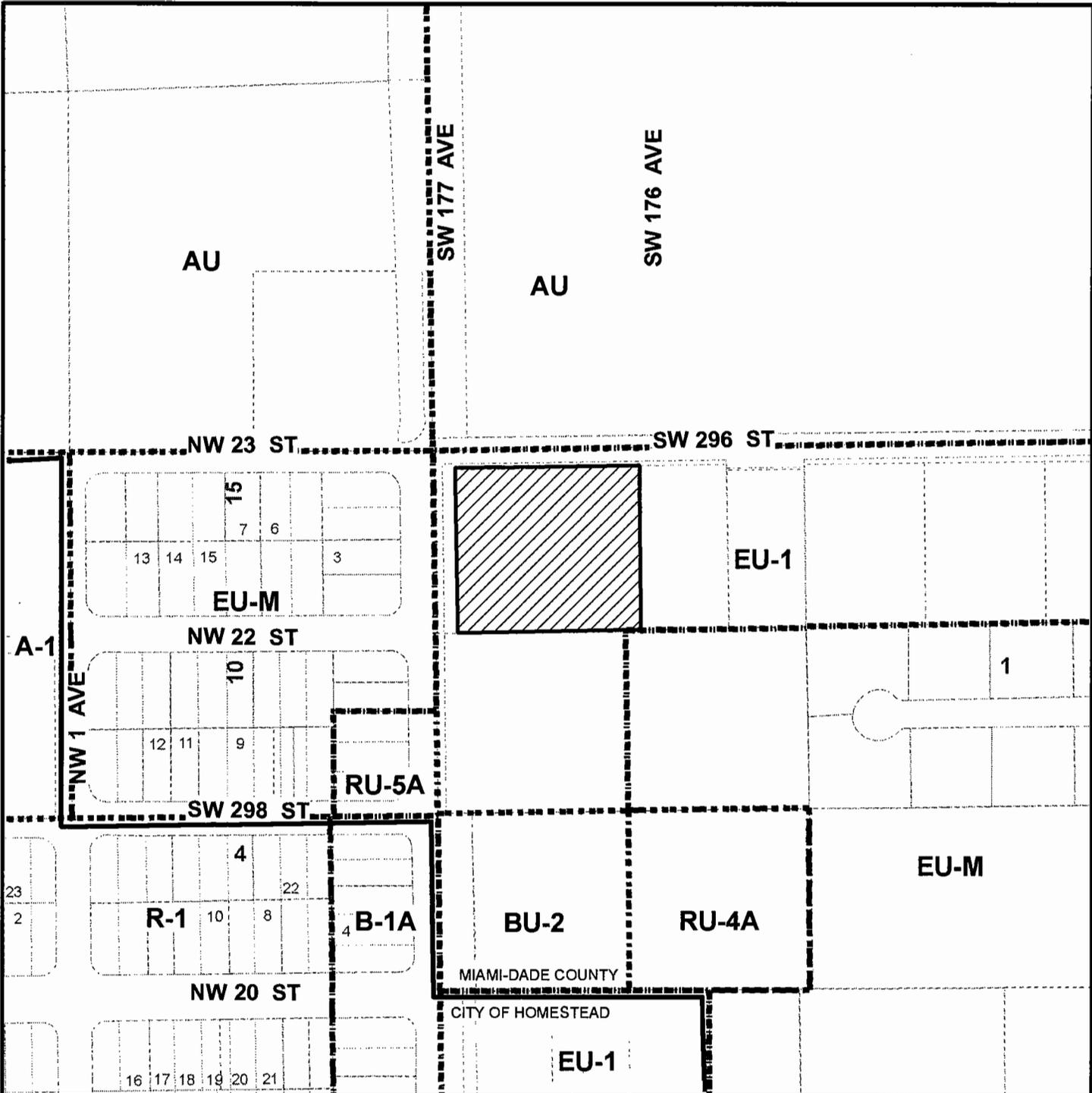
ELEVATIONS PLAN
 SCALE: 1/4" = 1'-0"

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT

BY *[Signature]*

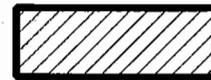
EDGAR MUNOZ, P.E.
 Fl. Lic. 50051
 6623 NW 173 LANE
 Miami, Florida 33015
 (305) 827-4672

LITTLE EAGLES LEARNING CENTER
 29625 SW 177 AVENUE
 HOMESTEAD, FLORIDA



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-112



SUBJECT PROPERTY

Section: 07 Township: 57 Range: 39
 Applicant: GERARDO A. DIAZ
 Zoning Board: C14
 District Number: 08
 Drafter ID: ALFREDO
 Scale: NTS



CREATED ON: 06/25/2008

REVISION	DATE	BY
Zone Labels missing	07/14/09	AFT
		27



MIAMI-DADE COUNTY
AERIAL

Process Number
08-112



SUBJECT PROPERTY

Section: 07 Township: 57 Range: 39
 Applicant: GERARDO A. DIAZ
 Zoning Board: C14
 District Number: 08
 Drafter ID: ALFREDO
 Scale: NTS



CREATED ON: 06/25/2008

REVISION	DATE	BY

3. VICTOR MEDEROS/ODALYS MARTOS JTRS
(Applicant)

09-9-CZ14-3 (09-065)
Area 14/District 8
Hearing Date: 9/09/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1990	CIMA Construction and Development, Inc.	- Zone change from AU to EU-M.	BCC	Approved

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

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

APPLICANTS: Victor Mederos and Odalys Martos, JTRS. **PH:** Z09-065(09-9-CZ14-3)

SECTION: 11-56-39 **DATE:** September 9, 2009

COMMISSION DISTRICT: 8 **ITEM NO.:** 3

=====

A. INTRODUCTION

o **REQUEST:**

Applicants are requesting to permit a chickee hut setback 6.3' (20' required) from the interior side (west) property line and 5.6' (7.5' required) from the rear (north) property line.

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

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Plans for Victor Mederos Chickee Hut," as prepared by Owner Victor Mederos, dated stamped received 5/4/09 and consisting of 2 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking to permit an existing chickee hut encroaching into the interior side (west) and rear (north) setback areas.

o **LOCATION:**

12931 SW 212 Terrace, Miami-Dade County, Florida.

o **SIZE:** 129.38' x 116.85'

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.

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; Single-Family Residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH: EU-M; single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: EU-M; single-family residence

Low Density Residential, 2.5 to 6 du

EAST: EU-M; single-family residence

Low Density Residential, 2.5 to 6 du

WEST: EU-M; single-family residence

Low Density Residential, 2.5 to 6 du

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Unacceptable

Access:

Acceptable

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;
- B. 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 Variances from other than airport regulations.

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.

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

non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is developed with an existing single-family residence located at 12931 SW 212 Terrace, approximately .45 of a mile east of and within the Urban Development Boundary (UDB). The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the EU-M zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objection** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works** and **Miami-Dade Fire Rescue (MDFR) Departments** also have **no objections** to this application. The MDFR memorandum indicates that the estimated average travel response time is **7:12** minutes.

When the application is analyzed, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be precedent setting. The submitted plans and pictures submitted with the application indicate a chickee hut containing a counter next to a swimming pool that is aesthetically pleasing. However, staff opines that the open sided chickee hut is mostly used as a gathering place for the applicants and their guests while enjoying the pool area resulting in a negative aural impact on the neighboring properties to the west and to the north. Staff opines that the chickee hut should be setback from the property line as prescribed by the zoning code where it is not likely to have a negative aural impact on the abutting properties. Further, staff opines that there is sufficient room to allow for the siting of the chickee hut closer to the pool and within the setback requirements of the EU-M zoning regulations. As such, staff opines that the requested approval of the 13.7' encroachment into the interior side (west) setback area and the 5.6' rear setback are excessive. Additionally, the submitted plans indicate that chickee hut extends to a height of 14', 8' higher than the 6' high wood fence enclosing the rear yard. As such, staff opines that the excessive setback encroachment is not completely buffered by the existing 6' high wood fence and is visually intrusive to the abutting properties to the west and north. Further, staff did not find any similar approvals of requests for relief of side or rear setbacks on the surrounding EU-M

properties. Staff therefore opines that approval of encroachments as intensive as requested in this application does not maintain the basic intent of the zoning and subdivision regulations and would have a detrimental impact on the appearance and stability of the neighborhood. As such, staff notes that the approval of the requests would not only be **incompatible** with and adversely affect the aesthetic character of the area, but would also set a negative precedent for similarly intense requests for relief of interior side setback requirements. Therefore, staff recommends denial without prejudice of the request under the NUV Standards.

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

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

Based on all of the aforementioned, staff opines that, although the subject EU-M site remains **consistent** with the LUP map of the CDMP, approval of the application would have a negative aural and visual impact on the abutting properties to the west and north, along with an adverse effect on the aesthetic character of the surrounding properties and is therefore **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(b), Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None

Victor Mederos and Odalys Martos, JTRS.

Z09-065

Page 9

DATE INSPECTED: 05/19/09
DATE TYPED: 07/10/09
DATE REVISED: 07/10/09, 07/27/09
DATE FINALIZED: 08/10/09
MCL:NN:AA:CH



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

Memorandum

Date: May 8, 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 #Z2009000065

Victor Mederos and Odalys Martos JTRS
12931 SW 212 Terrace
Request to Permit a Chickee Hut with Setbacks Less Than Required
from Property Line
(EU-M) (0.28 Acres)
11-56-39

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.

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.

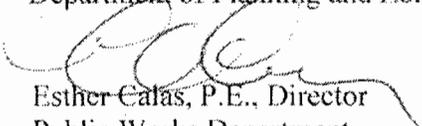
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



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: 20-MAY-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000065

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000065
located at 12931 S.W. 212 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2290 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:12 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.

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

TEAM METRO

ENFORCEMENT HISTORY

VICTOR MEDEROS/ODALYS
MARTOS JTRS

12931 S.W. 212 TERRACE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000065

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

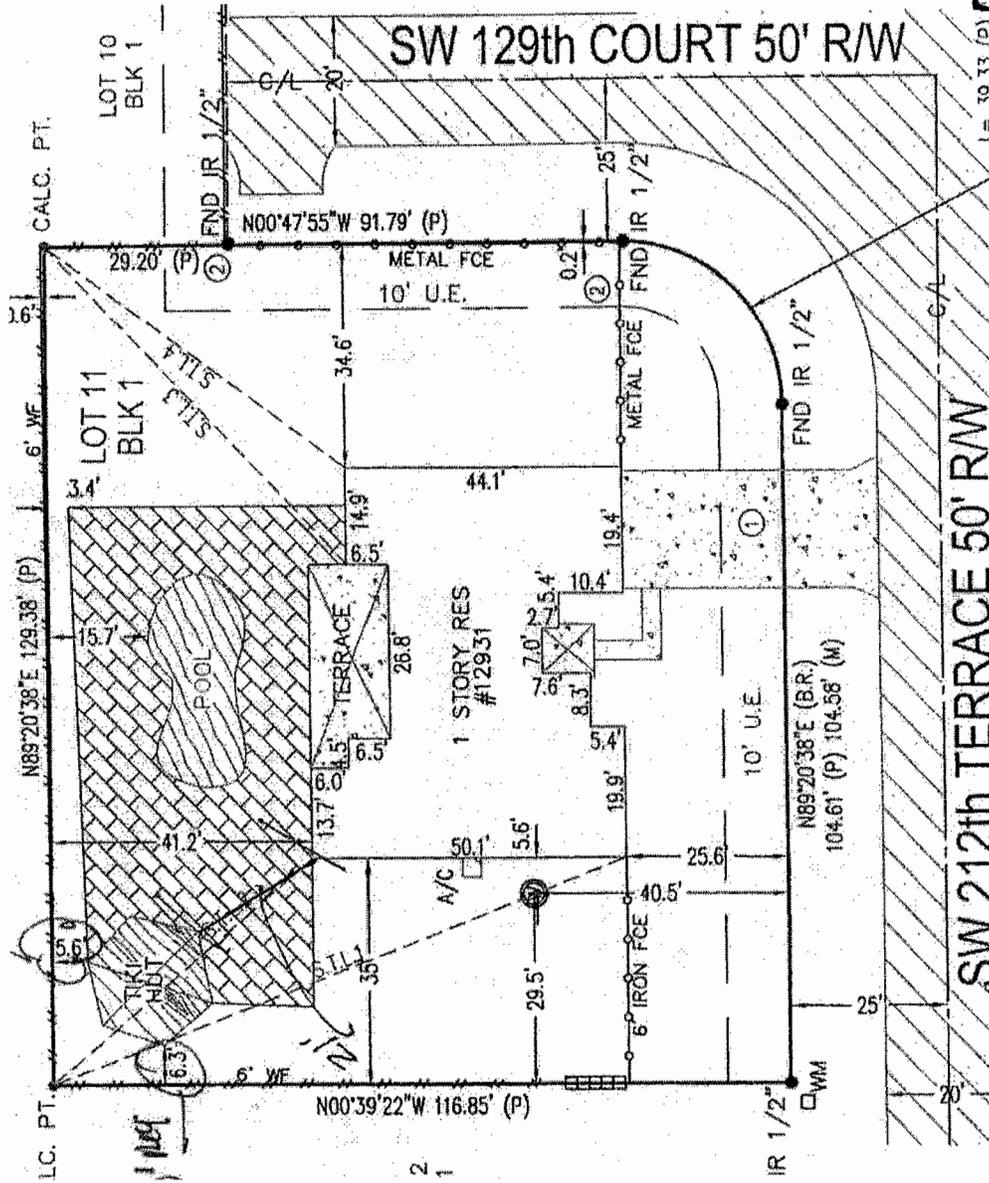
Current case history;

Case 200901006852 was opened based on enforcement history request and inspected on 8-7-09. No violations were observed and case was closed.

Previous case history;

Case 200901003784 was opened based on enforcement history request and inspected on 5-15-09. No violations were observed and case was closed.

Case 200801006642 was opened based on an anonymous complaint for a gazebo built on property without permits. An inspection was conducted on 11-19-08. Case was referred to building department to handle (Bldg case #20090126377) and case was closed on our end. Building department is handling it now.



ENLARGED SITE PLAN

RECEIVED
 209.06.5
 MAY 04 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *[Signature]*

Site Plan: by owner
 Victor Maderos
 Chikkee Hut

RECEIVED
 209.065
 MAY 04 2009

129.38 x 116.85 = 15,118.05 Lotarea
 59.9 x 50.1 = 3000.99

Reasptd area = 20' x 20' = 400 sq ft
 $41.28 / 29.38 = 5,324.57' / 400 = 13.3\%$
 20% permitted ok

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

SURVEY TIE LINES

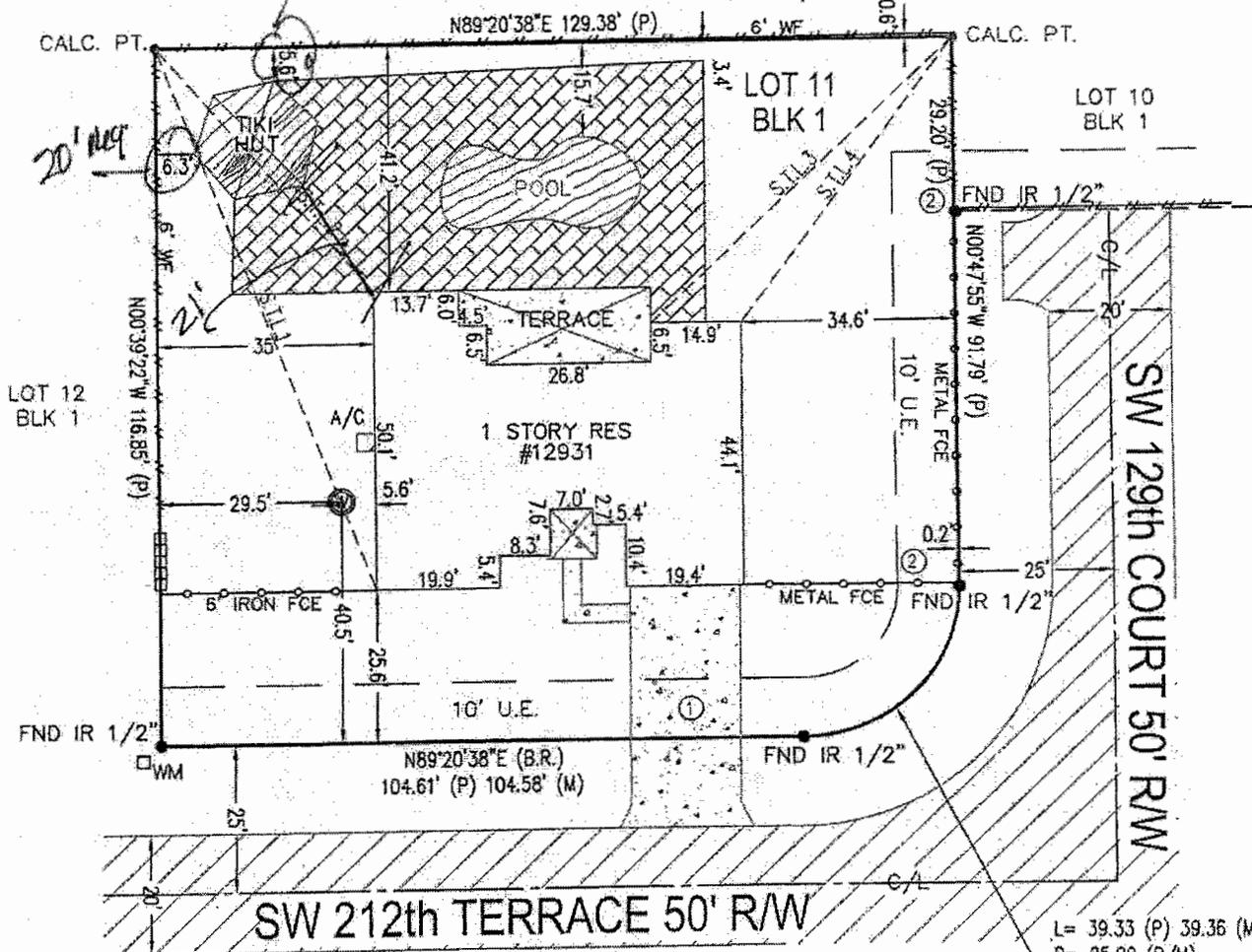
- S.T.L.1: S21°38'39"E 97.87'
- S.T.L.2: N40°56'28"W 54.18'
- S.T.L.3: N45°35'36"E 68.23'
- S.T.L.4: S35°28'22"W 58.41'

2,803% .15, 118 = 18.5%..

RECEIVED
 209.065
 MAY 04 2009

FL 0903-0250
 BOUNDARY SURVEY
 MIAMI-DADE COUNTY

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



I hereby certify that this ~~Sketch of Survey~~ **Survey** of the hereon described property is a true and correct representation of a survey made under my direction and that said survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors, pursuant to Section 472.021, Florida Statutes, and Chapter 61G-17-6 Florida Administration Code. ~~The survey was electronically signed and sealed pursuant to Section 472.021 of the Florida Statutes and Chapter 61G-17-7.002 of the Florida Administration Code.~~

STATE OF FLORIDA
 PROFESSIONAL LAND SURVEYOR & MAPPER
 Victor Maderos
 License No. 6571

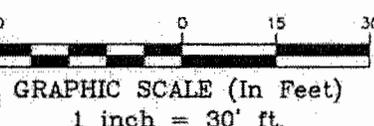
POINTS OF INTEREST

- ① CONCRETE DRIVEWAY OVER U.E.
- ② FENCES IN U.E.

NOTE - FENCE OWNERSHIP NOT DETERMINED
 NOTE - LOT IS SERVICED BY CITY SEWER

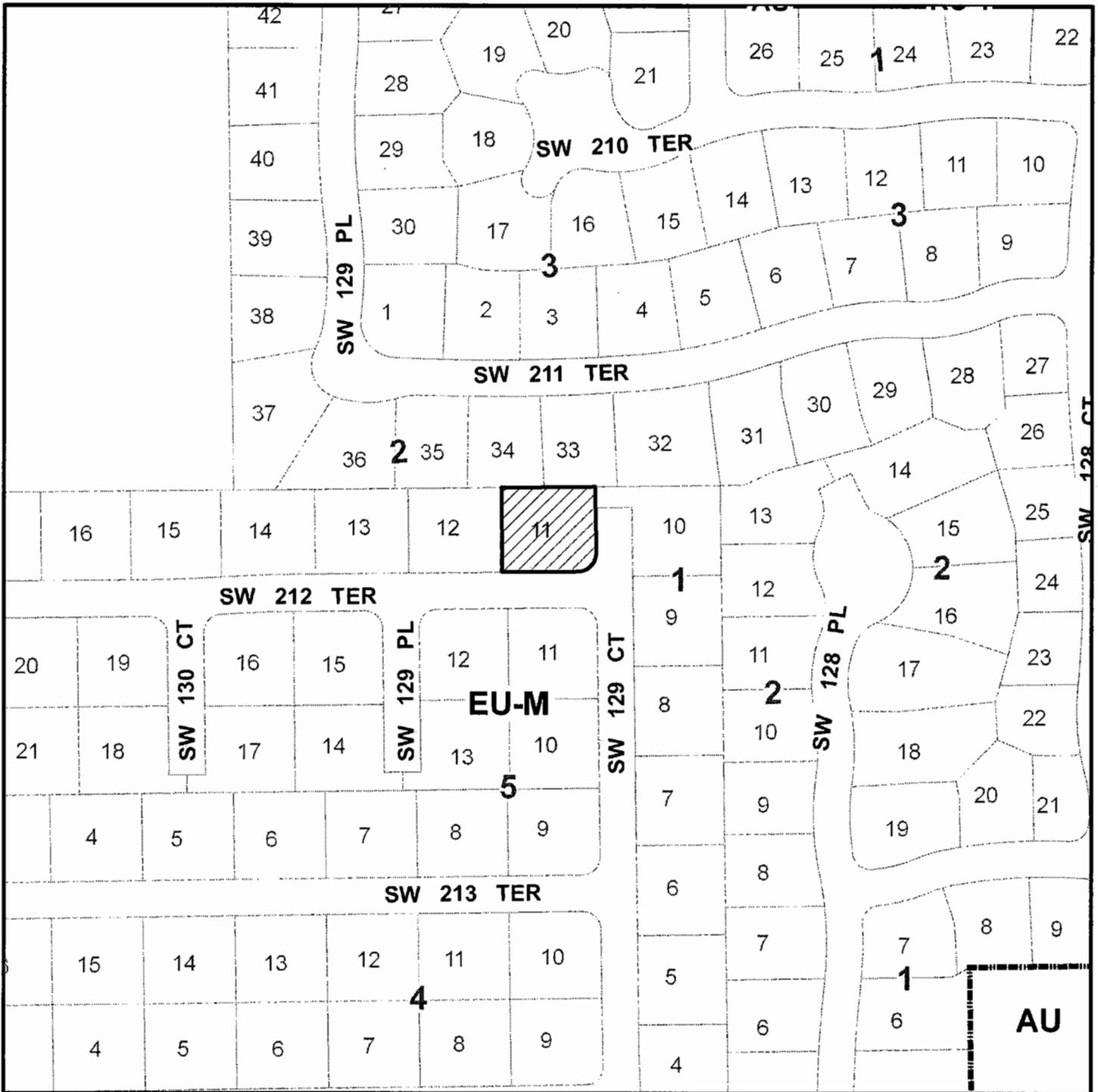
L = 39.33 (P) 39.36 (M)
 R = 25.00 (P/M)
 CH = N 44°16'22" E 35.40 (P)
 N 44°41'01" E 35.42 (M)
 A = 90°08'33" (P) 90°12'51" (M)

RECEIVED
 209.065
 MAY 04 2009



ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

9200 S. DADELAND BLVD., MIAMI, FL P: 305.668.6169 F: 305.668.6325

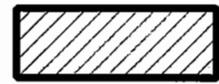


MIAMI-DADE COUNTY
HEARING MAP

Process Number

09-065

Section: 11 Township: 56 Range: 39
 Applicant: VICTOR MEDEROS / ODALYS MARTOS JTRS.
 Zoning Board: BCC
 Commission District: 8
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 05/08/09

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 11 Township: 56 Range: 39

Applicant: VICTOR MEDEROS / ODALYS MARTOS JTRS.

Zoning Board: BCC

Commission District: 8

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

09-065



SUBJECT PROPERTY



SKETCH CREATED ON: 05/08/09

REVISION	DATE	BY