

# KITS

1-21-2009 Version # 1



COMMUNITY ZONING APPEALS BOARD 15  
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Tuesday, February 17, 2009 at 7:00 p.m.

**PREVIOUSLY DEFERRED**

A. 09-1-CZ15-1 FICUS VILLAS, LLC

08-148

08-56-40



# Official Zoning Agenda

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## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, FEBRUARY 17, 2009

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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A. FICUS VILLAS L. L. C. (09-1-CZ15-1/08-148)

8-56-40  
Area 15/District 9

UNUSUAL USE to permit a convalescent home and home for the aged in conjunction with an existing apartment development.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Breeze at Ficus Creek," as prepared by Juan A. Rodriguez-Jomolca, Registered Architect, dated stamped received 10/28/08 and consisting of 8 sheets. Plans may be modified at public hearing.

LOCATION: 10405 S.W. 212 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.64 Acres

Department of Planning and  
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 1-20-09

T H E E N D

NOTICE OF APPEAL RIGHTS

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

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

**A. FICUS VILLAS, LLC**  
**(Applicant)**

**09-1-CZ15-1 (08-148)**  
**Area 15/District 9**  
**Hearing Date: 2/17/09**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1991	Pioneer Inv., Inc.	- Zone change from RU-1Z to RU-3M. - Non-use variances.	BCC	Approved

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

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 15  
MOTION SLIP

#1

APPLICANT'S NAME: **FICUS VILLAS, LLC**

REPRESENTATIVE: Felix Lasarte

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
09-1-CZ15-1 (08-148)	January 14, 2008	CZAB15      09

**REC: Approval with conditions**

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input type="checkbox"/> TO: _____ <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred due to lack of quorum.	

TITLE	M/S	NAME	YES	NO	ABSENT
VICE-CHAIR		Patricia FORBES			
MR.		Paul J. MORROW			X
MS.		Marjorie MURILLO			
MS.		Diane RICHARDSON			
MR.		Bobby D. STEWART			X
CHAIRWOMAN		Gale L. WIMBLEY			X

VOTE:

EXHIBITS:  YES     NO

COUNTY ATTORNEY: **STEPHEN STIEGLITZ**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

**APPLICANT:** Ficus Villas L.L.C.

**PH:** Z08-148 (09-1-CZ15-1)

**SECTION:** 8-56-40

**DATE:** February 17, 2009

**COMMISSION DISTRICT:** 9

**ITEM NO.:** A

**A. INTRODUCTION**

o **REQUEST:**

UNUSUAL USE to permit a convalescent home and home for the aged in conjunction with an apartment development.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Breeze at Ficus Creek," as prepared by Juan A. Rodriguez-Jamolca, Registered Architect, dated stamped received 10/28/08 and consisting of 8 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

Approval of this application will allow the establishment of a convalescent home and home for the aged in conjunction with an apartment development.

o **LOCATION:**

10405 SW 212 Street, Miami-Dade County, Florida.

o **SIZE:** 1.64 Acre

**B. ZONING HEARINGS HISTORY:**

The subject property was part of a larger tract of land that, in 1989, the Board of County Commissioners (BCC) rezoned from RU-1, Single-Family Residential District, to RU-1Z, Single-Family Zero Lot Line Development Residential District, pursuant to Resolution #Z-169-89. In 1991, pursuant to Resolution #Z-130-91, the BCC approved a zone change for the subject property from RU-1Z to RU-3M, Minimum Apartment House District.

**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-Medium Density Residential**. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

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

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

3. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.
4. The next higher residential density category than that for which the site is designated under the Adopted 2015 and 2025 Land Use Plan is **Medium Density Residential**. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

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. 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:**

RU-3M; apartment buildings

Low-Medium Density Residential, 6 to 13 du

**Surrounding Properties:**

NORTH: City of Cutler Bay/RU-1Z;  
 Single-family residences

Low-Medium Density Residential, 6 to 13 du

SOUTH: RU-4L; apartments

Low-Medium Density Residential, 6 to 13 du

EAST: City of Cutler Bay/RU-1;  
 Single-family residences

Low-Medium Density Residential, 6 to 13 du

WEST: Florida Turnpike Extension

Expressway

The subject parcel is currently developed with 2 two-story apartment buildings located at 10405 SW 212 Street. The property is surrounded by single-family residences to the north and east, apartment buildings to the south and the Florida Turnpike to the west. A canal abuts the property on the north, east and west sides.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Plans submitted)

Scale/Utilization of Site:

**Acceptable**

Location of Buildings:

**Acceptable**

Compatibility:

**Acceptable**

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Acceptable</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This application was deferred from the January 20, 2009, meeting due to a lack of quorum. The subject property is located in a cul-de-sac at 10405 SW 212 Street, in an area characterized by single-family residences zoned RU-1, Single-Family Residential District, and RU-1Z, Single-Family Zero Lot Line Development Residential District, located to the north and east and apartments zoned, RU-4L, Limited Apartment House District, located to the south. The properties to the north and east are located in the City of Cutler Bay. To the west of the subject property is the Florida Turnpike and immediately adjacent to the subject property on the north, east and west are drainage canals. The applicant is seeking an unusual use to permit a convalescent home and home for the aged in conjunction with an apartment development. The plans submitted by the applicant depicts the 2 existing two-story buildings reconfigured to allow for 75 beds for the convalescent home and home for

the aged along with administrative offices for the staff for this facility and multipurpose living and dining areas located throughout both buildings. Additionally, the plans depict the four existing condominium apartments, three of which are located in building "B" and one, located on the ground floor of building "A", which remain under separate ownership but are a part of the proposed development. Building "A" is located on the west, and building "B" on the east half of the subject property. The entrance into the development along with the driveway for the pick-up and drop-off of elderly patrons and their visitors abuts the RU-4L, zoned apartments to the south. Parking for the facility is provided along the front (south) and between the two buildings away from the right-of-way. The parking area on the south side of the site will be buffered from the adjacent roadway by a well landscaped strip comprised of an array of palm trees and assorted shrubbery. Similarly, the plans depict additional buffering comprised of a variety of palms and other trees along the rear (north) and interior sides (east and west) property lines. Access to the site is provided by three two-way drives from SW 212 Street on the south.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the request will not generate any additional peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application.

The approval of this application will allow the applicant to provide additional convalescent and senior citizen residential services to the community in conjunction with a residential apartment development. The Comprehensive Development Master Plan (CDMP) designates this property for **Low-Medium Density Residential** use. This category allows densities from a minimum of 6 to a maximum of 13 dwelling units per acre which would allow a minimum of 9 to a maximum of **21** units on the subject property. The interpretative text of the CDMP indicates that congregate living facilities, which are similar to the requested "home for the aged", and nursing homes, which are similar to the convalescent home, may be permitted at suitable locations in Residential Communities in keeping with a density allowance where each 2.5 occupants shall be considered to be one dwelling unit. The CDMP text further states that the maximum number of dwelling units allowed shall be no greater than the number allowed in the "next higher" residential density category than that for which the site is designated. The next higher residential density category, **Medium Density Residential**, allows a maximum density of **25** dwelling units per acre for this subject property. Staff notes that the 1.64-acre site allows a maximum density under the Medium Density designation of 41 dwelling units. Assuming the 2.5 occupants per unit, up to 102 resident clients could occupy the site. Staff therefore opines, that the proposed 75 resident clients for the aforementioned development is consistent with, and well within the density threshold allowed under the interpretative text of the CDMP that allows a maximum of 102 resident clients under the **Medium Density Residential** designation, the "next higher" land use category. As such, in staff's opinion, the applicant's proposal for a convalescent home and home for the aged in conjunction with an apartment development in the RU-3M zone, as proposed, is **consistent** with the numerical density threshold of the interpretative text of the CDMP for congregate living facilities and nursing homes.

Staff notes that the 2 two-story apartment buildings exist to the south and west of the existing single-family residences zoned RU-1Z and RU-1, respectively and located to the north of two RU-4L apartment complexes. To the west of the subject property is the Florida Turnpike. The property is surrounded by a canal on three sides, the north, east and west. The submitted plans indicate that the proposed development is within the confines of the existing apartment buildings that extend to a maximum height of 24'. The buildings meet all the required zoning regulation requirements for setbacks and parking for the proposed development. Further, the applicant has provided adequate buffering in the form of a mixture of palms, trees and shrubbery, which mitigate any visual impact on the residences to the north and west and apartments to the south. Additionally, the interpretative text of the CDMP states that, if located in Estate, Low or **Low-Medium Density** neighborhoods, **congregate residential uses**, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, **or on sites that are transitional to higher density or higher intensity land uses**, to public uses or to other areas of high activity or accessibility. 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**. As such, the location of the development between the single-family residential districts to the north and east and the more intensive apartments to the south is, in staff's opinion, transitional. Staff opines that the proposed development provides a compatible scale and intensity when compared with the surrounding properties to the south, east and north. Therefore, the proposed convalescent home and home for the aged in conjunction with the apartment development is **compatible** with the area and, is **consistent** with the CDMP's interpretative text, which indicates that the specific intensity and range of uses and dimensions, configuration and design considered to be appropriate will depend on **locational factors**, particularly compatibility with both adjacent and adjoining uses, and that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts.

The CDMP further indicates that many of the uses listed as "unusual uses" in the Zoning Code may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use provided that the use would be compatible and would not have an unfavorable effect on the surrounding area by causing an undue burden on transportation facilities including roadways. Staff is of the opinion that the proposed convalescent home and home for the aged in conjunction with an apartment development use is similar to congregate residential uses and nursing homes allowed in the Low-Medium Density designation. Additionally, the interpretative text of the CDMP indicates that such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Staff notes that the proposed convalescent home and home for the aged in

conjunction with the apartment development would be located adjacent to single-family residences and apartments that exist immediately to the north, east and south of the subject site. As previously mentioned, staff is of the opinion that the proposed use is transitional in nature and that the height and scale of the existing buildings along with landscaping along the property lines to mitigate any negative visual impacts, would therefore be compatible with the area. Therefore, staff notes that the proposal would not have an unfavorable effect on the surrounding area by causing an undue burden on transportation facilities including roadways and mass transit, by providing inadequate off-street parking, service or loading areas, by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood, or by creating traffic, noise, odor, dust or glare that would be out of character with the neighborhood. As such, staff is of the opinion that the proposed utilization of the site for a convalescent home and home for the aged along with an apartment development is **compatible** with the area and **consistent** with the interpretative text of the CDMP.

When the request to permit a convalescent home and home for the aged along with an apartment development is analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff notes that these standards indicate that the Board shall hear applications for and grant or deny unusual uses, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, 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. Staff opines that with the abundant landscaping provided and the subject site's location at the end of a cul-de-sac (SW 212 Street), the proposed convalescent home and home for the aged along with an apartment development, would not cause an unfavorable effect on the surrounding area or cause an undue burden on area roadways. Additionally, the subject site is easily accessible from SW 212 Street, which is a dead end road. Furthermore, the Public Works Department has no objections to this application. When considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff is of the opinion that the proposed senior citizen center on the subject property would not result in a detrimental impact to the area and would be **compatible** with same. However, in order to mitigate any aural and visual impact that the center may have on adjacent properties, staff will recommend that the Board impose conditions that all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations, specifically that any over-spill lighting unto adjacent properties shall not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures. As such, staff recommends approval with conditions of the application.

Staff is cognizant of the need for these types of facilities as well as the importance of them. Accordingly, based on the aforementioned, staff recommends approval with conditions of the application.

**I. RECOMMENDATION:**

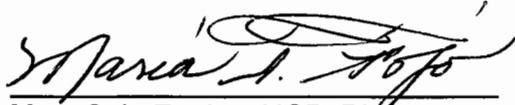
Approval with conditions.

**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 Use; said plan to include, but not 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 "Breeze at Ficus Creek," as prepared by Juan A. Rodriguez-Jamolca, Registered Architect, dated stamped received 10/28/08 and consisting of 8 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department 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 final zoning inspection.
5. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services.
6. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that outdoor lighting installation shall not be placed in permanent use until a compliance letter from a registered engineer or architect is provided.
7. That the applicant obtain a new or revised Certificate of Use for the convalescent home and home for the aged 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.
8. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM), the Public Works Department and the Miami-Dade Fire Rescue Department as contained in their memoranda pertaining to this application.

Ficus Villas L.L.C.  
Z08-148  
Page 9

**DATE INSPECTED:** 03/12/07  
**DATE TYPED:** 12/5/08  
**DATE REVISED:** 12/10/08, 12/18/08, 12/23/08, 01/12/09, 01/13/09, 02/02/09  
**DATE FINALIZED:** 02/02/09  
MCL:MTF:NN:JV:CH

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

# Memorandum



**Date:** August 28, 2008  
**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 fluid and cursive, written over the printed name in the "From:" field.

**Subject:** C-15 #Z2008000148  
Ficus Villas, LLC  
10405 S.W. 212<sup>th</sup> Street  
Unusual Use to Permit a Nursing Home  
(RU-3M) (1.64 Acres)  
08-56-40

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

#### Potable Water Service and Wastewater Disposal

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

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

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

#### Stormwater Management

The Cutler Ridge Canal, adjacent to the subject property, is maintained by Miami Dade County. The applicant is advised that no encroachment into the canal right-of-way is allowed. The DERM Water Control Section may be contacted at (305) 372-6681 for further information.

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.

#### Air Quality Preservation

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

#### Wetlands

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

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

#### Tree Preservation

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

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

#### Enforcement History

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

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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:FICUS VILLAS, LLC

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

02-OCT-08

# Memorandum



**Date:** 12-JAN-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000148

**Fire Prevention Unit:**

This memo supersedes MDFR Memorandum dated December 26, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to site plan date stamped October 28, 2008. All conditions shown on site plan are already existing.

**Service Impact/Demand:**

Development for the above Z2008000148 located at 10405 SW 212 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 3325 is proposed as the following:

21 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	21,000 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 14.09 alarms-annually.  
 The estimated average travel time is: 6:31 minutes

**Existing services:**

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

Station 34 - Cuttler Ridge - 10850 SW 211 Street  
 Rescue, BLS 50' Sqr, 100' Platform, Squad

**Planned Service Expansions:**

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

None.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped October 28, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

FICUS VILLAS, LLC

10405 SW 212 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

---

Z2008000148

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801007652 was opened based on enforcement history request and inspected on 12-18-08.

No violations were observed and case was closed.

Previous case history;

Case 200801005113 was opened based on enforcement history request and inspected on 08-12-08.

No violations were observed and case was closed.

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: Ficus Villas, LLC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Luis Machado</u>	<u>100%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME:  

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:  

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

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY

EXHIBIT "A"

LEGAL DESCRIPTION:

A parcel of land within Tract "B" of "CUTLER RIDGE SECTION 2" according to the Plat thereof as recorded in Plat Book 57, at Page 39 of the Public Record of Dade County, Florida, more particularly described as follows

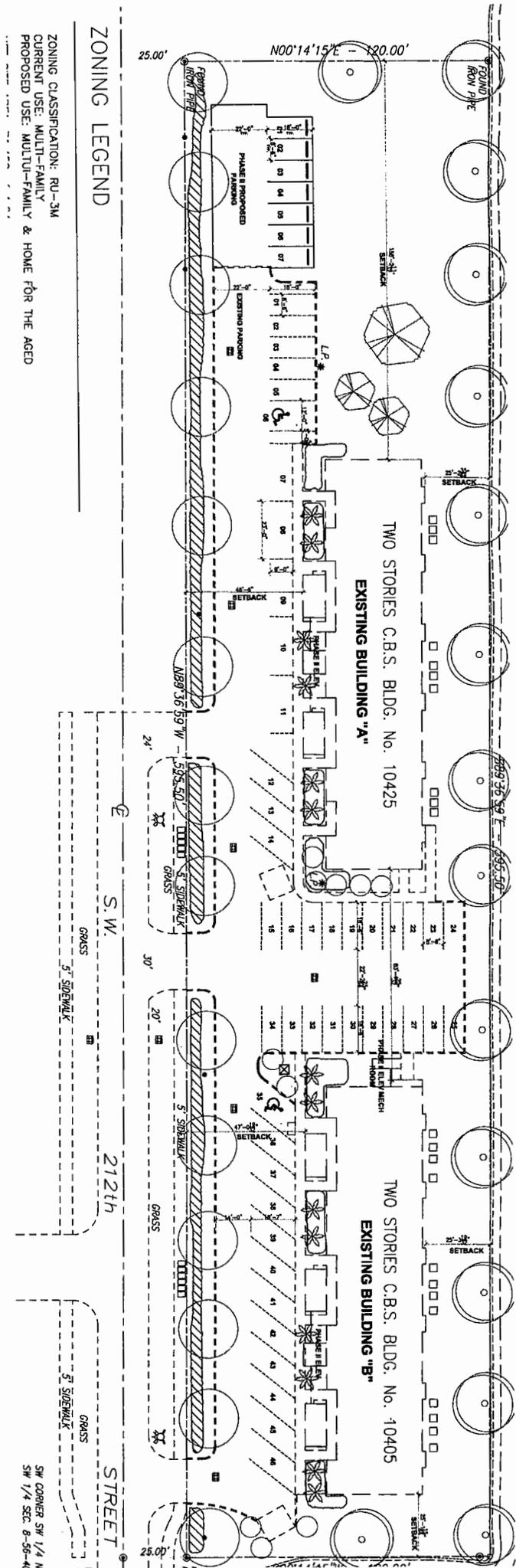
Commence at the NE corner of said Tract "B", thence run S00°13'56"W along the East line of said Tract "B" for a distance of 669.49 feet to a point; thence run N89°36'59"W along the centerline of SW 212th STREET for a distance of 670.50 feet to a point, said point being the SW corner of the SW 1/4 of the NE 1/4 of the SW 1/4 of the Section 8, Township 56 South, Range 40 East, Dade County, Florida; thence run N00°14'06"E for a distance of 25.00 feet to the Point of Beginning, thence continue N00°14'06"E for a distance of 120.00 feet to a point. Thence run N89°36'59"W for a distance of 595.50 feet to a point, thence run S00°14'15"W for a distance of 120.00 feet to a point; thence run S89°36'59"E for a distance of 595.50 feet to the Point of beginning

Containing 1.64 Acres more or less.

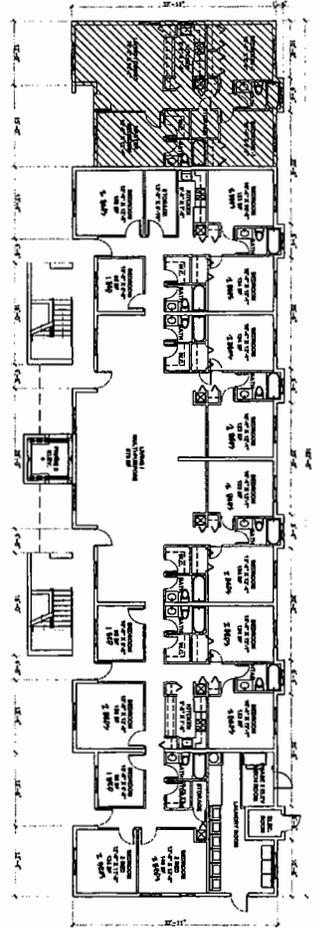
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YONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY S

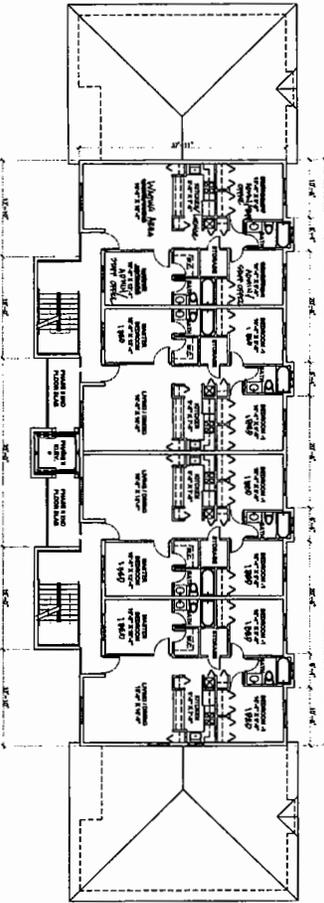




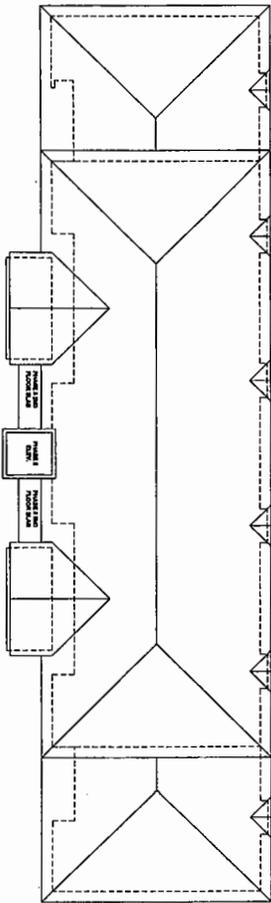
ENLARGED SITE PLAN



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



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



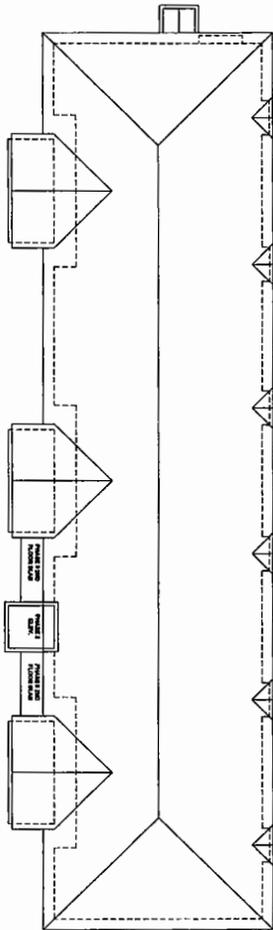
BUILDING "A" EXISTING ROOF PLAN  
SCALE: 1/8" = 1'-0"

22

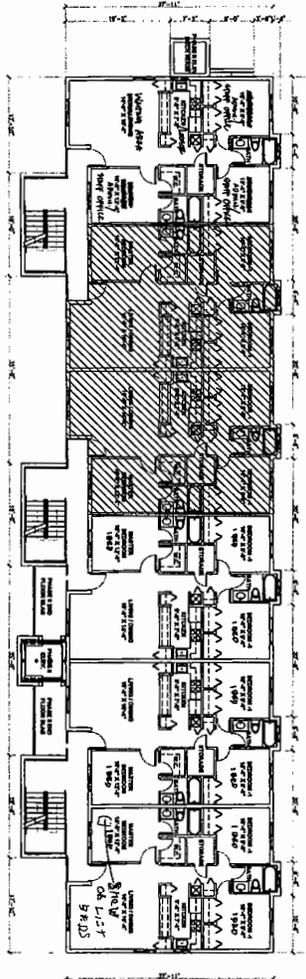
REVIEWED  
DATE: 11/11/11  
BY: [Signature]  
AS.01

**BREEZE AT FICUS CREEK**  
10405 / 10425 S.W. 212 STREET  
Miami Dade County, FL 33189

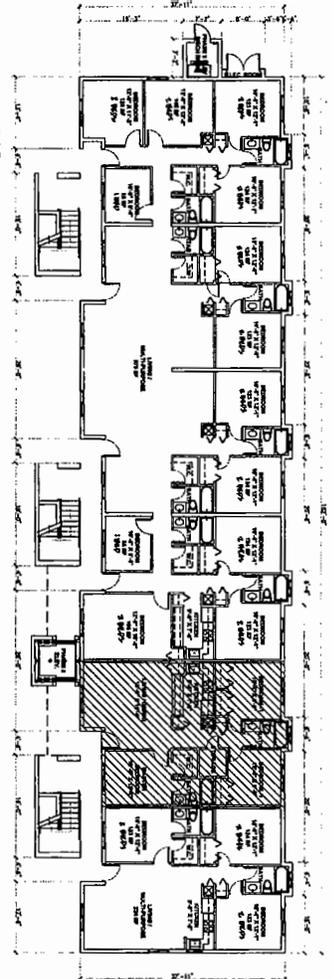
**JRJ**  
Jason A. Rodriguez - RA  
10/20/2011  
PROJECT 001



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



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

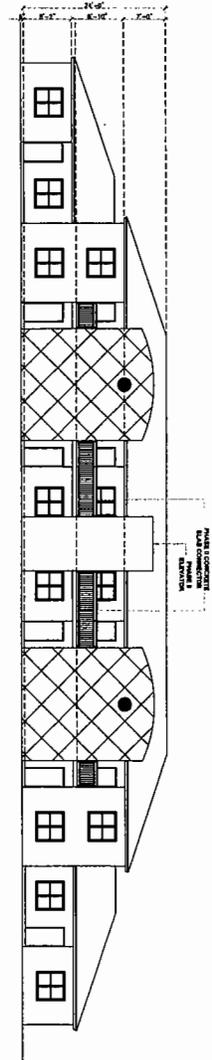


BUILDING "B" PROPOSED GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

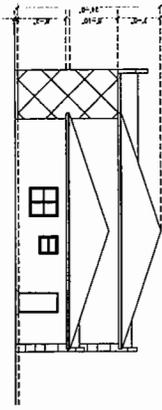


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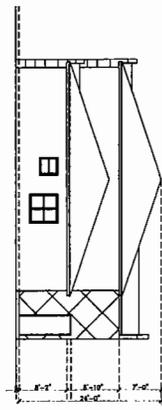
A3.02 <small>DATE: 11/18/11</small>				<b>BREEZE AT FICUS CREEK</b> 10405 / 10425 S.W. 212 STREET Miami Dade County, FL 33189		Luis A. Rodriguez - RA LIC# 10042 ARCHITECT 11/18/11
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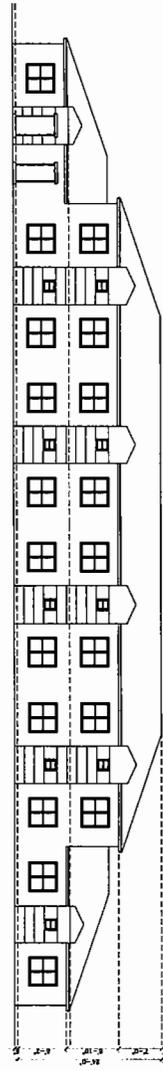
BUILDING "A" EXISTING SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING "A" EXISTING EAST ELEVATION  
SCALE: 1/8" = 1'-0"



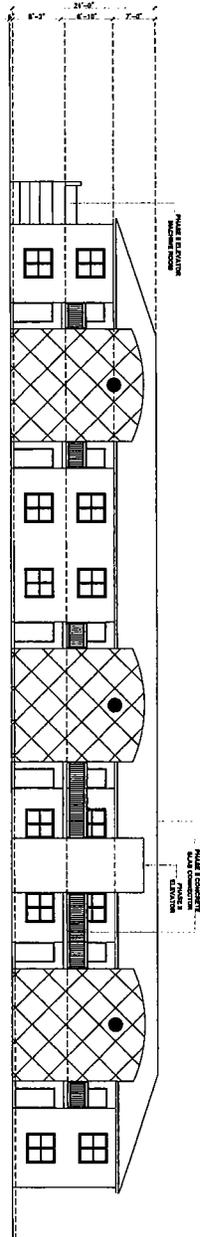
BUILDING "A" EXISTING WEST ELEVATION  
SCALE: 1/8" = 1'-0"



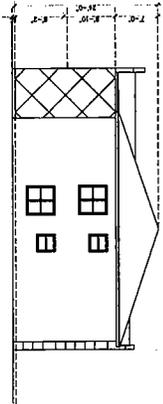
BUILDING "A" EXISTING NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



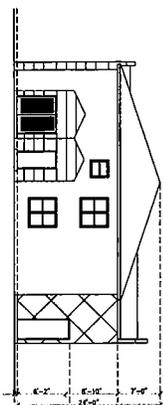
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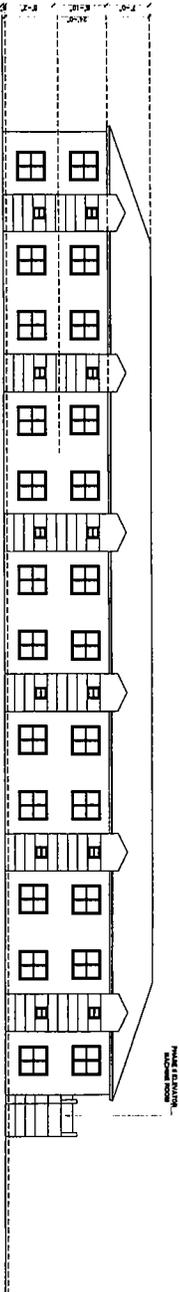
BUILDING "B" EXISTING SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING "B" EXISTING EAST ELEVATION  
SCALE: 1/8" = 1'-0"



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



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

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MIAAMI COUNTY DEPARTMENT OF PERMITS

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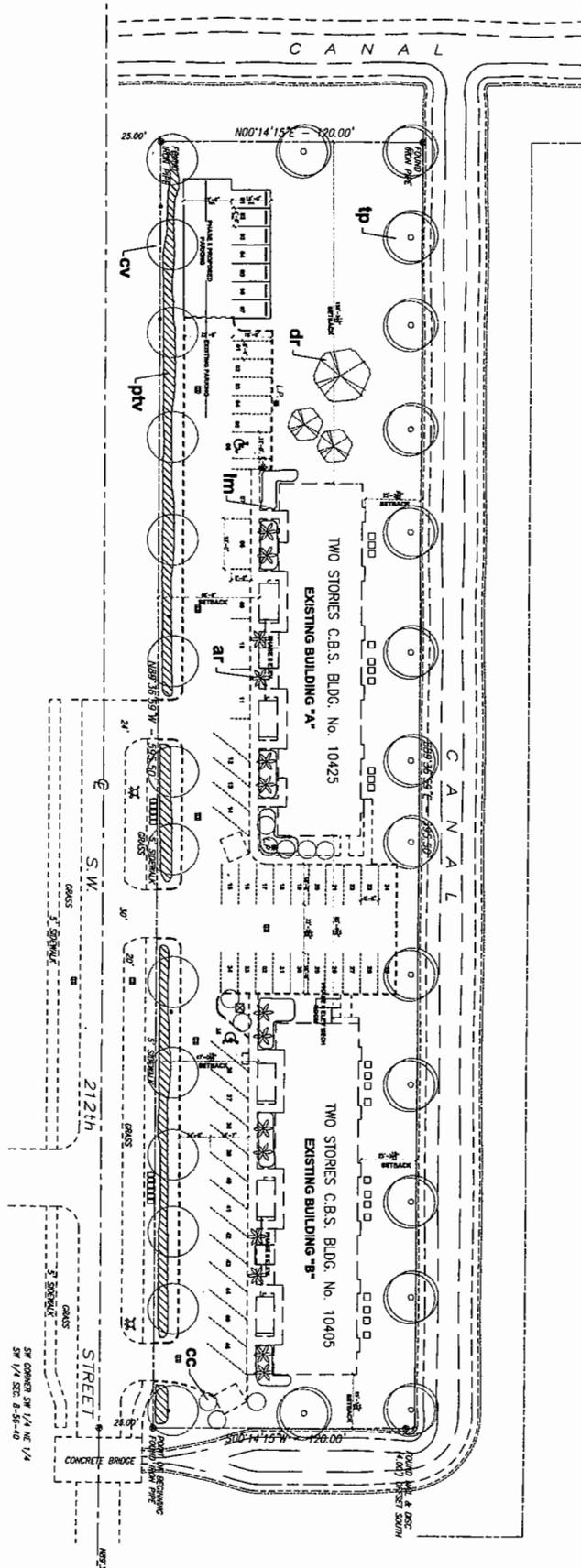
A4.02

BREEZE AT FICUS CREEK  
10405 / 10425 S.W. 212 STREET  
Miami Dade County, FL 33189



Jose A. Rodriguez - RA  
No. 12000, State of Florida  
Professional Engineer  
10405 / 10425 S.W. 212 STREET, MIAMI, FL 33189  
TEL: 305.444.1111 FAX: 305.444.1112





EXISTING LANDSCAPING PLAN  
SCALE: 1" = 20'-0"

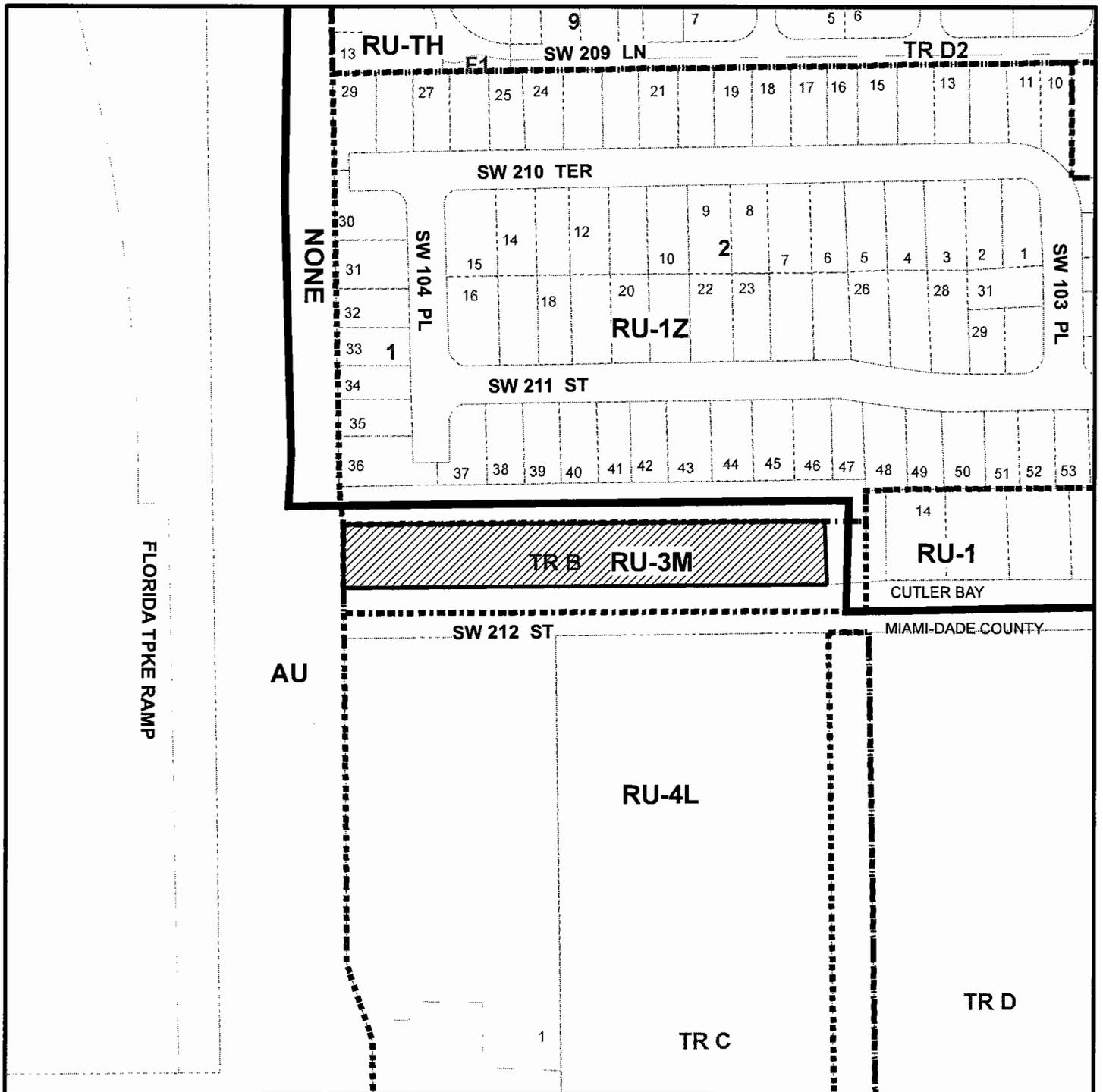
27



L1

	<p><b>BREEZE AT FICUS CREEK</b> 10405 / 10425 S.W. 212 STREET Miami Dade County, FL 33189</p>		<p>Juan A. Rodriguez - RA License No. 12042, State of Florida 05/27/2008</p>
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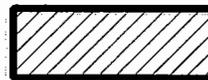




**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 08 Township: 56 Range: 40  
 Applicant: FICUS VILLAS, LLC.  
 Zoning Board: C15  
 Commission District: 09  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-148**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/12/08

REVISION	DATE	BY
		29,





**MIAMI-DADE COUNTY  
AERIAL YEAR 2008**

Section: 08 Township: 56 Range: 40  
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**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/12/08

REVISION	DATE	BY