

KITS

6-16-2009 Version # 2



COMMUNITY ZONING APPEALS BOARD 15
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Tuesday, July 21, 2009 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|--------------------------------------|---------------|----------|---|
| 1. | 09-7-C15-1 | <u>THE PINELANDS LLC.</u> | <u>08-17</u> | 02-57-39 | N |
| 2. | 09-7-CZ15-2 | <u>GOULDS CHURCH OF CHRIST, INC.</u> | <u>08-199</u> | 18-56-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, JULY 21, 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

1. THE PINELANDS LLC. (09-7-CZ15-1/08-017)

**02-57-39
Area 15/District 9**

(1) AU to RU-1M(a)

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) and requests #2 through #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 "16-Unit Residential Development," as prepared by Tony Fernandez, Architect, Sheets "A1" and "L1", dated stamped received 1/22/08 and Sheets "A2" and "A3," dated stamped received 12/18/07 and consisting of a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: The southwest corner of S.W. 280 Street and S.W. 132 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10 Acres.

Department of Planning and
Zoning Recommendation:

Approval subject to the Board's acceptance
of the proffered covenant.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. GOULDS CHURCH OF CHRIST, INC. (09-7-CZ15-2/08-199)

**18-56-40
Area 15/District 9**

(1) Deletion of Condition #10 of Resolution #4ZAB-619-71, passed and adopted by the Zoning Appeals Board, reading as follows:

"10. That only one sign, not to exceed 1-1/2 sq. ft., will be maintained in connection with the use.

The purpose of request #1 is to delete a condition limiting the size of a sign in order to allow for a larger sign.

(2) Applicant is requesting to permit an 80 sq. ft. sign (24 sq. ft. permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Goulds Church of Christ Sign," as prepared by Robert Barnes & Assoc., consisting of two sheets

and a plan entitled "Church of Christ Goults," as prepared by Stewart, consisting of one sheet, all dated stamped received 4/14/09. Plans may be modified at public hearing.

LOCATION: 22800 S.W. 112 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.26 Acres.

Department of Planning and
Zoning Recommendation:

Approval with conditions of request #1 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of 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. THE PINELANDS LLC.
(Applicant)

09-7-CZ15-1 (08-017)
Area 15/District 9
Hearing Date: 7/21/09

Property Owner (if different from applicant) **F.V. CONSTRUCTION CORP.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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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. 15**

APPLICANT: The Pinelands L. L. C.

PH: Z08-17 (09-7-CZ15-1)

SECTION: 2-57-39

DATE: July 21, 2009

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION:

o **REQUEST:**

AU to RU-1M(a).

o **SUMMARY OF REQUEST:**

The applicant seeks to rezone the subject property from AU, Agricultural District, to RU-1M(a), Single-family Modified Residential District.

o **LOCATION:** The southwest corner of SW 280 Street and SW 132 Avenue, Miami-Dade County, Florida.

o **SIZE:** 10 Acres

B. ZONING HEARINGS HISTORY: In January 2004, an application which sought to rezone the subject site from AU, Agricultural District, to RU-1M(a) Modified Single-Family Residential District, was denied without prejudice, pursuant to Resolution No. CZAB15-3-04. Said application was appealed to the Board of County Commissioners (BCC) which granted the applicant's request to withdraw the appeal without prejudice, pursuant to Resolution No. Z-14-09. Staff notes that the 2004 application to rezone the subject site did not include a site plan but was accompanied by a proffered covenant which restricted development of the site to a maximum of 6 units per acre, for a total of 60 dwelling units on the site.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or **important resources**.
4. **Policy CON-8A**
 Specimen trees and Natural Forest Communities in Miami-Dade County shall be protected through the maintenance and enforcement of the County's Tree and Forest Protection and Landscape Code, as may be amended from time to time. The County's Natural Forest Inventory shall be revised periodically to reflect current Natural Forest Community conditions. A Natural Forest Community shall not be removed from the inventory unless its quality and resource values have been degraded to the point where it cannot be restored.
5. **Policy CON-8E**
 The destruction of environmentally sensitive Natural Forest Communities shall be kept to a minimum; a long-term mitigation and management plan shall be developed to assure the continued maintenance of the remaining forest lands and the restoration or creation of at least an equal amount of forest lands to those destroyed.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
AU; Vacant	Low Density Residential, 2.5 to 6 du
<u>Surrounding Properties:</u>	
<u>NORTH:</u> RU-1Z; Single-family residences	Low Density Residential, 2.5 to 6 du
<u>SOUTH:</u> RU-1M(a); Single-family residences	Low Density Residential, 2.5 to 6 du
<u>EAST:</u> RU-1; Single-family residences	Low Density Residential, 2.5 to 6 du
<u>WEST:</u> RU-1M(a); Single-family residences	Low Density Residential, 2.5 to 6 du

E. SITE AND BUILDINGS:

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

Buffering:	N/A
Access:	Acceptable
Signage	N/A
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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/13 students

*Subject to conditions indicated in their memorandum.

H. **ANALYSIS:**

The applicant, The Pinelands LLC seeks a district boundary change from AU, Agricultural District, to RU-1M(a), Modified Single Family Residential District. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use, which permits a density range of a minimum of 2.5 to a maximum of 6 units per gross acre, which would result in the maximum development of 60 residential units on this site. Notwithstanding, noting that a portion of the subject property is located within a Natural Forest Community (NFC), the applicant is restricted by the NFC Covenant and Management Plan to developing 3.7 acres of the 10 acre site and preserving the remaining portion of the property which consists of the NFC. As such the maximum number of units permitted on the subject site by the CDMP is 22 units. Staff acknowledges that the development of 22 units on the site is below the minimum density requirement of the Low Density Residential land use category which requires a minimum of 25 dwelling units per gross acre. However, staff notes that the interpretative text of the CDMP states that exceptions to the minimum density requirements may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or **important resources**. As such, staff opines that the development of the site at a slightly lower density than that required by the underlying LUP Map designation, in order to allow for the preservation of the existing NFC is **consistent** with the interpretative text of the CDMP and is also consistent with **Policy-CON8A** and **Policy-CON8E** of the Conservation Element of the CDMP in that an important natural resource is protected.

It should be noted that in January 2004, an application which sought to rezone the subject site from AU, Agricultural District, to RU-1M(a) Modified Single-Family Residential District, was denied without prejudice by this Board, pursuant to Resolution No. CZAB15-3-04. However, although the 2004 application to rezone the subject site did not include a site plan, said application was accompanied by a proffered covenant which restricted development of the site to a maximum of 6 units per acre, for a total of 60 dwelling units on the site. In contrast, staff notes that this application reflects a less intensive development. Specifically, the applicant has proffered covenant that restricts development of the site to a maximum of 22 dwelling units on the site and a site plan that depicts the development of 22 single-family residences along the northern and eastern perimeter of the site and the preservation of approximately 6.3 acres of an existing Natural Forest Community (NFC). As such, in staff's opinion, the proposed development that is the subject of this application is less intensive in terms of development density than that proposed in the 2004 application which excludes this application from being considered under the Doctrine of Administrative Res Judicata.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Staff notes that the applicant has voluntarily proffered a covenant indicating that, prior to the approval of a final plat for the property, the owner shall record an instrument in the public records of Miami-Dade County to provide a notice for future property owners of the periodic prescribed burning for the Natural Forest Community (NFC) located to the south and west of the subject site. Their memorandum indicates that the applicant has obtained a NFC permit (NFC2009-022) for the removal of 30% of the existing NFC on the subject site and has executed a NFC Covenant and Management Plan that preserves the remaining 6.3 acres of NFC and

establishes a Special Taxing District at the time of platting to fund the required maintenance of the 6.3 acres of NFC. In addition, the applicant will have to comply with all other DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department (**PWD**) has no **objections** to this application. Their memorandum states that the proposed development will generate **28 PM** daily peak hour vehicle trips, however said trips do not exceed the levels of service (LOS) for the area roadways which are operating at LOS "B" and "C". In addition their memorandum indicates that the subject site requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The Miami-Dade Fire Department (**MDFR**) has no **objections** to the application and indicates that the estimated average travel response time is 8:12 minutes. The **Miami-Dade County Public Schools** (MDCPS) has no objections to this application and states in their memorandum that this project will bring an additional 13 students to the adjacent schools. However, none of the schools impacted by the proposed development meet the review threshold of 115% FISH utilization. As such no dialogue between the applicant and the School District is required.

Staff notes that the rezoning, if granted subject to the proffered covenant, conforms to the Comprehensive Development Master Plan for Miami-Dade County. The subject property is located on the southwest corner of SW 280 Street and SW 132 Avenue which makes the site easily accessible and will not burden the area roadways, as the distribution of trips will not exceed the acceptable level of service as indicated by the Public Works Department. Further, as indicated in the Department of Environmental Resources Management's memorandum, public water and sanitary sewer can be made available to the property, which will not reduce the Levels of Service (LOS) standards for same as set forth in the CDMP. Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the development trend as evidenced by similar approvals in the area. Specifically, in June 2003, the property located to the west of the subject site was granted an approval for a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB15-10-03. Subsequently, in July 2003, property located approximately 705' to the southeast of the subject site, was granted approval for a zone change from AU to RU-1M(a) on appeal, by this Board (BCC), pursuant to Resolution #Z-14-03. Moreover, staff notes that in October 2003, the property to the south of the subject site was also granted approval of a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB15-20-03. In addition staff notes that the applicant has proffered a covenant limiting the development of the site to a maximum of 22 units to be sited along the northern and eastern perimeter of the site, which is **consistent** with the interpretative text of the CDMP and is consistent with the development parameters enumerated in the executed NFC Covenant and Management Plan. Further, staff notes that the covenant proffered by the applicant also indicates that, prior to the approval of a final plat for the property, the owner shall record an instrument in the public records of Miami-Dade County to provide a notice for future property owners of the periodic prescribed burning for the Natural Forest Community (NFC), and that the property owner will comply with the NFC Covenant and Management Plan executed between said property owner and DERM. As such, staff recommends approval of the zone change, subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:**

Approval subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 04/08/08
DATE TYPED: 06/23/09
DATE REVISED: 06/24/09
DATE FINALIZED: 07/02/09
MCL:NN:CH:NC



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

NDW

Memorandum



Date: May 26, 2009

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

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

Subject: C-15 #Z2008000017-3rd Revision
The Pinelands, LLC
S.W. Corner of S.W. 280 Street and S.W. 132 Avenue
District Boundary Change from AU to RU-1M(A)
(AU) (10 Acres)
02-57-39

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

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

Potable Water Service

Public water 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

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting & site development, or public works approval of paving and drainage plans.

The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 25-year / 3-day storm event. Pollution Control devices shall be required at all drainage inlet structures.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands

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

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

Natural Forest Communities

The new owner "The Pinelands LLC" has submitted an approvable NFC permit application (NFC2009-022) for the removal of 30% of the NFC on the site. A NFC Covenant and Management Plan that preserves the remaining 6.3 acres of NFC have been executed and the applicant has agreed to create a Special Taxing District at the time of platting to fund the required maintenance of the 6.3 acres of NFC.

The Forest Resources Program has no objection to the approval of the zoning application.

Tree Preservation

The subject property revealed the presence of tree resources; however, the property is a designated Natural Forest Community (NFC) by Miami-Dade County therefore tree resources will be regulated through a NFC permit. Please be advised that any tree resources on site that are not regulated through a NFC Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation. Please see Natural Forest Community comments.

Enforcement History

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

Concurrency Review Summary

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

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: THE PINELANDS LLC.

This Department has no objections to this application.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 28 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
9928	SW 288 St. w/o SW 137 Ave.	C	C
9822	SW 137 Ave. s/o US-1	C	C
9922	SW 268 St. w/o SW 127 Ave.	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.

22-JUN-09



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

June 22, 2009

Received by
Zoning Agenda Coordinator

JUN 23 2009

Mr. Marc C. LaFerrier, A.I.C.P., Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, 11th Floor
Miami, Florida 33128

**RE: THE PINELANDS, LLC.- NO. 08-17 (f/ka F.V. CONSTRUCTION CORP)
SOUTHWEST CORNER OF SW 280 STREET AND SW 132 AVENUE**

Dear Mr. LaFerrier:

As per your request, this letter updates the previously submitted letter dated April 29, 2008 to reflect the name change of the applicant to "The Pinelands, LLC." Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's review analysis of potential impact generated by the above referenced application. Please note that none of the schools impacted by the proposed development meet the review threshold. As such, no dialogue between the applicant and the School District will be required.

This application may be subject to school concurrency requirements, as mandated by 2005 Growth Management Legislation. Pursuant to Sections 163.3177 and 1013.33 of the Florida Statutes, all new residential applications will be tested for school concurrency at Final Subdivision or Site Plan (or functional equivalent), effective at the time school concurrency is fully implemented in Miami-Dade County.

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

Sincerely,

Juan M. Rodriguez, R.A.
Director II

Received by
Zoning Agenda Coordinator

JUN 23 2009

IMR:ir
L496
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerna
Mr. Michael A. Levine
Ms. Vivian Villaamil

2009 JUN 23 A 9:46
PLANNING AND ZONING
AGENDA OFFICE

Facilities Planning

Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS

(April 2, 2008)

APPLICATION: The Pinelands LLC – No. 08-017

REQUEST: Zone change from AU to RU-1MA

ACRES: 10 acres

LOCATION: Southwest corner of SW 280 Street and SW 132 Avenue

**MSA/
MULTIPLIER:** 7.4/.66 Single-Family Detached

UNITS: 20 units (2 units permitted under present zoning, for a total of 22 units)

**ESTIMATED
STUDENT
POPULATION:** 13 students*

ELEMENTARY: 6

MIDDLE: 3

SENIOR: 4

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: William A. Chapman Elementary – 27190 SW 140 Avenue

MIDDLE: Centennial Middle – 8601 SW 212 Street

SENIOR HIGH: Homestead Senior – 2351 SE 12 Avenue

All schools are located in Regional Center VI.

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2007:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS
William A. Chapman Elementary	821	630	130%	108	111%	996
	827 *		131%		112%	
Centennial Middle	965	1,498	64%	0	64%	1,402
	968 *		65%		65%	
Homestead Senior High	2,513	2,977	84%	190	79%	3,399
	2,517 *		85%		79%	

*Student population increase as a result of the proposed development

**Estimated number of students (cumulative) based on zoning/land use log (2001-Present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold.

PLANNED RELIEF SCHOOLS

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
N/A		

OPERATING COSTS: According to Financial Accounting, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$85,137.

CAPITAL COSTS: Based on the State's April 2008 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	DOES NOT MEET THRESHOLD
MIDDLE	DOES NOT MEET THRESHOLD
SENIOR HIGH	DOES NOT MEET THRESHOLD
Total Potential Capital Cost	\$0

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Memorandum



Date: 01-FEB-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000017

Fire Prevention Unit:

No objection to Zoning change per plans date stamped January 23, 2008, Via Case # Z2008000017. A more detailed site plan showing all roads, dimensions and turning radii must be provided by Developer to assure compliance with all MDRF Site Requirements.

Service Impact/Demand:

Development for the above Z2008000017 located at LYING ALONG THE SOUTHWEST CORNER OF S.W. 280 STREET & S.W. 132 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 6537 is proposed as the following:

<u>22</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 6.18 alarms-annually.
The estimated average travel time is: 8:12 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 6 - Modello - 15890 SW 288 Street
Rescue, BLS Tanker, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 77 Homestead Air Force
285 Street & 127 Avenue

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped January 23, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

THE PINELANDS LLC.

THE SOUTHWEST CORNER OF
S.W. 280 STREET & S.W. 132
AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2008000017

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history:

Case 200901005617 was opened based on enforcement history request and inspected on 06-26-09. Property is NFC protected by DERM. An email had to be sent to ensure property owner can cut vegetation away from abutting homes. A warning notice was issued for a violation of Ch 19-14(a), overgrowth of canegrass and weeds exceeding 18" in height abutting private property. A re-inspection will be conducted after 07-31-09.

Previous case history:

Case 200801007804 was opened based on enforcement history request and inspected on 12-24-08. A warning notice was issued for a violation of Ch 19-13(a), overgrowth, junk and, trash. A re-inspection will be conducted after 1-15-09.

Case 200701007670 was opened based on an anonymous complaint of overgrowth, junk and trash and inspected on 1-28-08. No violation was observed and case was closed.

Case 200701002276 was opened based on an anonymous complaint and inspected on 4-30-07 and immediate citation 984570 was issued for a violation of Ch 19-8(a) junk and trash. The property was previously warned under case 200601006871(see below) A compliance inspection was conducted on 5-22-07 and the violation was corrected. The citation was paid and case was closed on 7-23-07.

Case 200601006871 was opened based on an anonymous complaint of junk and trash and inspected on 12-13-07. A warning notice was issued for a violation of Ch 19-8(a), junk and trash. An extension request was submitted and granted. A re-inspection was conducted on 3-9-07, the violation was corrected and the case was closed.

Case 200401001259 was opened based on an anonymous complaint of junk and trash and inspected on 3-22-04. A warning notice was issued for a violation of Ch 19-8(a), junk and trash. A re-inspection was conducted on 5-14-04 and citation 899721 was issued. a compliance check conducted on 7-28-04 revealed the property in compliance, the citation was paid 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: The Pinelands, LLC., A Florida Limited Liability Company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Jorge R. Avino	100%
1350 S.W. 57th Avenue	
Suite 207	
West Miami, Florida 33144	

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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____

RECEIVED
 208-0462
 APR 10 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY JA

RECEIVED
 208-162
 APR 10 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY JA

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 14th day of APRIL, 2009. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)



BENIGNO J. SUAREZ
MY COMMISSION # DD 716414
EXPIRES: September 26, 2011
Bonded Thru Budget Notary Services

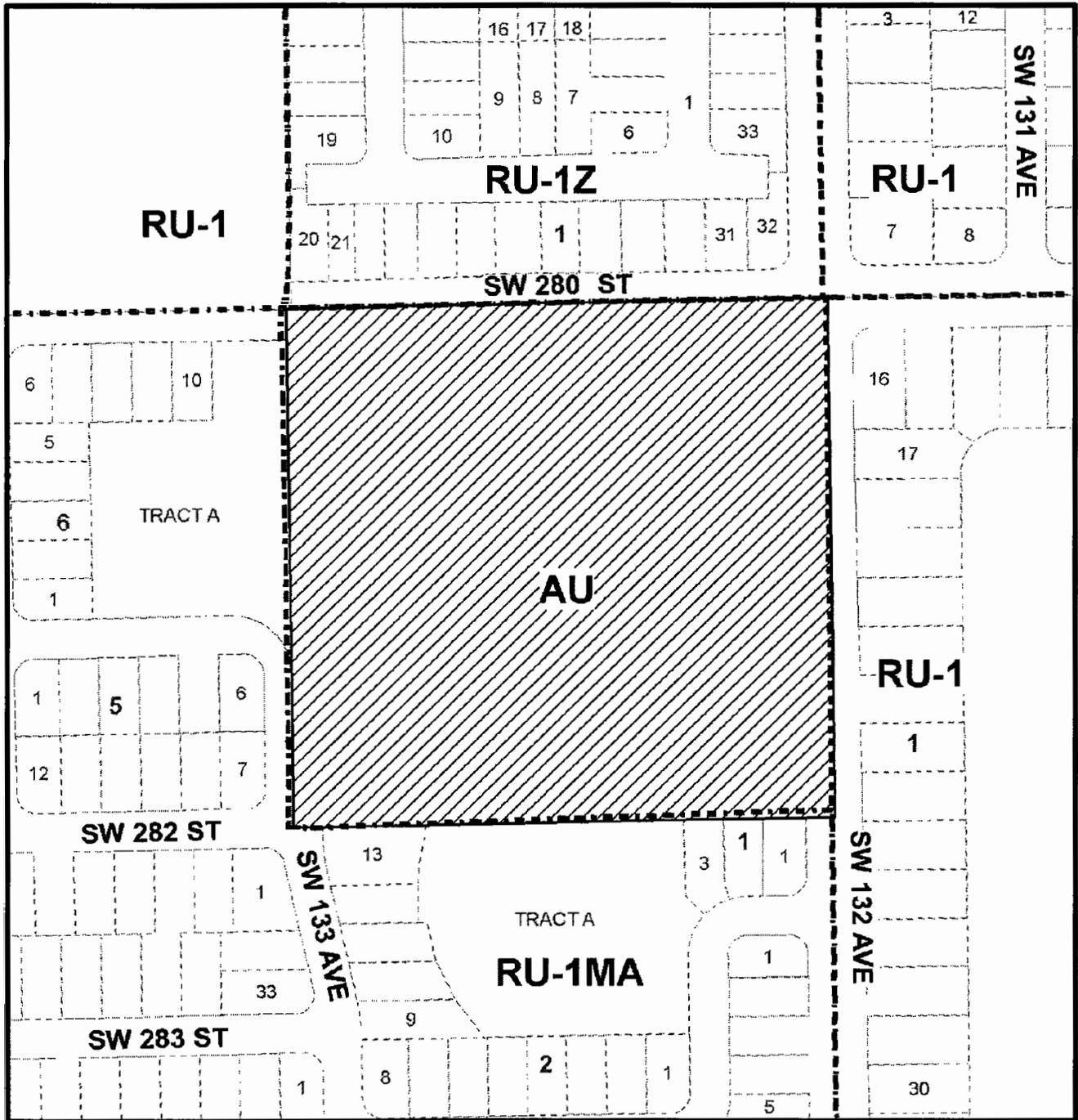
My commission expires 9/26/2011

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

RECEIVED
208-017
APR 10 2009

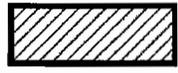
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]

803-162
APR 10 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-017

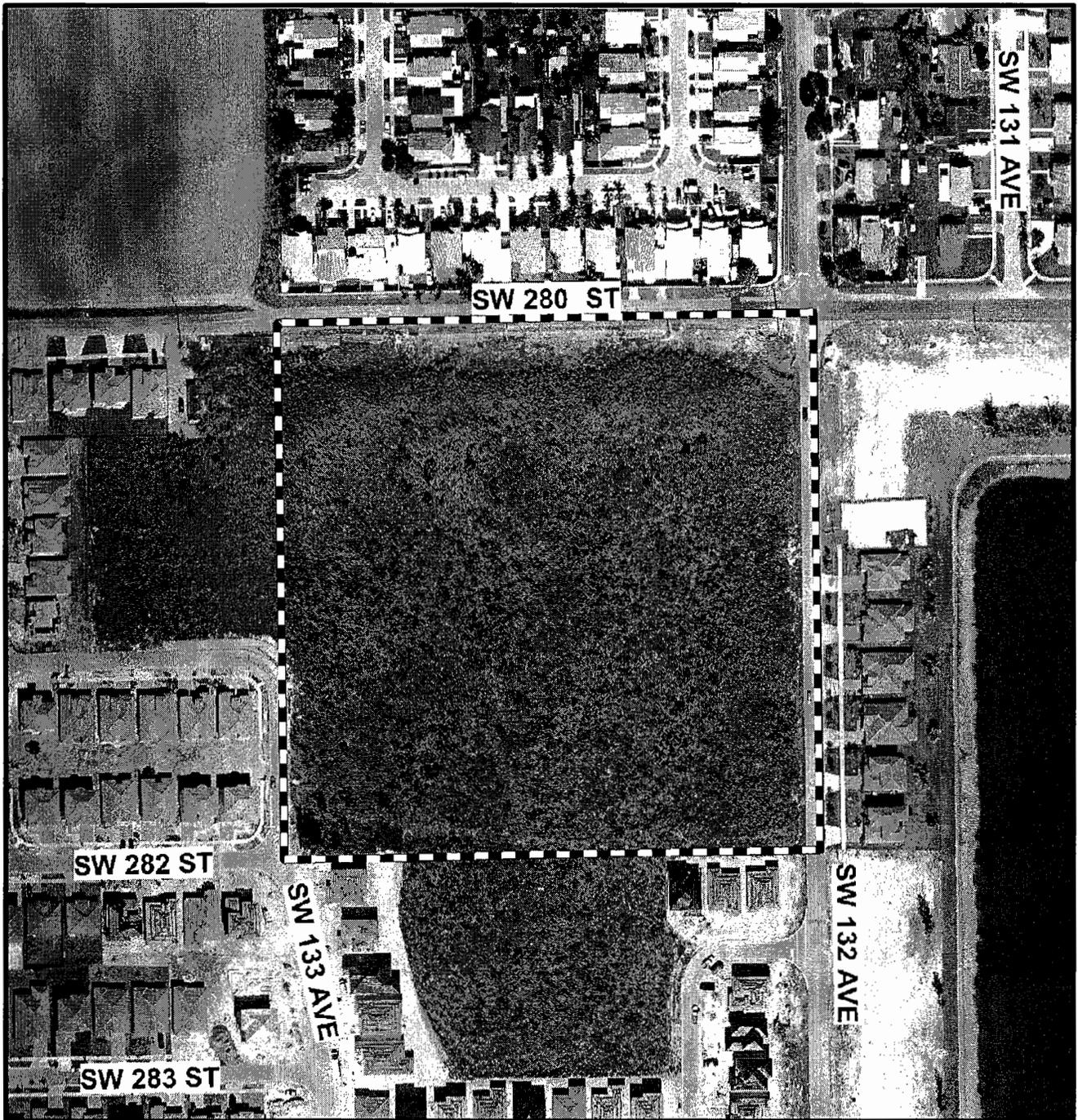


SUBJECT PROPERTY

Section: 02 Township: 57 Range: 39
 Applicant: THE PINELANDS LLC.
 Zoning Board: C15
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS



REVISION	DATE	BY
Zone boundary line changed	04/26/08	ATF
Applicant name change	02/24/09	KWY



MIAMI-DADE COUNTY
AERIAL

Process Number
08-017



SUBJECT PROPERTY

Section: 02 Township: 57 Range: 39
 Applicant: THE PINELANDS LLC.
 Zoning Board: C15
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS



CREATED ON: 01/30/08

APPNO	DATE	BY
08-017	01/30/08	ALFREDO
08-017	01/30/08	ALFREDO

2. GOULDS CHURCH OF CHRIST, INC.
(Applicant)

09-7-CZ15-2 (08-199)
Area 15/District 9
Hearing Date: 7/21/09

Property Owner (if different from applicant) **GOULDS CHURCH OF CHRIST, INC.**

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>
1971	Goulds Church of Christ	- Special Exception to permit a church - Unusual Use to permit a nursery	ZAB	Approved w/Conds.

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

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

APPLICANT: Goulds Church of Christ, Inc.

PH: Z08-199 (09-7-CZ15-2)

SECTION: 18-56-40

DATE: July 21, 2009

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION

o **REQUESTS:**

(1) Deletion of Condition #10 of Resolution #4ZAB-619-71, passed and adopted by the Zoning Appeals Board, reading as follows:

“10. That only one sign, not to exceed 1-1/2 sq. ft., will be maintained in connection with the use.

The purpose of request #1 is to delete a condition limiting the size of a sign in order to allow for a larger sign.

(2) Applicant is requesting to permit an 80 sq. ft. sign (24 sq. ft. permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled “Goulds Church of Christ Sign,” as prepared by Robert Barnes & Assoc., Sheets “A-1” and “A-3” and one sheet entitled “Church of Christ Goulds,” as prepared by Stewart, all dated stamped received 4/14/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking the deletion of Condition #10 of Resolution 4-ZAB-619-71 in order to submit new site plans showing a sign larger than that previously approved.

o **LOCATION:**

22800 SW 112 Avenue, Miami-Dade County, Florida.

o **SIZE:** 5.26 Acres

B. ZONING HEARINGS HISTORY:

Resolution #4-ZAB-619-71, passed and adopted by the Zoning Appeals Board (ZAB) on December 20, 1971, approved special exceptions to permit a Church and Sunday school, community oriented assemblies and activities, single-family custodial quarters and a private school from grades 1st – 6th with a maximum of 120 students and one sign, not to exceed 1 ½ sq. ft. Additionally, an unusual use was granted which permitted a day nursery and kindergarten with an open playground area in the rear of the subject property.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as **Residential Communities - Low Density Residential** and **approximately 2.5 miles east of and within the Urban Development Boundary**. 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. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including parks, **houses of worship**, day care centers, group housing facilities, and utility schools, facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.
3. **Policy LU-9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; religious facility

Low Density Residential, 2.5 to 6.0 du

Surrounding Properties:

NORTH: AU; residential treatment facility

Low Density Residential, 2.5 to 6.0 du

SOUTH: RU-3M; single-family residences

Low Density Residential, 2.5 to 6.0 du

EAST: RU-3; vacant land

Low Density Residential, 2.5 to 6.0 du

WEST: RU-3M; single-family residences

Low Density Residential, 2.5 to 6.0 du

E. SITE AND BUILDINGS:

Site Plan Review:

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:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property consists of 5.26 acres and is located at 22800 SW 112 Avenue. The property is developed with a 9,399 sq. ft. one-story religious facility. In 1971, the site was approved for a religious facility and Sunday school, a private school for grades 1 through 6, a day nursery and kindergarten. The CDMP states that 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. As such, staff is of the opinion that the existing religious facility is **consistent** with the interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objection** to this application and indicates that the application does not generate any new additional daily peak hour trips, therefore no vehicle trips has been assigned and therefore meets traffic concurrency criteria for an initial development order. The **Miami-Dade Fire Rescue Department (MDFR)** has **no objections** to this application and indicates in their memorandum that the estimated average travel response time is **7:01** minutes.

When analyzing request #1 under Section 33-311(A)(7) (Generalized Modification Standards), staff opines that the approval of said request to show the deletion of Condition #10 of Resolution #4-ZAB-619-71 of the religious facility, would not adversely impact the surrounding area and would not generate excessive noise or traffic, provoke excessive overcrowding of people or tend to provoke a nuisance. The applicant is seeking to delete the condition of the above referenced Resolution in order to submit a revised site plan for a larger sign than was previously approved. The submitted plans indicate a proposed sign totaling 80 sq. ft. located east of the church building but facing south towards SW 229 Terrace. It should be noted that staff is not supportive of the proposed signage for reasons to be outlined below. However, staff notes that the previously approved Resolution was for a sign measuring 1 ½ sq. ft. which is a substantially smaller sign than the Code allows. Staff is supportive of request #1 but feels the applicant could request a sign which is within the current zoning requirements. As such, staff recommends approval of request #1 under Section 33-311(A)(7) (Generalized Modification Standards), but notes that the approval of this request would be **compatible** with the existing legally established religious facility only if the requested new signage is within the size permitted by Code.

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a

previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to request #1 under said section. Due to the lack of information, staff is unable to analyze request #1 under said standards, and as such, staff recommends that this request be denied without prejudice under same.

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with the surrounding area. Request #2, to permit an 80 sq. ft. sign would have an adverse effect on the stability and appearance of the community. As previously mentioned, the previous Resolution allowed the applicant to have a 1 ½ sq. ft. sign which was well below the size permitted by Code which is 24 sq. ft. The site plan indicates that the proposed sign would face south towards SW 229 Terrace where single-family residences are located. Staff opines that an 80 sq. ft. sign is overly intensive and could have a negative visual impact on the residential community to the south. While staff acknowledges that the applicant has submitted a partial landscaping plan that depicts buffering to the east and south of the proposed sign, staff is of the opinion that a 24 sq. ft. sign (which is permitted by Code) would be adequate and would alleviate the need for the buffering. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV).

Policy LU-9B (vii) of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The approval of request #2, to permit an 80 sq. ft. sign would be excessive and could lead to a proliferation of signage by setting a precedent to allow additional signage along the roadways near the subject property. While staff has noted, that the current sign is smaller than permitted by Code, an 80 sq. ft. sign on the subject site would negatively impact adjacent properties and roadways, would not be in keeping with the intent and purpose of the zoning and land use regulations, and, in staff's opinion, would be **incompatible** with the surrounding area.

When requests #2 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the requests would have to be proven to be due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of these requests would result in unnecessary hardship. As such, this application cannot be approved under this section. Therefore, staff recommends denial without prejudice of request #2 through #7 under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:**

Approval with conditions of request #1 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Resolution #4-ZAB-619-71 shall remain in full force and effect, except as herein modified.

DATE TYPED: 06/15/09
DATE REVISED: 06/18/09, 6/19/09, 6/23/09, 7/1/09
DATE FINALIZED: 07/1/09
MCL:NN: CXH:CI



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

NDN

Memorandum

Date: October 28, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-15 #Z2008000199
Goulds Church of Christ, Inc.
22800 S.W. 112th Avenue
Modification of a Previous Resolution to Permit a New Site Plan that
Includes an Automatic Changing Sign and Special Exception to Permit an
Automatic Changing Sign on Less than 10 Acres
(AU) (5 Acres)
18-56-40

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.

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GOULDS CHURCH OF CHRIST, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

28-NOV-08

Memorandum



Date: 20-OCT-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000199

Fire Prevention Unit:

No objection to permanent sign.

Service Impact/Demand:

Development for the above Z2008000199
located at 22800 S.W. 112 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2353 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: 7:01 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 34 - Cutler Ridge - 10850 SW 211 Street Rescue, BLS 50' Squrt, 100' Platform, Squad

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 70 - Coconut Palm - SW 248 Street & 114 Pl.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

Goulds Church of Christ, Inc.

22800 SW 112 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000199

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history:

Case 20090105599 was opened based on enforcement history request and inspected on 6-23-09.

No violations were observed and case was closed.

Previous case history:

Case 200801006377 was opened based on enforcement history request and inspected on 10-09-

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

CORPORATION NAME: GOULDS CHURCH OF CHRIST, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
N/A	N/A
See page 2	

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

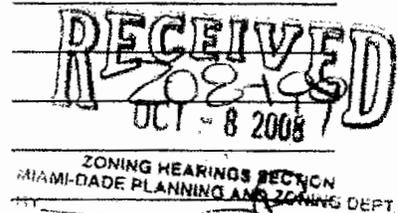
TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____ TR _____

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



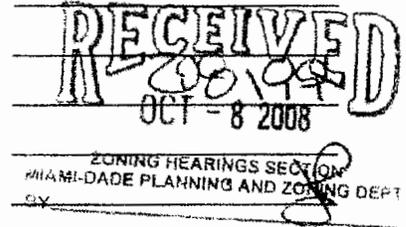
If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest



Date of contract: _____

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

Edward Gooding, II
Leonard C. Wooten
Aaron Holloway

President
Vice President
Secretary

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

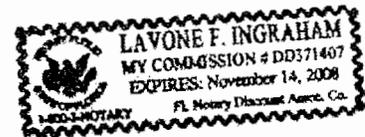
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 7 day of October, 2008. Affiant is personally know to me or has produced G352-20-50-129-0 as identification.

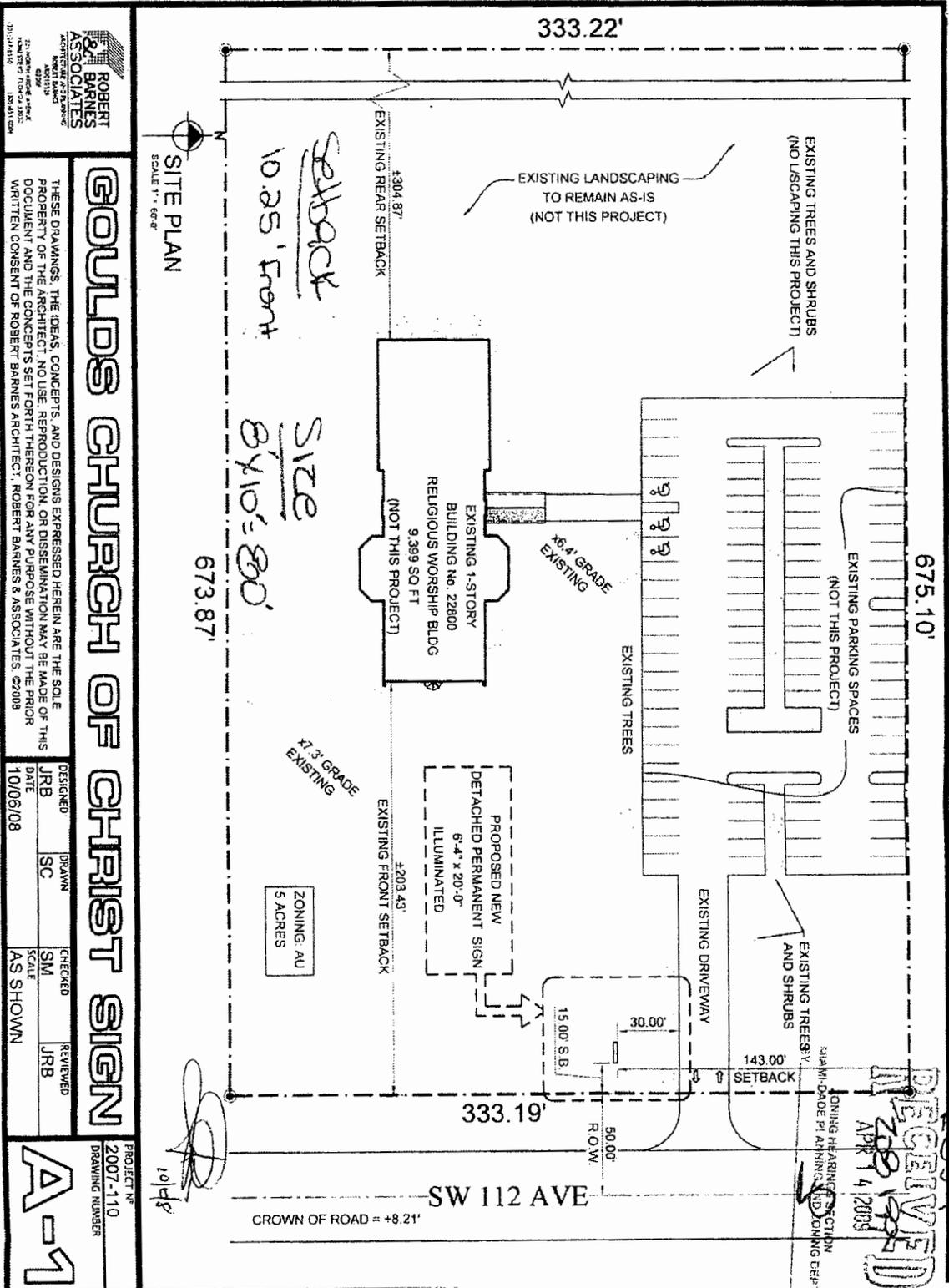
Lavone F. Ingraham
(Notary Public)

My commission expires: NOV 14, 08



Seal

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



ROBERT BARNES ASSOCIATES
 ARCHITECTURE AND PLANNING
 2100 N. W. 10th St.
 Ft. Lauderdale, FL 33304
 (954) 561-1111

GOULDS CHURCH OF CHRIST SIGN

THESE DRAWINGS, THE IDEAS, CONCEPTS, AND DESIGNS EXPRESSED HEREIN ARE THE SOLE PROPERTY OF THE ARCHITECT. NO USE, REPRODUCTION, OR DISSEMINATION MAY BE MADE OF THIS DOCUMENT AND THE CONCEPTS SET FORTH THEREON FOR ANY PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF ROBERT BARNES ARCHITECT, ROBERT BARNES & ASSOCIATES, ©2008

DESIGNED	JRB	DRAWN	SC	CHECKED	SM	REVIEWED	JRB
DATE	10/06/08			SCALE	AS SHOWN		

PROJECT N° 2007-110
 DRAWING NUMBER A-1

RECEIVED
 ZONING HEARING SECTION
 15.00' x 30.00' S.B.
 APR 14 2009

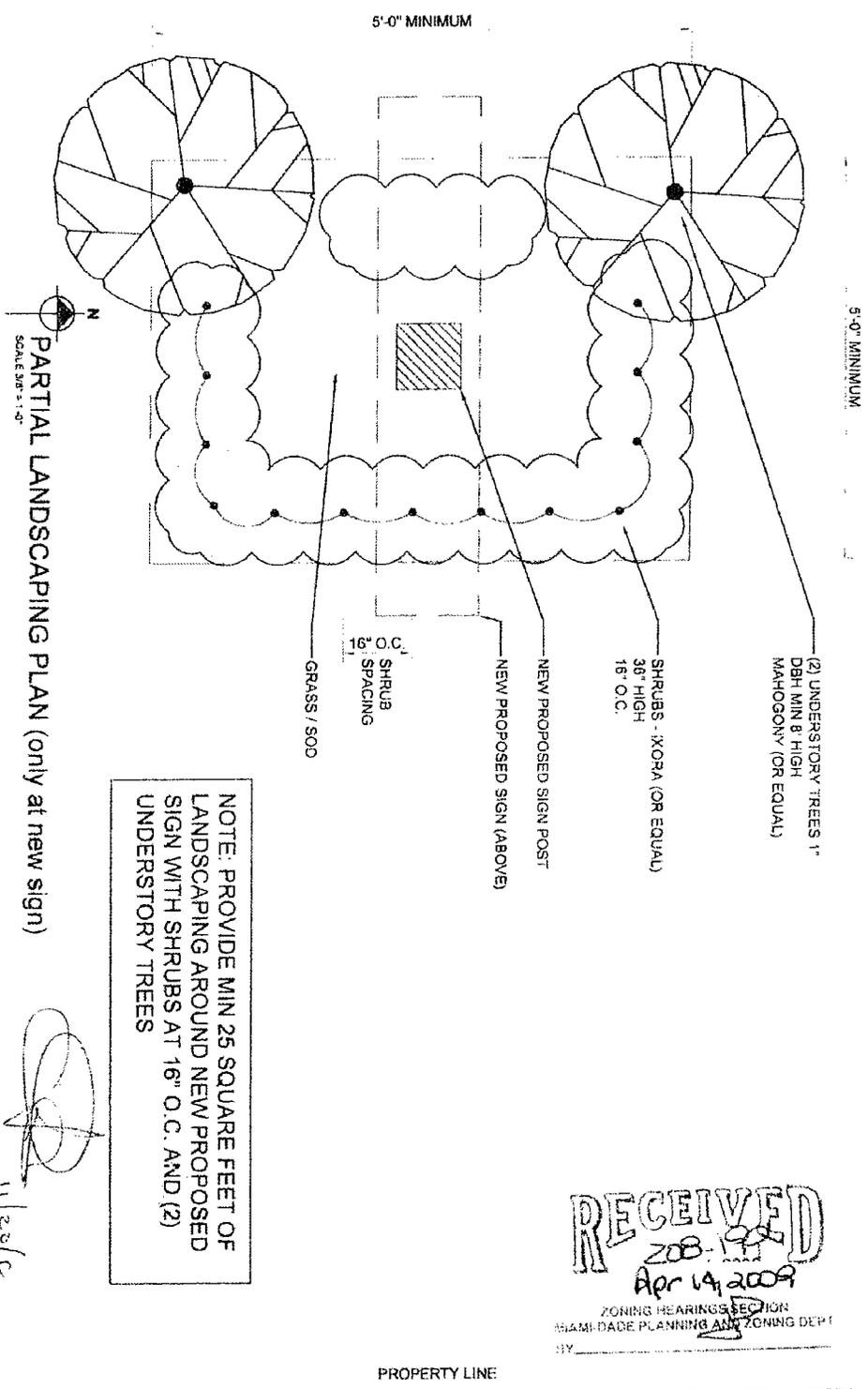
ROBERT BARNES ASSOCIATES
 ARCHITECTURAL FIRM
 22 NORTH MIAMI AVENUE
 SUITE 1000
 MIAMI, FL 33136
 (305) 371-2222

GOULDS CHURCH OF CHRIST SIGN

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DESIGNED	JRB	DRAWN	SC	CHECKED	SM	REVIEWED	JRB
DATE	11/20/08						
		SCALE		AS SHOWN			

PROJECT #
 2007-110
 DRAWING NUMBER
A-3



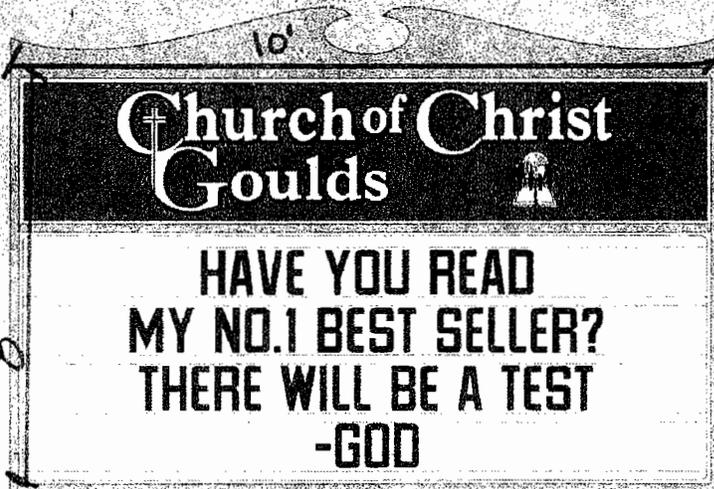
NOTE: PROVIDE MIN 25 SQUARE FEET OF LANDSCAPING AROUND NEW PROPOSED SIGN WITH SHRUBS AT 16" O.C. AND (2) UNDERSTORY TREES

[Handwritten signature]
 11/20/08

RECEIVED
 2008-11-19
 Apr 14 2009
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY _____



Alternate Header



33"

ANNOUNCER 610
CABINET SIZE: 6'x10'

REV
RECEIVED
208 0199
APR 14 2009

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

Stewart
AMERICA'S PREMIER SIGN COMPANY

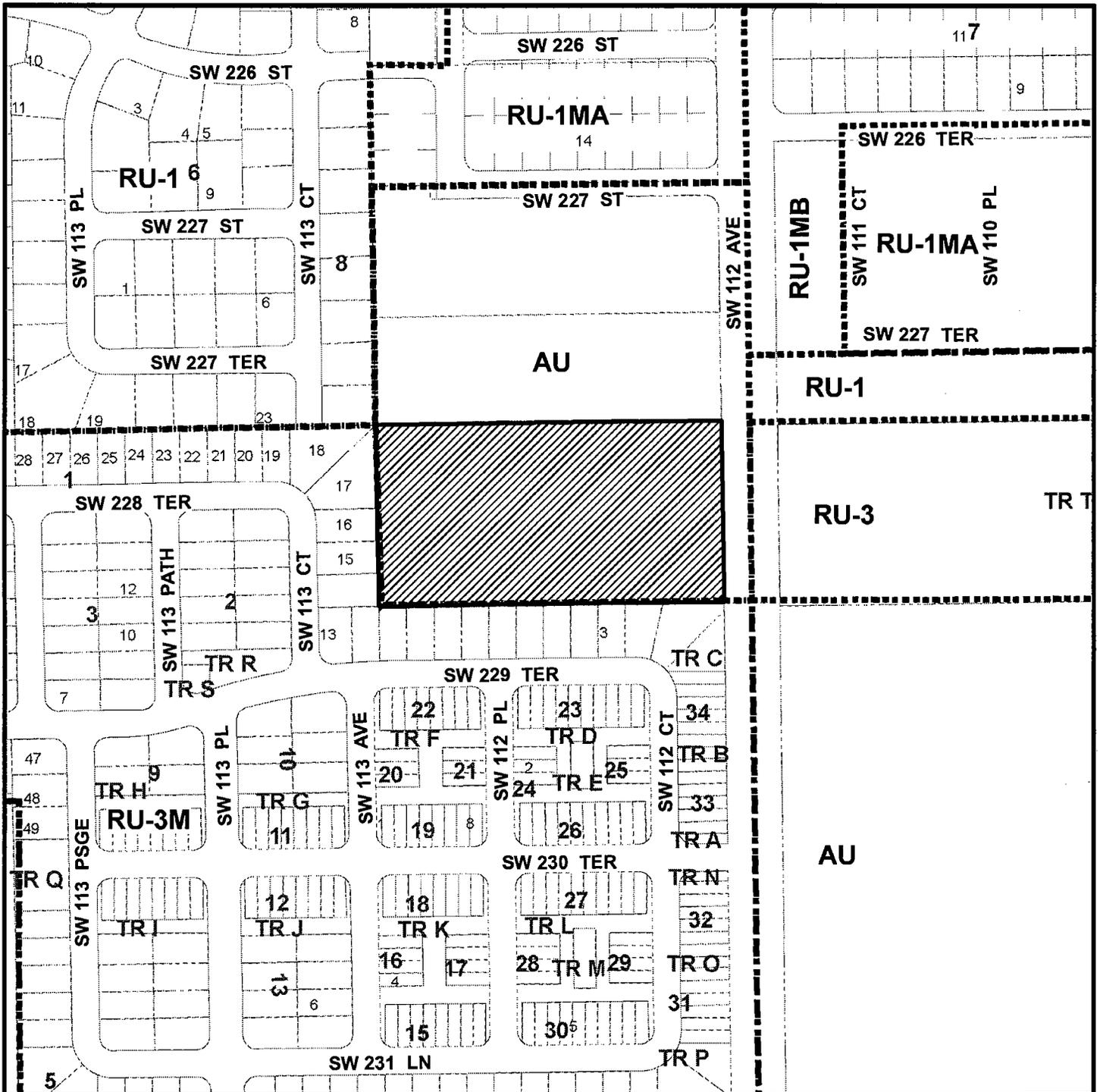
1-800-237-3928

Sk. # 700471-1 Cust. # 1083530
1/2"=1' 1.8.09 A/DSTEINMETZ -PROPOSAL-

ORIGINAL DESIGN DO NOT DUPLICATE

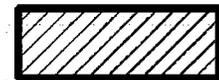
DU TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED-COLOR ART. THE FINISH OF SIGNWORK, MASONRY, AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL.

APPROVED AS SHOWN _____ DATE 1-20-09
X _____ 2.
APPROVED WITH LISTED CHANGES _____
X _____ DATE _____ 3.



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-199



SUBJECT PROPERTY

Section: 18 Township: 56 Range: 40
 Applicant: GOULDS CHURCH OF CHRIST, INC.
 Zoning Board: C15
 Commission District: 09
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SKETCH CREATED ON: 10/10/08

REVISION	DATE	BY
		17



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Section: 18 Township:56 Range: 40
 Applicant: GOULDS CHURCH OF CHRIST, INC.
 Zoning Board:C15
 Commission District:09
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Process Number
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SUBJECT PROPERTY



SKETCH CREATED ON: 10/10/08

REVISION	DATE	BY