

FINAL AGENDA

6-11-2013 Version # 2



COMMUNITY ZONING APPEALS BOARD 15
SOUTH DADE GOVERNMENT CENTER-ROOM #104 (OLD BUILDING)
10710 SW 211 Street, Miami
Wednesday, June 19, 2013 at 7:00 p.m.

PREVIOUSLY DEFERRED

A. 13-2-CZ15-1 D & G Moody LLC 12-99 34-56-39 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF WEDNESDAY, JUNE 19, 2013

SOUTH DADE GOVERNMENT CENTER – ROOM 104 1st Floor (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

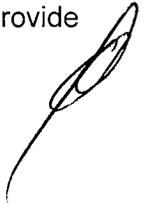
THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL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

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

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

SWEARING IN OF WITNESSES

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.



**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 15**

PH: Z12-099 (13-2-CZ15-1)

June 19, 2013

Item No. A

Recommendation Summary	
Commission District	9
Applicant	D & G Moody, LLC
Summary of Requests	The applicant is seeking a Use Variance to permit a pawnbroker use in a district that it is not allowed.
Location	26799 S. Dixie Highway, Miami-Dade County, Florida.
Property Size	.30 acre
Existing Zoning	NCUC, Naranja Community Urban Center
Existing Land Use	Commercial
2015-2025 CDMP Land Use Designation	Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(1) Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice

This item was deferred from the February 13, 2013 meeting of the Community Zoning Appeals Board (CZAB) #15 due to an inadvertent advertisement error. Subsequently, the item was re-advertised and re-analyzed as indicated below.

REQUEST:

USE VARIANCE to permit a pawnbroker use in the Naranja Community Urban Center zone as would be permitted in the BU-3 zone, only after approval at public hearing.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Use Variance Relocating Existing Pawn shop" as prepared by Robert and Barnes Associates and dated stamped received 8/6/12, consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The site plan submitted by the applicant depicts the existing 2,870 sq. ft. retail building on the irregularly shaped .30-acre parcel.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	NCUCD; retail store	Community Urban Center
North	NCUCD; vacant	Community Urban Center
South	NCUCD; retail store, apartments	Community Urban Center
East	NCUCD; vacant	Community Urban Center
West	NCUCD; pawnbroker, gas station	Community Urban Center

NEIGHBORHOOD COMPATIBILITY:

The subject property is a triangular lot abutting three (3) roadways in this area of the County, one of which is S. Dixie Highway. The area surrounding the subject property is primarily characterized by commercial uses and multi-family residential uses.

SUMMARY OF THE IMPACTS:

The approval with conditions of this application will maintain the pawnbroker services for the surrounding community. However, the approval of the use that would be more intensive than the uses allowed in the Naranja Community Urban Center District and could have additional impacts on traffic.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the Naranja Community Urban Center District (**NCUCD**). Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components have been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved NCUCD are regulated by the plans and descriptive standards described in Ordinance #06-11, which are consistent with the CDMP Land Use Element's Urban Center interpretative text. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street and/or open space, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment at street level.

The subject parcel is located within the Center Sub-District of the NCUCD. The CDMP land Use Element interpretative text for Urban Centers states that *the core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the **Community Centers** shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community.* Further, said text indicates that *the proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.*

The purpose of the application is to allow the applicant to establish a pawnbroker use on the subject property as would be permitted in the BU-3, Liberal Business District after a public hearing. The CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses*

designated on the LUP map and interpretive text, or with the character of the surrounding community. Staff notes that the proposed pawn shop use will be located within the Center Sub-District of the NCUCD and is surrounded by commercial uses including an existing pawn shop and gas station uses to the west and restaurant and retail uses located to the south. Staff therefore, opines that approval of the proposed pawnbroker use would be consistent with the moderate, small sized commercial character of the surrounding community. Further, staff notes that the properties to the east and southeast of the subject property are primarily developed with multi-family residential units. In staff's opinion, the approval of the proposed pawnbroker use on the subject parcel would meet the requirement outlined in the CDMP Land Use Element interpretative text that primarily moderate and smaller sized *businesses which serve, and draw from, the nearby community* shall be contained within a Community Center. Therefore, staff opines that approval the proposed pawnbroker use would be **consistent** with the CDMP LUP map Urban Center designation, the Land Use Element interpretative text for Urban Centers and **Objective LU-4.**

ZONING ANALYSIS:

The applicant is requesting approval of a use variance to permit a pawnbroker use on a property that is located in the Center Sub-District of the NCUCD and is designated MC, Mixed-Use Corridor as would be permitted in the BU-3 District after a public hearing under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations. *A **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than which is prescribed by the zoning regulations. The standard stipulates that the Board shall hear and grant applications for use variances from the terms of the zoning regulations as 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 use variance will be in harmony with the general purpose and intent of the regulations.*

The applicant indicated in the letter of intent that the pawn and jewelry store that is the subject of this application is currently located to the west of the subject property at 26750 South Dixie Highway and has been in operation at this location for the past 16 years. Said letter of intent indicated that the recent widening of South Dixie Highway compromised the parking along said roadway for the customers and staff of the pawnbroker facility and that the approval of the relocation would allow him to address this issue as well as the safety of customers. Staff's review of the application indicates that the use is similar to and **compatible** with the other retail uses in this area of South Dixie Highway and in particular the pawnbroker use located to the west.

Notwithstanding, staff's analysis of this application under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations requires the applicant to show that 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 use variance will be in harmony with the general purpose and intent of the regulations.* Staff therefore opines that, for the reasons outlined below, the applicant has not provided sufficient evidence that a literal enforcement of the aforementioned provisions result in an unnecessary hardship and therefore recommends that the application should be denied without prejudice. The NCUCD regulations currently do not permit pawnbroker uses in any land use category. As such, staff opines that the approval of the relocation of the pawnbroker use to the subject property that is

located within the MC land use category would not be in harmony with the general purpose and intent of the NCUCD regulations.

In addition, staff's review of aerial photographs of the subject property indicated that the subject property was previously used for office uses to include a medical office and an insurance office. The MC land use category in the NCUCD permits general retail/personal service establishments and professional business offices uses such as the aforementioned uses along with other uses such as service stations and civic uses. As such, staff opines that the property has been, and can still be permitted for other uses that are allowed in the NCUCD. Further, staff notes that the existing pawn and jewelry store currently in operation on the parcel to the west and also within the NCUCD is grandfathered pursuant to Section 284.72 of the Code. **Therefore, staff recommends denial without prejudice of the application, under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations .**

ACCESS, CIRCULATION AND PARKING: Access to the site is provided through an ingress/egress drive along SW 146 Court and adequate parking for the 2,870 sq. ft. retail facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

ENVIRONMENTAL REVIEW: Not applicable.

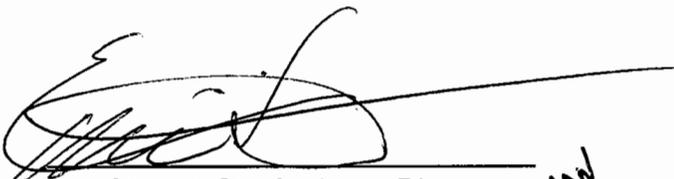
OTHER: Not applicable.

RECOMMENDATION:

Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:AN:CH


Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

NDN

ZONING RECOMMENDATION ADDENDUM

D & G Moody, LLC.
Z12-099

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resources Management (RER)	No objection*
Public Works and Waste Management	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Urban Centers (Pg. I-46-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their</i></p>
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ZONING RECOMMENDATION ADDENDUM

D & G Moody, LLC.
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surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

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

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

Buildings. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In

ZONING RECOMMENDATION ADDENDUM

D & G Moody, LLC.
Z12-099

	<i>areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</i>
Objective LU-4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.	<i>The Board shall hear and grant applications for use variances from the terms of the zoning regulations as 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 use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 15
MOTION SLIP

#1

APPLICANT'S NAME: D & G Moody LLC

REPRESENTATIVE: _____

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-2-CZ15-1 (12-099)	February	CZAB15	13

REC: Approval with conditions.

WITHDRAW
 APPLICATION
 ITEM(S)

DEFER:

 DENY:

 ACCEPT

MEETING CANCELLED

HAVE TO AMEND

APPROVE:
 PER REQUEST
 PER DEPARTMENT
 PER D.I.C.
 WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Patricia FORBES			
COUNCILMAN		Paul J. MORROW			
VICE CHAIRWOMAN		Marjorie MURILLO			
COUNCIL WOMAN		Gale L. WIMBLEY			
CHAIR WOMAN		Diane RICHARDSON			

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: _____

A. D & G MOODY LLC
(Applicant)

13-2-CZ15-1 (12-099)
Area 15/District 09
Hearing Date: 06/19/13

Property Owner (if different from applicant) **Donald Groh**

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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None

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

Memorandum

Date: September 10, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C15#Z2012000099
D & G Moody LLC
26799 South Dixie Highway
Use Variance to Permit a Pawn Shop
(NCUC) (.3038 Acres)
34-56-39



The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the 10 days travel time contour of the Naranja Park Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Section 24-43(4)(b) of the Code requires that for a property not having indigenous substrata, and located within the 10-day travel time contour of the wellfield protection area of any public utility potable water supply well, the sewage loading into sanitary sewers shall not exceed 850 gallons per day per acre. The subject property contains a gross area of approximately 35,564 square feet, and the proposed development would generate a wastewater flow of approximately 286 gallons per day (GPD). This flow translates into a sewage loading rate of 351.5 GPD/Acre, which would be in compliance with the above-noted Code requirements.

Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

Wetlands

The subject property does not contain 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 proposal to permit a pawn shop will not impact tree resources. Be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

The subject properties have one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Union 76 / Lawrence Oil Company (UT 1696):

On July 11, 1990 a Notice of Violation (NOV) was issued to the property owner for the improper abandonment of underground storage tanks (UGT's). On January 28, 1991 a Final Notice Prior to Court Action (FNPTCA) was issued for non-compliance with the NOV that was previously issued. The UGT's were removed on April 3, 1991 during which groundwater contamination was discovered. A one hundred and eighty day (180) timeframe was given by the department to submit a Contamination Assessment Report (CAR). The CAR was not submitted which resulted in the issuance of another FNPTCA on March 27, 1992. State Cleanup was requested and was approved in November 1992 and the case was subsequently closed by the department.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: D & G Moody LLC

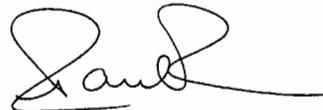
This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 7 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
9924	SW 268 St. w/o SW 142 Ave.	B	B
F-8	US-1 s/o SW 232 St.	C	C
F-545	US-1 n/o SW 308 St.	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.

05-OCT-12

Memorandum



Date: August 24, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From:  Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC # 12-099
D & G Moody, LLC

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-099
D & G Moody, LLC

Application: *D & G Moody, LLC* is requesting a use variance to permit a pawn shop use in an existing business. The property is located in a liberal Business District (BU-3) within the Naranja Urban Center (NCUC).

Size: The subject property is approximately .30 acres.

Location: The subject property is located at 26799 South Dixie Highway in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The establishment of a pawn shop use on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |

- | | |
|----------------------------------|--|
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
- b. "T" shaped turnaround 60 feet long by 10 feet wide.
- c. Paved throughway of adequate width (minimum 15 feet).

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

Memorandum



Date: August 31, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resource Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000099: D & G Moody LLC

Application Name: D & G Moody LLC

Project Location: The site is located at 26799 S DIXIE HWY, Miami-Dade County.

Proposed Development: The applicant is requesting approval for a use variance to permit a pawn shop.

Because this application does not generate any additional residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application. We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor



Memorandum

Date: 22-AUG-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000099

Fire Prevention Unit:

Fire Engineering & Water Supply Bureau has reviewed and approved the site plan dated stamp received 8/16/12.

Service Impact/Demand

Development for the above Z2012000099 located at 26799 S DIXIE HWY, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 5487 is proposed as the following:

<u> </u>	dwelling units	<u> </u>	square feet
residential		industrial	square feet
<u> </u>	square feet	<u> </u>	square feet
Office		institutional	
2800	square feet	<u> </u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 2 alarms-annually. The estimated average travel time is: 5:00 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be: Station No. 5 - Goulds - 13150 SW 238 Street

Planned Service Expansions:

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

Fire Planning Additional Comments

The applicant is seeking to relocate an existing pawn shop. There will be no significant impact to MDRF service.

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

DATE: 04-JUN-13
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

D & G Moody LLC

26799 S DIXIE HWY, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000099

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD COMPLIANCE CASES.
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING CASES.

D & G MOODY LLC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

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: D+G MOODY LLC

NAME AND ADDRESS Percentage of Stock

DONALD GROH 100%

RECEIVED
212099
AUG 06 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY FE FOR SANDY

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: _____

NAME AND ADDRESS Percentage of Interest

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where 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: _____

NAME AND ADDRESS Percent of Ownership

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

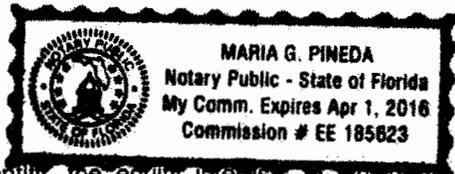
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Donald Groh
(Applicant)

Sworn to and subscribed before me this 6 day of AUGUST, 12. Affiant is personally known to me or has produced PERSONALLY KNOWN as identification.

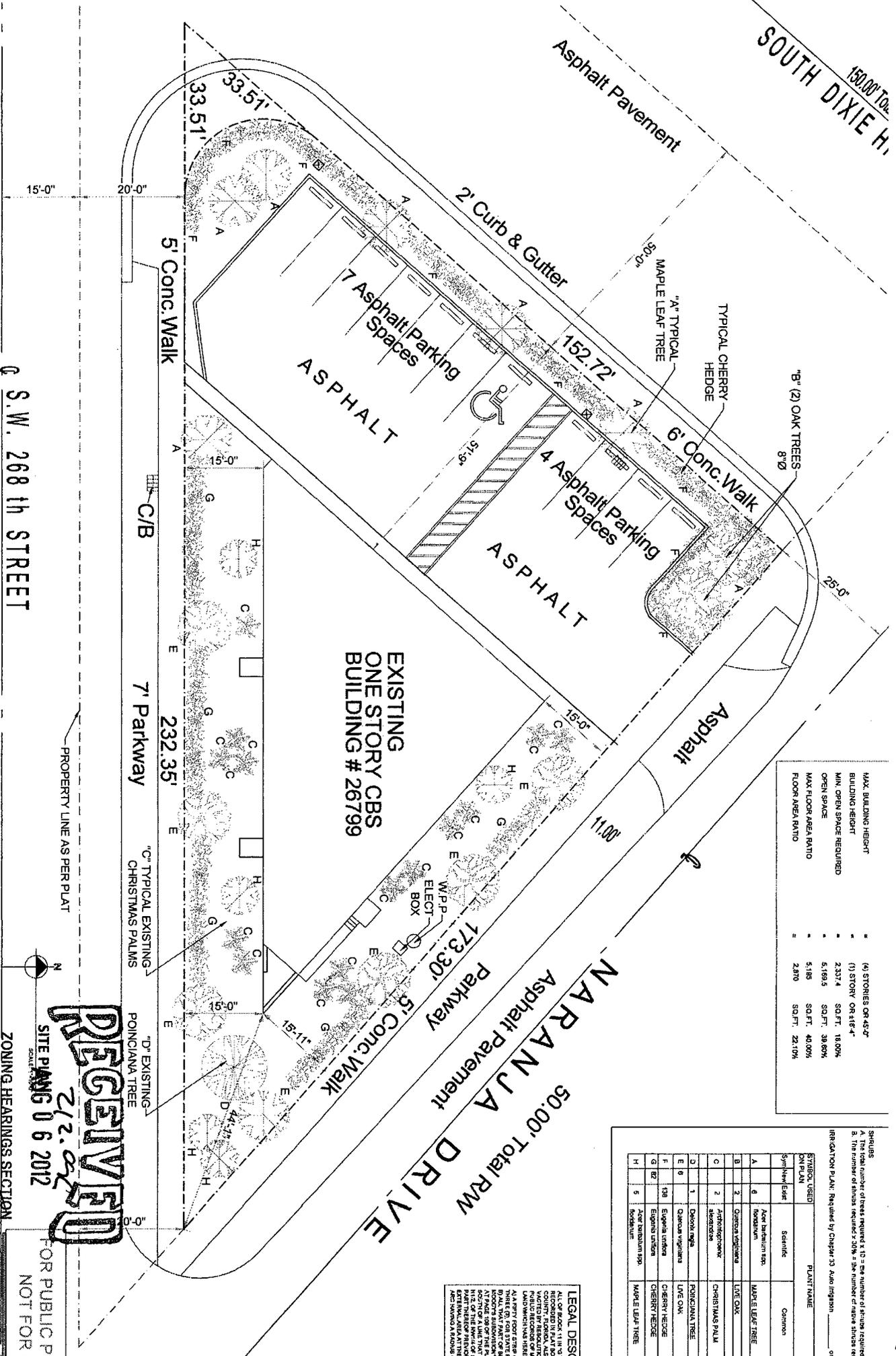
Maria G. Pineda
(Notary Public)

My commission expires 4/1/16



*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.

150.00' Total
SOUTH DIXIE H



MAX. BUILDING HEIGHT	MIN. BUILDING HEIGHT	MIN. OPEN SPACE REQUIRED	OPEN SPACE	MAX. FLOOR AREA RATIO	FLOOR AREA RATIO
16 STORIES OR 45'-0"	(1) STORY OR 10'-4"	2,337.4	5,189.5	5.189	2.870
		SQ. FT. 18.00%	SQ. FT. 38.80%	SQ. FT. 40.00%	SQ. FT. 25.10%

SHRUBS
A. The total number of trees required & 15 = the number of shrubs required
B. The number of shrubs required > 30% = the number of shrubs required

IRRIGATION PLAN: Required by Chapter 33 Auto Irrigation _____ of hose

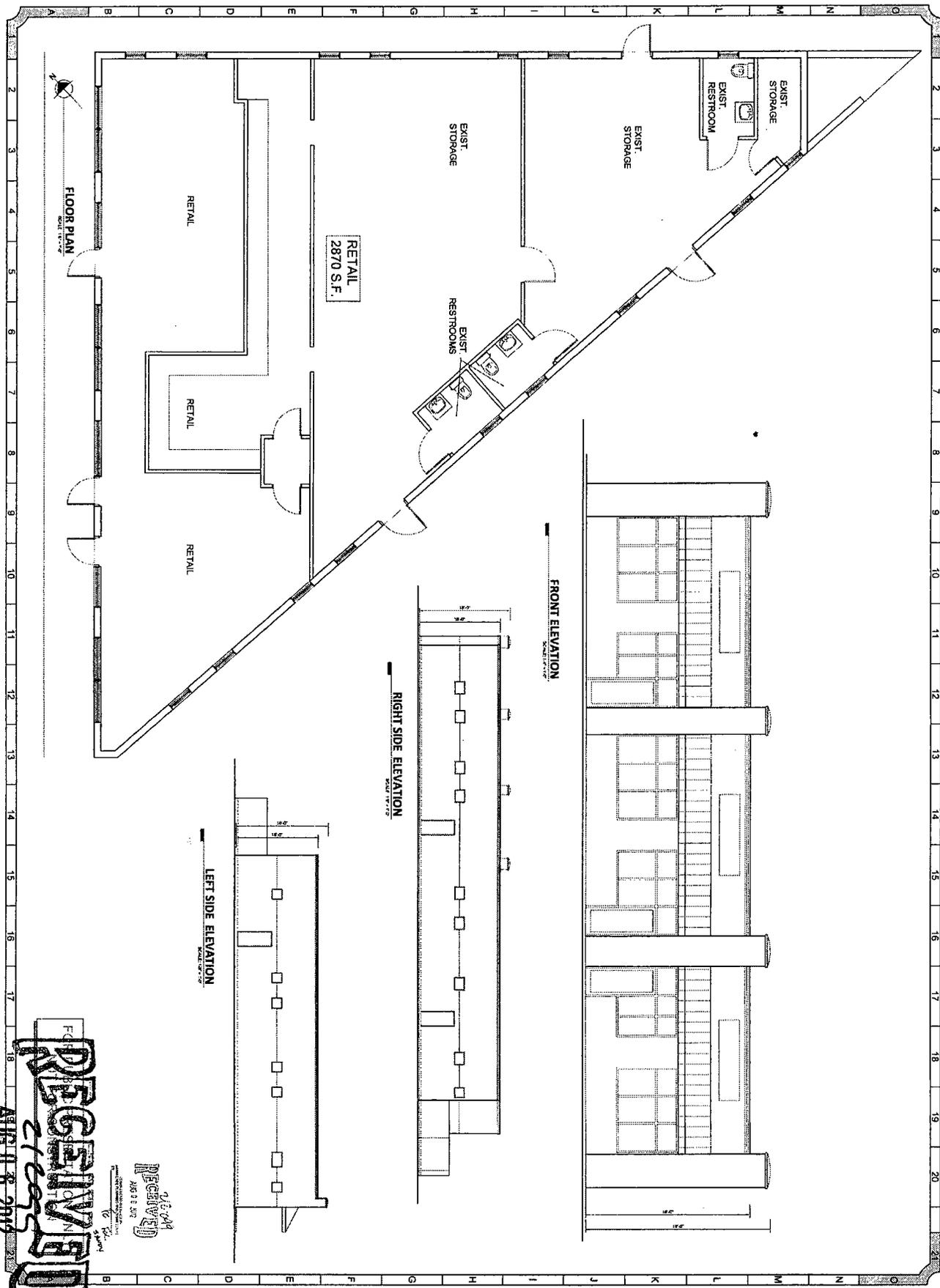
SYMBOL USED	PLANT NAME	COMMON
A	Acer barbatum var. novboracum	Common
B	Quercus virginiana	LIVE OAK
C	Aspidistra sp.	CHRISTMAS PALM
D	Podocarpus neriifolia	POINCIANA TREE
E	Quercus virginiana	LIVE OAK
F	Eugenia uniflora	CHERRY HEDGE
G	Quercus virginiana	CHRISTMAS PALM
H	Podocarpus neriifolia	POINCIANA TREE

LEGAL DESCR
 ALL OR BLOCK 11 IN S.W. 1/4
 RECORDED IN PLAT BOOK 17
 VOLUME 10000 IN SECTION 16
 TOWNSHIP 26 SOUTH RANGE 30
 WEST OF MERIDIAN 80 WEST
 COUNTY OF DADE STATE OF FLORIDA
 ALREADY FOR STATE GIFT
 TRACT (D) FOR STATE ROAD
 RIGHT OF WAY AND PUBLIC
 AT PAGE 108 OF THE PUBLIC
 RECORDS OF THE COUNTY OF
 PART THEREOF REDEVELOP
 AND WINDING AROUND OF 15

RECEIVED
 2/2.02
 SITE PLAN 06 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 FOR PUBLIC PRE
 NOT FOR CC

ENLARGED SITE PLAN



FLOOR PLAN
SCALE: 1/8" = 1'-0"

FRONT ELEVATION
SCALE: 1/8" = 1'-0"

RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

RECEIVED
 AUG 9 8 2012
 21 2012

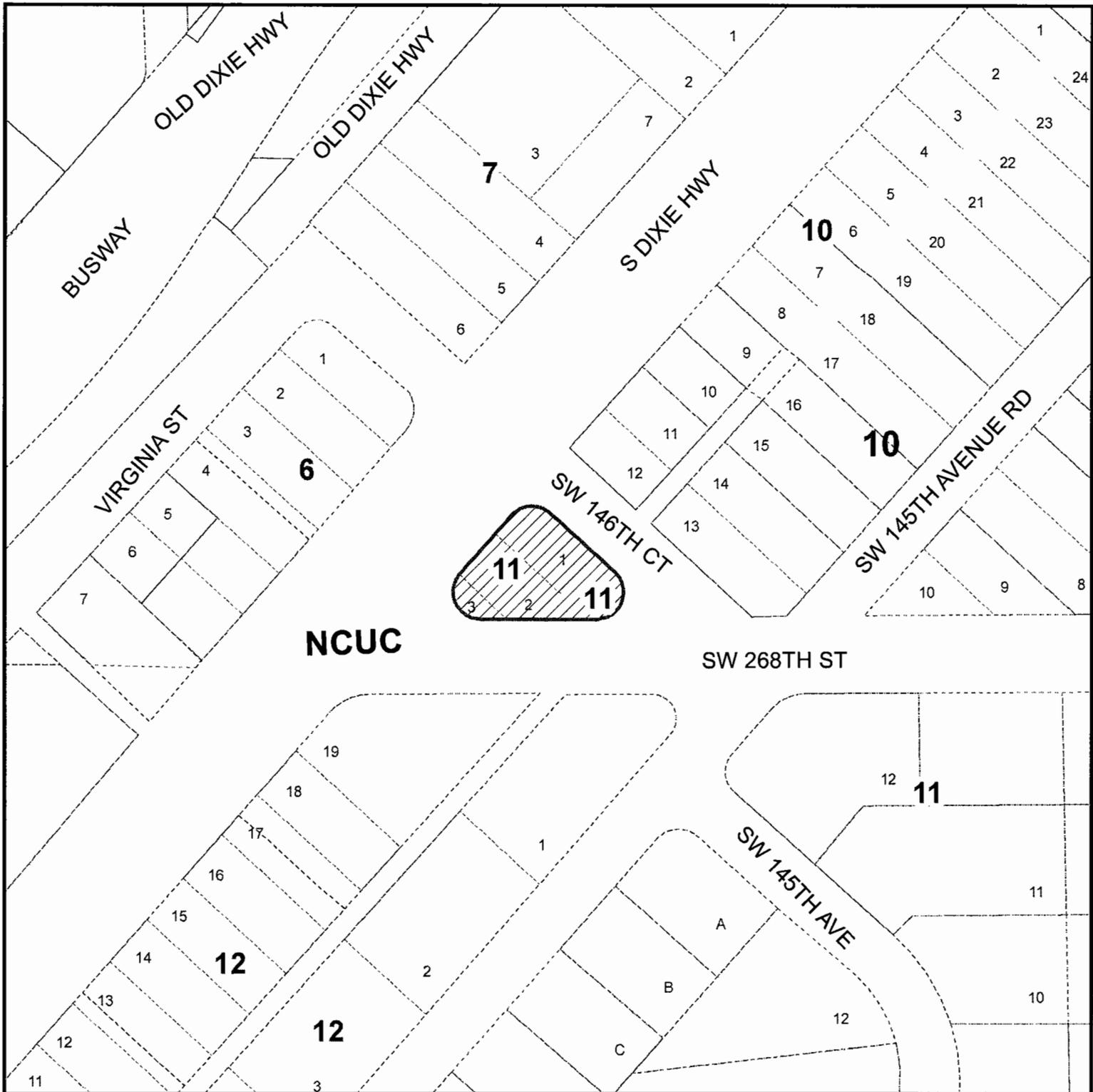
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *PC*

FLOOR PLAN AND ELEVATIONS	
DATE: 08/08/12	PROJECT: 28798 SOUTH DIXIE HWY. SUITE 402 - NARANJA, FL 33032
BY: ROBERT BARNES	CLIENT: D&O PROPERTIES
CHECKED: DANIEL TOMASELLO	DATE: 08/08/12
SCALE: AS SHOWN	PROJECT: 28798 SOUTH DIXIE HWY. SUITE 402 - NARANJA, FL 33032
DATE: 08/08/12	PROJECT: 28798 SOUTH DIXIE HWY. SUITE 402 - NARANJA, FL 33032



"USE VARIANCE"
 for **RELOCATING EXISTING PAWN SHOP**
 28798 SOUTH DIXIE HIGHWAY, NARANJA, FL 33032
 D&O PROPERTIES 27561 S DIXIE HWY. SUITE 402 - NARANJA, FL 33037 (954) 245-9556

NO.	DATE	REVISION	BY



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000099



Section: 34 Township: 56 Range: 39
 Applicant: D & G Moody LLC
 Zoning Board: C15
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

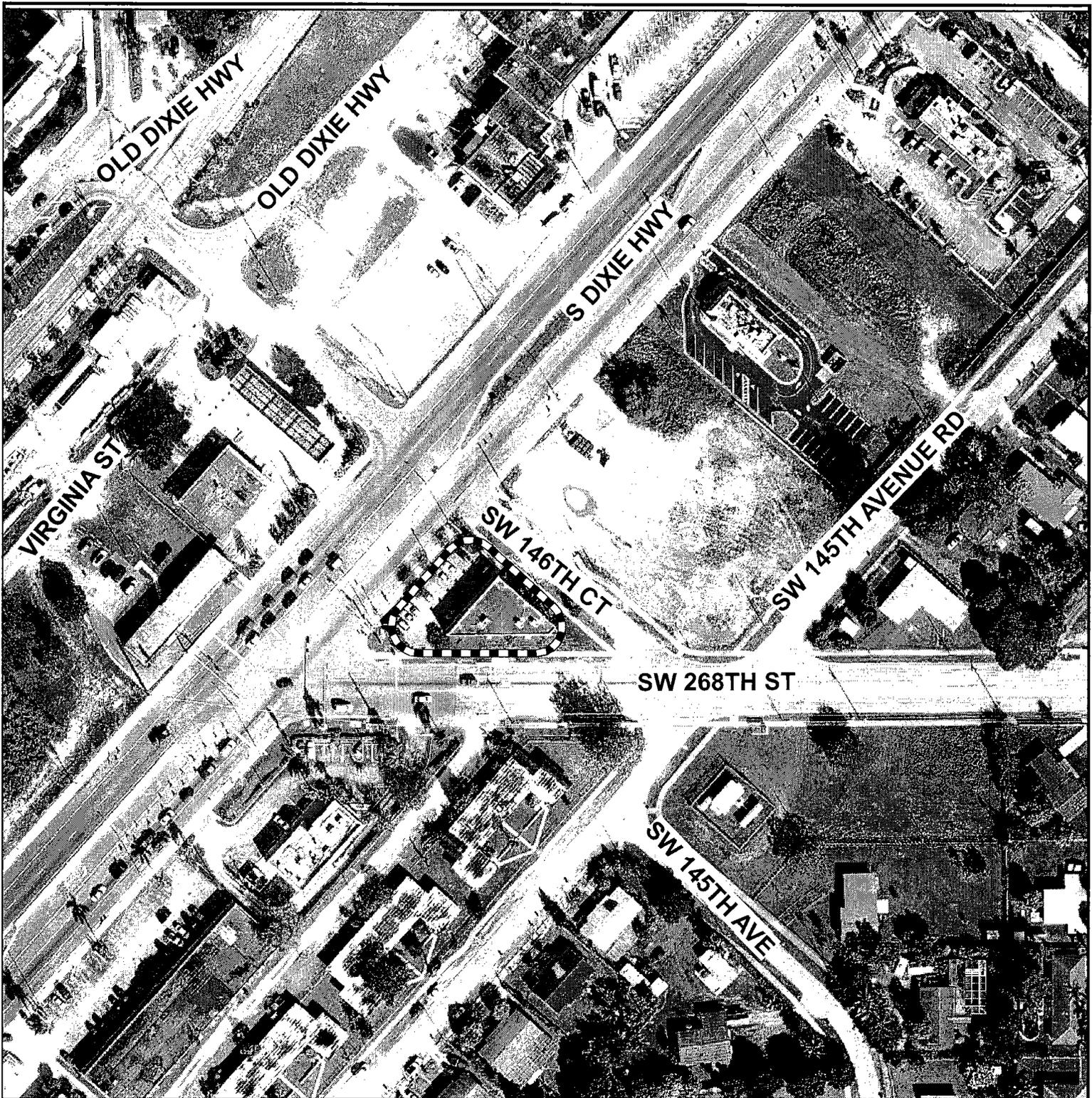
Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, August 22, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000099



Section: 34 Township: 56 Range: 39
 Applicant: D & G Moody LLC
 Zoning Board: C15
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

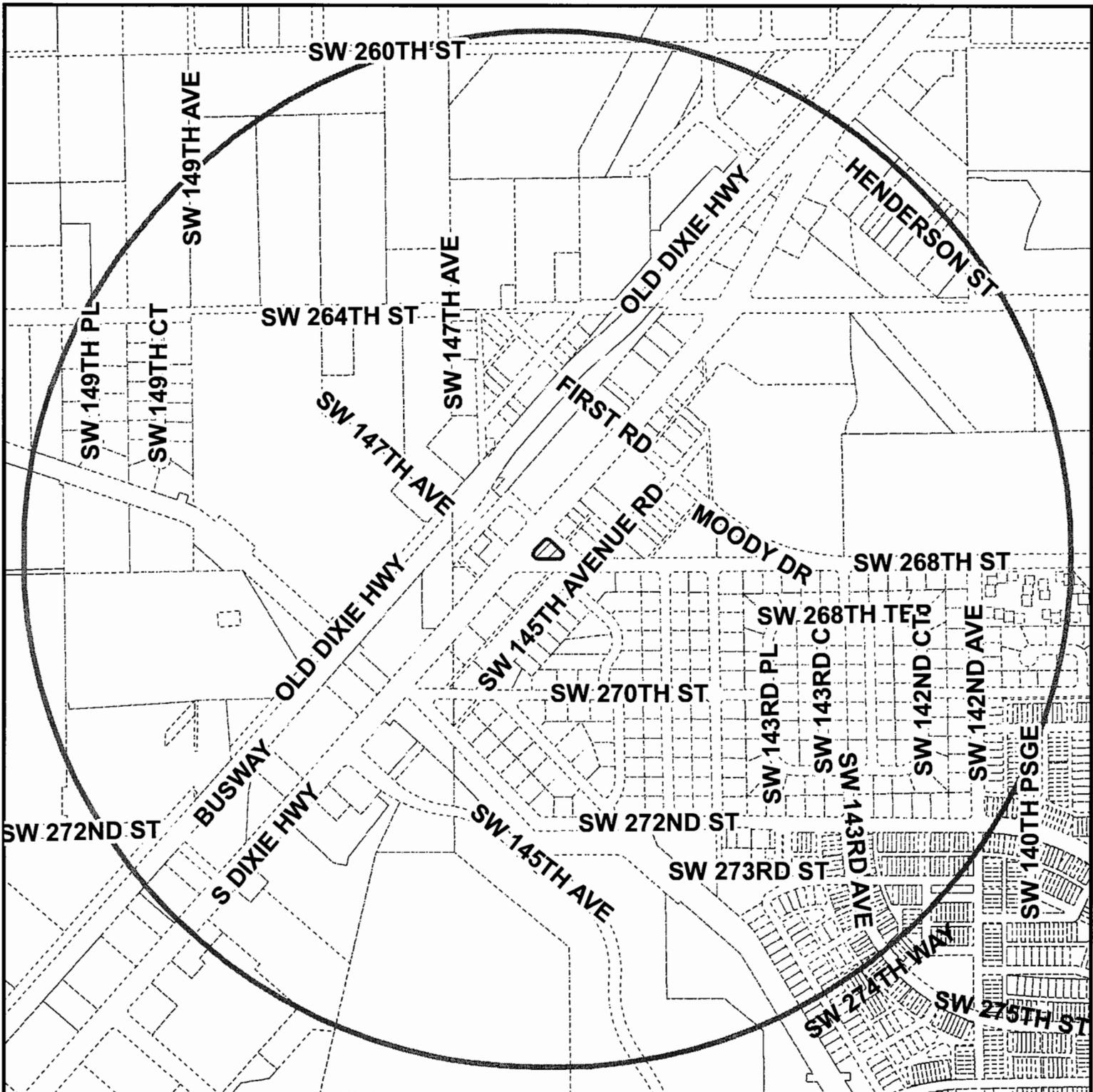
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, August 22, 2012

REVISION	DATE	BY
		26



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 34 Township: 56 Range: 39
 Applicant: D & G Moody LLC
 Zoning Board: C15
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000099
 RADIUS: 2640



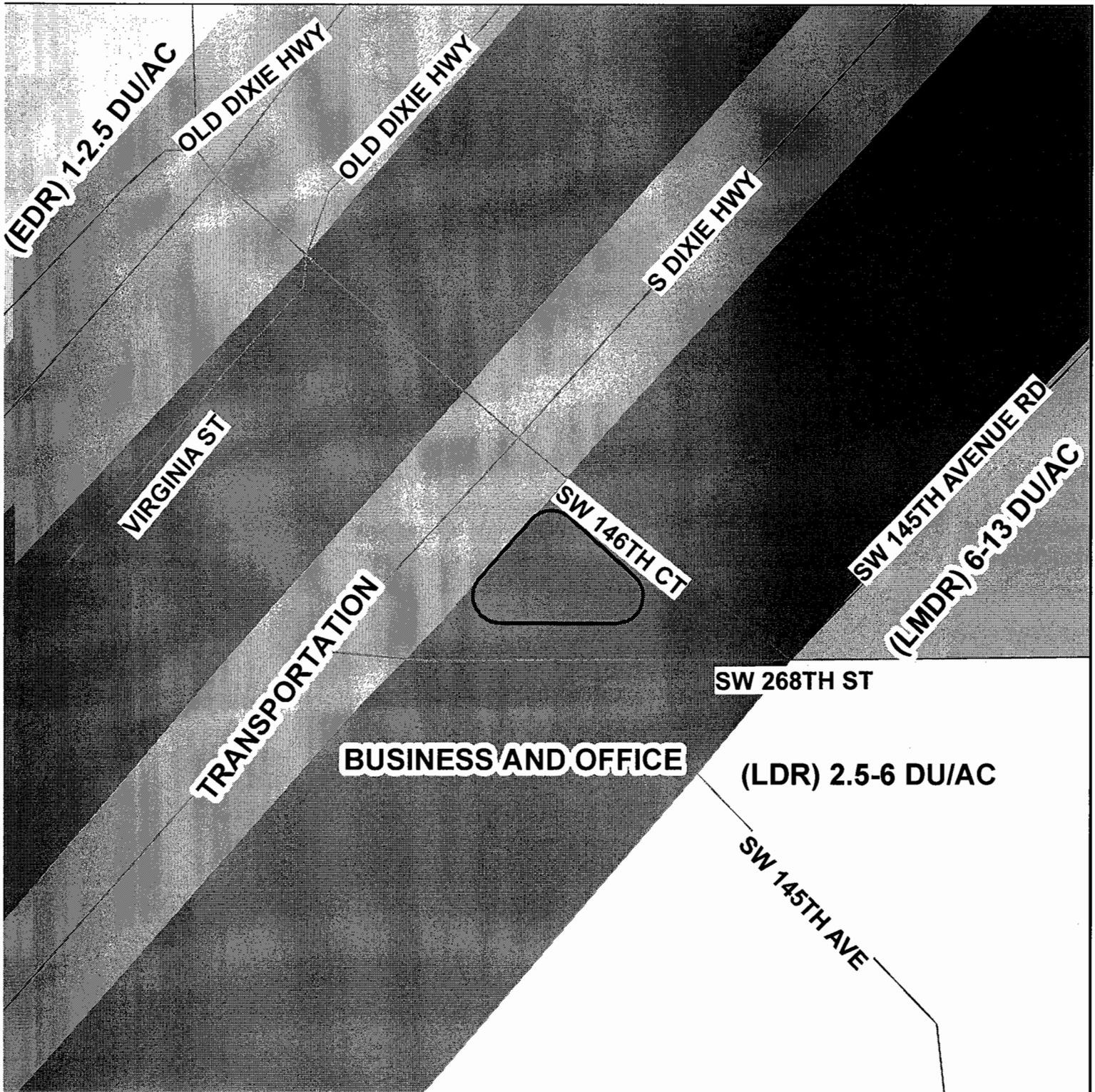
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, August 22, 2012

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000099



Section: 34 Township: 56 Range: 39
 Applicant: D & G Moody LLC
 Zoning Board: C15
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, August 22, 2012

REVISION	DATE	BY