

# KITS

12-18-2007 Version # 1



## BOARD OF COUNTY COMMISSIONERS ZONING HEARINGS

COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK  
CENTER - 2ND FLOOR

111 NW 1 Street, Miami

Thursday, January 24, 2008 at 9:30 a.m.

### PREVIOUSLY DEFERRED

### DISTRICT

A. 07-7-CZ12-3	MERRINECK ESTATES, LLC & MEDICO INTERNATIONAL REALTY HOLDINGS LLC	07-69	33-54-40	N	7
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### APPEALS

### DISTRICT

1. 07-10-CZ12-2	ISMAEL & AMNERIS VALDES	07-87	28-54-40	N	7
2. 07-9-CZ14-1	JULIO C. MOLINA	06-37	06-57-39	N	8
3. 07-10-CZ14-4	MAURO E. VARENA	07-162	12-56-38	N	9



# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

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**COUNTY COMMISSION MEETING OF THURSDAY, JANUARY 24, 2008**

**NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND**

**ALL PARTIES SHOULD BE PRESENT AT THAT TIME**

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION 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 COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

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

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

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

**SWEARING IN OF WITNESSES**

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**A. MERRINECK ESTATES L. L. C. & MEDICO INTERNATIONAL  
REALTY HOLDINGS L. L. C. (07-7-CZ12-3/07-69)**

**33-54-40  
BCC/District 7**

The applicants are appealing the decision of Community Zoning Appeals Board #12 which denied without prejudice the following:

- (1) RU-5A to RU-5
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847, only as it applies to the subject property.

The purpose of request #2 is to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business and to allow the development of the site in accordance with the proposed zoning.

- (3) Applicants are requesting to permit parking within 25' of an official right-of-way (none permitted).

THE APPLICANTS HAVE REVISED THE REQUESTS AS FOLLOWS:

IN THE ALTERNATIVE TO REQUESTS #1 AND #3, THE FOLLOWING:

- (4) Applicants are requesting to permit a building height of 29' (24' permitted).

AND WITH EITHER REQUESTS #1 AND #3 OR #4, THE FOLLOWING:

- (5) Applicants are requesting to waive the zoning regulations requiring a 5' high masonry wall, or wood fence along the E/ly 50' of the interior side (south) property line.
- (6) Applicants are requesting to waive the landscape regulations requiring a 5' wide landscape buffer and 6' high wall, fence or hedge between dissimilar land uses along the E/ly 50' of the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #3 - #6 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 Zoning Department entitled "Galloway Medical Pavilion," as prepared by Bellon, Milanese, Architects and Planners, Sheets "SP-1" and "LP-1" dated stamped received 12/4/07 and "SP-2," "A1.0," "A2.0" and "A3.0" dated stamped received 5/9/07 and consisting of 6 sheets. Plans may be modified at public hearing.

LOCATION: 7600 and 7650 S.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.9 Acres

Department of Planning and  
Zoning Recommendation:

Approval of the appeal and approval of the zone change to RU-5, subject to the Board's acceptance of the proffered covenant (request #1); approval with conditions of request #2 under Section 33-311(A)(7) (generalized modification standards), and denial without prejudice of same under Section 33-311(A)(17) (ASDO for

modification or elimination of conditions and covenants after public hearing); approval with conditions of requests #3, #5, and #6 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #4 under same; denial without prejudice of requests #3 through #6 under Section 33-311(A)(4)(c) (ANUV).

Protests: 18

Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): \_\_\_\_\_

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): \_\_\_\_\_

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

Deferred from 11/8/07

1. **ISMAEL AND AMNERIS VALDES (07-10-CZ12-2/07-87)**

**28-54-40  
BCC/District 7**

ISMAEL AND AMNERIS VALDES are appealing the decision of COMMUNITY ZONING APPEALS BOARD #12, which denied with prejudice the following:

AU to EU-M

LOCATION: The northeast corner of S.W. 94 Avenue and S.W. 68 Street, A/K/A: 9395 S.W. 68 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.07 Net Acres

Department of Planning and Zoning Recommendation:

Approval of the appeal and approval of the district boundary change from AU to EU-M, subject to the Board's acceptance of the proffered covenant.

Protests: 1

Waivers: 62

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): \_\_\_\_\_

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): \_\_\_\_\_

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

2. **JULIO C. MOLINA (07-9-CZ14-1/06-37)**

**6-57-39  
BCC/District 8**

JULIO C. MOLINA is appealing the decision of COMMUNITY ZONING APPEALS BOARD #14 which denied without prejudice request #1 and approved request #2:

(1) AU to EU-1

**REQUEST #1 ON PARCEL "A"**

(2) MODIFICATION of Conditions #2 and #9 of Resolution 5-ZAB-201-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998."

TO: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06."

FROM: "9. That the operator of the facility must be the owner of the property and permanently reside on the property."

TO: "9. That the owner provide full-time staff 24 hours a day, 7 days a week for the care facility."

**REQUEST #2 ON PARCEL "B"**

The purpose of request #2 is to submit a revised site plan showing less property for the previously approved home for the aged and to remove the condition that the owner be the operator of the facility and reside on the site permanently; to allow staffing of the site by others than the owner.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

LOCATION: 29100 S.W. 172 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10 Acres

Department of Planning and  
Zoning Recommendation:

Approval of the appeal and approval of request #1 on parcel "A" subject to the Board's acceptance of the proffered covenant; approval with conditions of

request #2 on parcel "B" under Section 33-311(A)(7) (generalized modification standards), and denial without prejudice of same request #2 under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): \_\_\_\_\_

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): \_\_\_\_\_

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

**3. MAURO E. VARENA (07-10-CZ14-4/07-162)**

**12-56-38  
BCC/District 9**

MAURO E. VARENA is appealing the decision of COMMUNITY ZONING APPEALS BOARD #14, which denied with prejudice the following:

- (1) AU and EU-1 to EU-1
- (2) Applicant is requesting to permit proposed Lots 2 - 4; each with a lot depth of 167.05' (200' required in the EU-1 zone).

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

- (3) Applicant is requesting to permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required for each).
- (4) Applicant is requesting to permit proposed Lot 1 with a lot frontage of 167.05' (200' required)

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page. Plans may be modified at public hearing.

LOCATION: 18475 S.W. 216 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.28 gross acres

Department of Planning and  
Zoning Recommendation:

Denial without prejudice of the appeal and  
denial without prejudice of the application.

Protests: 9

Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): \_\_\_\_\_

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): \_\_\_\_\_

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

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THE END

NOTICE OF APPEAL RIGHTS

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

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

**A. MERRINECK ESTATES, LLC & MEDICO**  
**INTERNATIONAL REALTY HOLDINGS LLC**  
**(Applicant)**

**07-7-CZ12-3 (07-69)**  
**BCC/District 7**  
**Hearing Date: 1/24/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1980	Jacqueline & Peggy Parker	- Use variance office in AU. - Non use variance height. - Non use variance masonry wall.	ZAB	Approved w/conds.
1980	Jacqueline Parker Koger & Peggy Parker Tyrr	- Use variance office in AU. - Non use variance height. - Non use variance decorative wall.	BCC	Approved w/conds.
1981	Jacqueline P. Koger	Delete one condition of a previous resolution.	BCC	Approved w/conds.
1981	Jacqueline P. Koger	Delete one condition of a previous resolution.	ZAB	Denied without prejudice
1985	Robert & Jacqueline Koger	- Zone change from AU to RU-5A. - Use variance plant nursery. - Non-Use variance plant nursery. - Non-Use variance parking & detached signs.	BCC	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.

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



**DATE:** November 8, 2007

**#Z-**

**ITEM:** 1.

**APPLICANT:** MERRINECK ESTATES, LLC & MEDICO  
INTERNATIONAL REALTY HOLDINGS LLC

**MOTION:** Deferred to January 24, 2008 with leave to amend.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	S	X		
Edmonson		X		
Gimenez	M	X		
Heyman				X
Martinez		X		
Moss		X		
Rolle		X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto				X
<b>Vice Chairwoman Jordan</b>				X
<b>Chairman Barreiro</b>		X		
<b>TOTAL</b>		9	0	

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANTS:** Merrineck Estates L.L.C. and  
Medico International Realty Holdings L.L.C.

**PH:** Z07-69 (07-7-CZ12-3)

**SECTION:** 33-54-40

**DATE:** January 24, 2008

**COMMISSION DISTRICT:** 7

**ITEM NO.:** A

**A. INTRODUCTION**

o **REQUESTS:**

The applicants are appealing the decision of Community Zoning Appeals Board #12 which denied without prejudice the following:

- (1) RU-5A to RU-5
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847, only as it applies to the subject property.

The purpose of request #2 is to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business and to allow the development of the site in accordance with the proposed zoning.

- (3) Applicants are requesting to permit parking within 25' of an official right-of-way (none permitted).

THE APPLICANTS HAVE REVISED THE REQUESTS AS FOLLOWS:

IN THE ALTERNATIVE TO REQUESTS #1 AND #3, THE FOLLOWING:

- (4) Applicants are requesting to permit a building height of 29' (24' permitted in the RU-5A zone).

AND WITH EITHER REQUESTS #1 AND #3 OR #4, THE FOLLOWING:

- (5) Applicants are requesting to waive the zoning regulations requiring a 5' high masonry wall or wood fence along the E/ly 50' of the interior side (south) property line.
- (6) Applicants are requesting to waive the landscape regulations requiring a 5' wide landscape buffer and 6' high wall, fence or hedge between dissimilar land uses along the E/ly 50' of the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #3 - #6 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 Zoning Department entitled "Galloway Medical Pavilion," as prepared by Bellon, Milanes, Architects and Planners, Sheets "SP-1," "LP-1" and "A3.0" dated stamped received 12/4/07 and remaining sheets dated stamped received 5/9/07 and consisting of 6 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are appealing the decision of Community Zoning Appeals Board #12 (CZAB-12) which denied without prejudice a request to change the zoning on the property from RU-5A, Semi-Professional Office District, to RU-5, Semi-Professional Office and Apartment District, in order to construct a proposed two-story medical office building, a request to delete a covenant restricting the property to be used only as an architect's office, florist, sod and nursery business, and to permit parking within 25' of the right-of-way. In addition to the original requests, the applicants have included alternative requests to their application and are seeking, in the alternative to requests #1 and #3 and retain the current zoning, to permit a proposed 2-story medical office building with a maximum height of 29' (24' permitted) (request #4). And with either requests #1 and #3 or the alternative request #4, the applicants request to waive the required 5' high wall or fence and dissimilar land use buffer along the easterly 50' of the interior side (south) property line. Therefore, based on the above, request #1 needs to be analyzed in conjunction with requests #2, #3, #5 and #6; however, request #4 would not apply. In the alternative, requests #2, #4, #5 and #6 would be under consideration by the Board.

o **LOCATION:** 7600 and 7650 S.W. 87 Avenue, Miami-Dade County, Florida.

o **SIZE:** 1.9 Acres

o **IMPACT:**

Approval of the request to delete a covenant restricting the property to be used only as an architect's office, florist, sod or nursery business, will have a positive impact on the community by eliminating the more intense uses for a sod and nursery business on the site. However, the requested variances to allow parking within 25' of the right-of-way, to allow a greater height (29') than the current RU-5A zone allows (24'), to waive the required wall and dissimilar land use buffer along the easterly 50' of the interior side (south) property line may have a negative visual impact on the surrounding area.

**B. ZONING HEARINGS HISTORY:**

In 1980, a portion of the subject property was granted a use variance to permit an architect's office in the AU, Agricultural District, as would be permitted in the RU-5A, Semi-Professional Office District, in conjunction with a landscape business (Jacky Parker's Sod). Additional requests included a non-use variance to permit the proposed building to be of a geodesic dome design, a non-use variance of zoning regulations limiting the building height to 24' to waive same to permit the proposed building with an overall height of 25' 9/16", as well as a non-use variance to permit a 6' high chain link fence along the interior side (south) property line to within 80' of the front property line in lieu of the required wall were also granted by the Zoning Appeals Board (ZAB), pursuant to Resolution No. 4-ZAB-138-80. In 1980, said application was subsequently appealed by two neighbors, residing in the EU-M residential neighborhood located to the west of the subject site, to the Board of County Commissioners (BCC) and the decision of the ZAB was sustained, pursuant to Resolution No. Z-175-80. In 1981, a request to delete Condition #5 of Resolution Z-175-80 prohibiting truck ingress/egress on the western

portion of S.W. 76 Street was denied without prejudice by the ZAB, pursuant to Resolution No. 4-ZAB-164-81. The applicant subsequently appealed the application in 1981 to the BCC which overruled the decision of the ZAB and approved the requested deletion of Condition #5 of Resolution Z-175-80 subject to conditions, pursuant to Resolution No. Z-174-81. In 1985, a district boundary change from AU, Agricultural District, to RU-5A, Semi-Professional Office District, a use variance to permit the maintenance and continued use of an existing sod business and florist shop on Parcel "A" (on the northern portion of the subject property), a use variance to permit the maintenance and continued use of a plant nursery on Parcel "B" (on the southern portion of the subject property) as well as a deletion of Condition #1 of Resolution Z-174-81 requiring the southbound driveway on SW 87 Avenue at the intersection of SW 76 Street be widened to 45 feet, was granted by the BCC, pursuant to Resolution No. Z-42-85. In addition, the aforementioned application also included the following non-use variances to permit the existing plant nursery to be operated from 5 open Quonset huts (Parcel B), to permit 6 parking spaces to be on turf blocks (hard surface required), to permit the maintenance and continued use of a 32 sq. ft. detached sign and a proposed 72 sq. ft. detached sign (none permitted) as well as a request to permit a proposed 6' high chain link fence in lieu of the required 5' high wall along the south property line, were also granted by the BCC pursuant to Resolution No. Z-42-85. A Declaration of Restrictions was proffered in conjunction with said Resolution, which among other things, restricted the subject property to the uses that were operating at that time on said property for an architectural office (RU-5A), florist, sod and nursery business and prohibited any additional uses. Furthermore, said Declaration of Restrictions also required that the applicant erect and maintain a row of Areca Palms at least as high as the west wall of Parcels A and B on the west side of said wall at the request of any owner of property abutting the west wall of Parcels A and B.

**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 **Office/Residential**. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.
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 chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning

and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

RU-5A; vacant

Office/Residential

**Surrounding Properties:**

**NORTH:** RU-5A; Office building

Office/Residential

**SOUTH:** AU; Nursery

Office/Residential

**EAST:** RU-5A; Retail produce market

Office/Residential

**WEST:** EU-M; Single-family residences  
and vacant land

Low Density Residential

The subject property is a corner lot located at 7600 and 7650 SW 87 Avenue, in an area characterized by semi-professional offices, a retail produce market, a nursery, and single-family homes.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plans submitted.)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable**

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:

**Acceptable\***

Parking Layout/Circulation:

**Acceptable**

Visibility/Visual Screening:

**Acceptable**

Energy Considerations:

**N/A**

Roof Installations:

**N/A**

Service Areas:

**N/A**

Signage:

**N/A**

Urban Design:

**N/A**

\*Subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to

modify or eliminate any condition or part thereof, which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the following paragraphs have 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	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No comment</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

This application was deferred with leave to amend from the November 8, 2007 meeting of the BCC at the applicants' request. On July 10, 2007, the Community Zoning Appeals

Board – 12 (CZAB-12) denied the zone change (request #1) and companion requests 2, 3, 5 and 6 without prejudice, by a vote of 4 to 0, pursuant to Resolution #CZAB12-23-07. On July 27, 2007, the applicant appealed the CZAB-12's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application was not based on substantial competent evidence introduced on the record. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-12's decision to deny the zone change and retain the existing AU use on the subject property is consistent with the CDMP.

The applicants have amended their application and are proposing an alternative, but also continue to seek a district boundary change from RU-5A, Semi-Professional Office District, to RU-5, Semi-Professional Office (request #1), to delete a Declaration of Restrictions in order to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business (request #2) and to permit parking within 25' of an official right-of-way (request #3). However, the alternative proposal retains the RU-5A zoning and requests to permit a building height of 29' where the RU-5A zone allows a maximum height of 24', (request #4) to be considered as an alternative to requests #1 and #3. The applicants have further amended the application to include additional requests with either requests #1 and #3 or #4, to waive the zoning regulations requiring a 5' high masonry wall or wood fence along the easterly 50' of the interior side (south) property line (request #5) and to waive the landscape regulations requiring a 5' wide landscape buffer and 6' high wall, fence or hedge between dissimilar land uses along the easterly 50' of the interior side (south) property line (request #6). The applicants have submitted revised plans depicting the aforementioned requests and have voluntarily proffered a covenant to prohibit residential uses on the subject property and restrict development of the site to the submitted plans.

The subject property is a corner lot located at 7600 and 7650 SW 87 Avenue, in an area characterized by semi-professional office buildings, a retail produce market, a nursery, and single-family homes. The 1.9-acre subject site underwent the demolition this past year of a two-story geodesic dome structure previously located on the northern portion of the subject property and an aluminum Quonset hut previously located in the southern portion. Plans submitted by the applicants which apply to both the original and alternative requests, depict the subject site to be developed with a proposed two-story medical office building that exceeds the maximum 24' height limitation in the RU-5A zoning district and attains a maximum height of 29' when measured to the roof line. Staff notes that, although the current RU-5A zone restricts height to a maximum of 24', the proposed RU-5 zoning in request #1 allows a maximum height of 35.' The original plans submitted by the applicants and presented before the Community Zoning Appeals Board 12 at the July 10, 2007 hearing depict the subject site to be developed for a proposed two-story medical office building that exceeds the maximum 24' height limitation in the RU-5A zoning district, attains a maximum building height of 29' when measured to the roof structure, and is situated in the center of the site with frontage on SW 87 Avenue. It should be noted that staff's review of the revised plans revealed that the configuration of the site remains unchanged with regard to the location and maximum height of the proposed medical office building. Further, it should be noted that both the original plans and the revised plans feature landscaping that includes, among other things, Gumbo Limbo, Geiger, Pigeon Plum, and Green Buttonwood Trees and various shrubs as well as a continuous cocoplum hedge along the perimeter of the site. Staff notes that the original plans also featured an existing 5' high wall along the west and south property lines and that the revised plans feature an existing 5' high wall along the west property line and a proposed 6' high chain

link fence along the south property line. Moreover, staff notes that the original plans indicate that the applicants have provided a surplus of 40 parking spaces yielding a total of 163 where 123 parking spaces are required and that the revised plans indicate that the applicants have provided a surplus of 36 parking spaces yielding a total of 157 parking spaces where 121 parking spaces are required. As indicated in both the original and revised plans, the proposed parking areas are located along the perimeter of the site. The original plans illustrate access to the parking area via a two-way circular drive with ingress/egress access provided at SW 87 Avenue and SW 76 Street. The revised plans illustrate access to the parking area via both a two-way circular drive and a one-way drive provided from SW 87 Avenue only. It should be noted that the applicants have also submitted an alternative plan option that illustrates access to the parking area via only the two-way circular drive from SW 87 Avenue. Staff notes that the alternative plans indicate that the applicants have provided a surplus of 36 parking spaces yielding a total of 157 parking spaces where 121 are required.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM requirements as indicated in their memorandum for this application. The **Public Works Department (PWD)** has **no objections** to this application subject to the condition that the proposed southern driveway connection along SW 87 Avenue on "Alternative Plan #1" be built with a raised curb to prevent water runoff onto the adjacent property to the south of the subject site. Their memorandum indicates that the driveway to SW 87 Avenue must meet current F.D.O.T. access management requirements. Additionally, their memorandum indicates that this application will generate **123** additional PM daily peak hour **vehicle trips**; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "C" and "E". Staff acknowledges that the proposed development will generate an additional 123 PM daily peak hour vehicle trips as indicated in the PWD memorandum but maintains that the applicant has provided a surplus of 36 parking spaces to accommodate the additional trips generated by the proposed development. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application. They indicate in their memorandum that the average response time is 7:30 minutes.

Approval of the requests will allow the applicants to develop the site with a proposed 2-story medical office building and will remove the restrictions requiring the site to be used only as an architect's office, florist, sod and nursery business. Additionally, the approval of the requests will allow the applicant to situate the parking area within 25' of an official right-of-way and will also allow the applicant to waive the required dissimilar land use buffer along a portion of the southern property line in order to provide a one-way drive on the southeast corner of the site. This area is designated for **Office/Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, zoned, or Plan-designated adjoining or adjacent residential uses. The CDMP also indicates that office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from

the office. Other factors that will be considered in determining compatibility include, but are not limited to, traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Staff is of the opinion that the site plan submitted for the proposed office building will not have an unfavorable effect on the surrounding area. The subject property abuts single-family residences developed under the EU-M, Modified Estate District, zoning requirements to the west, and staff is of the opinion that the applicants have designed the proposed office site with sensitivity to these residences. The plans submitted for this application depict a 12'6" to 11'6" wide landscape buffer that features Gumbo Limbo, Geiger, Pigeon Plum, and Green Buttonwood Trees as well as a 6' high Cocoplum Hedge along the rear (western) property line. Moreover, as previously mentioned, the submitted plans also depict an existing 5' high concrete block wall along the western property line. Staff is of the opinion that the landscape buffer and existing 5' concrete block wall will effectively mitigate any negative visual or aural impacts the proposed development may have on the abutting EU-M zoned single-family residences to the west of the subject property. In addition, as previously mentioned, staff notes that the submitted plans indicate that the applicants have provided a surplus of 36 parking spaces yielding a total of 157 parking spaces for the site. As such, staff opines that adequate on-site parking has been provided for the proposed office building. The CDMP also indicates that the maximum scale and intensity, including **height** and floor area ratio of office development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and **scale of adjoining or adjacent residential uses**. The proposed medical office building will be surrounded by an existing RU-5A zoned office building to the north, a retail produce market also zoned RU-5A to the east, single-family homes zoned EU-M to the west and a plant nursery zoned AU, Agricultural District, to the south. The current RU-5A zoning on the subject property allows a maximum building height of two-stories; however, the zone also provides that the height shall not exceed 24 feet above finished grade. As previously mentioned, plans submitted by the applicants depict the subject site to be developed with a proposed two-story medical office building that attains a maximum height of 29' when measured to the roof line and 32' when measured to the top of the parapet. The proposed 2-story office building with a maximum height of 29' is, in staff's opinion, compatible with the area. Staff notes that two stories and a 35' maximum height is allowed in the EU-M and AU zones that abut the subject property to the west and south, and is also allowed in the RU-5 zone as proposed in request #1. Staff, is of the opinion that the proposed 2-story, 29' high medical office building is **compatible** with the height permitted in the surrounding area and consistent with the CDMP. As previously mentioned, the applicants have voluntarily proffered a covenant to prohibit residential uses on the subject property and to restrict the development of the site to the submitted plans. Based on the aforementioned, the proposed 2-story office building is **consistent** with the CDMP and, in staff's opinion, **compatible** with the area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public

transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from RU-5A, Semi-Professional Offices District, to RU-5, Semi-Professional Offices and Apartments District, with the intention of constructing a two-story medical office building with a maximum height of 29'. As previously mentioned, staff concludes that the proposed development would be **consistent** with the LUP Map designation and the interpretative text of the CDMP and opines that it would be **compatible** with the surrounding area. Staff notes that the proposed office use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Further, the Public Works Department has no objection to this application, and indicates that the additional 123 PM daily peak hour vehicle trips generated by this application will not exceed the acceptable level of service of the surrounding roadways. Furthermore, staff, opines that the placement of the proposed medical office use on the subject property is well suited, as indicated on the submitted plans, along SW 87 Avenue, since said roadway is a well traveled section-line roadway. As previously mentioned, the submitted plans indicate the proposed parking areas located along the perimeter of the site and accessed by both a two-way circular drive and a one-way drive provided from SW 87 Avenue only. As proposed, the design is sufficient in providing the required parking needed for the proposed office use and the surplus parking provided by the applicant. Moreover, as previously mentioned, the applicants have voluntarily proffered a covenant to prohibit residential uses on the subject property and to restrict the development of the site to the submitted plans. Therefore, staff opines that the proposed RU-5 zoning would be **compatible** with the surrounding area.

When request #2 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the deletion of a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847, will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. As previously mentioned, said Declaration of Restrictions was proffered in 1985 in conjunction with Resolution No. Z-42-85, which approved the current RU-5A zoning on the subject property along with use variances to permit the sod business, florist shop and plant nursery. The Declaration of Restrictions restricts the uses permitted on the subject property to an architectural office, florist, sod and nursery business and further stipulates that no other use of said property shall be permitted. Furthermore, said Declaration of Restrictions also required that the applicant erect and maintain a row of Areca Palms at least as high as the west wall of Parcels A and B (subject property) on the west side of said wall at the request of any owner of property which abuts the west wall of Parcels A and B (subject property). As previously mentioned, the 1.9-acre subject site underwent demolition of a two-story dome structure located in the northern portion of the subject property and a screened Quonset hut located in the southern portion of the lot which were utilized in conjunction with the previously approved architectural office, florist shop and sod and nursery business. The revised plans submitted by the applicants depict the subject site to be developed with a proposed medical office building which, staff opines, is less intrusive than the prior sod, florist and nursery business which resulted in the frequent ingress and egress of trucks onto the subject property. In addition, as previously mentioned, staff is of the opinion that the 12'6" to 11'6" wide landscape buffer and existing 5' high concrete block wall along the west property line as depicted on the submitted plans, will effectively mitigate any negative visual or aural impacts the proposed development may have on the abutting EU-M zoned single-family residences to the west

of the subject property. Furthermore, the memorandum issued by the Public Works Department indicates that the 123 additional PM daily peak hour vehicle trips generated by this application will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. Therefore staff opines that the proposed deletion of the Declaration of Use will not generate excessive traffic. Based on all the aforementioned, staff recommends approval with conditions of request #2 under Section 33-311(A)(7).

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicants have not submitted documentation to indicate which modification or elimination standards are applicable to request #2. Due to the lack of information, staff is unable to analyze the request under said standards and, as such, request #2 should be denied without prejudice under Section 33-311(A)(17).

Request #3 is necessary for the zone change requested in request #1 as the proposed RU-5 zone does not allow parking within 25' of the street. However, with the alternative to the zone change, to retain the existing RU-5A zoning and to permit the height variance (request #4), request #3 is not needed as the RU-5A zone allows parking within 25' of the street. When request #3 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request does maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Request #3, to permit parking within 25' of an official right-of-way (not permitted), would not have an adverse effect on the stability and appearance of the community. As previously mentioned, the submitted plans depict the proposed parking areas to be located along the perimeter of the site, accessed by a two-way circular drive and a one-way drive provided from SW 87 Avenue. The applicants have provided a surplus of 36 parking spaces, which exceeds the requirement of 121 parking spaces. As such, staff opines that more than adequate on-site parking has been provided and that the parking to be located within 25' of the rights-of-way will not cause auto spillage into the streets and will not, therefore, have a negative effect on the area. Furthermore, as previously mentioned, the RU-5A zone allows parking within 25' of the street, and staff notes that the abutting properties to the north and east are zoned RU-5A and are allowed to have parking in this area. Staff further notes that the applicants have provided a landscape buffer with a minimum width of 9', which includes abundant landscaping in the form of Gumbo Limbo and Live Oak Trees, Royal Palms, and a Cocoplum hedge along the north and east property lines in order to mitigate any negative visual impact the parking might have. Additionally, staff notes that the **Public Works Department** has no objections to this application. Therefore, based on the aforementioned, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b).

Request #4, to permit a proposed 2-story office building with a maximum height of 29', is requested should the Board opt to retain the existing zoning, and as an alternative to request #1, a zone change from RU-5A to RU-5. When request #4 is analysed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request does maintain the basic intent and purpose of the zoning, subdivision and other land use regulations which is to protect the general welfare of the public, particularly

as it affects the stability and appearance of the community and would be compatible with the surrounding area. Request #4 would not have an adverse effect on the stability and appearance of the community. The current RU-5A zoning on the subject property allows a maximum building height of two-stories; however, the zone also provides that the height shall not exceed 24 feet above finished grade. As previously mentioned, plans submitted by the applicants depict the subject site to be developed with a proposed two-story medical office building that attains a maximum height of 29' when measured to the roof line and 32' when measured to the top of the parapet. The proposed 2-story office building with a maximum height of 29' is, in staff's opinion, compatible with the area. Staff notes that two-stories and 35' maximum height is allowed in the EU-M and AU zones that abut the subject property to the west and south, and is also allowed in the RU-5 zone as proposed in request #1. However, staff is supporting the requested zone change from RU-5A to RU-5, which allows a maximum height of 35.' Therefore, request #4 is not necessary with this alternative. As such, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b).

When requests #5 and #6 are analysed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. The approval of request #5, to waive the zoning regulations requiring a 5' high masonry wall or wood fence along the easterly 50' of the interior side (south) property line and request #6, to waive the landscape regulations requiring a 5' wide landscape buffer and 6' high wall, fence or hedge between dissimilar land uses along the easterly 50' of the interior side (south) property line, would not have an adverse effect on the stability and appearance of the community. It should be noted that the submitted plans illustrate a proposed 6' high chain link fence and a 5'11" wide landscape buffer that features Gumbo Limbo, Geiger, Pigeon Plum, and Green Buttonwood Trees as well as a 6' high Cocoplum Hedge along most (approximately 83%) of the southern property line. The terminus of said landscape buffer and chain link fence lines up with the parking area located along the southern property line. As such, staff opines that the proposed 2-story building and parking area will be adequately buffered from the adjoining AU-zoned property located to the south of the subject site. Therefore, based on the aforementioned, staff recommends approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b).

When requests #3 through #6 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Since the applicants have not proven that compliance with same would result in an unnecessary hardship and the subject property can be utilized in accordance with the zoning regulations and with previous zoning approvals, staff is, therefore, of the opinion that requests #3 through #6 cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff is of the opinion that, subject to the Board's acceptance of the proffered covenant, the proposed RU-5 rezoning would be **compatible** with the surrounding area and **consistent** with the provisions found within the interpretative text of the CDMP. Accordingly, staff recommends approval of the appeal and of the zone change from RU-5A to RU-5, subject to the Board's acceptance of the proffered covenant (request #1), approval with conditions of request #2 under Section 33-311(A)(7) and denial without

prejudice of same under Section 33-311(A)(17), approval with conditions of the requests to permit parking within 25' of an official right-of-way (request #3), to waive the zoning regulations requiring a 5' high masonry wall or wood fence along the easterly 50' of the interior side (south) property line (request #5) and to waive the landscape regulations requiring a 5' wide landscape buffer and 6' high wall, fence or hedge between dissimilar land uses along the easterly 50' of the interior side (south) property line under Section 33-311(A)(4)(b) (NUV); denial without prejudice of request #4 under Section 33-311(A)(4)(b) and denial without prejudice of requests #3 through #6 under Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

Approval of the appeal and approval of the zone change to RU-5, subject to the Board's acceptance of the proffered covenant (request #1); approval with conditions of request #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of requests #3 and #5 through #6 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #4 under same, and denial without prejudice of requests #3 through #6 under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:** (For requests 2, 3, 5 and 6)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Galloway Medical Pavilion," as prepared by Bellon, Milanes, Architects and Planners, sheets SP-1, LP-1 & A3.0 dated stamped received 12/4/07 and the remaining sheets dated stamped received 5/9/07, for a total of 6 sheets, subject to F.D.O.T. approval of the proposed one-way southern driveway along SW 87 Avenue. In the event F.D.O.T. approval is not granted for the proposed one-way southern driveway along SW 87 Avenue, the same be substantially in accordance with that submitted for the hearing entitled "Galloway Medical Pavilion," as prepared by Bellon Milanes, Architects and Planners, sheets SP-1 & LP-1 dated stamped received 12/19/07, sheet A-3.0 dated stamped received 12/4/07, and the remaining sheets dated stamped received 5/9/07, for a total of 6 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within this report.
5. That the applicants obtain a Certificate of Use from the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

**DATE INSPECTED:** 05/31/07  
**DATE TYPED:** 06/07/07  
**DATE REVISED:** 06/13/07; 06/21/07;06/22/07; 06/27/07; 07/03/07; 10/01/07;  
10/04/07; 10/25/07; 11/02/07; 12/06/07; 12/07/07; 12/17/07;  
12/20/07; 12/28/07; 01/09/08; 01/11/08  
**DATE FINALIZED:** 01/11/08  
SB:MTF:LVT:NC



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Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** December 13, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

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

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

**Subject:** C-12 #Z2007000069-Revised  
Merrineck Estates, LLC, & Medico International Realty Holdings  
7600-7650 S.W. 87<sup>th</sup> Avenue  
District Boundary Change from RU-5A to RU-5, Request to Delete a  
Declaration of Restrictions and to Permit Parking within a Right-of-Way  
(RU-5A) (1.90 Acres)  
33-54-40

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.

#### Wellfield Protection

The subject property is located within the basic wellfield protection area for the Alexander Orr Wellfield. The site is situated within the 30-day travel time contour of the said wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Since the subject request involves a nonresidential land use, or a zoning category that permits a variety of nonresidential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Section 24-43 (4)(b) of the Code provides that the maximum allowable sewage loading, for property not having indigenous sandy soil substrata, and located within the 30-day travel time contour of the basic wellfield protection area of any public utility potable water supply well, shall not exceed 1600 gallons per day per acre.

The applicant proposes to utilize the subject property as a medical office building. The applicant is advised that DERM approval of subsequent development orders shall be contingent upon verification that the proposed future tenants are in compliance with the restrictions of the existing covenant running with the land and with the above-mentioned sewage loading requirements.

### Potable Water Service and Wastewater Disposal

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

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

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

Section 24-43 of the Code also regulates stormwater disposal methods within public water supply wellfield protection areas. The Code requires that all stormwater runoff shall be retained on-site utilizing only infiltration or seepage-type drainage systems on that part of the wellfield protection area that is beyond the 30-day travel time contour and infiltration only for that part comprehended between 100 feet from the wells to the 10-day travel time contour. The Code prohibits the disposal of stormwater within 100 feet of the wells. Accordingly, all stormwater collected within this area shall be diverted from the same via concrete swale. Oil and grease interceptors will be required at all catch basins preceding the exfiltration systems.

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 5-year/1-day storm event.

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

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

### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305)372-6600 for further information concerning operating requirements.

#### Air Quality Preservation

According to departmental records, the applicant has filed the required paperwork for the nursery demolition.

#### Wetlands

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

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

#### Tree Preservation

According to the site plan submitted along with the zoning application, specimen-sized tree(s) (trunk diameter 18 inches or greater) will be impacted. Section 24-49.2 of the Code requires preservation of specimen trees whenever reasonably possible. Prior to the removal or relocation of any tree on-site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code, is required. Be advised that, pursuant to Section 24-49.2(II)(1) of the Code, evaluation of permit applications for the removal of specimen trees include, but is not limited to, factors such as size and configuration of the property, as well as any proposed development, location of tree(s) relative to any proposed development, and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

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

#### Enforcement History

DERM has found the following closed enforcement case for the subject property:

Jackie's Parker Sod  
Folio 30-4033-001-0540:

DERM has file #UT-1377. There is record of a closed enforcement case for failure to have secondary containment on the underground storage tanks. Notices were issued September 20, 1990, December 19, 1990, and April 2, 1991, and the case was subsequently closed with the removal of the underground storage tanks on October 13, 1991.

#### 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 CDMIP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MERRINECK ESTATES, LLC & MEDICO INTERNATIONAL  
REALTY HOLDINGS LLC

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

Proposed southern driveway connection along SW 87 Avenue on "Alternative Plan #1" must be built as an entrance only with a raised curb to prevent water runoff to adjacent property.

Additional improvements may be required at time of permitting.

Driveway to SW 87 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 123 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
F-1075	SW 87 Ave. s/o SW 56 St.	C	C
F-1068	SW 72 St. w/o Palmetto Expwy.	C	C
F-1076	SW 87 Ave. n/o SW 85 St.	C	C
F-68	SW 72 St. e/o SW 107 Ave.	E	E

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.

08-JAN-08

98

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY CIA AMOUNT OF FEE \$1,505.76

RECEIPT # I 2007 23 407

DATE HEARD July 10, 2007

BY CZAB # 12

207-069  
**RECEIVED**  
JUL 27 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPARTMENT  
BY CIA  
DATE RECEIVED STAMP

\*\*\*\*\*  
This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z2007000069

Filed in the name of (Applicant) Merrineck Estates, LLC & Medico International Realty Holdings, LLC

Name of Appellant, if other than applicant n/a

Address/location of APPELLANT'S property: 7600 & 7650 SW 87 Avenue

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Merrineck Estates, LLC & Medico International Realty Holdings, LLC  
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

The Community Zoning Appeals Board did not base its decision on substantial competent evidence in the record.

**APPELLANT MUST SIGN THIS PAGE**

Date 25<sup>th</sup> day of July, year: 2007

Signed *Hamid Bolooki*

Hamid Bolooki, Managing Member of Merrineck Estates, LLC, and authorized signatory for Medico International Realty Holdings, LLC

Print Name

351 NW LEONE RD #600

Mailing Address

MIAMI FL 33126

City State Zip

305-643-5040 305-643-0068

Phone Fax

**REPRESENTATIVE'S AFFIDAVIT**

If you are filing as representative of an association or other entity, so indicate:

\_\_\_\_\_ Representing

\_\_\_\_\_ Signature

\_\_\_\_\_ Print Name

\_\_\_\_\_ Address

\_\_\_\_\_ City State Zip

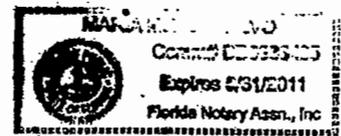
\_\_\_\_\_ Telephone Number

Subscribed and Sworn to before me on the 25 day of July, year 2007

*Maria M. Santato*  
Notary Public

(stamp/seal)

Commission Expires:



Comm # DD0668485

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Hamid Bolooki, Managing Member of Merrineck Estates, LLC, and authorized signatory for Medico International Realty Holdings, LLC (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Maria M. Montalvo  
Signature

MARIA M. MONTALVO  
Print Name

[Signature]  
Signature

CYRUS A. BOLOOKI  
Print Name

Hamid Bolooki  
Appellant's Signature

HAMID BOLOOKI  
Print Name

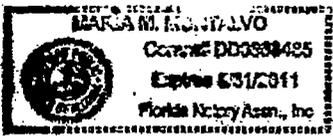
Sworn to and subscribed before me on the 25 day of July year 2007.

Appellant is personally know to me or has produced \_\_\_\_\_ as identification.

Maria M. Montalvo  
Notary Public

(stamp/seal)

Commission Expires:



Comm. # DD0668485

**RESOLUTION NO. CZAB12-23-07**

**WHEREAS, MERRINECK ESTATES L. L. C. & MEDICO INTERNATIONAL REALTY**

**HOLDINGS L. L. C.** applied for the following:

- (1) RU-5A to RU-5
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847.

The purpose of request #2 is to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business and to allow the development of the site in accordance with the proposed zoning.

- (3) Applicant is requesting to permit parking within 25' of an official right-of-way (none permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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 #3 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 Zoning Department entitled "Galloway Medical Pavilion," as prepared by Bellon, Milanes, Architects and Planners, dated stamped received 5/9/07 and consisting of 6 sheets.

**SUBJECT PROPERTY:** PARCEL "A": Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East, less the south 450' and less the right-of-way, Official Record Book 9451, Page 1178. **AND:** PARCEL "B": The north 111' of the south 450' of Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East, Plat book 1, Page 84.

**LOCATION:** 7600 and 7650 S.W. 87 Avenue, Miami-Dade County, Florida, and

**WHEREAS,** a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

**WHEREAS,** upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-5 (Item #1), and

the requests to delete a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847 (Item #2), and to permit parking within 25' of an official right-of-way (Item #3) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the application without prejudice was offered by Elliot N. Zack, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Edward D. Levinson	absent	Robert W. Wilcosky	absent
Alberto Santana	absent	Elliot N. Zack	aye
Carla Ascencio-Savola			aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to RU-5 (Item #1), and the requests to delete a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847 (Item #2), and to permit parking within 25' of an official right-of-way (Item #3) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 10<sup>th</sup> day of July 2007.

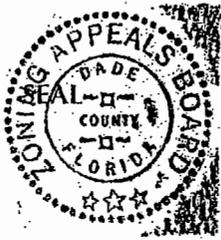
Hearing No. 07-7-CZ12-3  
Is

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-23-07 adopted by said Community Zoning Appeals Board at its meeting held on the 10<sup>th</sup> day of July 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16<sup>th</sup> day of July 2007.



*Luis Salvat*

Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning



# Memorandum

**Date:** 09-JAN-08  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000069

**Fire Prevention Unit:**

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped December 4, 2007 and December 19, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

**Service Impact/Demand:**

Development for the above Z2007000069  
 located at 7600 AND 7650 S.W. 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1753 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>37,552</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: 8.26 alarms-annually.  
 The estimated average travel time is: 7:30 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 14 - South Miami - 5860 SW 70 Street  
 Rescue, BLS Engine, Battalion.

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 13 - East Kendall - 6000 SW 87th Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped December 4, 2007 and December 19, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

MERRINECK ESTATES, LLC &  
MEDICO INTERNATIONAL REALTY  
HOLDINGS LLC

7600 AND 7650 S.W. 87 AVENUE,  
MIAMI-DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2007000069

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

No enforcement cases were found.

**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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
See attached Exhibit B	
_____	_____
_____	_____
_____	_____
_____	_____

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:       N/A      

<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:       N/A      

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**RECEIVED**  
 201069  
 MAR -7 2007

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

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

NAME OF PURCHASER: N/A

<u>NAME ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

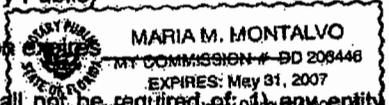
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required:

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

Signature: *Hamid Bolooki* Hamid Bolooki, Managing Member and Authorized Signatory  
(Applicant)

Sworn to and subscribed before me this 7 day of March 2007. Affiant is personally known to me or has produced *Krown Dome* as identification.

*Maria M. Montalvo*  
(Notary Public)



My commission expires \_\_\_\_\_

\*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 a other 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 percent (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**  
*201007*  
MAR - 7 2007

ZONING HEARINGS SECTION  
WILMINGHAM PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

Exhibit B

**Disclosure of Interest**

The following is the Disclosure of Interest for Merrineck Estates, LLC, and Medico International Realty Holdings, LLC, the property owners.

<u>Name of Interest Holder</u>	<u>Percentage Interest</u>
<b>1. Merrineck Estates, LLC</b>	<b>71.85477%</b>
Hamid Bolooki, Managing Member	
a. Galloway LandHolding, LLC	22.36274953%
Cosme Gomez	50%
<u>Robert Puig</u>	50%
Total	100%
b. Galloway Properties, LLC	16.10918637%
Hamid Bolooki	25%
Moises E. Hernandez	25%
Jose P. Ferrer	25%
<u>Simon Behar</u>	25%
Total	100%
c. Lucia Robla	16.10918637%
d. Margarita Fernandez	34.24580807%
e. Del Valle Family Management Co., LLC	11.17306966%
Roxana Del Valle	100%
Total	100.00000000%
<b>2. Medico International Realty Holdings, LLC</b>	<b>28.14523%</b>
Hamid Bolooki, Authorized Signatory	
a. Sara Ferrer	25.0%
b. Ana M. Hernandez	25.0%
c. Maria E. Hernandez	25.0%
d. Brenda Behar	25.0%
Total	100.0%
<b>GRAND TOTAL</b>	<b>100.00000%</b>

**RECEIVED**  
207069  
MAR - 7 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

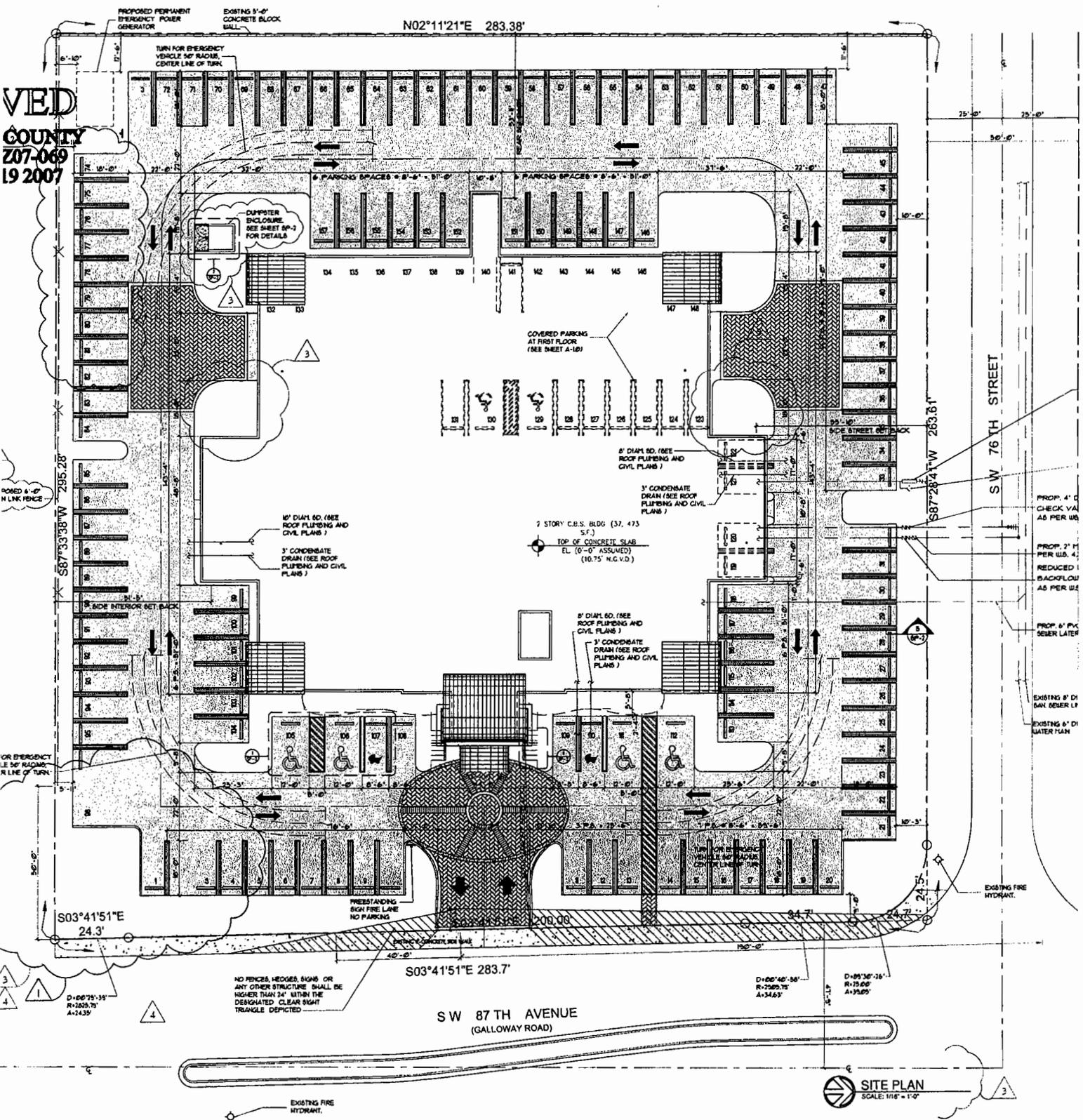








VED  
 COUNTY  
 Z07-069  
 19 2007



ENLARGED SITE PLAN

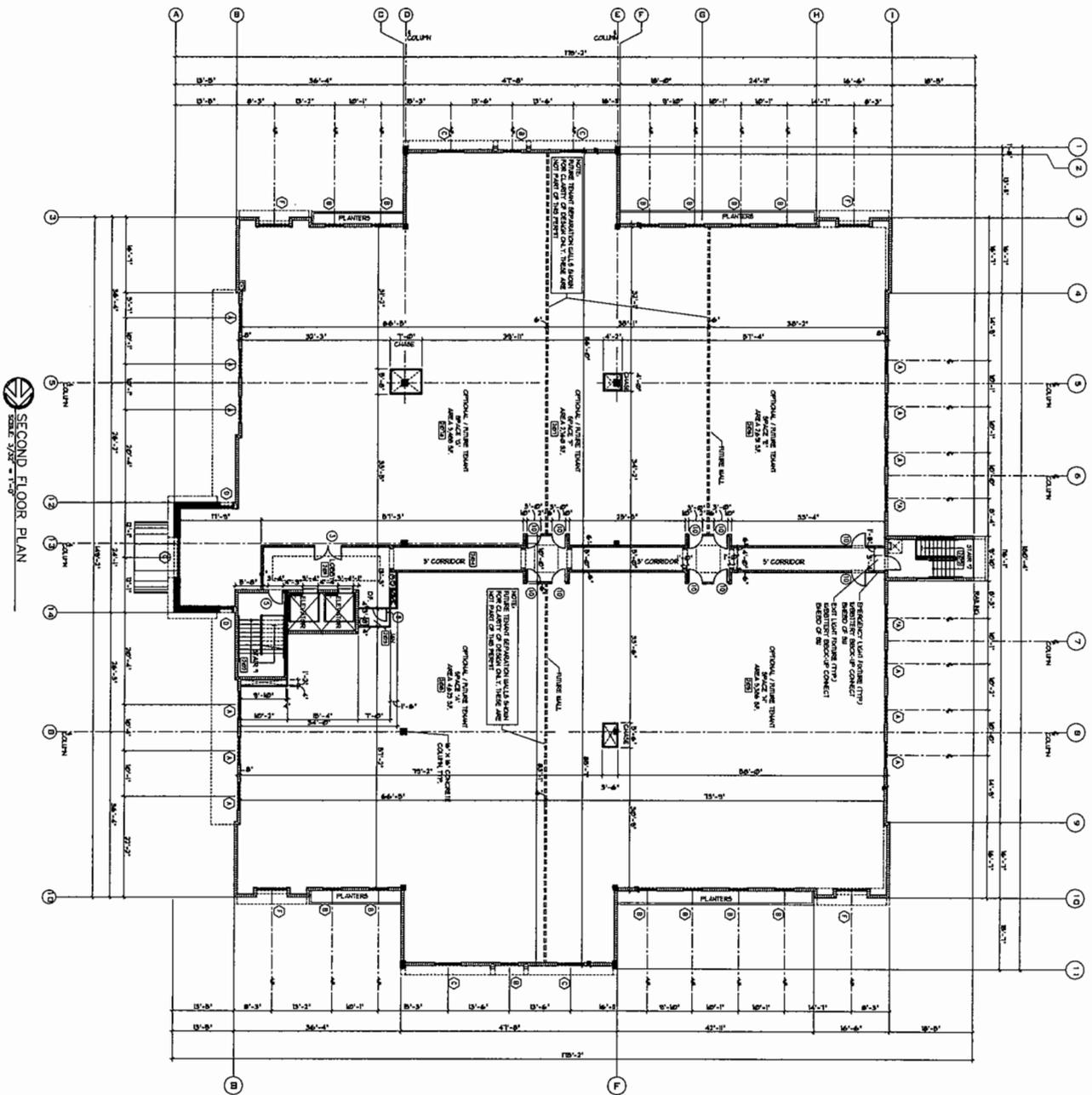
ALTERNATIVE

PROP. 4\"/>
 CHECK VAL  
 AS PER UB  
 PROP. 2\"/>
 PER UB. 4.  
 REDUCED I  
 BACKFLOW  
 AS PER UB  
 PROP. 6\"/>
 PER LATER  
 EXISTING 8\"/>
 DI MAN SEWER L1  
 EXISTING 6\"/>
 DI WATER PLAN

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







SECOND FLOOR PLAN  
SCALE: 3/32" = 1'-0"

**NOTE**  
 THESE DRAWINGS ARE FOR SHELL PERMIT ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB. BELLOTTI-PLANNERS ARCHITECTS, PLANNERS, INC. SHALL BE NOTIFIED IMMEDIATELY IN WRITING OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. FIELD VERIFICATION OF CONDITIONS PRIOR TO LAYING OUT OR FABRICATING ASSOCIATED WORK. OWING TO THE ARCHITECT'S ATTENTION ANY DEVIATION FROM DESIGNED CONDITIONS AND FIELD CONDITIONS PRIOR TO ORDERING MATERIALS AND INSTALLING WORK, AND COOPERATE WITH ARCHITECT TO RECTIFY SUCH CONDITIONS AT NO ADDITIONAL COST. THEY DETAILS MUST BE SUBMITTED TO THE ARCHITECT'S OFFICE AND REVIEWED BY ARCHITECT PRIOR TO ORDERING MATERIALS, FABRICATION AND DELIVERY TO THE JOB SITE, UNLESS OTHERWISE PROVIDED FOR UNDER THE SPECIFIC CONCEPTUAL AGREEMENTS BETWEEN THE ARCHITECT AND THE CLIENT.

**WALL LEGEND**

- EXPOSED BRICK
- CONCRETE
- CONCRETE COLUMN - SEE STRUCTURAL DRAWINGS

**RECEIVED**  
 MIAMI-DADE COUNTY  
 PROCESS #: Z07-069  
 DATE: MAY 09 2007  
 BY: BJL

SECOND FLOOR PLAN

LEONARDO BELLOTTI, AIA  
 ARCHITECT  
 A-20  
 OF

DATE: 06-24-06  
 DRAWN: AVCS  
 CHECKED: JH  
 TITLE: 2ND FLOOR PLAN

**GALLOWAY MEDICAL PAVILION**  
 5W 76TH STREET, 87TH AVENUE  
 MIAMI-DADE COUNTY, FLORIDA

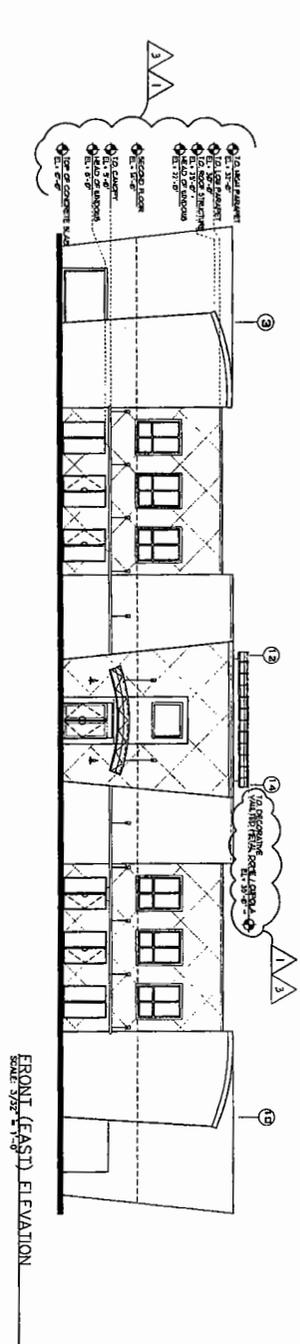
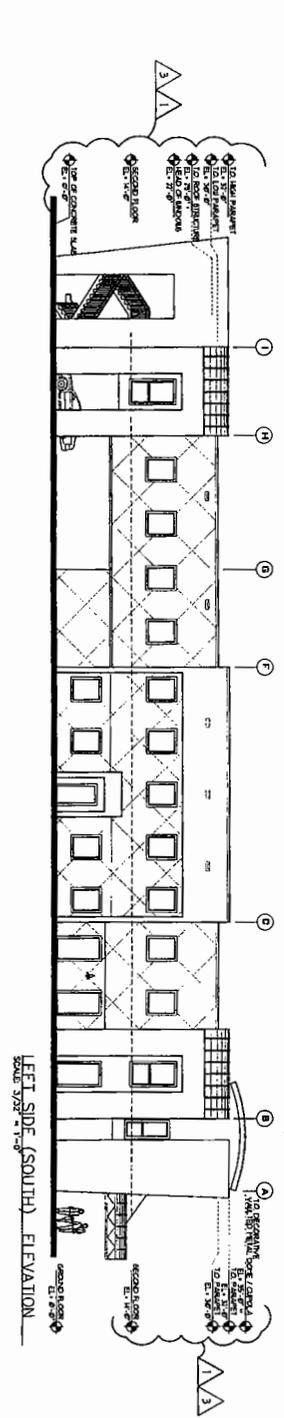
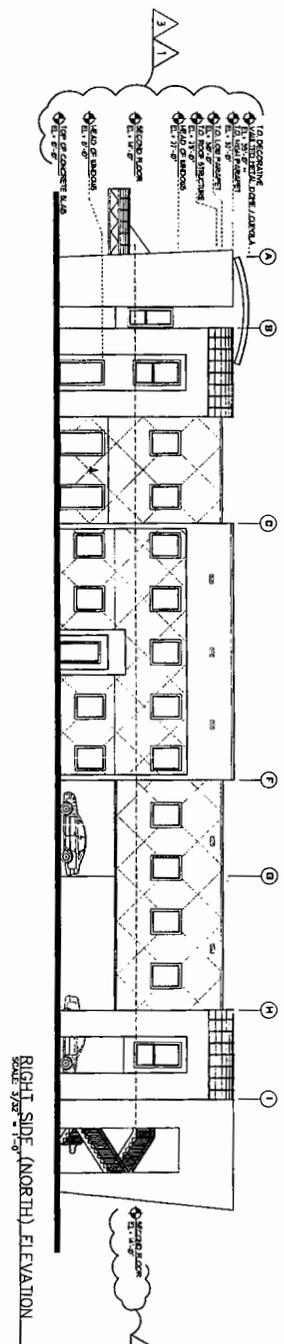
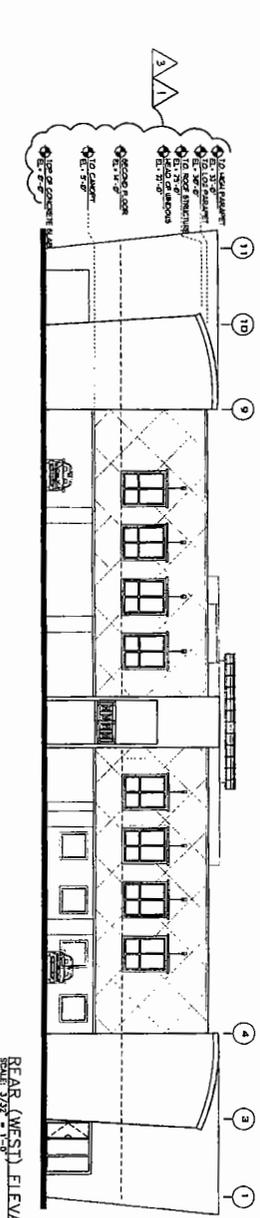
CONSTRUCTION MANAGER  
 ARCHITECTURE  
 LAND PLANNING  
 INTERIORS  
 A-0000000

11801 S.W. 122 AVENUE  
 MIAMI, FLORIDA 33156  
 T: (305) 278-7778  
 F: (305) 278-1475  
 WWW.BELLOTTIPLANNERS.COM

**Belloni**  
 Wilanes  
 Architects  
 PLLC

40

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• 12' HIGH BRICK & BOND OF BRICKS SEE 12-20 ELEVATION

EXTERIOR ELEVATIONS

A-30  
OF

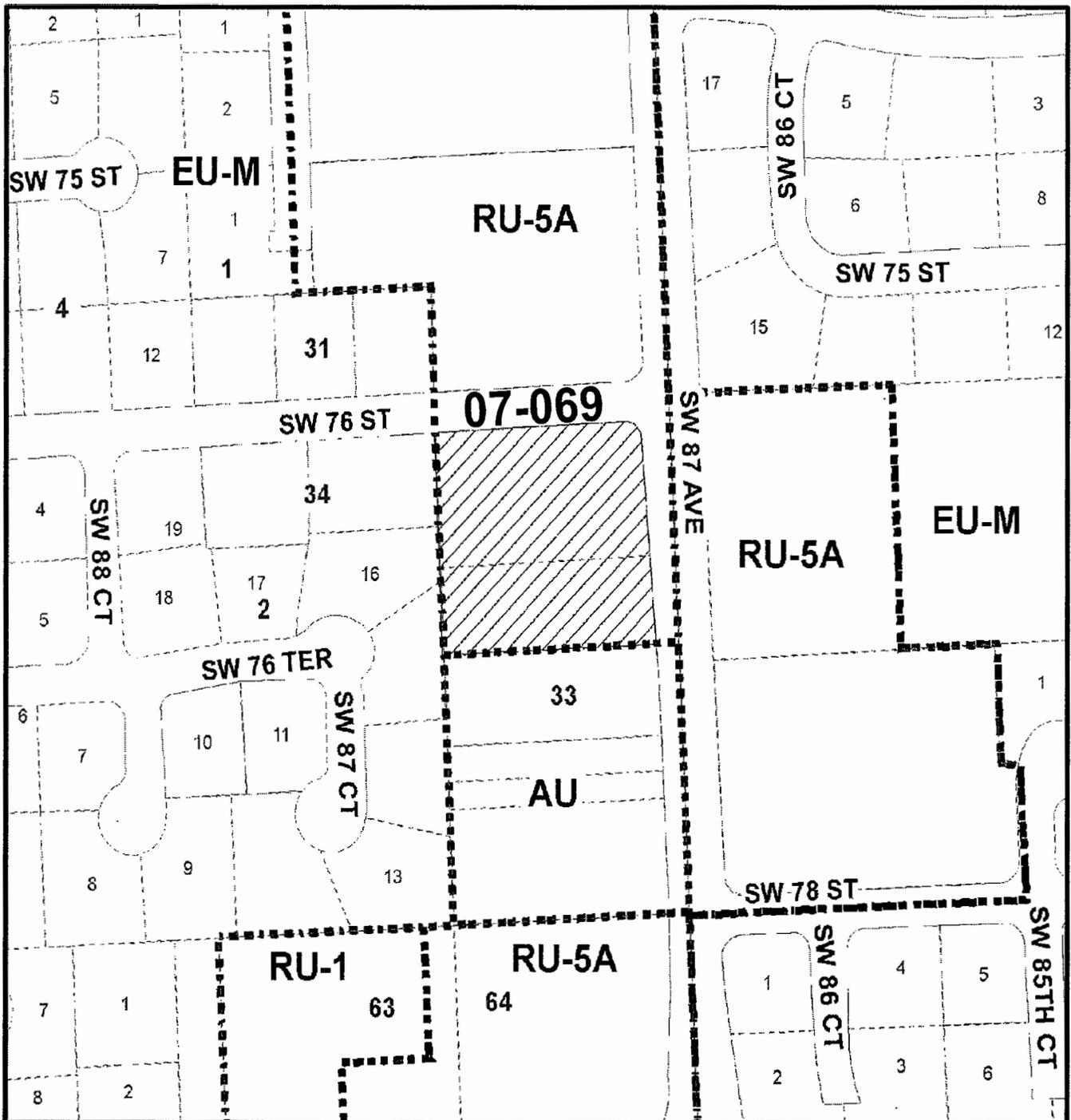
**RECEIVED**  
12/1/2007

DATE: 05-3-06  
DRAWN: AVCS  
CHECKED: AT  
PROJECT NO: 06000003  
PROJECT NAME: GALLOWAY MEDICAL PAVILION  
11-06-0001-HEALTHCARE

**GALLOWAY MEDICAL PAVILION**  
SW 76TH STREET, 87TH AVENUE  
MIAMI-DADE COUNTY, FLORIDA

**Bellom Milanes architects planners**  
12801 SW 132 AVENUE  
MIAMI, FLORIDA 33186  
TEL: (305) 278-2776  
WWW.BELLOM-MILANES.COM  
AA-0003505

41



**MIAMI-DADE COUNTY  
HEARING MAP**

**Section: 33 Township: 54 Range: 40**

**Process Number: 07-069**

**Applicant: MERRINECK EST., LLC & MEDICO INT. REALTY HOLDINGS LLC**

**Zoning Board: C12**

**District Number: 7**

**Cadastral: N'NAGBE**

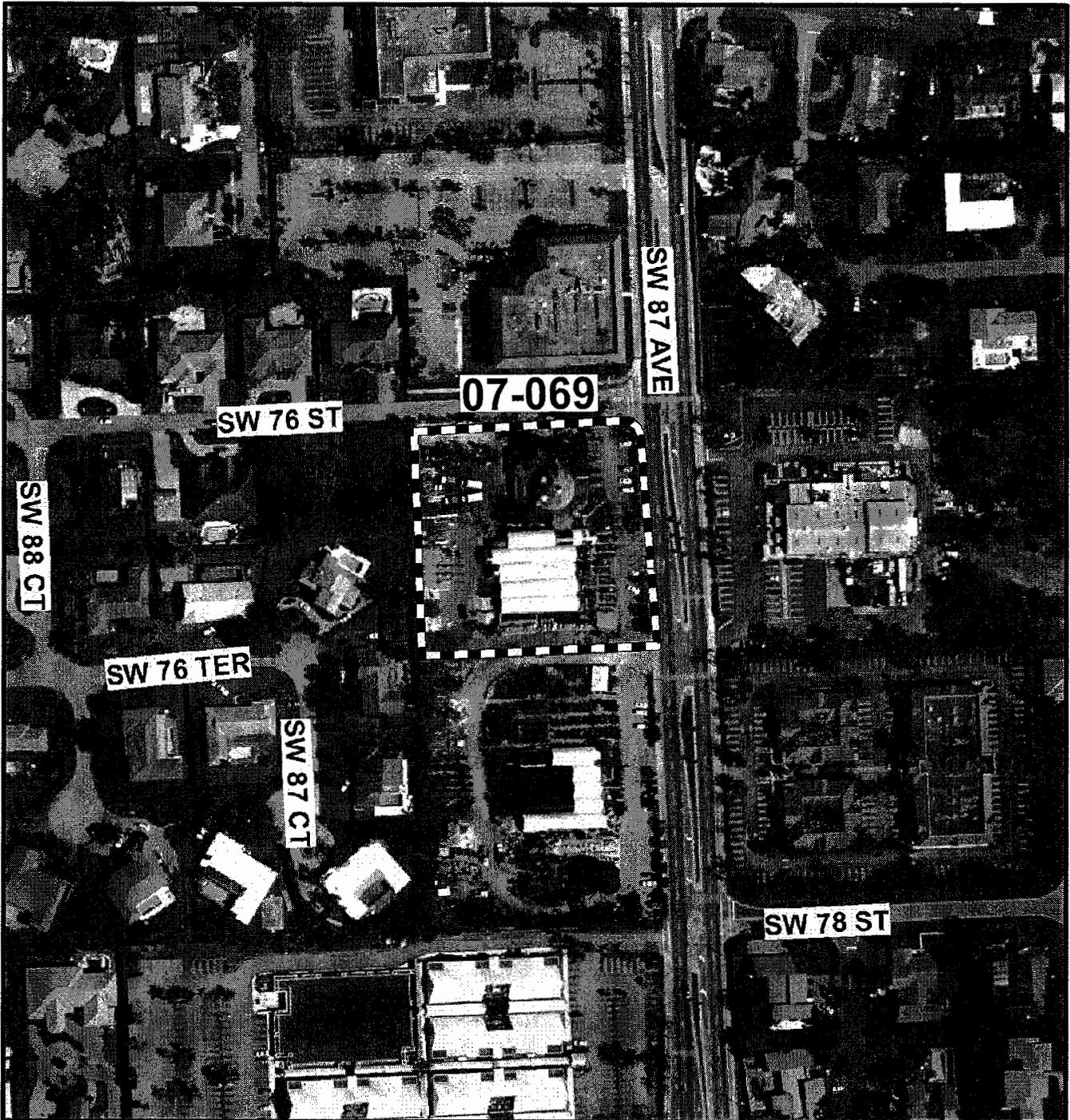
**Scale: NTS**



 **SUBJECT PROPERTY**



42



MIAMI-DADE COUNTY  
**AERIAL**



Section: 33 Township: 54 Range: 40

Process Number: 07-069

Applicant: MERRINECK EST., LLC & MEDICO INT. REALTY HOLDINGS LLC

Zoning Board: C12

District Number: 7

Cadastral: N'NAGBE

Scale: NTS



This instrument was prepared by:

Name: Matthew Amster, Esq.  
Address: Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Blvd., Suite 850  
Miami, FL 33131

Version # 1

BCC ——— January 24, 2008

Item # A ——— 07-069

Merrivneck Estates LLC.

Draft

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z2007000069 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanés Architects Planners entitled, "Galloway Medical Pavilion SW 76th Street, 87th Avenue," dated received the 4th day of December, 2007, pages SP-1, LP-1 and A-3.0, and dated received the 9th day of May, 2007, pages SP-2, A-1.0 and A-2.0, as same may be modified by Paragraphs (3) and (4) herein, said plans consisting of a total of 6 sheets and being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) Residential uses shall not be permitted on the Property.
- (3) The plans described in Paragraph (1) above show two entrances to the Property along SW 87 Avenue, which require approval from the Florida Department of Transportation (FDOT). Owner shall apply for approval from FDOT to allow both entrances as shown.
- (4) In the event that the FDOT denies the request, then said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanés Architects Planners entitled, "Galloway Medical Pavilion SW 76th Street, 87th Avenue," dated received the 19th day of December, 2007, pages SP-1 and LP-1, dated received the 4th day of December, 2007, page A-3.0, and dated received the 9th day of May, 2007, pages SP-2, A-1.0 and A-2.0, said plans consisting of a total of 6 sheets and being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement

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**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be

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reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

This instrument was prepared by:  
Name: Matthew Amster, Esq.  
Address: Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Blvd., Suite 850  
Miami, FL 33131

Version #2  
BCC — January 24, 2008  
Item #A — 07-069  
Merrineck Estates LLC.

Draft

(Space reserved for Clerk)

## DECLARATION OF RESTRICTIONS

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[Execution Pages Follow]

Version # 3

**This instrument was prepared by:**

**Name:** Matthew Amster, Esq.  
**Address:** Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Blvd., Suite 850  
Miami, FL 33131

BCC — January 24, 2008  
Item # A — 07-069  
Merrineck Estates LLC.

Draft.

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This instrument was prepared by:  
**Name:** Matthew Amster, Esq.  
**Address:** Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Blvd., Suite 850  
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Version #4  
BCC — January 24, 2008  
Item #A — 07-069  
Marrineck Estates LLC.

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[Execution Pages Follow]

**1. ISMAEL & AMNERIS VALDES**  
**(Applicant)**

**07-10-CZ12-2 (07-87)**  
**BCC/District 7**  
**Hearing Date: 1/24/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
				NONE

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANTS:** Ismael and Amneris Valdes

**PH:** Z07-087 (07-10-CZ12-2)

**SECTION:** 28-54-40

**DATE:** January 24, 2008

**COMMISSION DISTRICT:** 7

**ITEM NO.:** 1

**A. INTRODUCTION**

o **REQUEST:**

Ismael and Amneris Valdes are appealing the decision of the Community Zoning Appeals Board #12 which denied with prejudice the following request:

AU to EU-M

- o **SUMMARY OF REQUEST:** The applicants are seeking to change the zoning on the property from AU, Agricultural District, to EU-M, Estate Modified Residential District.
- o **LOCATION:** The northeast corner of SW 94 Avenue and SW 68 Street, A/K/A: 9395 SW 68 Street, Miami-Dade County, Florida.
- o **SIZE:** 1.07 Net Acres
- o **IMPACT:** The approval of the requested district boundary change will allow the applicants to subdivide the property to provide additional residential units for the community. The rezoning of this site would have a minor impact on the schools, population, water and sewer services, and traffic in the area.

**B. ZONING HEARINGS HISTORY:** None.

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

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

3. **Policy LU-9C.** Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map.
4. **Severable Use Rights.** The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.
5. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
AU; Vacant	Low Density Residential, 2.5 to 6 dua
<b><u>Surrounding Properties:</u></b>	
<b><u>NORTH:</u></b> AU; Single-family residence	Low Density Residential, 2.5 to 6 dua
<b><u>SOUTH:</u></b> RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
<b><u>EAST:</u></b> AU; Single-family residence	Low Density Residential, 2.5 to 6 dua
<b><u>WEST:</u></b> EU-M; Single-family residence	Low Density Residential, 2.5 to 6 dua

The 1.07 net acre subject property is a vacant lot located over seven (7) miles east of and within the Urban Development Boundary (UDB) on the northeast corner of SW 94 Avenue and SW 68 Street in an established single-family residential area.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Subdivision plan submitted.)
Scale/Utilization of Site:	<b>Acceptable*</b>
Location of Buildings:	<b>N/A</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>

Access: **Acceptable**  
Parking Layout/Circulation: **N/A**  
Urban Design: **N/A**

\*Subject to the Board' acceptance of the proffered covenant.

**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	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No objection/1 student</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The applicants, Ismael and Amneris Valdes, are appealing the decision of the Community Zoning Appeals Board #12 (CZAB-12), which, on October 9, 2007, denied with prejudice their application for a district boundary change from AU, Agricultural District, to EU-M, Estate Modified Residential District. On October 25, 2007, the applicants appealed the CZAB-12's decision to the Board of

County Commissioners (BCC) citing that the Board's decision to deny the request was "arbitrary" with no evidence to support such denial. They state that the denial was based on a "conclusion" that because the "property abuts AU-zoned property to the north and slightly larger EU-M zoned property to the west, the proposed rezoning would be incompatible with the area." Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-12's decision to deny this application and retain the existing AU zoning on the subject property is consistent with the CDMP.

The 1.07 net acre subject property is a vacant, rectangular lot, oriented lengthwise, and located at the northeast corner of SW 94 Avenue and SW 68 Street. The applicants are requesting a district boundary change from AU, Agricultural District, to EU-M, Estate Modified Residential District. Plans submitted by the applicants illustrate the intent to subdivide the subject property into three (3) EU-M zoned lots. The applicants have voluntarily proffered a covenant restricting the development of the site to the submitted plans and limiting the density to a maximum of 3 units with the utilization of Severable Use Rights (SUR's). It is the intent of the applicants to utilize SUR's to obtain the zoning bonuses for lot frontage to achieve the desired configuration. One-story, single-family residences characterize the surrounding area.

Plans submitted by the applicants illustrate the 1.07 net acre subject property subdivided into 3 EU-M zoned lots, each fronting on SW 68 Street. The lot situated on the western portion of the site abutting SW 94 Avenue has been proposed with a lot frontage of 101.476' and a net lot area of 15,575 sq. ft.; the lot situated on the eastern portion of the site, abutting the neighboring single-family residence to the east, has been proposed with a lot frontage of 101.476' and a net lot area of 15,551 sq. ft. and the lot proposed between these two is shown with a lot frontage of 101.476' and a net lot area of 15,551 sq. ft. The EU-M zoning regulations require lots to have a minimum lot frontage of 120' and a minimum net lot area of 15,000 sq. ft. Although the proposed lot areas comply with EU-M zoning regulations, the 3 proposed lots do not comply with the minimum lot frontage required. However, the applicants have voluntarily proffered a covenant, which along with restricting the subdivision to be developed in accordance with the submitted plans, requires the applicants to purchase and utilize one (1) Severable Use Right (SUR) to obtain the SUR bonus for lot frontage (100' minimum permitted). Staff is supportive of the district boundary change and the proposed subdivision plan as submitted.

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. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application, including the limitation that the lots have a minimum gross lot area of 17,940 sq. ft. Staff notes that, when measured to the centerlines of the rights-of-way, the applicants' 3 proposed lots comply with this requirement. The Public Works Department (**PWD**) has **no objections** to this application. They have indicated that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria, will generate **3** additional **PM** daily peak hour **vehicle trips** and the distribution of these trips to the adjacent roadways will not exceed the acceptable Levels of Service (LOS) of the roadways, which are currently operating at LOS "C" and "E". Miami-Dade County Public Schools (**MDCPS**) has **no objections** to this application. Their memorandum indicates that the proposed residential development will increase the student population by **1** student and will not result in an increase in the school's FISH % (Florida Inventory of School Houses) utilization. As such, no dialogue between the applicants and the School Board will be required. The Miami-Dade Fire Rescue Department (**MDFR**) also has **no objections** to the application. Also, they indicate that the estimated response time is **7:30 minutes**.

As previously mentioned, the approval of the requested district boundary change would allow the applicants to subdivide the property into 3 residential lots. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 units per gross acre to a maximum of 6 units per gross acre. This would generate a permissible numerical density threshold of a minimum of 3 to a maximum of 8 dwelling units on the 1.34 gross acre site. The applicants have submitted a proposed subdivision plan illustrating the proposed division of the land into three EU-M parcels and a covenant restricting the development of the site to the submitted plans and requiring the purchase of SUR's. As such, this proposal is within the numerical density threshold permitted under the LUP map designation for Low Density Residential use and is, therefore, **consistent** with the LUP map of the CDMP. As previously mentioned, however, staff does note that the 3 illustrated lots have been configured with substandard frontages that do not comply with the minimum frontage requirement of 120' for EU-M lots, and specifically have measurements of 100', 101' and 103.43'. Within **Policy LU-9C** of the interpretative text of the CDMP, it is indicated that the entire unincorporated area of Miami-Dade County within the Urban Development Boundary (UDB) is eligible to receive and utilize SUR's in accordance with provisions of Chapter 33-B of the Zoning Code. As previously mentioned, the subject property is located over 7 miles east of and within the UDB in an established residential area. With the utilization of SUR's, the proposed EU-M zoning will receive a development bonus that reduces the required lot frontage from 120' to 100' and lessens the required net lot area from 15,000 sq. ft. (0.344 acre) to 12,500 sq. ft. (0.287 acre) for EU-M zoned properties. Staff notes that the plans submitted by the applicant reflect an intended development of the 3 lots with the utilization of the SUR bonus for lot frontage, but does not require the utilization of the bonus pertaining to lot area as all 3 of the proposed lots comply with the EU-M zone's required net lot area of 15,000 sq. ft. As such, the applicant's proposal of 3 EU-M zoned lots, utilizing SURs, is within the density range permitted and thus consistent with the CDMP, is consistent with Policy LU-9C of the CDMP and would allow for development at a density of 2.80 dwelling units per acre, which is on the low end of the density range of 2.5 to 6 dwelling units per acre as permitted under the Low Density Residential use designation of the LUP map of the CDMP. Also, it must be noted that to develop the site in compliance of the EU-M zoning district requirements pertaining to lot area and lot frontage without the reduced frontages allowed by the use of SUR's would allow the applicant to configure the site with only 2 units, which would not meet the minimum density threshold of the LUP map designation. As such, staff is of the opinion that the requested zone change from AU to EU-M with the utilization of SUR's is **consistent** with the LUP map designation of the CDMP and **compatible** with the surrounding area. Accordingly, staff supports the zone change request from AU to EU-M.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is **consistent** with the Low Density Residential LUP Map designation of the CDMP and **compatible** with the surrounding area. Staff notes that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. The interpretative text of the CDMP indicates that development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that Level-of-Service (LOS) standards for necessary public facilities will be met. As previously mentioned, the subject property is a 1.07 net acre parcel of land located in an urbanized area, approximately 7 miles east of and within the UDB. This project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the proposed development does not unduly burden or affect public transportation facilities as indicated in the PWD's memorandum submitted for this application and the proposed residential development will be readily accessible by the intersection of two roadways

operating at acceptable LOS standards. Furthermore, approval of the application will not have a negative effect on Miami-Dade County Public Schools.

The subject property is part of a remnant, AU-zoned area located towards the center of the southwest portion of section 28 township 54 range 40, which is predominantly developed with single-family residences established under both the RU-1, Single-family Residential District, and EU-M zoning regulations. One-story, single-family residences distinguish the immediate area. Specifically, a single-family residence sited on a one-acre AU-zoned parcel of land abuts the entire north property line of the subject property and another one-acre AU-zoned parcel of land abuts the subject property to the east. EU-M zoned residences can be found to the west of the subject property across SW 94 Avenue, while three RU-1 zoned residences can be found to the south of the subject property across SW 68 Street. In 1976, these three properties located to the south of the subject property were part of a larger application that was granted a rezoning from AU to RU-1, pursuant to Resolution No. Z-394-76. Staff's research reveals that, within the approved plat, the three lots which front on SW 68 Street have oversized lot frontages of 90', 107.22', and 107.22', despite the RU-1 requirement for only 75' of lot frontage. As such these neighboring RU-1 zoned lots align with the three lots proposed within the applicants' plan. The submitted site plan illustrates a configuration of 3 lots that are harmonious with the size and scale of the neighboring properties, and as such, would not, in staff's opinion, create a detrimental impact that would compromise the stability and appearance of the area. The applicants' proposed subdivision will create a block face of similar scale to that which is located to the south of the subject property across SW 68 Street and will continue the general size of lot frontages found in other lots that are predominant along both sides of this street. As such, the requested zone change to EU-M is **compatible** with the current EU-M zoning of the single-family residential developments located to the west and the proposed lot frontages are harmonious with the scale of the RU-1 zoned single-family residences to the south across SW 68 Street and the proposal is **consistent** with the Low Density Residential LUP map designation of the CDMP. Accordingly, staff recommends approval of the zone change to EU-M, subject to the Board's acceptance of the proffered covenant.

Based on all of the foregoing, staff opines that the approval of the district boundary change, subject to the Board's acceptance of the proffered covenant, would be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations. Additionally, the requested zone change to EU-M is **consistent** with the CDMP and **compatible** with the surrounding area. Therefore, staff recommends approval of the district boundary change from AU to EU-M, subject to the Board's acceptance of the proffered covenant restricting the development of the site to the submitted plans and requiring the applicant to utilize SURs.

I. **RECOMMENDATION:** Approval of the appeal and approval of the district boundary change from AU to EU-M, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 08/06/07  
DATE TYPED: 08/09/07  
DATE REVISED: 08/13/07; 08/15/07; 08/29/07; 11/15/07; 12/06/07; 12/13/07  
DATE FINALIZED: 12/27/07  
SB:MTF:LVT:NC:JGM



Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum

**Date:** August 27, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

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

**Subject:** C-12 #Z2007000087-2<sup>nd</sup> Revision  
Ismael and Amneris Valdes  
9395 S.W. 68<sup>th</sup> Street  
District Boundary Change from AU to EU-M  
(AU) (1.07 Acres)  
28-54-40

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

#### Wellfield Protection

The subject property is located within the 100-day travel time contour of the basic wellfield protection area of the Alexander Orr Wellfield. Sewage loading restrictions are in effect within this wellfield protection area. According to Section 24-43 of the Code, the maximum sewage loading rate, for properties served by a public water supply and septic tank, may not exceed 850 gallons per day, per acre (GPD/acre), which translates to a minimum lot size of approximately 17,940 square feet (gross).

Although the requested zoning classification would allow lot areas of 15,000 square feet, which cannot be administratively approved by DERM, unless they are served by public water and public sanitary sewers, the applicant has submitted a site plan of record prepared by the property owner, dated received August 8, 2007, which depicts only three residential lots, each one exceeding the above-noted minimum lot size requirement. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the proposed zoning request is for a residential land use, a hazardous wastes prohibition covenant is not required. However, as previously stated, all development shall conform to Code requirements.

#### Potable Water Service

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

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

#### Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43(4) of the Code is not exceeded and the property is connected to public water.

#### Stormwater Management

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 5-year/1-day storm event.

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

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

#### Wetlands

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

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

#### Tree Preservation

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

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

#### Enforcement History

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

Concurrency Review Summary

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

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ISMAEL AND AMNERIS VALDES

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 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-1075	SW 87 Ave. s/o SW 56 St.	C	C
F-1068	SW 72 St. w/o Palmetto Expwy.	C	C
F-68	SW 72 St. e/o SW 107 Ave.	E	E

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.

03-MAY-07



C-12

# Miami-Dade County Public Schools

giving our students the world

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

**Chief Facilities Officer**  
Jaime G. Torrens

**Planning Officer**  
Ana Rijo-Conde, AICP

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

May 30, 2007

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

**RECEIVED**  
JUN 04 2007

ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_

Re: **Ismael and Amneris Valdes, No. 07-087**  
**9395 SW 68 Street**

C-12

Dear Ms. Fojo:

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%.

Attached please find the School District's review analysis for the above referenced application which indicates that the school impacted by the proposed development does not meet the referenced review threshold. As such, no dialogue between the applicant and the School District is required.

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,

Corina S. Esquijarosa  
Coordinator III

CSE:rr  
L-566  
Attachment

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

**School Board Administration Building • 1450 N.E. 2<sup>nd</sup> Avenue, Suite 525 • Miami, Florida 33132**  
305-995-7285 • FAX 305-995-4760 • [arijo@dadeschools.net](mailto:arijo@dadeschools.net)

### SCHOOL IMPACT REVIEW ANALYSIS

**APPLICATION:** Ismael and Amneris Valdes, No. 07-087  
**REQUEST:** Zoning change from AU to RU-1  
**ACRES:** 1.07 acres  
**LOCATION:** 9395 SW 68 Street  
**MSA/  
MULTIPLIER:** 5.4 / .42 Single-Family (SF) Detached

<b>NUMBER OF UNITS:</b>	2 additional units	Proposed Land Use 3 SF Detached	Existing Land Use 1 SF Detached
-----------------------------	--------------------	------------------------------------	------------------------------------

**ESTIMATED STUDENT  
POPULATION:** 1\*

**ELEMENTARY:** 1

**MIDDLE:** 0

**SENIOR HIGH:** 0

#### SCHOOLS SERVING AREA OF APPLICATION

**ELEMENTARY:** Snapper Creek Elementary – 10151 SW 64 Street

**MIDDLE:** Glades Middle – 9451 SW 64 Street

**SENIOR:** Southwest Miami Senior High – 8855 SW 50 Terrace

All schools are located in Regional Center V.

\*Based on Census 2000 information provided by 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 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	CUMULATIVE STUDENTS**
Snapper Creek Elementary	608	658	92%	0	92%	611
	609 *		93%		93%	
Glades Middle	1,375	804	171%	119	149%	1,387
	1,375 *		171%		149%	
Southwest Miami Senior High	3,062	2,721	113%	285	102%	3,064
	3,062 *		113%		102%	

\*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 schools meet the review threshold.

**PLANNED RELIEF SCHOOLS IN THE AREA**

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

**Projects in Planning, Design or Construction**

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

**Proposed Relief Schools**

N/A

**OPERATING COSTS:** Accounting to Financial Affairs, 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 \$6,549.

**CAPITAL COSTS:** Based on the State's May 2007 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet review threshold
MIDDLE	Does not meet review threshold
SENIOR HIGH	Does not meet review threshold
<b>Total Potential Capital Cost</b>	<b>\$0</b>

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

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY \_\_\_\_\_ AMOUNT OF FEE 1,694.75

RECEIPT # I200724090

DATE HEARD 10/09/07

BY CZAB # 122407

207-087  
**RECEIVED**  
OCT 25 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY Colman [Signature]  
DATE RECEIVED STAMP

\*\*\*\*\*  
This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 07-087

Filed in the name of (Applicant) Ismael and Amneris Valdes

Name of Appellant, if other than applicant see above

Address/location of APPELLANT'S property: Northeast corner of S.W. 94 Avenue and S.W. 68 Street

Application, or part of Application being Appealed (Explanation): Entire Application

Appellant (name): Ismael and Amneris Valdes

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language):

The Community Zoning Appeals Board, in denying the requested district boundary change, based its decision, not on substantial competent evidence in the record, but on a conclusion that, because the property abuts an AU-zoned property to the north and slightly larger EU-M-zoned property to the west, the proposed rezoning would be incompatible with the area. The evidence in the record, including a staff recommendation in favor of the application, reflected that the Miami-Dade County Comprehensive Development Master Plan ("CDMP") designated the property Low Density Residential allowing development from 2.5 to 6 dwelling units per acre. Approval of the application would allow the development of the property with a density of 2.8 dwelling units per acre, the minimum allowed by the CDMP. The CDMP provides that "[i]n order to efficiently use, and no 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." The County Code does not permit a Community Zoning Appeals Board to deny a zoning application based solely on a perception that proposed lots should be at least half an acre. The Community Zoning Appeals Board's action was therefore arbitrary and should be reversed.

**RECEIVED**  
207-087  
OCT 26 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY [Signature]

APPELLANT'S AFFIDAVIT OF STANDING  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF BROWARD

Before me the undersigned authority, personally appeared Ismael and Amneris Valdes (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury and that under penalties of perjury I Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

[Signature]  
Signature

MERCEDES G. ARANGO  
Print Name

[Signature]  
Signature

JOHN GONZALEZ  
Print Name

[Signature]  
Appellant's Signature

Ismael Valdes  
Print Name

x [Signature]  
Appellant's Signature

Amneris Valdes  
Print Name

Sworn to and subscribed before me on the 22<sup>th</sup> day of October year 2007.

Appellant is personally know to me or has produced PERSONALLY KNOW as identification.

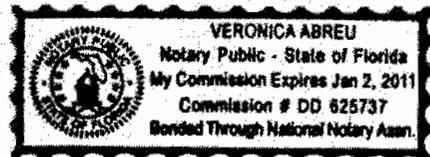
[Signature]  
Notary Public

RECEIVED  
207-087  
OCT 26 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY [Signature]

(stamp/seal)



Commission Expires:

APPELLANT MUST SIGN THIS PAGE

Date 22 day of OCTOBER, year: 2007

Signed Amneris Valdes Ismael Valdes

Ismael and Amneris Valdes  
Print Name

6480 S.W. 93 Avenue  
Miami, Florida 33173

c/o Melissa Tapanes Llahues, Bercow Radell &  
Fernandez, P.A.  
200 S. Biscayne Boulevard, Suite 850  
Miami, Florida 33131

305-377-6227  
Phone

305-377-6222  
Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of  
of an association or other entity, so  
indicate

Representing

MFL  
Signature

Melissa Tapanes Llahues, Esq.  
Print Name

200 S. Biscayne Blvd. Suite 850  
Mailing Address Miami 33131

305 377 6227  
Phone

305 377 6222  
Fax

Subscribed and Sworn to before me on the 22 day of October, year 2007

[Signature]  
Notary Public

RECEIVED  
207-087  
OCT 26 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY [Signature]

(stamp/seal)

Notary Public State of Florida  
Ana Hernandez  
My Commission DD668383  
Expires 04/29/2011

Commission Expires:

4/29/2011

**RESOLUTION NO. CZAB12-24-07**

*WHEREAS*, ISMAEL AND AMNERIS VALDES applied for the following:

AU to EU-M

**SUBJECT PROPERTY:** The south ½ of Tract 85, less the south 25' and the west 25' thereof, and the north 150' thereof, DADE COUNTY DEVELOPMENT COMPANY'S SUBDIVISION, Plat book 3, Page 169, in the west ½ of Section 28, Township 54 South, Range 40 East.

**LOCATION:** The northeast corner of S.W. 94 Avenue and S.W. 68 Street, A/K/A: 9395 S.W. 68 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to deny the application with prejudice was offered by Jose I. Valdes, seconded by Elliot N. Zack, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	absent	Jose I. Valdes	aye
Edward D. Levinson	aye	Robert W. Wilcosky	aye
Alberto Santana	aye	Elliot N. Zack	aye
	Carla Ascencio-Savola		nay

*NOW THEREFORE BE IT RESOLVED*, by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to EU-M be and the same is hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 9<sup>th</sup> day of October, 2007.

Hearing No. 07-10-CZ12-2

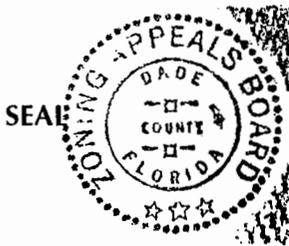
ls

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-24-07 adopted by said Community Zoning Appeals Board at its meeting held on the 9<sup>th</sup> day of October 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 12<sup>th</sup> day of October 2007.



\_\_\_\_\_  
Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning

# Memorandum



**Date:** 15-AUG-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000087

**Fire Prevention Unit:**

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped August 8, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

**Service Impact/Demand:**

Development for the above Z2007000087 located at THE NORTHEAST CORNER OF S.W. 94 AVE AND S.W. 68 STREET, A/K/A: 9395 S.W. 68 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1711 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.80 alarms-annually.  
 The estimated average travel time is: 7:30 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 3 - Tropical Park - 3911 SW 82 Avenue  
 Rescue, ALS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 13 - East Kendall - 6000 SW 87 Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on letter of intent date stamped August 8, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

ISMAEL AND AMNERIS VALDES

9395 S.W. 68 STREET, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

---

**ADDRESS**

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Z2007000087

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**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

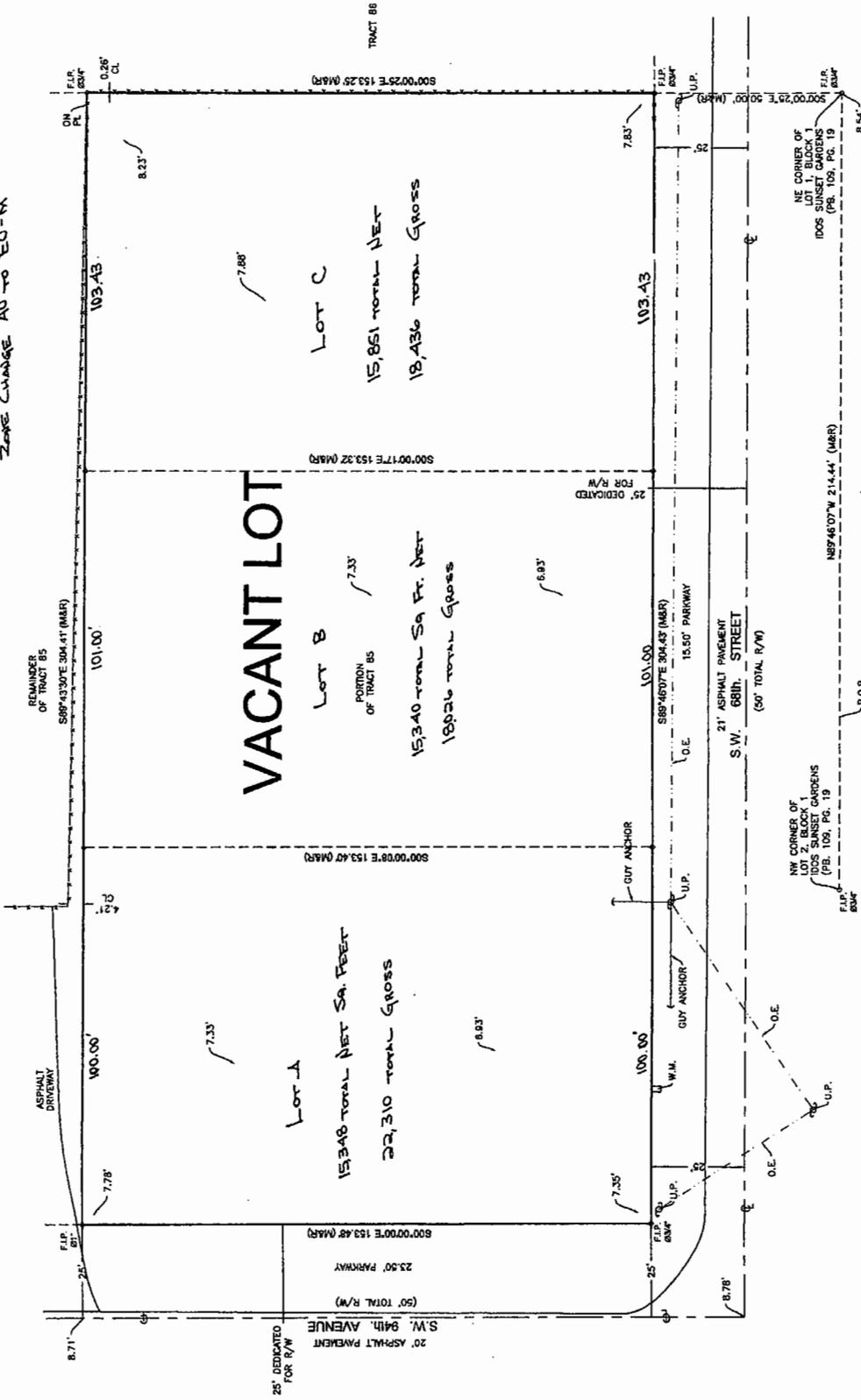
No open cases. No current violations.

PROPERTY ADDRESS: 8085 S.W. 68th STREET, MIAMI, FLORIDA 33173  
 LEGAL DESCRIPTION: THE SOUTH ONE-HALF (½) OF TRACT 85, LESS THE SOUTH 26 FEET AND THE WEST 26 FEET THEREOF, AND THE NORTH 150 FEET THEREOF, DADE COUNTY DEVELOPMENT COMPANY'S SUBDIVISION, OF THE WEST ONE HALF (½), OF SECTION 28, TOWNSHIP 54 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 189, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**SITE PLAN**  
 SCALE 1" = 20'

Prepared by:  
 Ismael Valdes

Process # Z2007000087  
 Zone Change AU to ED-N



**VACANT LOT**



REFERENCE BENCH MARK:  
 DADE COUNTY B.M. NO. 4-527  
 ELEVATION = 6.78'

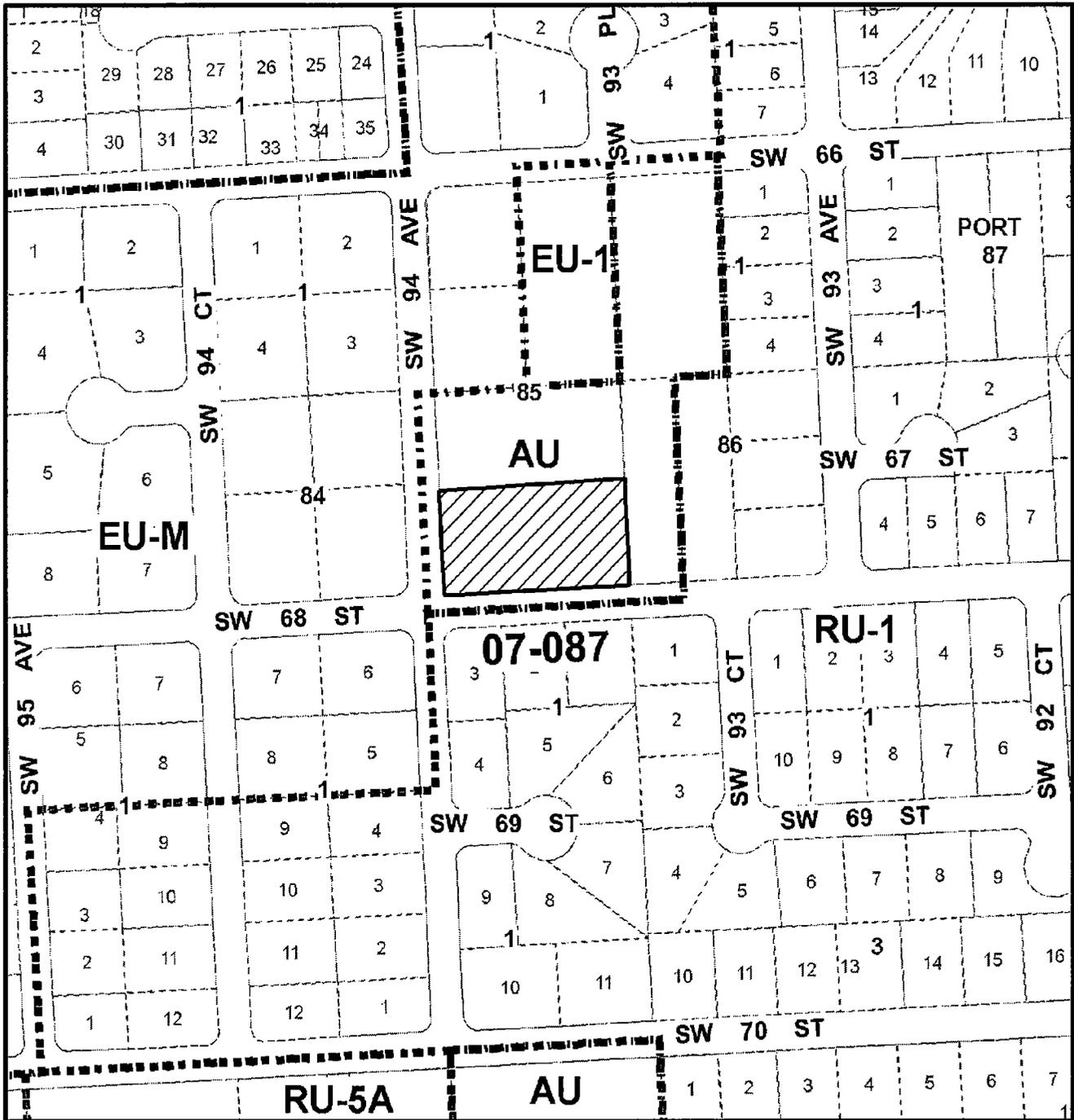
CERTIFIED TO:  
 ISMAEL VALDES AND ANGERS VALDES.

DATE OF FIELD WORK: 03-09-2007  
 ELEVATION ON 05-29-2007  
 REVISION ON

**LEGAL NOTES**  
 THIS SURVEY DOES NOT REFLECT OR REFLECT UPON THE FEDERAL EMERGENCY AGENCY (FEMA) FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY AGENCY (FEMA) REVISION ON 07/17/06. THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN ELEVATION ON 05-29-2007  
 TRACT NUMBER: 9888  
 COMMUNITY NUMBER: 120833  
 THIS SURVEY DOES NOT REFLECT OR REFLECT UPON THE FEDERAL EMERGENCY AGENCY (FEMA) FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY AGENCY (FEMA) REVISION ON 07/17/06. THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN ELEVATION ON 05-29-2007  
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 TRACT NUMBER: 9888  
 COMMUNITY NUMBER: 120833

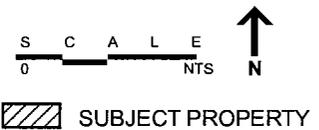
**LEGEND AND ABBREVIATIONS**

A.S. = ASBESTOS	C.S. = CEMENT SURFACE	F.I.P. = FLOOD INSURANCE PREMIUM	P.L. = PLANNED LOTS
B.M. = BENCH MARK	C.L. = CENTER LINE	F.L.P. = FLOOD LOSS PREVENTION	P.M. = PLANNED MANSION
C.C. = CONCRETE CURB	C.M. = CONCRETE MASONRY	F.M. = FLOOD MARK	P.P. = PLANNED PARK
C.D. = CONCRETE DRIVE	C.P. = CONCRETE PAVEMENT	F.N. = FLOOD NOTATION	P.R. = PLANNED ROAD
C.E. = CONCRETE EASEMENT	C.S. = CONCRETE SURFACE	F.O. = FLOOD OUTLINE	P.S. = PLANNED SIDEWALK
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**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 28 Township: 54 Range: 40  
 Process Number: 07-087  
 Applicant: ISMAEL AND AMNERIS VALDES  
 Zoning Board: C12  
 District Number: 7  
 Cadastral: JEFFER  
 Scale: NTS





MIAMI-DADE COUNTY  
**AERIAL**

Section: 28 Township: 54 Range: 40  
Process Number: 07-087  
Applicant: ISMAEL AND AMNERIS VALDES  
Zoning Board: C12  
District Number: 7  
Cadastral: JEFFER  
Scale: NTS



Revision # 2  
(07-87)

This instrument was prepared by:  
Name: Matthew Amster, Esq.  
Address: Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Boulevard, Suite 850  
Miami, Florida 33131

Received by  
Zoning Agenda Coordinator  
JAN 09 2008

BCC — January 24, 2008  
Item # 1 — 07-087  
Ismael & Amnelis Valdes

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 07-087 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Salazar & Associates entitled, "Proposed Residence for Ismael and Amnelis Valdes," dated received the 8th day of January, 2008, said plans consisting of a total of 12 sheets and being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The purchase of severable use rights (SURs) shall be required for the development of the Property under the submitted plans.
- (2) That said Property shall be developed with a maximum of three (3) units.

(Space reserved for Clerk)

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**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections**. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies**. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration

**Severability**. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

**Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration**. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner**. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

**ACKNOWLEDGMENT  
HUSBAND AND WIFE**

Signed, witnessed, executed and acknowledged on this 3<sup>RD</sup> day of  
JANUARY, 2008

**Witnesses as to Husband:**

Signature

JOHN GONZALEZ

Print Name

Signature

VERONICA AREDO

Print Name

**Witnesses as to Wife:**

Signature

JOHN GONZALEZ

Print Name

Signature

VERONICA AREDO

Print Name

Signature (Husband)

ISMAEL VALDES

Print Name

Address:

6480 SW 93 AVE.

MIAMI, FL. 33173

Signature (Wife)

AMBERIS VALDES

Print Name

Address:

6480 SW 93 AVE.

MIAMI, FL. 33173

(Space reserved for Clerk)

NOTARY AS TO WIFE:

STATE OF Florida

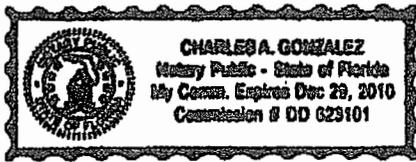
COUNTY OF DADE

The foregoing instrument was acknowledged before me by  
AMBERIS VALDES, who is personally known to me or has produced  
PERSONALLY KNOWN, as identification.

Witness my signature and official seal this 3<sup>RD</sup> day of JANUARY,  
2008, in the County and State aforesaid.

CSJ  
Notary Public-State of Florida  
Charles A. Gonzalez  
Print Name

My Commission Expires:



(Space reserved for Clerk)

**NOTARY AS TO HUSBAND:**

STATE OF Florida

COUNTY OF DADE

The foregoing instrument was acknowledged before me by  
ISMAEL VADES, who is personally known to me or has produced  
PERSONALLY KNOWN, as identification.

Witness my signature and official seal this 3<sup>RD</sup> day of JANUARY,  
2008, in the County and State aforesaid.

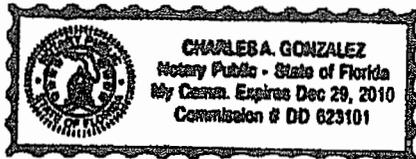
CHP

Notary Public-State of Florida

CHARLES A. GONZALEZ

My Commission Expires:

Print Name



**EXHIBIT A**

**LEGAL DESCRIPTION:** THE SOUTH ONE-HALF (1/2) OF TRACT 85, LESS THE SOUTH 25 FEET AND THE WEST 25 FEET THEREOF, AND THE NORTH 150 FEET THEREOF, DADE COUNTY DEVELOPMENT COMPANY'S SUBDIVISION OF THE WEST ONE HALF (1/2), OF SECTION 28, TOWNSHIP 54 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 169, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**2. JULIO C. MOLINA**  
**(Applicant)**

**07-9-CZ14-1 (06-37)**  
**BCC/District 8**  
**Hearing Date: 1/24/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1997	Clutilder Dacosta	- Unusual Use to permit a home for the aged. - Non-Use variances.	ZAB	Approved in part w/conds.

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

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

**1**

APPLICANT'S NAME: JULIO C. MOLINA

REPRESENTATIVE: SIMON FERRO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
07-9-CZ14-1 (06-37)	SEPTEMBER 18, 2007	CZAB14      07

**REQ:** (1) AU to EU-1 [ON PARCEL "A"]  
(2) MOD Reso [ON PARCEL "B"]

**REC:** APPROVE #1 SUBJECT TO COVENANT  
AWC #2 PER (A)(7) & DWOP PER (A)(17)

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>OCT. 16, 2007</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> APPLICANT UNABLE TO PROCURE COVENANT JOINDER PRIOR TO HEARING		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE	X		
MR.	S	Gary J. DUFEK	X		
DR.		Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)			X
VOTE:			4	0	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Julio Molina

**PH:** Z06-037 (07-9-CZ14-1)

**SECTION:** 6-57-39

**DATE:** January 24, 2008

**COMMISSION DISTRICT:** 8

**ITEM NO.:** 2

**A. INTRODUCTION**

**o REQUESTS:**

Julio Molina is appealing the decision of the Community Zoning Appeals Board #14 which denied without prejudice request #1 and approved request #2:

- (1) AU to EU-1

**REQUEST #1 ON PARCEL "A"**

- (2) MODIFICATION of Conditions #2 and #9 of Resolution 5-ZAB-201-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998."

TO: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06."

FROM: "9. That the operator of the facility must be the owner of the property and permanently reside on the property."

TO: "9. That the owner provide full-time staff 24 hours a day, 7 days a week for the facility."

**REQUEST #2 ON PARCEL "B"**

The purpose of request #2 is to submit a revised site plan showing less property for the previously approved home for the aged and to remove the condition that the owner be the operator of the facility and reside on the site permanently; to allow staffing of the site by other than the owner.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting a zone change on the subject property from AU, Agricultural District, to EU-1, Single-Family One Acre Estate Residential District, on Parcel "A" and also seeks to modify two of the conditions of a previously approved Resolution for a home for the aged.
- o **LOCATION:** 29100 SW 172 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 10 Gross Acres
- o **IMPACT:** The approval of the requested district boundary change would allow the applicant to subdivide the property and provide additional housing units to the community. The rezoning of the property will also reduce the acreage of agriculturally zoned land within the Urban Development Boundary (UDB) and will increase the population in the area, which may impact water and sewer services, will add children to the public schools and will increase traffic in the area. The approval of the modifications will not, in staff's opinion, negatively impact the area, nor negatively affect the current or future residents of the home for the aged.

**B. ZONING HEARINGS HISTORY:** In 1997, the subject property was approved with conditions for an unusual use to permit a home for the aged, pursuant to Resolution No. 5-ZAB-201-97. Additionally, non-use variances were granted to permit a 13' wide two-way driveway and to waive the required dedication along a right-of-way (SW 290 Street). Staff notes that the home for the aged is still operational and the applicant wishes it to remain so. In 1955, the eastern 330' of the subject property was part of an application that rezoned a portion of the property from AU, Agricultural District, to EU-1, Single-Family One Acre Estate Residential District, pursuant to Resolution No. 8919.

**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 **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.
2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Policy LU-9C.** Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map.
4. **Severable Use Rights.** The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of

Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

5. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

AU (Parcel A) (7.5 gross / 6.78 net acres); Avocado grove  
 EU-1 (Parcel B) (2.5 gross / 2.32 net acres); home for aged

Estate Density Residential, 1 to 2.5 dua

**Surrounding Properties:**

**NORTH:** AU; Single-family residences  
 EU-1; Single-family residences

Estate Density Residential, 1 to 2.5 dua

**SOUTH:** AU; Single-family residences  
 EU-1; Single-family residence

Estate Density Residential, 1 to 2.5 dua

**EAST:** EU-1; Vacant

Estate Density Residential, 1 to 2.5 dua

**WEST:** AU; Avocado grove

Estate Density Residential, 1 to 2.5 dua

The 10 gross acre subject property is a rectangular lot with an east/west orientation located at 29100 SW 172 Avenue. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing home for the aged is located on the easternmost portion of the parcel fronting on SW 172 Avenue. The westernmost portion of the parcel is located approximately 0.5 mile east of and within the Urban Development Boundary (UDB), which is at the intersection of SW 177 Avenue and SW 288 Street.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted.)
Scale/Utilization of Site:	<b>Acceptable*</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>
Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>

Parking Layout/Circulation: **Acceptable**  
Urban Design: **Acceptable**

\*Subject to the Board's acceptance of the covenant.

**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.

**Section 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.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No objection/4 students</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The applicant, Julio Molina, is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on October 16, 2007, denied without prejudice request #1 for a district boundary change from AU, Agricultural District, to EU-1, One-Acre Estate Residential District. On October 31, 2007, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the request to rezone the property (request #1) was not based on substantial competent evidence introduced on the record to support a denial of request #1. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-14's decision to deny request #1 and retain the existing AU zoning on parcel "A" of the subject property is consistent with the CDMP. Staff notes that CZAB-14 did approve with conditions the modification (request #2) to permit revised site plans for the home for the aged on less property than previously approved in 1997, and to remove the condition that the owner reside on the premises.

The 10 gross acre subject property is a rectangular lot, oriented lengthwise, located at 29100 SW 172 Avenue. An existing home for the aged is located on the easternmost portion of the subject property that is zoned EU-1 fronting on SW 172 Avenue, while the balance of the site is currently being utilized as an avocado grove. The westernmost portion of the parcel is located approximately 0.5 mile east of and within the Urban Development Boundary (UDB), which is at the intersection of SW 177 Avenue (Krome Avenue) and SW 288 Street. The east 330' of the property (Parcel "B"), which is approximately 2.5 gross / 2.32 net acres in size, is zoned EU-1, Single-Family One Acre Estate Residential District, and the balance of the site (Parcel "A") is zoned AU, Agricultural District, and is comprised of approximately 7.5 gross / 6.78 net acres. The applicant is requesting a district boundary change from AU to EU-1 on Parcel "A" (request #1). Plans submitted by the applicant show the development of the subject site with eight (8) residential units developed with less lot acreage and lot frontage than required under the EU-1 zoning district regulations. It is the intent of the applicant to utilize Severable Use Rights (SUR's) to obtain the zoning bonuses for lot frontage and lot area to achieve the desired number and configuration of lots. The fully dedicated roadway, SW 290 Street, along the northern property line, will establish access to the proposed lots. The applicant has voluntarily proffered a covenant restricting the development of the site to the submitted plans and limiting the density to a maximum of 8 units with the utilization of SUR's. Additionally, the applicant intends to continue the operation of the previously approved home for the aged, but wishes to modify two conditions of the resolution that was passed and adopted by the Zoning Appeals Board on Parcel "B" (request #2), which, along with restricting the development of the site to those plans submitted in 1997 for the home for the aged use, also require that the owner operate and live on the subject property. The purpose of request #2 is to submit a revised site plan showing the reduced property size for the previously approved home for the aged and to remove

the condition that the owner be the operator of the facility and reside on the site permanently; to allow staffing of the site by other than the owner. As previously mentioned, staff notes that CZAB-14 did approved with conditions request #2 only of the application. Rural single-family residences and agricultural uses characterize the surrounding area where the subject property lies.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application, particularly as it applies to the removal and preservation of specimen-sized (18" or greater trunk dimension) tree resources. The Public Works Department (**PWD**) has **no objections** to this application and indicates that it will generate an additional **11 pm** daily peak hour **vehicle trips** to the area. Said trips, however, will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "A", "B", "C" and "D." The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to the application. Also, they indicate that the estimated response time is **6:16 minutes**. Additionally, Miami-Dade County Public Schools (**MDCPS**) has **no objections** to this application and has indicated that the proposed zoning will bring an additional **4 students** into the area's public schools. Their memorandum indicates that the applicant and the School Board have held the required dialogue.

The approval of the requested district boundary change would allow the applicant to subdivide the property and provide additional housing to the area, while maintaining the existing home for the aged on the easterly portion of the property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use, which permits a minimum of 1 to a maximum of 2.5 units per gross acre. This would generate a permissible numerical density threshold of a minimum of 7 to a maximum of 18 dwelling units on the 7.5 gross acre portion of the subject site (Parcel "A"). The interpretative text of the CDMP reads that the entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. The SUR bonus would reduce the required lot frontage from 125' to 110' and lessen the required lot area from 43,560 gross sq. ft. (1 acre) to 32,500 gross sq. ft. (0.75 acre) for EU-1 zoned properties. Staff notes that the plans submitted by the applicant reflect an intended development of 8 lots with the utilization of the SUR bonus granted for lot area and lot frontage. As such, the applicant's proposal of 8 EU-1 zoned lots utilizing SUR's is within the density range permitted by the LUP map designation, and would allow a development density at 1.06 dwelling units per acre, which is on the low end of the density range permitted under the Estate Density Residential use designation of the LUP map of the CDMP. Also, it must be noted that without the use of SUR's, the site could be developed with 7 units, which also meet the minimum density threshold of the LUP map designation. As such, staff is of the opinion that the requested zone change from AU to EU-1 on Parcel "A" is **consistent** with the LUP map designation of the CDMP and **compatible** with the surrounding area.

The Department of Planning and Zoning supports the zone change from AU to EU-1, subject to the Board's acceptance of the voluntarily proffered covenant. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is **consistent** with the Estate Density Residential LUP Map designation of the CDMP and **compatible** with the surrounding area. Staff notes that the Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. The interpretative text of the CDMP indicates that development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. This

project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the proposed development does not unduly burden or affect public transportation facilities as indicated in the PWD's memorandum submitted for this application, and the proposed residential development will be readily accessible via SW 290 Street and SW 172 Avenue, a half-section line roadway. Furthermore, approval of the application will not overly burden Miami-Dade County Public Schools. Staff notes that the east 330' of the subject property, zoned EU-1, is approximately 2.5 acres in size, and the balance of the site is zoned AU (approximately 7.5 acres). The approval of the district boundary change would rezone the applicant's 10 gross acre property into a uniform zoning district, and allow the applicant to develop the western portion of the property in accordance with EU-1 zoning regulations utilizing SUR bonuses for lot frontage and lot area. Although there have not been recent approvals for district boundary changes in the surrounding area, staff notes that, historically, there have been similar approvals granted in the area for land subdivision similar to that sought by the applicant's proposal. The subject property is neighbored to the north by 6 single-family residences, which, pursuant to Resolution No. 4-ZAB-382-93, were approved as buildable sites with lot frontages varying from 178.18' to 194.17' (200 required) and with lot areas varying in size from 1.367 to 1.559 gross acres (5 acres required) in the AU district. So, although the proposed lots found within this application are smaller than these neighboring lots, staff is of the opinion that the sizes are comparable and as such, the subdivision of the subject property would not be out of character with the area. Similarly, located to the south of the subject property, Resolution No. 5-ZAB-73-95 approved the subdivision of 3 parcels of land with lot areas of 1.52, 1.83 and 1.75 acres where 5 acres area required. As such, in staff's opinion, the proposed lot frontages of 120' found within this application would be compatible with the sizes of the lot frontages found to the north, across SW 290 Street and to the south. Moreover, in 1990 pursuant to Resolution No. 4-ZAB-302-90, a 10 acre parcel of land was approved for 8 buildable sites with lot frontages varying from 88.11' to 177.54' and with lot areas of 1.3 gross acres each, located along SW 292 Street approximately 325' to the south of the subject property. As such, it is staff's determination that, although a portion the subject property abuts AU zoned property to the north, south and to the west, numerous neighboring zoning hearing approvals have led to a precedent for land subdivision in the immediate vicinity. Therefore, the rezoning of the property on Parcel "A" would be **compatible** with the approximate sizes of the lot areas and lot frontages in the area, and with the subdivision trend that has occurred between SW 174 Avenue and SW 172 Avenue.

When request #2 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification of the conditions will not adversely impact the surrounding area and will be **compatible** with same. Request #2, to modify Conditions #2 and #9 of Resolution 5-ZAB-201-97 will delete the requirement that the owner must operate and live on the property but will require full time care for the residents, and will allow the applicant to submit a revised site plan for the previously approved home for the aged use showing same on less property. As previously mentioned, the applicant seeks to continue the previously approved home for the aged use on Parcel "B", but the owner is no longer the operator of the facility and, in staff's opinion, should not be required to reside there. The owner would no longer be living on the premises but would have full time staff at the facility (24 hours a day, 7 days a week); therefore, there is no longer any compelling reason to require the owner to live at the property. Staff recommends as a condition for the approval of the application that the applicant provide full time staff at the facility. As previously mentioned, the existing home for the aged was approved as an unusual use in 1997 and was originally supported by staff. The applicant intends to sever the approximately 6.78 net acres of the site currently being utilized as an avocado grove to accommodate the subdivision on Parcel "A" that is the subject of the zone change in request #1. The remaining 2.32 net acres, staff maintains, will be of sufficient size to continue the home for the aged use, which restricts the facility to a maximum of 16 clients, without generating variances pertaining to setbacks or lot coverage and will still be capable of accommodating all the required

parking. The 6,000 sq. ft. structure is not proposed to have any additions or alterations, and staff notes that the property fronts on a half-section line roadway (SW 172 Avenue). Based on all of the aforementioned, staff is of the opinion that the approval of the modification of Conditions #2 and #9 would be **compatible** with the surrounding area. Therefore, staff recommends approval with conditions of request #2 on Parcel "B" under Section 33-311(A)(7) and supports the CZAB-14's decision to approve same.

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 this request. Due to the lack of information, staff is unable to properly analyze request #2 under said standards and, as such, staff recommends denial without prejudice under Section 33-311(A)(17).

Based on all of the foregoing, staff opines that the approval of the district boundary change, subject to the Board's acceptance of the proffered covenant restricting the development of the site to the submitted plans and the utilization of SUR's, would be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations. The requested zone change to from AU to EU-1 on parcel "A" would make the subject property a uniform zoning classification, and is **consistent** with the CDMP and **compatible** with the surrounding area. Therefore, staff recommends approval of the district boundary change from AU to EU-1, subject to the Board's acceptance of the proffered covenant (request#1.) Additionally, staff recommends approval of the modification of two conditions of Resolution No. 5-ZAB-201-97 (request #2) under Section 33-311(A)(7).

I. **RECOMMENDATION:** Approval of the appeal and approval of the district boundary change to EU-1 on Parcel "A" subject to the Board's acceptance of the proffered covenant (request #1), and approval with conditions of request #2 on Parcel "B" under Section 33-311(A)(7) and denial without prejudice of request #2 under Section 33-311(A)(17).

J. **CONDITIONS:** For request #2:

1. That all the conditions of Resolution No. 5-ZAB-201-97 remain in full force and effect except as herein modified.
2. That the owner provide full time staffing for the care of the residents 24 hours a day, 7 days a week at the home for the aged on Parcel "B".

**DATE INSPECTED:** 07/31/07  
**DATE TYPED:** 07/31/07  
**DATE REVISED:** 08/01/31; 08/02/07; 08/13/07; 08/14/07; 08/20/07; 10/05/07; 12/06/07;  
12/07/07; 12/13/07; 12/20/07  
**DATE FINALIZED:** 12/27/07  
SB:MTF:LVT:JGM

  
\_\_\_\_\_  
Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** August 9, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

**Subject:** C-14 #Z2006000037-2<sup>nd</sup> Revision  
Julio C. Molina  
29100 S.W. 172<sup>nd</sup> Avenue  
District Boundary Change from EU-1 & AU to EU-1  
(EU-1/AU) (10 Ac.)  
06-57-39

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

#### Potable Water Service

The closest public water main is located approximately 1,690 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

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

#### Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject properties. Consequently, any proposed development would have to be served by septic tanks and drainfields as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residences served by septic tanks would not exceed the maximum allowable sewage loading for the subject properties.

#### 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 site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. 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 LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

#### Pollution Remediation

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

#### Wetlands

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

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

#### Tree Preservation

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

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

#### Enforcement History

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

#### Concurrency Review Summary

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

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: JULIO C. MOLINA

This Department has no objections to this application.

Radius return will be required at the intersection of SW 290 Street and SW 172 Avenue at time of tentative plat submittal. Fences and driveway may need to be relocated.

Additional on-site and off-site improvements may be required at time of permitting.

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

Sta.#		LOS present	LOS w/project
9212	Krome Ave. n/o SW 288 St.	A	A
9862	SW 167 Ave. s/o SW 216 St.	C	C
9932	SW 288 St. w/o US-1	D	D
9936	SW 296 St. w/o US-1	B	B
9938	SW 296 St. e/o SW 197 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.

20-JUL-07



# Miami-Dade County Public Schools

giving our students the world

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

**Chief Facilities Officer**  
Rose Diamond

**Planning Officer**  
Ana Rijs-Conde, AICP

**Miami-Dade County School Board**  
Agustín J. Barrera, Chair  
Perla Tabares Hantman, Vice Chair  
Frank J. Bolaños  
Evelyn Langlieb Greer  
Dr. Robert B. Ingram  
Dr. Martin Karp  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

June 28, 2006

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

**Re: Julio C. Molina - Application No. 06-037**  
**29100 SW 172 Avenue**

**RECEIVED**  
JUL 29 2006  
DEPT. OF PLANNING & ZONING  
ZONING EVALUATION SECTION  
BY [Signature]

Dear Ms. Fojo:

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 (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on June 27, 2006, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo  
June 28, 2006  
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the additional 7 units are estimated to generate approximately \$16,800 (\$2,400 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

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,

  
Patricia Good  
Coordinator III

PG:am  
L-1467  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Mr. Michael A. Levine  
Mr. Ivan M. Rodriguez  
Ms. Vivian Villaamil  
Mr. Simon Ferro

## PRELIMINARY SCHOOL IMPACT REVIEW ANALYSIS

**APPLICATION:** No. 06-037, Julio C. Molina (CC14)

**REQUEST:** Zone change from AU to EU-1

**ACRES:** 10 acres

**LOCATION:** 29100 SW 172 Avenue

**MSA/MULTIPLIER:** 7.3/.60

**NUMBER OF UNITS:** 7 additional units (1 unit currently permitted under existing zoning classification, for a total of 8 units)

**ESTIMATED STUDENT POPULATION:** 4 students\*

**ELEMENTARY:** 2

**MIDDLE:** 1

**SENIOR:** 1

### SCHOOLS SERVING AREA OF APPLICATION:

**ELEMENTARY:** Avocado Elementary – 16969 SW 294 Street

**MIDDLE:** Homestead Middle -650 NW 2 Avenue

**SENIOR HIGH:** South Dade Senior -28401 SW 167 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, 2005:

	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 **
Avocado Elem.	1042/ 1044*	869	120%/	66	111%/	1306
Homestead Middle	1206/ 1207*	848	142%/	158	120%/	2231
South Dade Sr.	2759/ 2760*	1721	160%/	380	131%/	3112

\* increased student population 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.

Note:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

#### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1662 student stations)	Construction	School Opening 2007
State School "CCC1" (South Dade Sr. High School Partial Replacement) (1522 additional student stations)	Construction	School Opening 2009

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	869
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	5748
Estimated Permanent Senior Seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected needs.

**OPERATING COSTS:** According to Financial Affairs, 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 \$26,196.

**CAPITAL COSTS:** Based on the State's June-2006 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet the threshold
MIDDLE	1 x \$ 16,485 = \$ 16,485
SENIOR	1 x \$ 21,815 = \$ 21,815
Total Potential Capital Cost	
	\$ 38,300

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

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY CAB AMOUNT OF FEE 4079.76  
RECEIPT # 1200724116  
DATE HEARD: 10/16/07  
BY CZAB # 142807

Z06-037  
**RECEIVED**  
OCT 31 2007

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

DATE RECEIVED STAMP

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z-2006-000037  
Filed in the name of (Applicant) JULIO C. MOLINA  
Name of Appellant, if other than applicant \_\_\_\_\_

Address/Location of APPELLANT'S property:  
29100 S. W. 172nd Avenue, Miami-Dade County, Florida 33030.

Application, or part of Application being Appealed (Explanation):  
Denial of Request for District Boundary Change from AU to EU-1.

Appellant (name): JULIO C. MOLINA  
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

No substantial competent evidence on record to support denial of District Boundary  
Change to EU-1.

**RECEIVED**  
Z07-037  
OCT 31 2007

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

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared JULIO C. MOLINA  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Leyla M Lucas  
Signature

Signature

Leyla M Lucas  
Print Name

Print Name

Simon Ferrer  
Signature

Signature

Simon Ferrer  
Print Name

Print Name

Julio C. Molina  
Appellant's signature

Appellant's signature

JULIO C. MOLINA  
Print Name

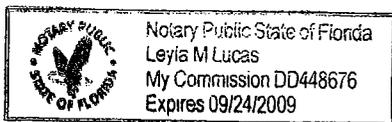
Print Name

Sworn to and subscribed before me on the 23 day of October, year 2007.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.

Leyla M Lucas  
Notary  
(Stamp/Seal)

Commission Expires:



**RECEIVED**  
E06-037  
OCT 31 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

APPELLANT MUST SIGN THIS PAGE

Date: 23 day of October, year: 2007

Signed \_\_\_\_\_

JULIO C. MOLINA

Print Name

29100 S.W. 172nd Avenue  
Miami-Dade County, Florida 33030

Mailing Address

305-559-9070

Phone

305-559-9036

Fax

**REPRESENTATIVE'S AFFIDAVIT**  
If you are filing as representative of an association or other entity, so indicate:

JULIO C. MOLINA

Representing

Signature

SIMON FERRO

Print Name

1221 Brickell Avenue

Address

Miami  
City

FL  
State

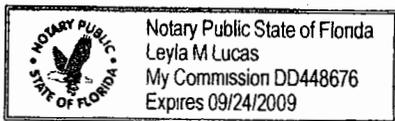
33131  
Zip

305-579-0644

Telephone Number

Subscribed and Sworn to before me on the 23 day of October, year 2007

Notary Public



(stamp/seal)

Commission expires:

RECEIVED  
207-037  
OCT 31 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

**RESOLUTION NO. CZAB14-28-07**

WHEREAS, **JULIO C. MOLINA** applied for the following:

- (1) AU to EU-1

**REQUEST #1 ON PARCEL "A"**

- (2) MODIFICATION of Conditions #2 and #9 of Resolution 5-ZAB-201-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998."

TO: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06."

FROM: "9. That the operator of the facility must be the owner of the property and permanently reside on the property."

TO: "9. That the owner provide full-time staff 24 hours a day, 7 days a week for the care facility."

**REQUEST #2 ON PARCEL "B"**

The purpose of request #2 is to submit a revised site plan showing less property for the previously approved home for the aged and to remove the condition that the owner be the operator of the facility and reside on the site permanently; to allow staffing of the site by others than the owner.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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).

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: PARCEL "A": Tract "A", THE SECOND AMENDED PLAT OF A PORTION of PORVENIR NO. 4, Plat book 43, Page 17, less the south ½ of said Tract "A" and less the east 330' thereof. AND: PARCEL "B": The east 330' of Tract "A", THE SECOND AMENDED PLAT OF A PORTION of PORVENIR NO. 4, Plat book 43, Page 17, less the south ½ of said Tract "A".

LOCATION: 29100 S.W. 172 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested modification of Conditions #2 and #9 of Resolution 5-ZAB-201-97 on Parcel "B" (Item #2), would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and should be approved, and that the requested district boundary change to EU-1 on Parcel "A" (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to approve Item #2, and to deny Item #1 without prejudice, was offered by Dr. Pat Wade, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	aye	Gary J. Dufek	nay
Dawn Lee Blakeslee	aye	Dr. Pat Wade	aye
	Curtis Lawrence		nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested modification of Conditions #2 and #9 of

Resolution 5-ZAB-201-97 on Parcel "B" (Item #2), be and the same is hereby approved subject to the following conditions:

1. That all the conditions of Resolution No. 5-ZAB-201-97 remain in full force and effect except as herein modified.
2. That the owner provide full time staffing for the care of the residents 24 hours a day, 7 days a week at the home for the aged on Parcel "B".

*BE IT FURTHER RESOLVED* that Conditions #2 and #9 of Resolution 5-ZAB-201-98, as herein modified and as applied to Parcel "B" (Item #2), shall read as follows:

2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06.
9. That the owner provide full-time staff 24 hours a day, 7 days a week for the care facility.

*BE IT FURTHER RESOLVED* that the requested district boundary change to EU-1 on Parcel "A" (Item #1) be and the same is hereby denied without prejudice.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 16<sup>th</sup> day of October, 2007.

Hearing No. 07-9-CZ14-1  
ls

**STATE OF FLORIDA**

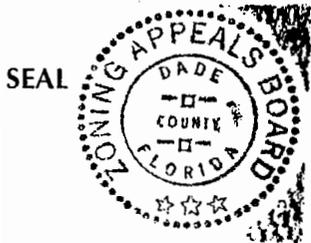
**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-28-07 adopted by said Community Zoning Appeals Board at its meeting held on the 16<sup>th</sup> day of October 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22<sup>nd</sup> day of October 2007.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning





# Memorandum

**Date:** 20-JUN-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000037

**Fire Prevention Unit:**

This Memo supersedes MDFR Memorandum dated June 12, 2007.  
 APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped May 25, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.  
 This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand:**

Development for the above Z2006000037  
 located at 29100 S.W. 172 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2552 is proposed as the following:

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

Based on this development information, estimated service impact is: 2.14 alarms-annually.  
 The estimated average travel time is: 6:16 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:  
 None.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped May 25, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

JULIO C. MOLINA

29100 S.W. 172 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2006000037

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current Case history;

Case 200701006021 was opened based on enforcement history request, inspected on 9-26-07 and found no new violations.

Case 200701004484 was re-inspected on 8-9-07, found to be in compliance and case was closed.

Case 200701004487 was re-inspected on 8-2-07, found to be in compliance and case was closed.

**SITE PLAN**

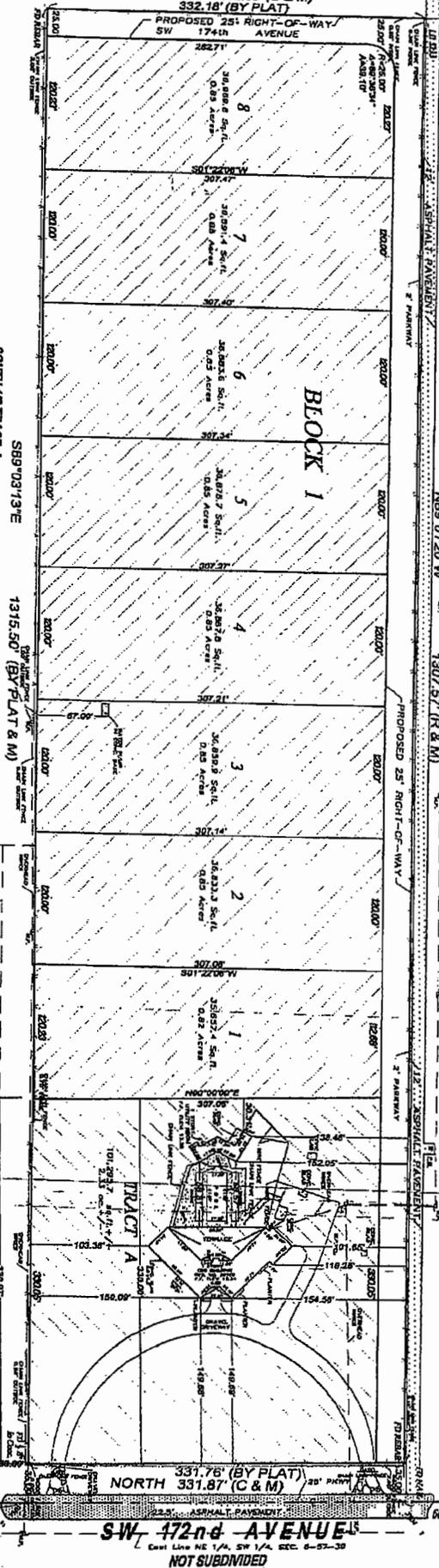


SCALE 1" = 60'

SW 290th STREET

SW 288th STREET

TRACT B  
PORVENIR NO. 4, 2nd AMENDED PLAT PB 43 PG 17  
501' 22.06" W 332.55' (C & M)  
332.18' (BY PLAT)



SOUTH 1/2 TRACT A  
PORVENIR NO. 4  
2nd AMENDED PLAT  
PB 43 PG 17

PORTION OF TRACT A  
PORVENIR NO. 4  
2nd AMENDED PLAT  
PB 43 PG 17

PORTION OF TRACT A  
PORVENIR NO. 4  
2nd AMENDED PLAT  
PB 43 PG 17

ENTIRE PARCEL

LEGAL DESCRIPTION:

LEGAL DESCRIPTION:

LEGAL DESCRIPTION:

THE EAST 1/2 OF TRACT A OF THE SECOND AMENDED PLAT OF A PORTION OF PORVENIR NO. 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 1/2 OF SAID TRACT 'A', AND LESS THE EAST 1/2 THEREOF THEREON.

SUPERVISOR'S REPORT:

LEGAL DESCRIPTION OF ENTIRE PARCEL, AS SHOWN HEREON, WAS FURNISHED BY THE CLIENT, AND THIS SITE PLAN WAS PREPARED FROM INFORMATION FURNISHED BY THE CLIENT.

DEVELOPMENT INFORMATION SHOWN

HEREON WAS FURNISHED BY THE CLIENT.

NOT SUBMITTED

RECEIVED

MIAMI-DADE COUNTY

DATES MAY 05 2007

BY: VALDEZ

SW 292nd STREET

SW 172nd AVENUE

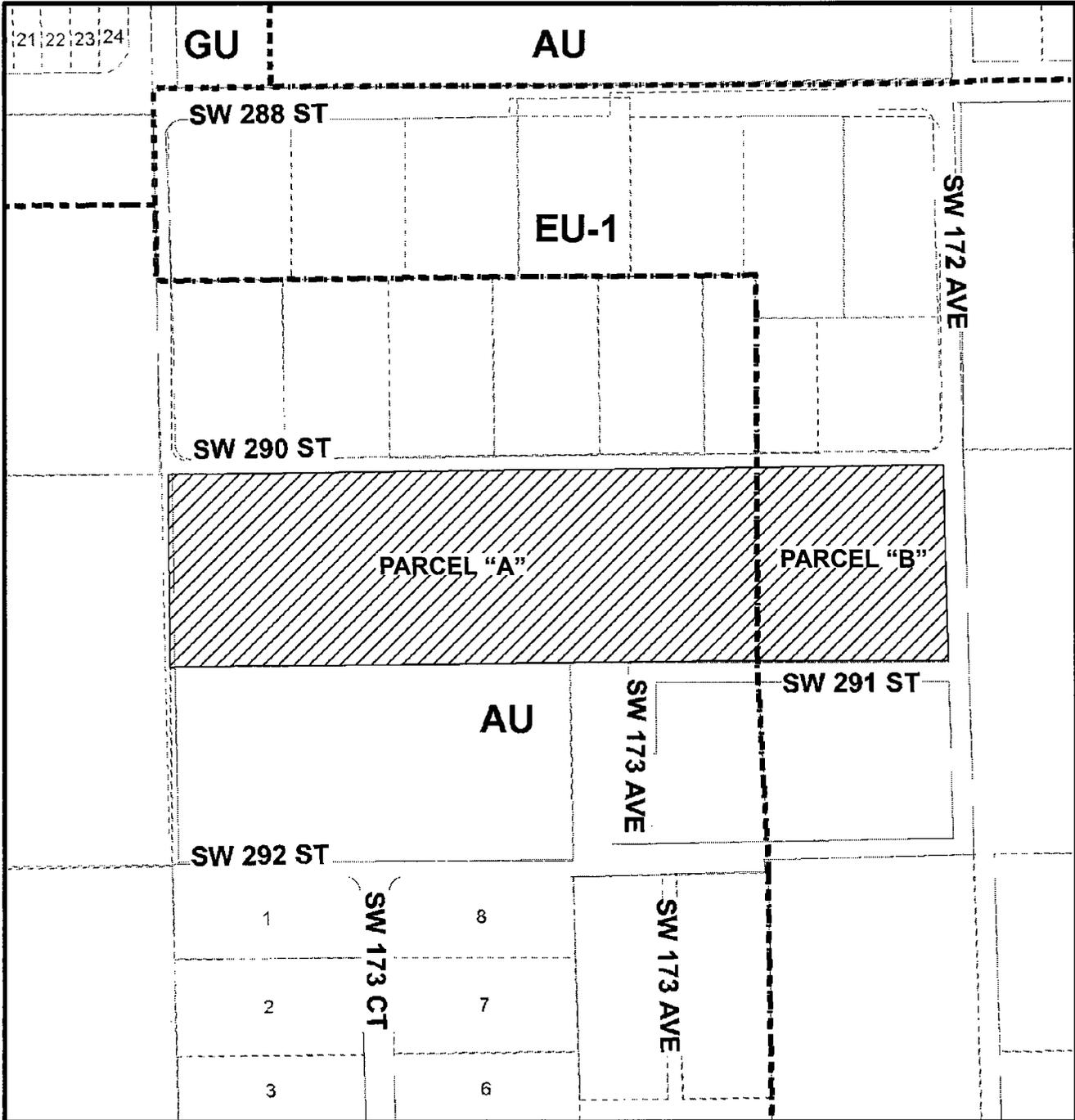
**ABBREVIATIONS:**

SPRINKLER	SPRINKLER	SPRINKLER
SEWER	SEWER	SEWER
WATER	WATER	WATER
...	...	...

**MAVER & VERA AND ASSOCIATES INC.**  
ENGINEERS LAND SURVEYORS PLANNERS LB 2439  
1380 SW 4TH STREET MIAMI, FLORIDA 33135 PHONE (305) 221-2820 FAX (305) 221-1255

**REVISIONS:**

NO.	DATE	BY	DESCRIPTION
01	03-28-06	SM/TJA	SHOW PROPOSED R/W LINE FOR SW 290 ST.
02	05-30-06	SM/TJA	SHOW PROPOSED R/W LINE FOR SW 174th AV.



**MIAMI-DADE COUNTY  
HEARING MAP**

**Process Number  
06-037**

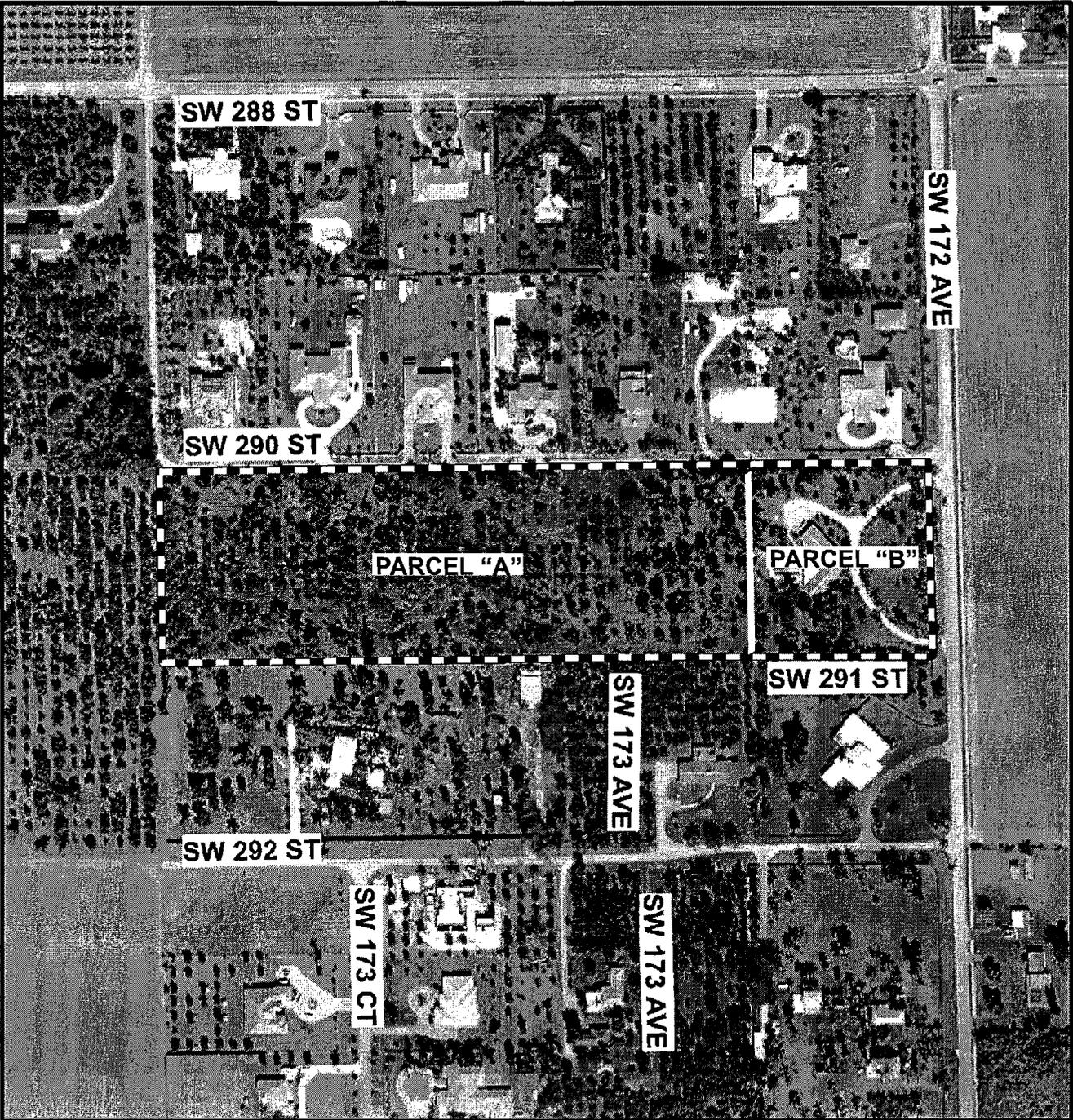


**SUBJECT PROPERTY**

**Section: 06 Township: 57 Range: 39  
Applicant: JULIO C. MOLINA  
Zoning Board: C14  
District Number: 08  
Drafter ID: ALFREDO  
Scale: NTS**



REVISION	DATE	BY
How parcels A & B isn't required	06/14/07	AJT
	10/09/07	AJT



MIAMI-DADE COUNTY  
**AERIAL**

Process Number  
**06-037**



**SUBJECT PROPERTY**

Section: 06 Township: 57 Range: 39  
 Applicant: JULIO C. MOLINA  
 Zoning Board: C14  
 District Number: 08  
 Drafter ID: ALFREDO  
 Scale: NTS



SYMBOL	DATE	BY
New parcel A & B (per request)	05/14/07	AFT
	10/05/07	AFT

This instrument was prepared by:  
Name: Simon Ferro  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
(305)579-0500

BCC - January 24, 2008  
Item #2 - 06-037  
Julio P. Molina

Final

(Space reserved for Clerk)

## DECLARATION OF RESTRICTIONS FOR MIAMI-DADE COUNTY

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z06-037 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Manuel G. Vera & Associates, dated 02-02-06, last revised 06-30-06 and dated stamped received May 25, 2007 (hereinafter referred to as the "Site Plan"), said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) Prior to final plat approval, owner shall purchase and submit to Miami-Dade County Severable Use Rights (SURs) to develop the Property in accordance with the Site Plan.
- (3) The existing home for the aged located on Tract A of the Site Plan shall be staffed with at least one caregiver 24 hours a day.
- (4) In the event the use of the existing home for the aged is discontinued, Owner shall be permitted to subdivide Tract A as EU-1 lots (with or without SURs) without the necessity of a public hearing to revise the Site Plan or this Declaration of Restrictions.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the

[L:\Forms\179698731\_1

(Public Hearing)

Section-Township-Range:  
Folio number:  
MIA 179698731v1 8/30/2007

**Declaration of Restrictions**  
**Page 2**

public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

(L:\forms\179698731\_1

(Public Hearing)

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

ACKNOWLEDGMENT INDIVIDUAL

Signed, witnessed, executed and acknowledged on this 30 day of August, 2007.

WITNESSES:

[Signature]  
Signature

MATIMO LINARES  
Print Name

[Signature]  
Signature

Karinis Palacios  
Print Name

JULIO C. MOLINA

[Signature]  
Individual Signature

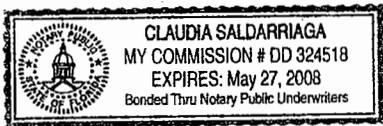
Address:  
29100 S.W. 172 Avenue  
Miami, FL 33030

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by JULIO C. MOLINA, who is personally known to me or has produced Driver License, as identification.

Witness my signature and official seal this 30 day of August, 2007, in the County and State aforesaid.



[Signature]  
Notary Public-State of Florida

Claudia Saldarriaga  
Print Name

My Commission Expires:

**EXHIBIT "A"**

**ENTIRE PARCEL**

**ENTIRE LEGAL DESCRIPTION**

THE NORTH  $\frac{1}{2}$ , OF THE SOUTH  $\frac{1}{2}$ , OF THE NE  $\frac{1}{4}$ , OF THE SW  $\frac{1}{4}$ , OF SECTION 6, TOWNSHIP 57 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

ALSO KNOWN AS:

TRACT "A", LESS THAN THE SOUTH  $\frac{1}{2}$ , OF PORVENIR NO. 4, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA.

**3. MAURO E. VARENA**  
**(Applicant)**

**07-10-CZ14-4 (07-162)**  
**BCC/District 9**  
**Hearing Date: 1/24/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1947	Dade County Zoning Dept.	Regulations to apply to EU-1 districts.	BCC	Approved
1948	Dade County Zoning Dept.	Zone change from AU and EU-1B to EU-1.	ACC	Approved
1951	CO. Zoning Dept.	- Increase minimum lot width. - Zone change from EU-1A and EU-1B to EU-1.	ACC	Approved

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Mauro E. Varena

**PH:** Z07-162 (07-10-CZ14-4)

**SECTION:** 12-56-38

**DATE:** January 24, 2008

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 3

**A. INTRODUCTION**

o **REQUESTS:**

Mauro E. Varena is appealing the decision of the Community Zoning Appeals Board #14 which denied with prejudice the following requests:

- (1) AU and EU-1 to EU-1
- (2) Applicant is requesting to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (200' required in the EU-1 zone).

OR IN THE ALTERNATIVE TO REQUESTS 1 & 2, the following:

- (3) Applicant is requesting to permit proposed Lot 1 with a lot area of 1.1 gross acres and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required for each).
- (4) Applicant is requesting to permit proposed Lot 1 with a lot frontage of 167.05' (200' required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or §33-311(A)(4)(c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting a zone change on the subject property from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1, and to permit 3 lots with less depth than required; or in the alternative, to permit 4 lots with less lot area and 1 lot with less lot frontage than required.
- o **LOCATION:** 18475 SW 216 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.28 gross acres
- o **IMPACT:** Approval of the application in either of the alternative versions would allow the applicant to subdivide the property and provide additional housing units to the community. The rezoning of the property and the consequent subdivision of the land will transform approximately 4.12 gross acres of previously agriculturally (AU) zoned land in Miami-Dade County, will increase the population in the area, may impact the water and sewer services, will add children to the area schools and will increase traffic in the area.

**B. ZONING HEARINGS HISTORY:** In 1948, the southern 330' of the subject property was part of an application that was rezoned from AU, Agricultural District, to EU-1b, pursuant to Resolution No. 2847. In 1951, the subject property was part of a larger application, which abolished the EU-1b, Single-Family Estate One Acre or More Residential District, zone classification and rezoned all said land to EU-1, pursuant to Resolution No. 4257.

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

1. **The subject property is located approximately five (5) miles west of and outside of the UDB.** The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agriculture**. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.1.
2. In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a **density of no more than one unit per five acres**. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on **three or more contiguous sides** is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area.
3. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:** 5.28 gross acres

AU (4.02 gross / 3.424 net acres); Vacant

Agriculture

EU-1 (1.26 gross / 0.945 net acres); Single-family residence

**Surrounding Properties:**

<b><u>NORTH:</u></b>	AU; Single-family residence	Agriculture
<b><u>SOUTH:</u></b>	EU-1; Single-family residence	Agriculture
<b><u>EAST:</u></b>	AU; Single-family residence EU-1; Vacant	Agriculture
<b><u>WEST:</u></b>	AU; Single-family residence and Grove EU-1; Single-family residences	Agriculture

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Subdivision plan submitted.)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>N/A</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**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.

**Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:
  1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
    - A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
    - B. the proposed alternative development will not result in the further subdivision of land; and
    - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
    - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
    - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
    - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
    - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
  2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:
    - A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
    - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

- C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
3. the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
  - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
  - C. no lot area shall be less than the smaller of:
    - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
    - ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated **agricultural** in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
  - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
  - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with[in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

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

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>3 students</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The applicant, Mauro Varena, is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on October 16, 2007, denied with prejudice an application for a district boundary change from AU, Agricultural District, and EU-1, One Acre Estate Single-Family Residential District, to EU-1 and a request to permit 3 lots with lesser lot depth than required under the EU-1 requirements. Alternative requests to permit 4 lots with lesser lot area and lot depth than required under the AU requirements were also denied with prejudice. On November 1, 2007, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC.) Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-14's decision to deny this application and retain the existing AU and EU-1 zoning on the subject property is consistent with the CDMP.

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, which is the portion of the subject property currently zoned EU-1; but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street. The south 290' of the property (330' if measured to the centerline of SW 216 Street), which is approximately 1.26 gross / 0.945 net acres in area, is zoned EU-1, Single-Family One Acre Estate Residential District, and the balance of the site is zoned AU, Agricultural District, approximately 4.02 gross / 3.424 net acres. It is the intent of the applicant to subdivide the site into 5 residential building sites. In doing so, the applicant is requesting a district boundary change from AU and EU-1 to EU-1 (request #1). If rezoned to EU-1, the plans illustrate that 3 of the 5 lots will have less lot depth than required in the EU-1 zone. Therefore, as a companion request to the district boundary change, the applicant also seeks to permit proposed Lots 2 - 4 each with a lot depth of 167.05' where 200' is required (request #2). In the alternative to the district boundary change to EU-1, the applicant is seeking to subdivide the EU-1 and AU zoned properties into 5 parcels, maintaining the same lot layout plan where 4 of the 5 lots (Lots 1 through 4) will maintain their AU zoning and the fifth lot (Lot 5) will retain the EU-1 zoning. Within this alternative, if not rezoned to EU-1, the plans

illustrate that 4 of the 5 lots will have less lot area than required and 1 of the lots will have less lot frontage than required in the AU zone. As such, the alternative requests to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3) and to permit proposed Lot 1 with a lot frontage of 167.05' (request #3) are also sought. Under the AU zoning requirements, 5 gross acres are required for lot area as a building site, along with a required 200' of lot frontage. Staff notes that, as proposed, Lot 5 complies with all of the EU-1 zoning regulations and, therefore, no variances are sought for that parcel.

Plans submitted by the applicant show the development of the subject site with 5 proposed residential units, three of which, identified as proposed Lot 2, Lot 3 and Lot 4, are configured within the middle of the site fronting on the roadway, SW 185 Avenue, which will be dedicated, while the other two, proposed Lot 1 and Lot 5, are configured as corner lots. The plans illustrate that Lot 1, which is the parcel located furthest to the north, is situated at the southeast corner of SW 212 Street and the dedicated roadway SW 185 Avenue, while proposed Lot 5, which is located furthest to the south, is situated at the northeast corner of SW 216 Street and SW 185 Avenue. Review of the plans reveal that proposed Lot 1 has a lot frontage of 167.05', a lot depth of 265.51' and a total gross lot area of 1.10 acres; Lot 2, Lot 3, and Lot 4 have lot frontages of 262.51', lot depths of 142.05' (167.05' to the centerline) and gross lot areas of 1.006 acres; and Lot 5 has a lot frontage of 167.05', a lot depth of 262.51' and a total gross lot area of 1.160 acres. Rural single-family residences and undeveloped parcels of land interspersed with agricultural uses characterize the surrounding area where the subject property lies. Staff is not supportive of the proposed subdivision plan based on inconsistency with the Master Plan and incompatibility with the surrounding area for reasons to be outlined below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application, particularly as it applies to the removal and preservation of specimen-sized (18" or greater trunk dimension) tree resources. The Public Works Department (**PWD**) has **no objections** to this application. This application will generate an additional **5 pm** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "A" and "C." The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to the application, and indicates that any change(s) to the vehicular circulation, on the plans dated stamped received July 13, 2007, must be resubmitted for review. Also, they indicate that the estimated response time is **8:06 minutes**. Miami-Dade County Public Schools (**MDCPS**) has **no objections** to the application and has indicated that the proposed zoning will bring an additional **3 students** into the area's public schools. Additionally, MDCPS indicates that the applicant and the School Board have held the required dialogue.

The approval of either of the alternatives would allow the applicant to subdivide the property into five (5) residential lots. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Agricultural** use. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses and farm residences. However, where residential development is proposed, the interpretative text of the CDMP indicates that residential development can occur in agriculturally designated areas at a density of **no more than one unit per five gross acres**. This would generate a permissible numerical density threshold of a maximum of 1 dwelling unit on the 5.28 gross acre site. As previously mentioned, the subject property contains a single-family residence that fronts on SW 216 Street on the southern, EU-1 zoned portion of the site. Further, the interpretative text of the CDMP reads that all existing lawful uses and zoning are deemed to be consistent with the Master Plan as provided in the "Concepts and Limitations of the Land Use Plan Map" of the CDMP. As such, although designated Agriculture on the LUP map, the existing EU-1 zoned portion of the subject property containing a single-family residence is **consistent** with this provision of the interpretative text of the CDMP. Therefore, as indicated in the submitted plans, the existing residence sited on proposed 'Lot

5', which complies with all EU-1 zoning regulations, is allocated 1.16 gross acres of the site. This leaves a balance of 4.12 gross acres of Agriculturally designated land for the proposed subdivision, which would not be of sufficient size to accommodate even 1 more additional single-family residence, as determined by the 5-acre provision of the Master Plan for Agriculturally designated land, much less the 4 additional units proposed by the applicant.

The interpretative text of the CDMP allows that the creation of new parcels smaller than five gross acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately parcelized in a similar manner and if a division of the subject parcel would not precipitate additional land division in the area. As previously mentioned, the applicant seeks to subdivide the property and develop the 5.28 gross acre site with 5 (4 new and 1 existing), single-family residences each sited on 1 acre, or slightly greater, parcels of land. Research indicates that the subject site is not surrounded on three contiguous sides by similarly sized and legally established lots that have been parcelized in a similar manner, and thus the site does not meet the criteria for subdivision of an agriculturally designated site as indicated in the provisions of the CDMP, keeping in mind that each of the proposed new lots must individually meet the three-sided rule. In 1983, the property located to the north of proposed Lot 1, across SW 212 Street, was approved for a non-use variance of lot area requirements, thus establishing the 1.55-gross acre lot as a building site in the AU zone, pursuant to Resolution No. 4-ZAB-361-83. As such, the property to the west of Lot 1 is a 5-acre parcel of land developed with a rural single-family residence and the property to the east of Lot 1 is a 2-acre parcel of land also developed with a rural single-family residence. Furthermore, the abutting property to the south of Lot 1 cannot be considered as one of the 3 sides as it is part of the applicant's proposed subdivision referred to within this application as Lot 2, and as such, is not yet legally established. Therefore, Lot 1 does not meet the three-sided rule. Lot 2 also does not meet the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 1 and Lot 3, and as such, are not yet legally established. Further, Lot 2 is also neighbored by the abovementioned 2-acre parcel of land to the east developed with a rural single-family residence. The same circumstance exists for Lot 3 not meeting the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 2 and Lot 4, and as such, are not yet legally established. Further, Lot 3 also neighbors a 2.86-acre parcel of undeveloped land to the east and a 5-acre grove to the west. Therefore, Lot 3 does not meet the three-sided rule. Lot 4 also does not meet the three-sided rule as evidenced by the abutting property on the north side which is part of the applicant's proposed subdivision, referred to within this application as Lot 3. However, Lot 5 is primarily zoned EU-1 and has an existing single-family residence and, as such, is a legally established building site contiguous to and similarly sized as Lot 4. However, the property to the west of Lot 4 is the abovementioned 5-acre grove and the property to the east is the abovementioned 2.86-acre parcel of undeveloped land. Therefore, Lot 4 also does not meet the three-sided rule. Also, the 2 properties that abut proposed Lot 5 to the west are zoned EU-1 and are developed with a single-family residence sited on 1 gross acres (39,399 net and 29,872 net). These properties are part of 'Keen Estates' that was platted in 2000 and consists of 18 lots that form an "L" along SW 187 Avenue and SW 216 Street. As such, these 2 abutting parcels are legally parcelized and contiguous to and relative to the size and scale of proposed Lot 5 and as such the western side of Lot 5 qualifies for consideration under the Master Plan provision. However, the property located to the south, across SW 216 Street, does not qualify as it is developed with a single-family residence established in 1957, but is sited on a 2-acre parcel of land. Moreover, the property located to the east of Lot 5 also does not qualify since although it has a similarly sized lot frontage, it is a 2.86-acre parcel of agricultural land. And the abutting property to the north of Lot 5 cannot be considered as it is part of the applicant's proposed subdivision, referred to within this application as Lot 4 and as such, is not yet legally established. Therefore, Lot 5 does not meet the three-sided rule; however, as previously mentioned, as a matter of right, the applicant can develop Lot 5 with a single-family residence in accordance with the underlying EU-1 zoning district regulations. In conclusion,

the approval of this application, in either of its alternatives to subdivide the subject property into 5 approximately 1-acre sized building sites, is **inconsistent** with the criteria to allow for parcelization of lots smaller than 5 gross acres to occur under the interpretative text of the CDMP, is **incompatible** with the parcels found in the immediate area and detrimental to the continued preservation of the viable agricultural land in Miami-Dade County. Therefore, the proposed zone change to EU-1 and the alternative requests for subdivision of agriculturally zoned lands with reduced lot areas and lot frontage are **inconsistent** with the CDMP.

The Department of Planning and Zoning does not support the zone change from AU and EU-1 to EU-1. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. The proposed development is, in staff's determination, **inconsistent** with the Agricultural LUP Map designation of the CDMP and **incompatible** with the surrounding area. Staff notes that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. As previously mentioned, this project is located **5 miles west of and outside of the UDB**. The 5.28-gross acre site is located along the southern edge (SW 216 Street) of section 12, township 56S, and range 38E. The one quarter (¼) section mile where the subject property lies is characteristically zoned with a 330' strip of EU-1 along the perimeter of the ¼ section mile roadways, SW 182 Avenue, SW 216 Street, SW 187 Avenue and SW 208 street, surrounding AU zoned land in its center. This zoning configuration illustrates the obvious intention of accommodating future residential development of 1-acre minimum estate residences along the perimeter of this section while still maintaining and preserving viable agricultural land. This zoning configuration from 1948 is still intact when viewing the Zoning Map today. Therefore aside from scattered approvals for variances of lot frontage and lot area, the extension of EU-1 zoning into the AU zoned center would be incompatible with the area, and would not maintain the basic intent and purpose of the zoning, subdivision and land use regulations. As such, staff is of the opinion that the requested zone change to EU-1 is **incompatible** with the AU zoning found in the majority of the area to the north, west and east of the subject property, and would be contrary to the original spirit and intent of the section mile zoning. Additionally, the proposed density is **inconsistent** with the Agriculture LUP map designation of the CDMP, and the proposed lot layout is **inconsistent** with the provisions for the subdivision of land on less than 5 acres found within the interpretative text. Accordingly, staff recommends denial without prejudice of the district boundary change to EU-1 (request #1.)

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards. Requests #2 through #4 do not meet all of criteria needed for approval under the ASDO Standards for lots designated for **Agriculture** on the LUP map of the CDMP. Although the requests, to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (request #2); to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3); and to permit proposed Lot 1 with a lot frontage of 167.05' (request #4) meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(E) which stipulates that the creation of new parcels must provide sufficient frontage to permit vehicular access to and from the lot, and ASDO Standard Section 33-311(A)(14)(d)(4)(C) which requires that the size and dimensions of the lot be sufficient to provide all setbacks, the requests do not comply with the remaining standards. As indicated above, the proposed development will precipitate additional land division in the area (ASDO Standard Section 33-311(A)(14)(d)(4)(B)). Further, the requests do not meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(A), which stipulates that the creation of a new parcel smaller than 5 acres in an area designated Agriculture in the CDMP may be considered, provided abutting parcels are predominately parcelized in a manner similar to the proposed development on three or more sides. Also, the requests will result in an obvious departure from the aesthetic character of the surrounding area (ASDO Standard Section 33-311(A)(14)(d)(4)(D)). Therefore, in staff's opinion, the requests cannot be approved under the ASDO Standards, and, as such, staff

recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the alternative requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of this application will result in unnecessary hardship. As such, the requests cannot be approved under the ANUV Standards. Therefore, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards (NUV), staff is of the opinion that the proposed subdivision of the subject property would negatively affect the appearance and stability of the community. As previously mentioned, the entire subject property is designated for Agricultural use and the Agricultural designation on the LUP Map of the CDMP allows residential development to occur on parcels smaller than 5 acres in size when three sides immediately surrounding the proposed parcel are parcelized in a similar manner. When reviewing the properties contiguous to all of the lots proposed in the subject property, and keeping in mind that each of the proposed 5 lots must meet the three-sided rule, staff has found that none of the proposed parcels as outlined in requests #2 through #4 referred to as Lot 1, Lot 2, Lot 3 and Lot 4, have properties on three (3) contiguous sides that have been legally parcelized in a similar manner. Accordingly, staff opines that the requests to permit four substandard parcels, as outlined in request #2 and in the alternative requests #3 and #4, should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Based on all of the foregoing, staff opines that the approval of the district boundary change would not be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations, and is **inconsistent** with the CDMP and that the subdivision as illustrated in the submitted plans is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the appeal and denial without prejudice of the district boundary change from AU and EU-1 to EU-1 (request #1), and the corresponding subdivision plan which illustrates lots with less depth than required (request #2), as well as the alternative requests to subdivide the AU zoned lots into 4 parcels smaller than what is required (requests #3 and #4) under the AU zoning.

I. **RECOMMENDATION:** Denial without prejudice of the appeal and denial without prejudice of the application.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 09/06/07  
**DATE TYPED:** 08/16/07  
**DATE REVISED:** 08/20/07; 09/04/07; 09/27/07; 11/15/07; 12/05/07; 12/10/07  
**DATE FINALIZED:** 12/27/07  
SB:MTF:LVT:JGM

  
\_\_\_\_\_  
Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum

**Date:** July 2, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

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

**Subject:** C-14 #Z2007000162  
Mauro E. Varena  
18475 S.W. 216<sup>th</sup> Street  
District Boundary Change from AU to EU-1 and Non-Use Variance to  
Subdivide Five Lots  
(AU) (5.13 Acres)  
12-56-38

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

#### Potable Water Service

Public water is not available to the subject property. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters, and any other source of contamination.

#### Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield, as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

#### 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 site development, final plat, or Miami-Dade Public Works Department 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 must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

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 (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (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 in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

#### Tree Preservation

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

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

#### Enforcement History

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

#### Concurrency Review Summary

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

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MAURO E. VARENA

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 5 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
9208	Krome Ave. s/o SW 184 Ave.	A	A
9902	SW 216 St. e/o Krome Ave.	C	C
9210	Krome Ave. s/o SW 216 St.	A	A

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.

19-JUL-07



# Miami-Dade County Public Schools

giving our students the world

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

**Temporary Chief Facilities Officer**  
Jaime G. Torrens

**Planning Officer**  
Ana Rijo-Conde, AICP

October 8, 2007

**Received by**  
**Zoning Agenda Coordinator**

**OCT 17 2007**

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

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

**Re: No. 07-162, Mauro E. Varena**  
**18475 SW 216 Street**

**RECEIVED**  
OCT 12 2007  
ZONING SERVICES MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
BY \_\_\_\_\_

**Received by**  
**Zoning Agenda Coordinator**

**OCT 17 2007**

Dear Ms. Fojo:

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 (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities, Redland Elementary School and South Dade Senior High School, meet the referenced review threshold (please see analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on July 11, 2007, to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

**As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.**

Ms. Maria Teresa Fojo  
October 8, 2007  
Page Two

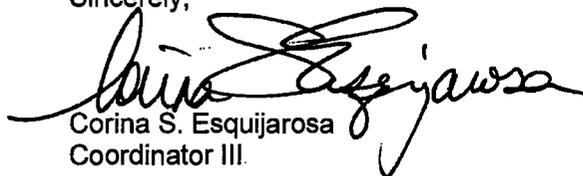
Pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the additional 4 units are estimated to generate approximately \$9,600 (\$2,400 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

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,



Corina S. Esquijarosa  
Coordinator III.

CSE:rr  
L-193  
Attachment

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

## SCHOOL IMPACT REVIEW ANALYSIS

**APPLICATION:** Mauro E. Varena, No. 07-162

**REQUEST:** Zone change from AU and EU-1 to EU-1

**ACRES:** 5.13 acres

**LOCATION:** 18475 SW 216 Street

**MSA/MULTIPLIER:** 7.2/.67

**NUMBER OF UNITS:** 4 additional units (1 unit currently permitted under existing zoning classification, for a total of 5 units)

**ESTIMATED STUDENT POPULATION:** 3 additional students\*

**ELEMENTARY:** 1

**MIDDLE:** 1

**SENIOR:** 1

### SCHOOLS SERVING AREA OF APPLICATION:

**ELEMENTARY:** Redland Elementary – 24501 SW 162 Avenue

**MIDDLE:** Redland Middle – 16001 SW 248 Street

**SENIOR HIGH:** South Dade Senior -28401 SW 167 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 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMMULATIVE STUDENTS
Redland Elementary	1,103	903	122%	0	122%	1,166
	1,104 *		122%		122%	
Redland Middle	1,449	1,230	118%	79	111%	1,499
	1,450 *		118%		111%	
South Dade Senior	2,694	1,721	157%	404	127%	2,890
	2,695 *		157%		127%	

\* 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.

Note:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the impacted elementary and senior high schools meet the review threshold.

#### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

##### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "CC1" K-8 Center (Pine Villa and Naranja Elementary/ Mays, Centennial and Redland Middle Schools Relief) (1,624 student stations)	Construction	School Opening 2008
State School "CCC1" South Dade Senior Replacement (3,641 student stations)	Construction	School Opening 2008

Estimated Permanent Senior Seats (Current and Proposed in 5-Year Plan) 3,641

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

**OPERATING COSTS:** According to Financial Affairs, 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 \$19,647.

**CAPITAL COSTS:** Based on the State's June 2007 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	1	x	18,513	=	\$18,513
MIDDLE	DOES NOT MEET THRESHOLD				
SENIOR HIGH	1	x	25,968	=	\$25,968
<b>Total Potential Capital Cost</b>					<b>\$44,481</b>

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

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY GAL AMOUNT OF FEE 1,045.29

RECEIPT # J200724151

DATE HEARD: 10/16/07

BY CZAB # 143207

207-162  
**RECEIVED**  
NOV 01 2007

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

\*\*\*\*\*  
This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 2007162

Filed in the name of (Applicant) MAURO E. VARENA

Name of Appellant, if other than applicant \_\_\_\_\_

Address/Location of APPELLANT'S property: 18475 SW 216 ST  
MIAMI FL 33170

Application, or part of Application being Appealed (Explanation):

Appellant (name): MAURO VARENA  
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPELLANT'S AFFIDAVIT OF STANDING  
(must be signed by each Appellant)

RECEIVED  
207-162  
NOV 01 2007

STATE OF FLORIDA

COUNTY OF DADE

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

Before me the undersigned authority, personally appeared MAURO VARENA  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Nelso Vareha  
Signature

NELSO VAREHA  
Print Name

[Signature]  
Signature

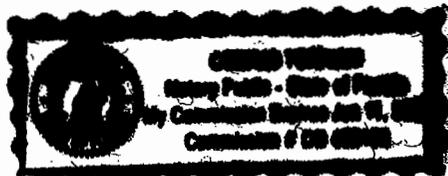
PATRICIO MARTINELLI  
Print Name

[Signature]  
Appellant's signature

MAURO VARENA  
Print Name

Sworn to and subscribed before me on the 30 day of OCTOBER, year 2007

Appellant is personally know to me or has produced PERSONALLY KNOW as  
identification.



[Signature]  
Notary  
(Stamp/Seal)

Commission Expires:



**RESOLUTION NO. CZAB14-32-07**

*WHEREAS*, **MAURO E. VARENA** applied for the following:

- (1) AU and EU-1 to EU-1
- (2) To permit proposed Lots 2 - 4; each with a lot depth of 167.05' (200' required in the EU-1 zone).

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

- (3) To permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required for each).
- (4) To permit proposed Lots 1-4 each with a lot depth of 167.05' (200' required for each)

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page.

SUBJECT PROPERTY: The east ½ of the west ½ of the east ½ of the SW ¼ of the SW ¼ of Section 12, Township 56 South, Range 38 East.

LOCATION: 18475 S.W. 216 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-1 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit proposed Lots 2 - 4; each with a lot depth of 167.05' (Item #2), to permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres

(Item #3), and to permit proposed Lots 1-4 each with a lot depth of 167.05' (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to deny the entire application with prejudice was offered by Dr. Pat Wade, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	nay	Gary J. Dufek	aye
Dawn Lee Blakeslee	aye	Dr. Pat Wade	aye
	Curtis Lawrence	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-1 (Item #1), be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED* that the that the requests to permit proposed Lots 2 - 4; each with a lot depth of 167.05' (Item #2), to permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (Item #3), and to permit proposed Lots 1-4 each with a lot depth of 167.05' (Item #4) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 16<sup>th</sup> day of October, 2007.

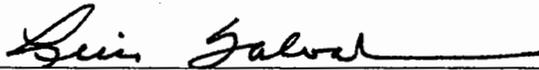
Hearing No. 07-10-CZ14-4  
ls

**STATE OF FLORIDA**

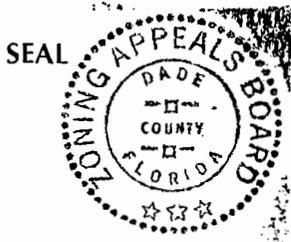
**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-32-07 adopted by said Community Zoning Appeals Board at its meeting held on the 16<sup>th</sup> day of October 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22<sup>nd</sup> day of October 2007.



\_\_\_\_\_  
Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning



# Memorandum



**Date:** 23-JUL-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000162

**Fire Prevention Unit:**

This Memo supersedes MDFR Memorandum dated May 23, 2007.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped July 13, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand:**

Development for the above Z2007000162  
 located at 18475 S.W. 216 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2279 is proposed as the following:

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

Based on this development information, estimated service impact is: 1.44 alarms-annually.  
 The estimated average travel time is: 8:06 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 60 - Redland - 17605 SW 248 Street  
 ALS Tanker

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 None.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped July 13, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

MAURO E. VARENA

18475 S.W. 216 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

---

Z2007000162

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HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200701005516 was opened based on enforcement history request and inspected on 9-6-07.

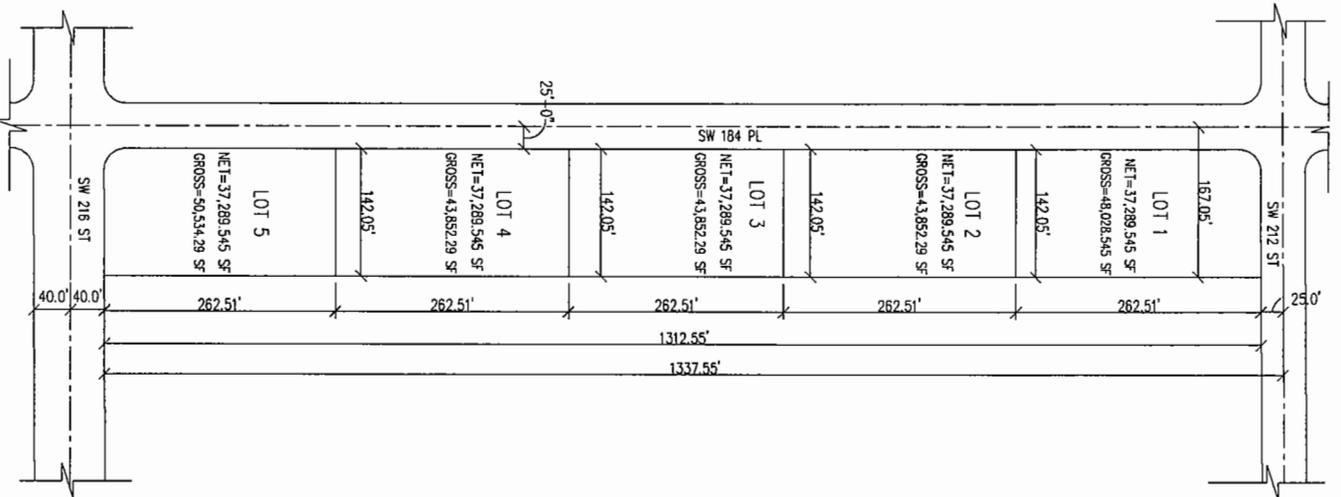
No violations were observed and case was closed.

Previous Case history;

Case 200701004683 was opened based on enforcement history request and inspected on 7-12-07

and no violations were observed.

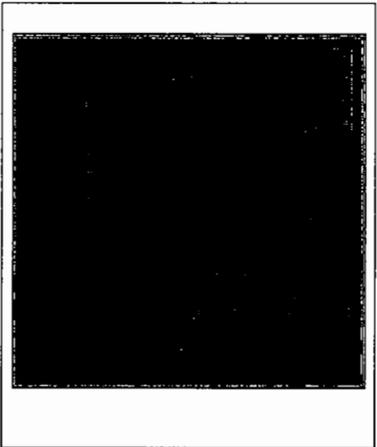
RECEIVED  
 MISSISSAUGA COUNTY  
 OFFICE OF THE DEPUTY  
 CLERK OF THE COURT  
 55 W. COLLETT ST.  
 MISSISSAUGA, ONT. L4Y 1A7



PROPOSED SITE PLAN  
 PATRICK WATSON/177 N AVENUE ST 7 1641  
 MIAMI FL 33137 (305) 244 33 74



LOCATION MAP



N.T.S.

**SITE SUMMARY**

FOID NUMBER:	30-4812-000-0320
PROPERTY ADDRESS:	18475 SW 216 STREET, MIAMI, FL 33170
ZONING:	AU AND DU-1, APPLICABLE FOR DU-1
LEGAL DESCRIPTION:	EAST 1/2 OF THE WEST 1/2 OF THE SW 1/4 OF THE SW 1/4, SECTION 12, TOWNSHIP 56 RANGE 38, DADE COUNTY
LOT AREA:	GROSS: 223,438 SF (5.13 ACRES)

**LOT BREAKDOWN**

LOT 1:	142.05' X 262.51'
LOT AREA:	NET = 37,289,545 SF GROSS = 48,028,545 SF
LOT 2:	142.05' X 262.51'
LOT AREA:	NET = 37,289,545 SF GROSS = 43,852,29 SF
LOT 3:	142.05' X 262.51'
LOT AREA:	NET = 37,289,545 SF GROSS = 43,852,29 SF
LOT 4:	142.05' X 262.51'
LOT AREA:	NET = 37,289,545 SF GROSS = 43,852,29 SF
LOT 5:	142.05' X 262.51'
LOT AREA:	NET = 37,289,545 SF GROSS = 50,534,29 SF

ARCHITECTUR

STRUCTURAL

MECHANICAL

ELECTRICAL

PLUMBING

LANDSCAPE

MARKETING

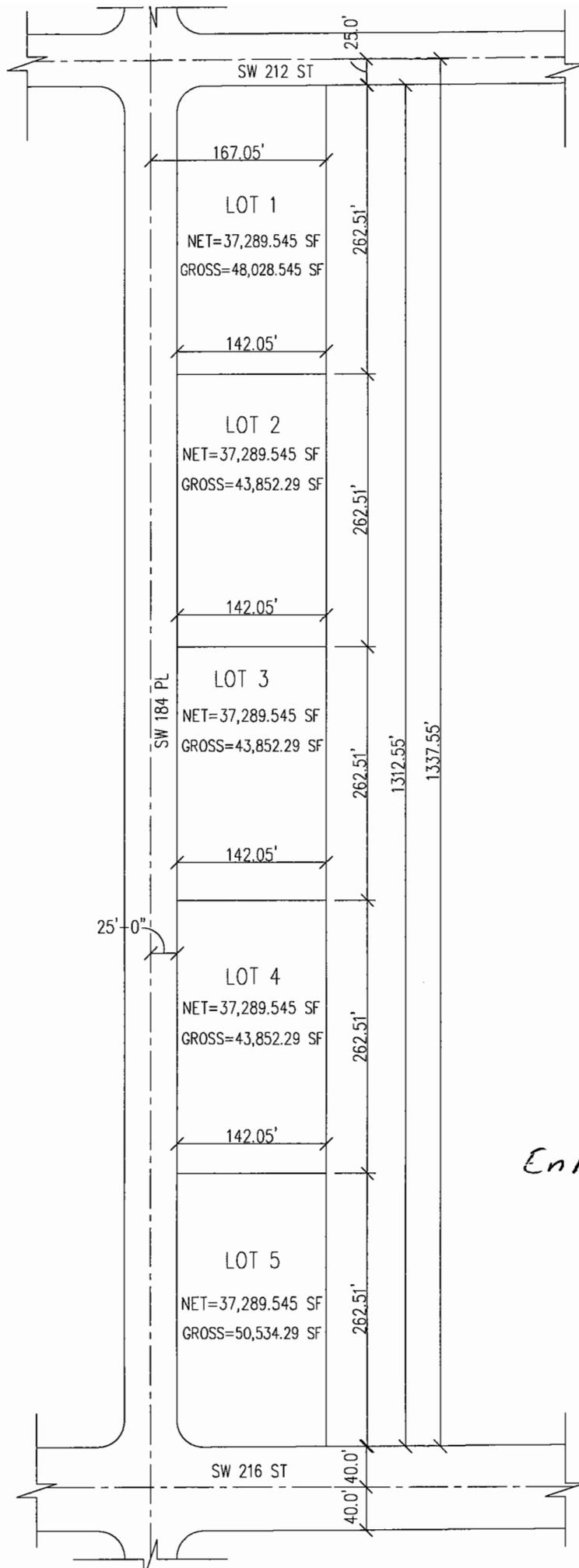
CONSTRUCTION

GENERAL CONTRACTOR

PROPOSED SITE PLAN  
 18475 SW 216 ST. MIAMI FL, 33170

DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 PROJECT NO. \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 AS SHOWN  
 SHEET NO. \_\_\_\_\_  
 OF \_\_\_\_\_

RECEIVED  
MIAMI-DADE COUNTY  
PLANNING & ZONING  
DATE: JUL 13 2007  
BY: VALERIEV

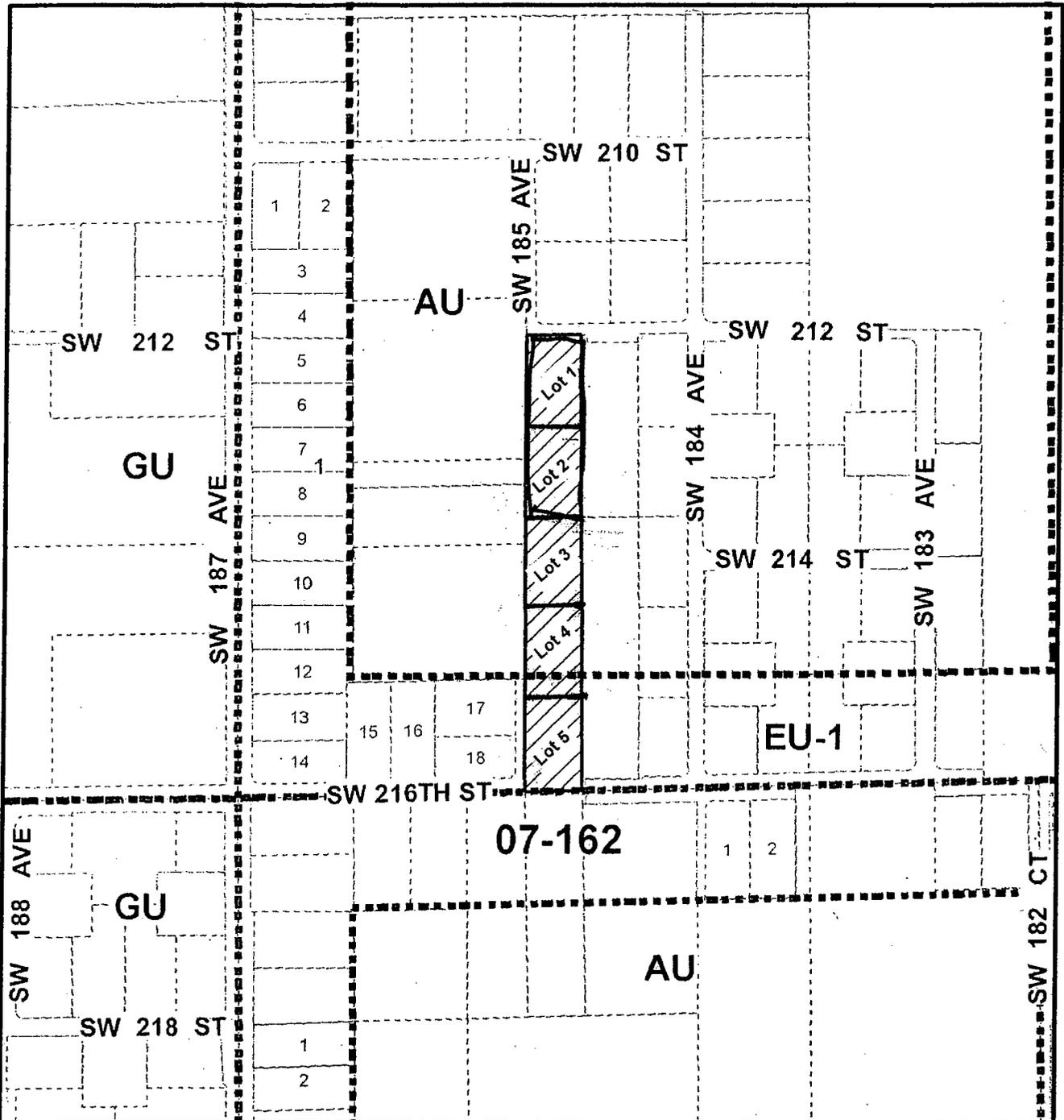


*Enlargement site*

PROPOSED SITE PLAN

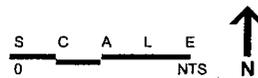
PATRICIO MARTINELLI 1717 N BAYSHORE DR # 1641  
MIAMI FL. 33132 (305) 244 33 74

# PROPOSED LOTS 1-5



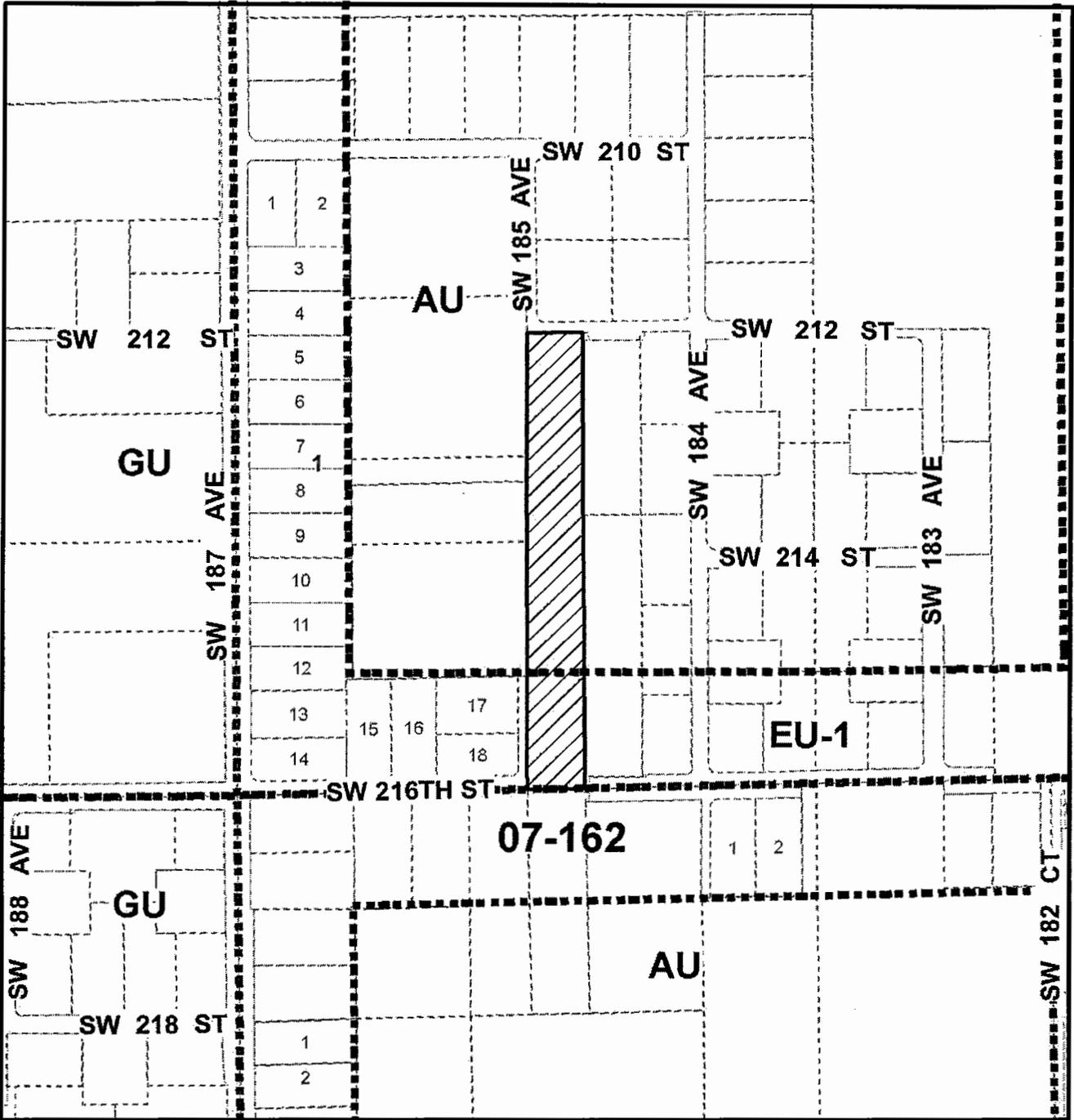
## MIAMI-DADE COUNTY HEARING MAP

Section: 12 Township: 56 Range: 38  
 Process Number: 07-162  
 Applicant: MAURO E. VARENA  
 Zoning Board: C14  
 District Number: 9  
 Cadastral: JEFFER  
 Scale: NTS



 SUBJECT PROPERTY





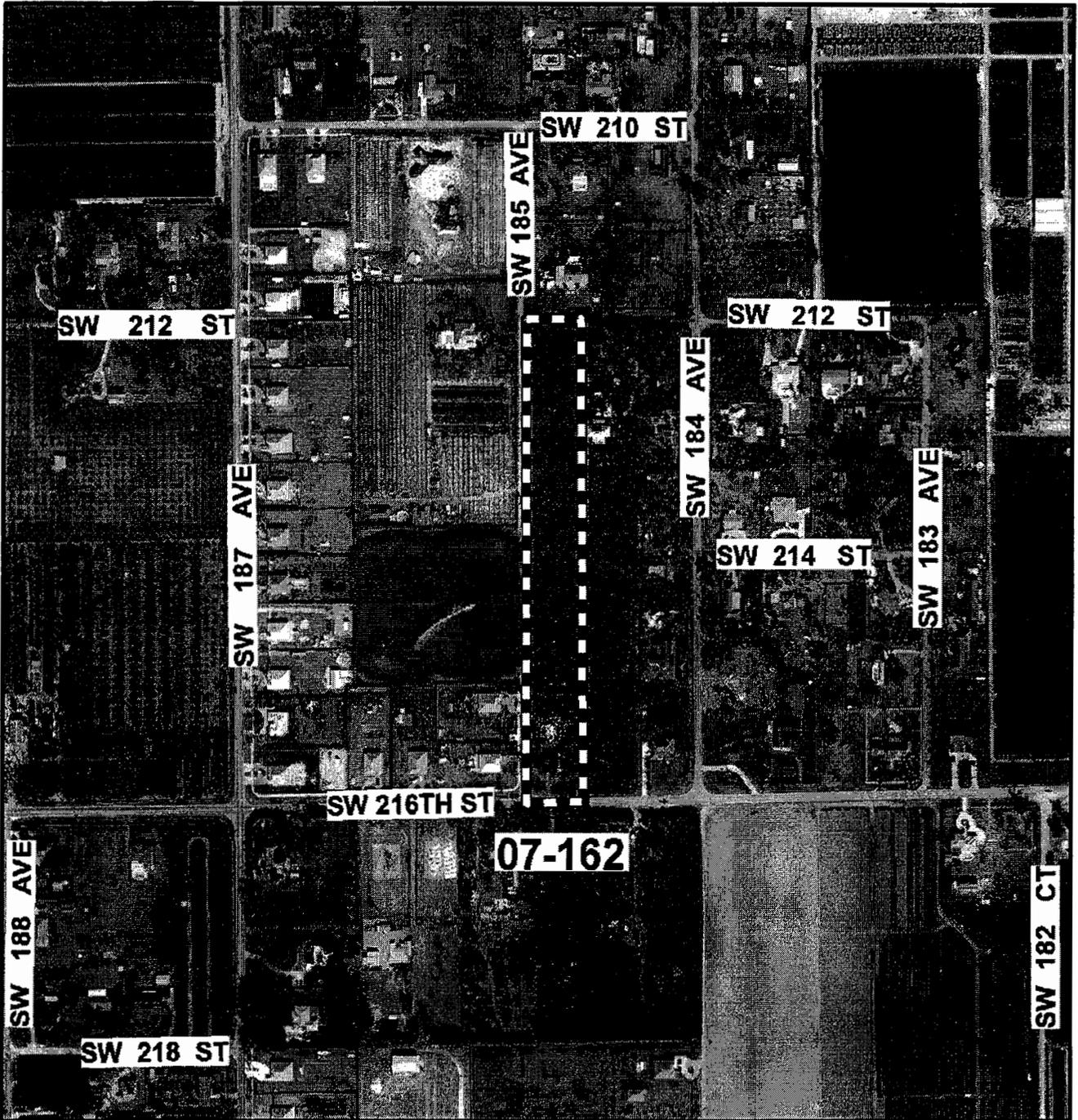
**MIAMI-DADE COUNTY  
HEARING MAP**

**Section: 12 Township: 56 Range: 38  
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 Zoning Board: C14  
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 Cadastral: JEFFER  
 Scale: NTS**



 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 12 Township: 56 Range: 38  
Process Number: 07-162  
Applicant: MAURO E. VARENA  
Zoning Board: C14  
District Number: 9  
Cadastral: JEFFER  
Scale: NTS

