

KITS

3-20-2008 Version # 2



BOARD OF COUNTY COMMISSIONERS ZONING HEARINGS

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

111 NW 1 Street, Miami

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

PREVIOUSLY DEFERRED

DISTRICT

A.	07-12-CZ12-2	ROGER & DOROTHY WOLIN	(APPEAL)	07-172	31-54-41	7
B.	08-3-CC-1	R & E AT PALM VISTA II, INC.		07-263	23-56-39	8

CURRENT

DISTRICT

1.	08-4-CC-1	DREAM OF FIELDS GROUP, INC.		07-339	16-55-40	N 8
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Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, APRIL 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

A. ROGER AND DOROTHY WOLIN (07-12-CZ12-2/07-172)

31-54-41
BCC/District 7

ROGER AND DOROTHY WOLIN are appealing the decision of Community Zoning Appeals Board #12, which denied without prejudice the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

- (2) Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) Applicants are requesting to permit two lots with a frontage of 100' each (125' required).
- (4) Applicants are requesting to permit on Parcel 1 a utility shed accessory building setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #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 (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

LOCATION: 7677 Ponce de Leon Road, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.24 Gross Acres

Department of Planning and
Zoning Recommendation:

Denial without prejudice of the appeal and
the application.

Protests: 12

Waivers: 9

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

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

DEFERRED: _____

Deferred from 3/20/08

B. R & E AT PALM VISTA II, INC. (08-1-3-CC-1/07-263)

**23-56-39
BCC/District 8**

DELETION of a Declaration of Restrictions recorded in Official Record Book 21680, Pages 2736-2740.

The purpose of the request is to allow the applicant to delete a Declaration of Restrictions tying the development of the property to a site plan and a specific number of dwelling units in order to allow the applicant to build in accordance with Princeton Community Urban Center (PCUC) District zoning regulations.

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

LOCATION: The northeast corner of S.W. 129 Avenue and S.W. 248 Street, and lying east of S.W. 129 Avenue, on both sides of S.W. 246 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.7 Acres

Department of Planning and
Zoning Recommendation:

Approval under Section 33-311(A)(7) (generalized modification standards), and denial without prejudice under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing).

Protests: 619

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 3/20/08

1. DREAM OF FIELDS GROUP, INC. (08-4-CC-1/07-339)

**16-55-40
BCC/District 8**

Applicant is appealing the Administrative Decision alleging that the Director erred in a determination to not restrict the development of the site to a plan submitted in conjunction with Zoning Hearing Application Z1998000337.

The purpose of the request is to require the development of the subject property in accordance with the plan submitted and limit the number of students to 21.

LOCATION: 13115 S.W. 89 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.53 Acre

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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. ROGER & DOROTHY WOLIN
(Applicant)

07-12-CZ12-2 (07-172)
BCC/District 7
Hearing Date: 4/24/08

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:

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

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: March 20, 2008

#Z-

ITEM: 1

APPLICANT: ROGER & DOROTHY WOLIN

MOTION: DEFERRED TO APRIL 24, 2008, DUE TO LACK OF A
QUORUM, AS REQUESTED BY CHAIRMAN BARREIRO

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

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

APPLICANTS: Roger and Dorothy Wolin

PH: Z07-172 (07-12-CZ12-2)

SECTION: 31-54-41

DATE: April 24, 2008

COMMISSION DISTRICT: 7

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

ROGER AND DOROTHY WOLIN are appealing the decision of Community Zoning Appeals Board #12, which denied without prejudice the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

- (2) Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) Applicants are requesting to permit two lots with frontages of 100' each (125' required).
- (4) Applicants are requesting to permit on Parcel 1 a utility shed accessory building setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #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 (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Department of Planning and Zoning, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07. 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 EU-1, Single-Family One Acre Estate Residential District, to EU-S, Estate Use Suburban Residential District, or in the alternative, to permit lots with areas of 0.617 gross acre each to allow the resubdivision of the subject EU-1 zoned parcel into two lots with less lot area than required by the zoning regulations. Additionally, with either of the aforementioned requests, the applicants

seek to permit said two lots with reduced lot frontages with either alternative (the zone change or the reduced lot areas) and to permit a utility shed accessory building on Parcel 1 to setback less than required from the interior side (south) property line.

o **LOCATION:**

7677 Ponce de Leon Road, Miami-Dade County, Florida.

o **SIZE:** 1.24 gross acres

o **IMPACT:**

The approval of the requested district boundary change or the alternative request for lots with less lot area and the request for less lot frontage than required by the zoning district regulations will provide 1 additional housing unit for the community that will have a minimal impact on public services. The reduced utility shed setback could have a negative visual impact on the area.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; single-family residence Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; single-family residences Estate Density Residential, 1 to 2.5 dua

The subject property is located at 7677 Ponce de Leon Road. The area surrounding the subject property is predominately developed with single-family homes.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) Conform 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) 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) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) 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) 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:

(c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or

- proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
 9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
 10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
 11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
 12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
 13. any structure within an interior side setback required by the underlying district regulations;

- a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
 15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
 16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(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	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection

Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to the conditions as indicated in their memoranda.

H. **ANALYSIS:**

This application was deferred from the March 20, 2008 meeting due to a lack of quorum. On December 3, 2007, the Community Zoning Appeals Board – 12 (CZAB-12) denied the zone change (request #1) and companion requests #2, #3 and #4 without prejudice, by a vote of 7 to 0, pursuant to Resolution #CZAB12-31-07. On December 24, 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 application is inconsistent with the CDMP and that the applicants met the standard of review in Chapter 33 of the Zoning Code of Miami-Dade County. 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 EU-1 zoning on the subject property is consistent with the CDMP. The subject property is located at 7677 Ponce de Leon Road and is developed with a single-family residence on the west portion of the site (proposed parcel 2). Said residence has a screen patio addition and a pool that will be removed. Additionally, a guesthouse currently exists on the east portion of the site (proposed parcel 1). The applicants are seeking to rezone the property from EU-1, Single-Family One Acre Estate District, to EU-S, Estate Use Suburban Residential District (request #1). In the alternative to request #1, the applicants are requesting to retain the EU-1 zoning and permit two lots with lot areas of 0.617 gross acre each (1 gross acre required) in order to develop two single-family home sites (request #2). With either request, the applicants are requesting to permit two lots with a frontage of 100' each (125' required) (request #3) and to permit the continued use of an existing utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line (request #4). The site plan submitted indicates the development of two lots (Parcel 1 and Parcel 2), each with 26,902 sq. ft. of gross lot area, which complies with the EU-S zoning lot area requirement of 25,000 sq. ft. (0.57 gross acre). However, the existing EU-1 zoning regulations require a minimum lot area of 1 acre gross (43,560 sq. ft.). Most of the parcels immediately surrounding the subject property are zoned EU-1 and are developed with single-family homes.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and states 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. Additionally, the **Public Works Department does not object** to this application. The land will require platting in accordance with Chapter 28 of the Miami-Dade County Code and road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency since it lies within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average **travel time** to the subject site is **6:30 minutes**. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and

indicates that the proposed zoning will not generate any additional students for the schools in the area.

This application would permit the applicants to provide additional housing for the community. The Land Use Plan (LUP) map of the CDMP designates this site for **Estate Density Residential** use that permits a minimum of 1 to a maximum of 2.5 units per gross acre, and would allow the applicants to develop the site with a minimum of 1 to a maximum of 3 residential units. As such, the development of the subject property with 2 residential lots as proposed by the applicants is **consistent** with the density threshold of the Land Use Plan map of the CDMP. Staff notes that EU-1 zoning mostly surrounds the subject property and opines that introducing an EU-S district amidst the EU-1 zoning primarily surrounding the subject property would be **incompatible** with the established development trend in this area. Further, approving the EU-S zone change would set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. Staff acknowledges that to the west of the subject property is a pocket of EU-M, Estate Modified Residential District, and that approximately 318' to the east is a pocket of land zoned RU-1, Single Family Residential District. However, staff notes that the block where the subject site lies as well as the blocks to the north and east are zoned EU-1. Further, staff's review of the quarter section mile where the subject property lies reveals that with the exception of small pockets of EU-M and RU-1 zoned lands, the overall area is predominately zoned EU-1. Therefore, staff opines that the approval of the requested EU-S zone change would be **incompatible** and out of character with the established zoning pattern in the area. Staff acknowledges that a number of the EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by the zoning regulations. Specifically, staff notes that EU-1 zoned lots that abut the subject site to the north consist of a lot areas of 58,571 sq. ft. (1.34 gross acre) and 64,513 sq. ft. (1.48 gross acre), that EU-1 zoned lots that abut the subject site to the south consist of lot areas of 53,774 sq. ft. (1.23 gross acre) and 25,600 sq. ft. (0.58 gross acre), and that the EU-1 zoned lot that abuts the subject site to the east consists of a lot area of 45,631 sq. ft. (1.04 gross acre). Taking into consideration that EU-1 lots are given credit to the centerline of the abutting rights-of-way for their lot areas, most of these lots contain the required full one (1) gross acre of lot area. Staff notes that the proposed 0.62 gross acre lot areas, as illustrated in the submitted plan and in conjunction with the requested reduced lot frontages, are significantly smaller and would be out of character with the surrounding area. It should be noted that in 2005, Community Zoning Appeals Board #12 (CZAB-12) denied without prejudice a similar application for a zone change from EU-1 to EU-S or in the alternative, a request to permit 2 lots each with reduced lot areas and frontages on a 1.438 gross acre parcel of land located immediately to the north of the subject site, pursuant to Resolution #CZAB12-31-05. However, CZAB-12's decision was overturned by the Board of County Commissioners (BCC), which denied the requested zone change from EU-1 to EU-S but approved an alternative request to permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05. Nevertheless, staff notes that the current requested lot sizes are smaller than those in this prior approval and is of the opinion that the approval of request #2 could initiate a proliferation of similar requests that would result in smaller lots in this area that would change the EU-1 estate density residential character of this community. Accordingly, staff opines that, although the proposed development density is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation, the

proposed division of the subject property into two lots is **incompatible** with the surrounding 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 also consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Staff notes that the proposal will not burden water, sewer, solid waste disposal, recreation, education or public transportation facilities in the area, and will be accessible by an interior road. Further, the rezoning, if granted, conforms to the LUP Map density of the Comprehensive Development Master Plan for Miami-Dade County. Staff further notes that the Public Works Department does not object to this application and the Department of Environmental Resources Management's memorandum indicates that public water can be made available to the property, which will not reduce the Levels of Service (LOS) standards as set forth in the CDMP. As previously mentioned, the applicants' proposal of 2 lots is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation; however, staff opines that the approval of the proposal would be out of character with the development pattern in the area, could set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. As such, staff opines that the request to rezone the subject property to EU-S is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change to EU-S (request #1).

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation necessary to analyze requests #2 through #4 under the ASDO Standards. As such, these requests cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to same. The alternative request #2, which seeks to re-subdivide the property into two EU-1 zoned lots with less lot area than required by the zoning regulations and request #3, to permit two lots with frontages of 100' each (125' required), would be incompatible with the area because approval of these requests could initiate a proliferation of similar requests for smaller lots and reduced frontages in this area. Staff further notes that the request for reduced lot

frontage applies to either the zone change to EU-S or the alternative request for reduced lot areas in the current EU-1 zone. As previously mentioned, the BCC denied a request for a zone change from EU-1 to EU-S but approved an alternative request to retain the existing zoning and permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05 on a 1.438 gross acre parcel of land to the north of the subject site. Staff notes that the property that is the subject of this application consists of 1.24 gross acres and that the submitted plan depicts 2 parcels that consist of 0.62 gross acres each which, as previously mentioned, is smaller in terms of lot area than those previously approved by this Board on the property to the north. Request #4, to permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line, in staff's opinion, is excessive and intrusive. Specifically, this setback request is too close to the neighbor's property to the south and would detrimentally impact said property. Staff opines that the approval of these requests could disrupt the overall welfare of the neighborhood, and could generate similar requests that would further affect the integrity of this residential neighborhood. Accordingly, staff recommends denial without prejudice of requests #2 through #4 of this application under Section 33-311(A)(4)(b) (Non-Use Variance).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants have not proven that a literal enforcement of the provisions thereof will result in unnecessary hardship and that the property cannot be utilized in accordance with the zoning regulations unless the requests are approved. Said requests cannot be approved under said standard since the property can be utilized in accordance with zoning regulations. As such, staff recommends denial without prejudice of these requests under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff opines that, although the density proposed by this application is **consistent** with the interpretative text of the CDMP, approval of same would be **incompatible** with the area and could generate similar requests that would further affect the integrity of this residential neighborhood. Noting all the above and the fact that the CDMP indicates that all existing zoning is consistent with the CDMP, staff recommends denial without prejudice of the appeal and of this application.

I. RECOMMENDATION:

Denial without prejudice of the appeal and the application.

J. CONDITIONS: None

DATE INSPECTED: 09/24/07
DATE TYPED: 10/02/07
DATE REVISED: 10/19/07; 10/24/07; 10/31/07; 01/29/08; 01/31/08; 02/11/08;
04/09/08
DATE FINALIZED: 02/20/08
SB:MTF:LVT:JV



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

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-12 #Z2007000172
Roger Wolin and Dorothy G. Wolin
7677 Ponce de Leon Road
District Boundary Change from EU-1 to EU-S
(EU-1) (1 Acres)
31-54-41

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 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 24-43.1(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

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: ROGER & DOROTHY WOLIN

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 project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

12-JUN-07

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

CHECKED BY GPA

AMOUNT OF FEE 4582.09

07-172

RECEIPT # 1200724483

DATE HEARD: 12 103 107

BY CZAB # 123107

RECEIVED
DEC 24 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. 07-12-CZ12-2 (07-172)

Filed in the name of (Applicant) Roger & Dorothy Wolin

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property:

7677 Ponce de Leon Road, Miami-Dade County, Florida

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

Appellant (name): Roger and Dorothy Wolin

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)

1. The CZAB12 decision is inconsistent with the Comprehensive Development Master Plan (CDMP).

2. The Applicant met the standard of review in Chapter 33 (Zoning) of the Code of Miami-Dade County.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Wolin

Signed *[Signature]*

DOROTHY WOLIN

Print Name

7677 PONCE DE LEON ROAD

Mailing Address

305-665-7677

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 17th day of December, year 2007

[Signature]
Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Signed

[Handwritten signature]

S. ROGER WOLIN

Print Name

7677 PONCE DE LEON ROAD

Mailing Address

305-665-7677

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 17th day of December, year 2007

[Handwritten signature]

Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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 S. Roger Wolin
(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:

Beldys Ferrer
Signature

Beldys Ferrer
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

S. Roger Wolin
Appellant's signature

S. ROGER WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as
identification.

Michael Pelaez
Notary

(Stamp/Seal)
Commission Expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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 Dorothy Wolin
(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:

Betty Feller
Signature

BETTY'S FELLER
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

Dorothy Wolin
Appellant's signature

DOROTHY WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as
identification.

Michael Pelaez
Notary
(Stamp/Seal)
Commission Expires: ~~Feb 11, 2011~~ Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
FED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of December, year: 2007

Signed _____

Print Name

Mailing Address

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Roger Wolin and Dorothy Wolin

Representing

Jerry B. Proctor
Signature

Jerry B. Proctor

Print Name

7677 Ponce de Leon Road

Address

Miami Florida 33143
City State Zip

305-667-7738

Telephone Number

Subscribed and Sworn to before me on the 20 day of December, year 2007.

Ibis Diaz
Notary Public

(stamp/seal)



RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *W*

RESOLUTION NO. CZAB12-31-07

WHEREAS, **ROGER AND DOROTHY WOLIN** applied for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

- (2) To permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) To permit two lots with a frontage of 100' each (125' required).
- (4) To permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #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 (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

SUBJECT PROPERTY: Lot 3, Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: 7677 Ponce de Leon Road, 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 EU-S (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 two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the

interior side (south) property line (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 without prejudice was offered by Peggy Brodeur, seconded by Edward D. Levinson, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Edward D. Levinson	aye	Robert W. Wilcosky	aye
Alberto Santana	aye	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 EU-S (Item #1), be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the interior side (south) property line (Item #4) 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 3rd day of December, 2007.

Hearing No. 07-12-CZ12-2
ls

STATE OF FLORIDA

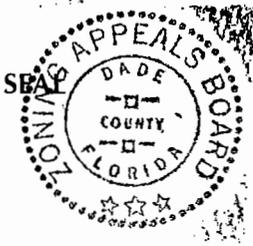
COUNTY OF MIAMI-DADE

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. CZAB12-31-07 adopted by said Community Zoning Appeals Board at its meeting held on the 3rd day of December 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of December 2007.



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





Memorandum

Date: 12-SEP-07
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000172

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated May 23, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Survey date stamped August 31, 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 Z2007000172
 located at 7677 PONCE DE LEON RD, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1762 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.56 alarms-annually.
 The estimated average travel time is: 6:30 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:
 None.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped August 31, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ROGER & DOROTHY WOLIN

7677 PONCE DE LEON RD, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000172

HEARING NUMBER

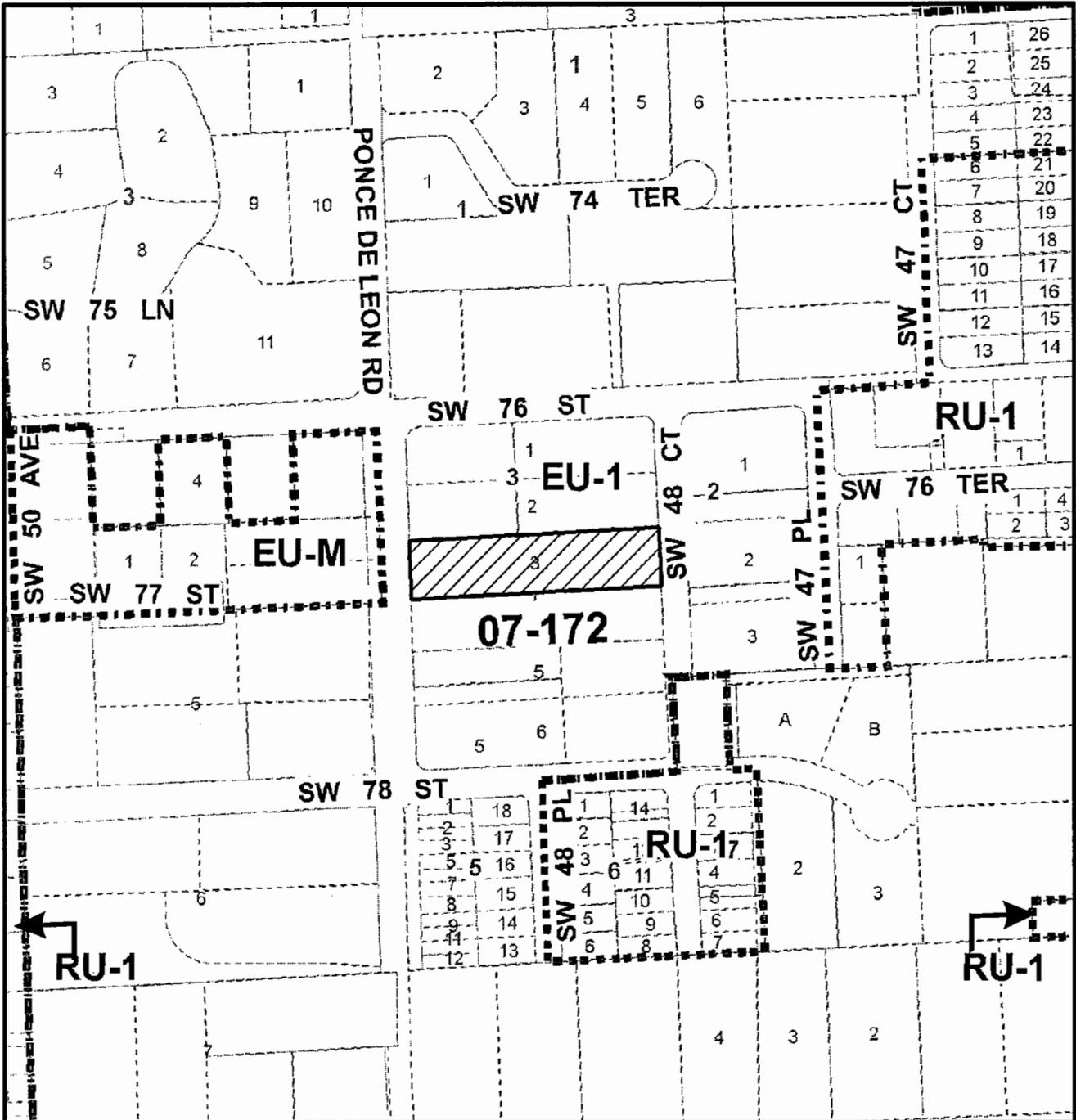
CURRENT ENFORCEMENT HISTORY:

There is no current or previous enforcement history on 7677 Ponce de Leon Blvd.

Roger & Dorothy Wolin

Roger & Dorothy Wolin

No enforcement recorded



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 31 Township: 54 Range: 41
 Process Number: 07-172
 Applicant: ROGER & DOROTHY WOLIN
 Zoning Board: C12
 District Number: 7
 Cadastral: JEFFER
 Scale: NTS



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 31 Township: 54 Range: 41
Process Number: 07-172
Applicant: ROGER & DOROTHY WOLIN
Zoning Board: C12
District Number: 7
Cadastral: JEFFER
Scale: NTS



B. R & E AT PALM VISTA II, INC.
(Applicant)

08-3-CC-1 (07-263)
BCC /District 8
Hearing Date: 4/24/08

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2003	Jose A. Costa, Jr. Trustee	Zone change from AU to RU-1M(a).	CZAB-15	Approved
2005	Director of the Department of Planning & Zoning	Zone change from multi zones to PCUC.	BCC	Approved

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

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: March 20, 2008

#Z-

ITEM: 2

APPLICANT: R & E AT PALM VISTA II, INC.

MOTION: DEFERRED TO APRIL 24, 2008, DUE TO LACK OF A QUORUM, AS REQUESTED BY CHAIRMAN BARREIRO

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

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

4

APPLICANT'S NAME: R & E AT PALM VISTA II, INC.

REPRESENTATIVE: **RAFAEL ROSADO**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-1-CZ15-4 (07-263)	JANUARY 22, 2008	CZAB15	08

REQ: DEL Declaration of Restrictions in ORB 21680, Pages 2736-2740

REC: APPROVE 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>FEB 19, 2008</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"/> BOARD WANTS TO SEE PLAN APPROVED VIA ASPR		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Paul J. MORROW (C.A.)	X		
MS.	S	Diane RICHARDSON	X		
MR.		Bobby D. STEWART			X
MADAME VICE-CHAIR		Gale L. WIMBLEY	X		
MADAME CHAIR	M	Patricia FORBES	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: RON BERNSTEIN

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

APPLICANT: R & E at Palm Vista II, Inc.

PH: Z07-263 (08-3-CC-1)

SECTION: 23-56-39

DATE: April 24, 2008

COMMISSION DISTRICT: 8

ITEM NO.: B

A. INTRODUCTION

o **REQUEST:**

DELETION of a Declaration of Restrictions recorded in Official Record Book 21680, Pages 2736-2740.

The purpose of this request is to allow the applicant to delete a Declaration of Restrictions tying the development of the property to a site plan and a specific number of dwelling units in order to allow the applicant to build in accordance with the Princeton Community Urban Center (PCUC) District zoning regulations.

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

o **SUMMARY OF REQUEST:**

This application will allow the deletion of an agreement that restricts the development of the property to a previously approved residential development in order to allow the applicant to build in compliance with the Princeton Community Urban Center (PCUC) District zoning regulations.

o **LOCATION:**

The northeast corner of S.W. 129 Avenue and S.W. 248 Street and lying east of SW 129 Avenue, on both sides of SW 246 Terrace, Miami-Dade County, Florida.

o **SIZE:** 4.7 Acres

o **IMPACT:**

Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Princeton Community Urban Center District which will allow additional residential units to be developed on the site which will impact traffic and could bring additional students to the area.

B. ZONING HEARINGS HISTORY:

In 2003, the Zoning Appeals Board granted, pursuant to Resolution #CZAB15-16-03, a zone change from AU, Agricultural District, to RU-1M(a), Modified Single-Family District,

subject to the acceptance of a proffered covenant. Subsequently, in November 2005, pursuant to Resolution #Z-26-05, the subject property was a part of a section of land that was approved for a district boundary change from multiple zones to PCUC (Princeton Community Urban Center) District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

Urban Centers

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

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

Uses and Activities.

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

Radius.

The area developed as an Urban Center shall extend to a one-mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Density and Intensity

The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.

Densities	Average Floor Area Ratios	Max.
	(FAR)	Dwellings per Gross Acre
Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500
Metropolitan Urban Centers	greater than 3.0 in the core not less than 0.75 in the edge	250
Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125

In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element.

Gross Residential Density

In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

Uses and Zoning Not Specifically Depicted on the LUP Map.

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

each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

PCUC/RM; 12 to 36 dua/ R; 6 to 18 dua;
 nursery

Low Density Residential, 2.5 to 6 dua
 Community Urban Center

Surrounding Properties:

NORTH: PCUC/R; 6 to 18 dua; nursery

Low Density Residential, 2.5 to 6 dua
 Community Urban Center

SOUTH: PCUC/R; 6 to 18 dua;
 single-family Residences

Low Density Residential, 2.5 to 6 dua
 Community Urban Center

EAST: PCUC/ RM; 12 to 36 dua;
 nursery, vacant land

Low Density Residential, 2.5 to 6 dua
 Community Urban Center

WEST: PCUC/ R; 6 to 18 dua,;
 MO; 12 to 36 dua; nursery,
 service station

Low Density Residential, 2.5 to 6 dua
 Community Urban Center

The subject parcel is located on the northeast corner of S.W. 129 Avenue and S.W. 248 Street. The area where the subject property lies is within the Princeton Community Urban Center, which is currently being developed as a compact, mixed-use community.

E. SITE AND BUILDINGS:

Site Plan Review:

(No site plan submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

N/A

Energy Considerations:

N/A

Roof Installations:

N/A

Service Areas:

N/A

Signage:

N/A

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the March 20, 2008, meeting due to a lack of quorum. Section 33-314(C)(15) specifies that applications to modify or delete declarations of restrictive covenants recorded prior to July 27, 2005, encumbering property wholly located within any Urban Center zoning district where and to the extent that modification or elimination of the declaration of restrictive covenant or part thereof is necessary to allow development conforming in all respects to the applicable Urban Center District regulations, be heard by the Board of County Commissioners (BCC).

The subject property is located on the northeast corner of S.W. 129 Avenue and S.W. 248 Street, approximately one (1) mile east of and within the Urban Development Boundary (UDB) Line, in an area which is currently being developed as a compact, mixed-use community. The applicant is seeking to delete an agreement restricting the development of the property to a previously approved site plan for a 28-unit residential development in order to permit the development of the property in accordance with the Princeton Community Urban Center District (PCUC) zoning regulations.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and indicates that no new additional daily peak hour vehicle trips would be generated, therefore no vehicle trips have been assigned. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and they indicate that the estimated response time is **7:20 minutes**.

The subject property lies within a **Community Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Princeton Community Urban Center (PCUC) District. Urban Centers are hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. Urban Centers are intended to be moderate- to high-intensity, design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. These centers are designed to create an identity and a distinctive sense of place through unity of design and distinctive urban architectural character. Emphasis in design and development of these centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Staff supports this application as the applicant intends to develop the subject property in accordance with the regulations. The regulations, which provide development parameters for the community urban center, have been approved by the Board of County Commissioners and are enumerated in Ordinance No. 05-146 under Article XXXIII (M) of the Zoning Code. The Princeton Community Urban Center District requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria shaping the way buildings front onto open spaces and streets.

The subject 4.7-acre property lies within the Center Sub-District and Edge Sub-District of the Princeton Community Urban Center (PCUC). The subject property is designated as Residential Modified (RM) and Residential (R) under the PCUC's Land Use Plan map. The RM zone allows residential development to occur within courtyard, sideyard, duplex, rowhouse, and apartment building types at a minimum of 12 units per net acre to a maximum of 36 units per net acre. The R zone allows residential development within single-family detached, courtyard, sideyard, rowhouse, urban villa and duplex dwelling types at a minimum of 6 units per net acre to a maximum of 18 units per net acre. Approval of this application will delete the agreement restricting the development of the

types at a minimum of 6 units per net acre to a maximum of 18 units per net acre. Approval of this application will delete the agreement restricting the development of the property to a previously approved site plan in order to enable the applicant to comply with the PCUC District zoning regulations. Said site plans depicted a 28 unit residential development. The Department of Planning and Zoning as well as other departments, have reviewed plans submitted by the applicant for compliance with the site plan review criteria provided in the PCUCD standards (Ordinance No. 05-143) as part of the Administrative Site Plan Review (ASPR) process. The Ordinance stipulates that, except for individual single-family homes and duplexes, all applications shall be reviewed as part of the Administrative Site Plan Review (ASPR) process by the following Departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the applications: Public Works Department, Department of Environmental Resources Management (DERM), Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of Planning and Zoning of such discussion. The plans for this site indicate the development of this site for a 118-unit residential development, which furthers the intent of the PCUC. The site plans were reviewed by all of the above named departments pursuant to ASPR #06-016, which proposes a 92 unit multi-family development and ASPR #06-018, which proposes a 26-unit development, subject to the approval of this application.

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 of the modification standards are applicable to this application. Due to the lack of information, staff is unable to properly analyze this application under said standards and, as such, this application should be denied without prejudice under Section 33-311(A)(17).

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed deletion of the agreement will not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Princeton Community Urban Center District. The Ordinance provides for the allocation of development intensities within Core, Center and Edge sub-districts within the boundaries of the Urban Center as envisioned by the CDMP; requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria shaping the way buildings front onto open spaces and streets. The deletion of the restrictive covenant is necessary to allow the development of the site conforming in all respects to the PCUC zoning

regulations. Based on all of the aforementioned, staff is of the opinion that the approval of this application would be **consistent** with the CDMP and **compatible** with the surrounding area and would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, nor would it tend to provoke a nuisance or be incompatible with the area. Therefore, staff recommends approval of this application under Section 33-311(A)(7).

Accordingly, staff recommends approval of this application under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

I. RECOMMENDATION:

Approval under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

J. CONDITIONS: None.

DATE INSPECTED: 09/11/07
DATE TYPED: 11/28/07
DATE REVISED: 12/12/07, 12/19/07, 01/24/08, 02/07/08, 02/08/08, 02/21/08, 03/11/08,
04/11/08
DATE FINALIZED: 04/11/08
SB:MTF:LVT:NC:CH


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

Date: August 31, 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-15 #Z2007000263
R & E at Palm Vista II, Inc.
Northeast Corner of S.W. 120th Avenue and S.W. 248th Street
Deletion of Declaration of Restrictions Restricting a Site to 28 Single-
Family Residences
(PCUC) (4.7 Acres)
23-56-39

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

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

REVISION 1
PH# Z2007000263
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: R & E AT PALM VISTA II, INC.

This Department has no objections to this application.

This application meets the traffic concurrency criteria set for an Initial Development Order; however, one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

08-FEB-08



CFN 2003R0712151
 DR BK 21680 Pgs 2736 - 2740 (5pgs)
 RECORDED 09/24/2003 15:58:26
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

Name: Javier L. Vazquez, Esq.
 Address: Javier L. Vazquez, P.A.
 8061 NW 155th Street
 Miami Lakes, Fl. 33016

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23-56-39.

(Space reserved for Clerk of the Court)

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 hereafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that representations made by the Owner during consideration of Public Hearing No. 03-120 will be abided by the Owner freely, voluntarily and without duress, make the following Declaration of Restrictions covering and running with the property:

1.) **Site Plan**

The property shall be developed substantially in accordance with plans previously submitted with this declaration entitled, "Cardinal Development," as prepared by Bellon Milanes Architects, dated 3-28-03 and consisting of 8 sheets, 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.) **Number of Dwelling Units**

The maximum number of dwelling units to be constructed on the property shall not exceed twenty-eight (28) dwelling units.

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.

102
15

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, or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required.

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 to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

Acceptance of Declaration. The Owner acknowledges that 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.

Exhibit "A"

LEGAL DESCRIPTION

THE NORTH 279 FEET OF THE SOUTH 609 FEET OF THE SOUTH 1/2 OF
THE SE 1/4 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE
39 EAST, MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 711.57 FEET
THEREOF, AND SUBJECT TO A RIGHT OF WAY DEDICATION ACROSS THE
WEST 25 FEET,

AND

THE NORTH 147.5 FEET OF THE SOUTH 182.5 FEET OF THE SOUTH 1/2 OF
THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 23, LESS THE EAST 1105.57
FEET THEREOF, AND SUBJECT TO A RIGHT OF WAY DEDICATION
ACROSS THE WEST 25 FEET,



Memorandum

Date: 14-SEP-07
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000263

Fire Prevention Unit:

This Memo supersedes Fire Memo dated August 20, 2007.
 Fire Engineering and Water Supply Bureau has no objection to the deletion of the restrictive covenant. Development must adhere to revised site plan date stamped 9/1/06 approved by ASPR 06-016.

Service Impact/Demand:

Development for the above Z2007000263
 located at LYING ON THE NORTHEAST CORNER OF S.W. 120 AVENUE & S.W. 248 STREET, MIAMI-DADE
 COUNTY, FLORIDA.
 in Police Grid 2408 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:20 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 5, Goulds/Princeton, 13150 SW 238 Street
 Rescue, BLS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 Station 70, Coconut Palm, SW 248 Street and 114 Place

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

R & E AT PALM VISTA II, INC.

LYING ON THE NORTHEAST
CORNER OF S.W. 129 AVENUE &
S.W. 248 STREET, & LYING EAST
OF SW 129 AVE AND ON BOTH
SIDES OF SW 246 TERR, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000263

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801000876 was re-inspected on 3-12-08 and was found to be in violation of Ch 19-13 (a) for junk , trash, and misc debris. Citation B041064 will be posted on 3-13-08 and a compliance inspection will be conducted after 3-28-08. No new violations were observed at this time.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: B+E at Palm Vista II, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Rafael Rosado</u>	<u>50%</u>
<u>Leocadia E. Rosado</u>	<u>50%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
207-263
AUG - 7 2007
EDWIN LIZARDOS
MIAMI
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 other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Date of contract: _____

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

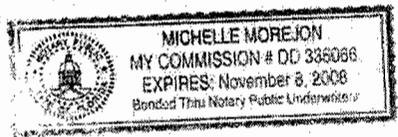
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]
President (Applicant) R + Eat Palm Vista II, Inc.

Sworn to and subscribed before me this 12th day of August, 2007. Affiant is personally known to me or has produced as identification.

[Handwritten Signature]
(Notary Public)

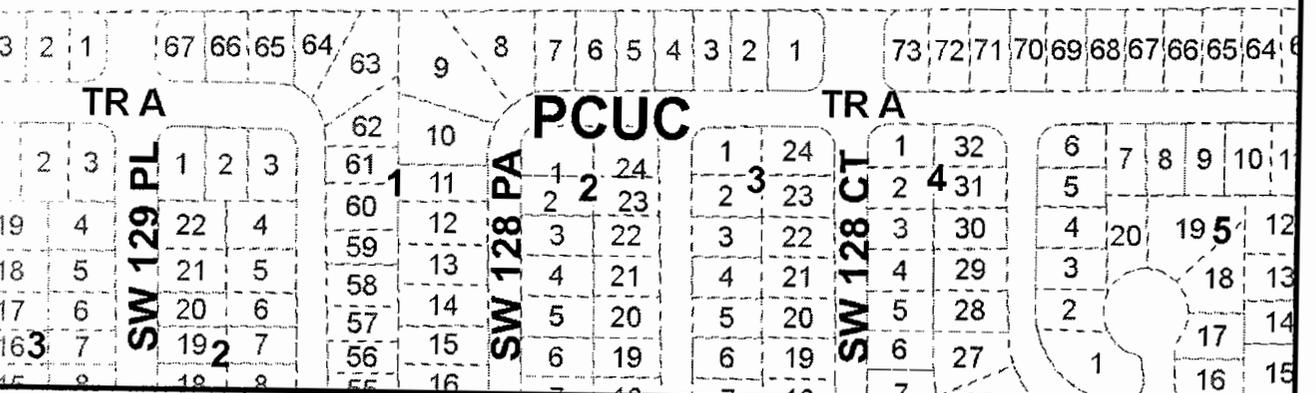
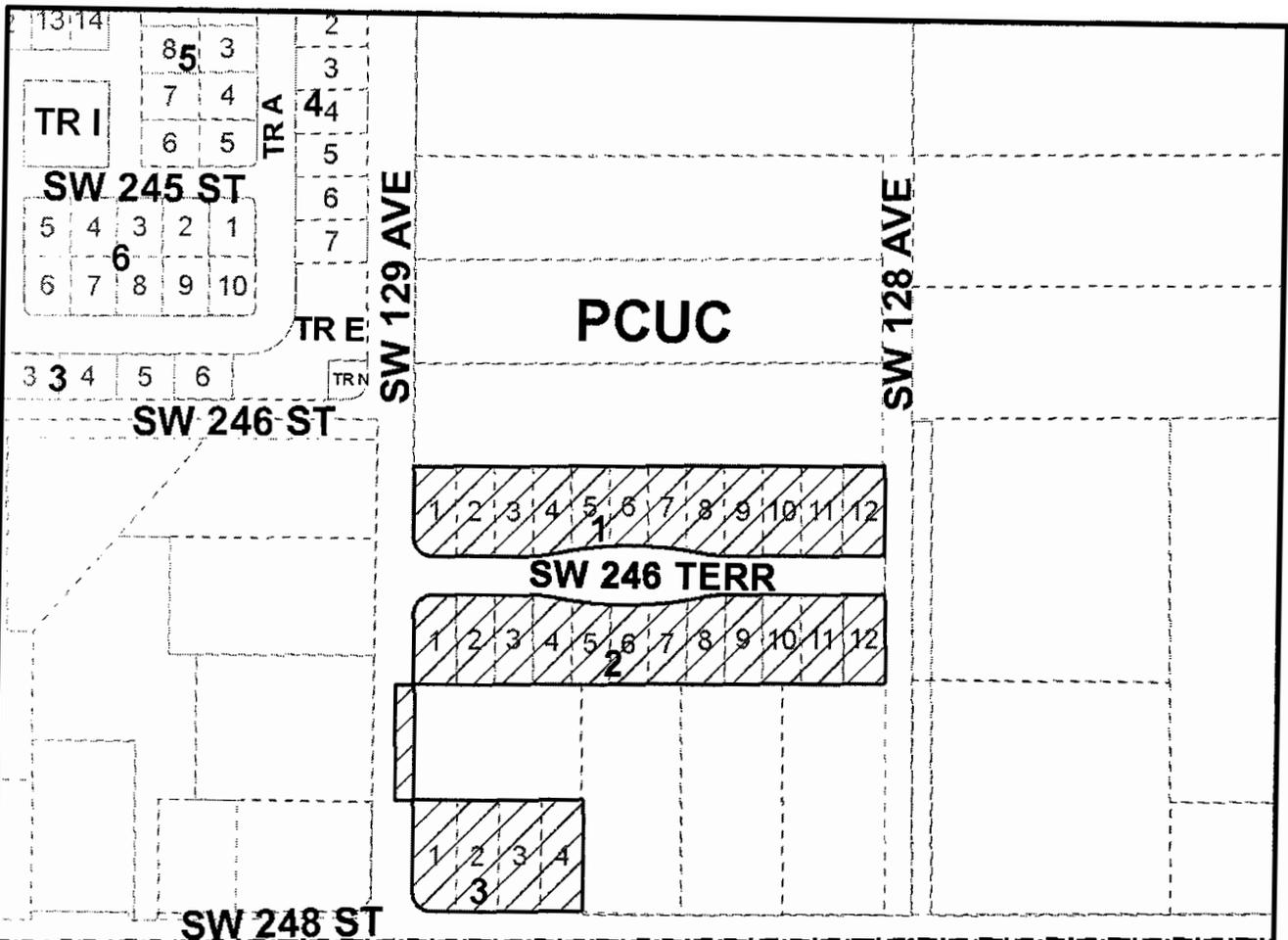


My commission expires: 11-8-08

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

RECEIVED
207263
AUG - 7 2007

[Handwritten Signature]

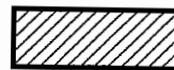


MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-263



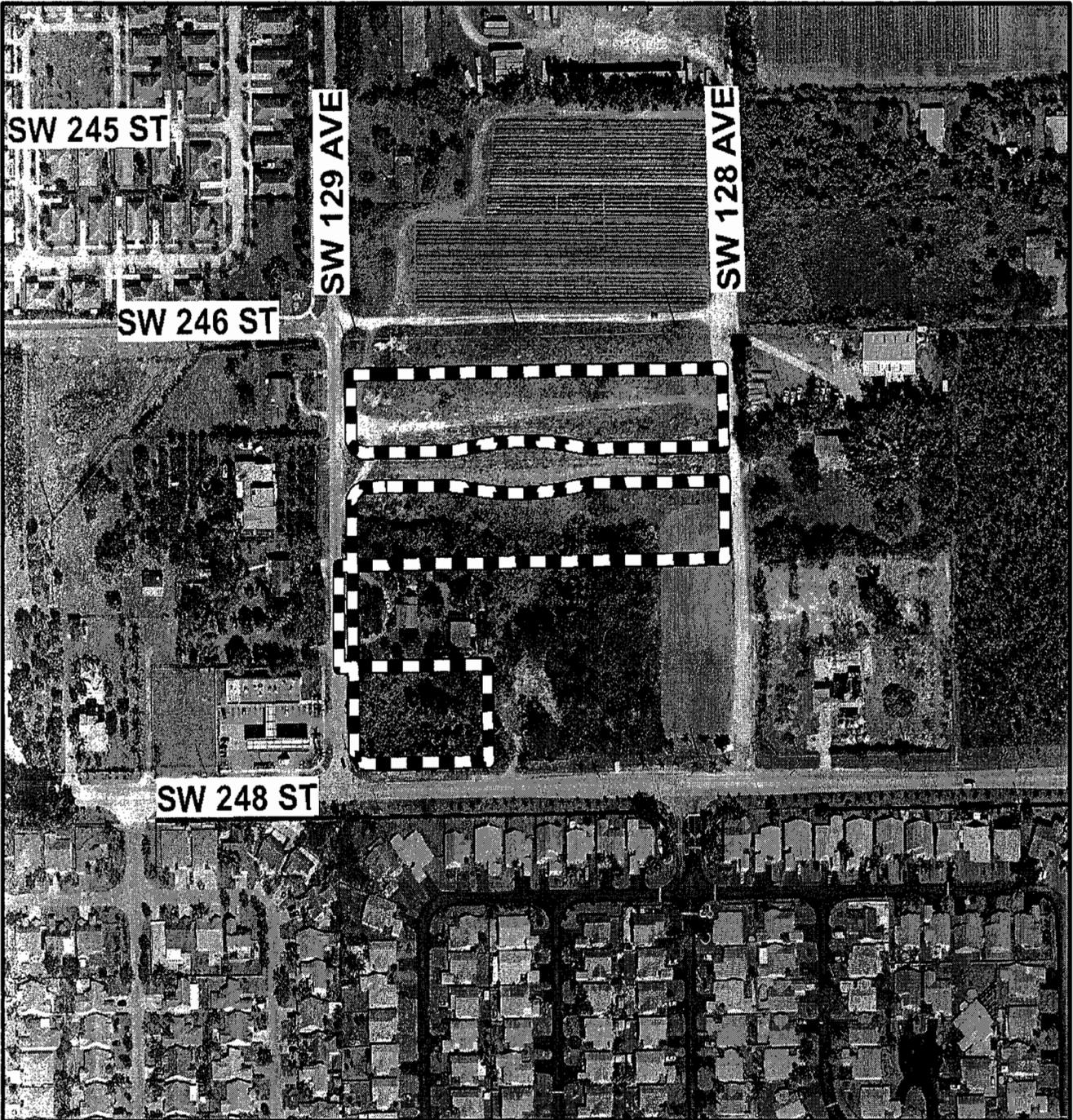
Section: 23 Township: 56 Range: 39
Applicant: R & E AT PALM VISTA II, INC.
Zoning Board: C15
District Number: 8
Drafter ID: N'NAGBE
Scale: NTS



SUBJECT PROPERTY



REVISION	DATE	BY
Added Additional property	10/06/07	KARAI



SW 245 ST

SW 129 AVE

SW 128 AVE

SW 246 ST

SW 248 ST

MIAMI-DADE COUNTY
AERIAL

Process Number
07-263



SUBJECT PROPERTY

Section: 23 Township: 56 Range: 39
 Applicant: R & E AT PALM VISTA II, INC.
 Zoning Board: C15
 District Number: 8
 Drafter ID: N'NAGBE
 Scale: NTS



CREATED ON: 08/17/07

REVISION	DATE	BY
Added Additional property	10/26/07	KARAN

1. DREAM OF FIELDS GROUP, INC.
(Applicant)

08-4-CC-1 (07-339)
BCC/District 8
Hearing Date: 4/24/08

Property Owner (if different from applicant) **K & B Investments.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1999	Florida Gymnastics Training Center	Appeal of an administrative decision.	ZAB	Appeal Approved, Application 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: Dreams of Fields Group, Inc.

PH: Z07-339 (08-4-CC-1)

SECTION: 16-55-40

DATE: April 24, 2008

COMMISSION DISTRICT: 8

ITEM NO.: 1

A. INTRODUCTION

o **REQUEST:**

Applicant is Appealing an Administrative Decision alleging that the Director erred in a determination to not restrict the development of the site to a plan submitted in conjunction with zoning hearing application #98-337.

The purpose of the request is to require the development of the subject property in accordance with the plan submitted and limit the number of students to 21.

o **SUMMARY OF REQUEST:**

The applicant, Dreams of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing an Administrative Decision on the property located at 13115 S.W. 89 Avenue alleging that the Director erred in a determination to not bind the site to the plan previously submitted in conjunction with a 1999 application filed by the owner of the subject property which dealt with parking calculations.

o **LOCATION:**

13115 S.W. 89 Avenue, Miami-Dade County, Florida.

o **SIZE:** 0.53 Acre

B. ZONING HEARING HISTORY:

In 1999, the Community Zoning Appeals Board #12 passed Resolution #CZAB12-23-99 which approved an appeal of an administrative decision concurring with the applicant that the Director erred in the decision to require 1 parking space for each 100 sq. ft. of classroom area for a gymnastics training center. This Resolution allowed the center's parking to be calculated as a school.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave

towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
IU-1; gymnastic training center	Industrial and Office
<u>Surrounding Properties:</u>	
NORTH: IU-1; warehouse	Industrial and Office
SOUTH: IU-1; warehouse	Industrial and Office
EAST: IU-1; warehouse	Industrial and Office
WEST: BU-2; shopping center	Industrial and Office

The subject property is located north of "The Falls" shopping center at 13115 S.W. 89 Avenue in an industrial area characterized by warehouses and shopping centers.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plan submitted)
Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A

Visibility/Visual Screening: N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

1. Upon application of an **appeal of an administrative decision**, the Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of the regulations.
2. **Section 33-124(k)(4). Off-street parking** shall be provided in accordance with the following minimum standards: Dance, karate, and aerobics schools, and health/exercise studios shall be provided one (1) parking space for each one hundred (100) square feet of classroom area, or fractional part thereof. Office, retail, and restaurant areas in conjunction therewith shall have parking spaces provided as otherwise contained in this Section.

G. NEIGHBORHOOD SERVICES:

DERM	No objections
Public Works	No objections
Parks	No objections
MDT	No objections
Fire Rescue	No objections
Police	No objections
Schools	No comments

H. ANALYSIS:

The subject 0.53-acre property is a gymnastics training center located north of "The Falls" Shopping Center at 13115 S.W. 89th Avenue in an area characterized by warehouses and shopping centers. The applicant, Dreams of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing the Director's decision to not restrict the development of the site to a plan submitted in conjunction with zoning hearing application #98-337. Said zoning hearing was an appeal of an administrative decision which dealt with the parking requirements for the gymnastics training center and resulted in Resolution #CZAB12-23-99 (exhibit "A"). The applicant alleges that the site plan submitted in conjunction with the prior hearing was "mandatory" and, as such, alleges that the plan is inherently tied to Resolution #CZAB12-23-99 and, therefore, the number of students (21 at a time) as indicated on said plan, should be enforced. In 1999, the Community Zoning Appeals Board #12 approved an appeal of an administrative decision concurring with the applicant that the Director erred in requiring 1 parking space for each 100 sq. ft. of classroom area for a gymnastics training center and allowing the parking to be calculated in accordance with the requirements for private school facilities, which requires parking to be calculated as the combined total of both personnel and transportation vehicles only. Although included in the hearing file, the plan was not included in the preliminary notice, final notice, legal or property posting advertisements (see exhibit "B") since the issue that was before the CZAB-12 was not the plan but the manner in which the Department calculated the parking for these uses. The plan was not addressed in the Department's recommendation, the body of the Resolution nor was there any condition tying the development of the property to the plan. As indicated by the County Attorney at the 1999 zoning hearing on pages 32 and 33 of the

transcript (see exhibit "C"), the "technical issue" before the Board was, did the Director abuse his discretion when he said that the proper category for gymnasium was the category that included dance, karate and aerobic schools and health/exercise studios or should he had said that a gymnasium was the same as a day nursery, kindergarten, elementary school or a junior high school? Staff notes that the aforementioned was the sole issue before CZAB-12 and not the plan. The development of the site would have been restricted to a site plan if the applicant had filed an application for a non-use variance of parking requirements. In recent correspondence with the Dreams of Fields Group, Inc. representative, staff confirmed that the Department of Planning and Zoning has issued a Warning Notice to the operator of the Center for operating without a Certificate of Use (CU). Although the use is allowed in the IU-1 zoning district, a building permit to establish the above referenced Center is required prior to the issuance of a CU. On May 7, 2007, the Center submitted plans for a building permit, application #C2007139147. On May 18, 2007, the Zoning Plans Processing Section disapproved the building permit application because a sufficiently detailed site plan showing compliance with parking and landscape regulations had not been submitted. Additionally, noting this appeal, staff has advised the owner of the subject property that a hold harmless agreement is required in order for the Department to process the aforementioned building permit application.

Staff notes that although the Community Zoning Appeals Board #12 heard the 1999 appeal of an administrative decision, recent amendments to the Zoning Code Section 33-314(C)(7) require that Appeals of Administrative Decision be heard by the BCC (Ordinance #03-93). Therefore, this application is required to be heard before this Board. In the 1999 hearing, the applicant, Florida Gymnastics Training Center, indicated that the gymnastics training center was intended for students in an age group that were dropped off by parents who would not stay on the premises during the training periods. The center consisted of 10,112 sq. ft. and the Department had calculated the required parking in accordance with Section 33-124(k)(4) of the Zoning Code, which requires one parking space for each 100 sq. ft. of classroom area, or any part thereof for a total of 101 spaces. The applicant opined that the Zoning Code did not take into account the special conditions of a gymnastics training facility, such as: equipment space requirements, students below driving age, and that the use was a training facility, not a spectator facility, which would have generated more vehicle trips and the need for more parking spaces. However, the Community Zoning Appeals Board #12 disagreed with staff's recommendation and reversed the Director's decision by approving the Appeal of Administrative Decision, pursuant to Resolution #CZAB12-23-99. Therefore, the gymnastics training center's parking was allowed to be calculated in accordance with the school parking regulations of the Zoning Code.

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. Additionally, the **Public Works Department** and the **Miami-Dade Fire and Rescue Department** have **no objections** to this application.

The current applicant, Dreams of Fields Group, Inc., claims in the current submitted Appeal of Administrative Decision application that the Department erred in not requiring the development of the Center in accordance with the plans that accompanied the 1999 application and indicated that the number of students would be 21. Staff disagrees with the applicant and opines that the submitted plan in the 1999 public hearing file was only intended for informational purposes only and was not intended to approve the layout of

the center, equipment location nor the number of students. The plan was a moot point since the issue before the Board was not the plan submitted but the manner in which the parking was being calculated for the use. Notwithstanding the above, staff reiterates that the number of students was not the issue that was under consideration throughout the 1999 public hearing. As previously mentioned, although part of the hearing file, the plan was not advertised, was not addressed in the body of Resolution #CZAB12-23-99 nor was it included as a condition to tie the development of the property to the plan. As such, the development of the property is not bound to the previously submitted plan nor is the development of the site limited to 21 students. Therefore, staff recommends that this Appeal of Administrative Decision be denied without prejudice.

I. **RECOMMENDATION:** Denial without prejudice

J. **CONDITIONS:** None

DATE INSPECTED: 01/14/08
DATE TYPED: 02/25/08
DATE REVISED: 02/28/08; 03/03/08; 03/10/08; 03/12/08; 03/18/08; 03/19/08
DATE FINALIZED: 03/25/07
SB:MTF:LVT:JV



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

RESOLUTION NO. CZAB12-23-99

WHEREAS, FLORIDA GYMNASTICS TRAINING CENTER applied for the following:

APPEAL OF AN ADMINISTRATIVE DECISION that the Director erred in his decision to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center.

SUBJECT PROPERTY: Lot 12, Block 7, SOUTH KENDALL INDUSTRIAL NO. 2, Plat book 68, Page 97.

LOCATION: 13111 S.W. 89 Avenue, Miami-Dade County, Florida,

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 grounds and reasons specified for the reversal of the decision of the Director of the Department of Planning and Zoning in his interpretation were sufficient to merit a reversal of the decision, and that the Director erred in his interpretation to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center, and that the gymnasium training center should be treated as a school for parking purposes, and

WHEREAS, a motion to approve the appeal and reverse the Director's decision was offered by Peggy Brodeur, seconded by Gregory W. Bush, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	absent	Lorraine Grigsby	aye
Peggy Brodeur	aye	Larry Harris	absent
Gregory W. Bush	aye	Maureen O'Donnell	nay
	Sanford A. Youkilis	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the interpretation of the Director of the Department of Planning and Zoning be and the same is hereby reversed and the appeal of the administrative decision is hereby approved.

BE IT FURTHER RESOLVED that the Director shall treat the gymnasium training center as a school for parking purposes.

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

PASSED AND ADOPTED this 28th day of July, 1999.

Hearing No. 99-7-CZ12-1

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3rd DAY OF AUGUST, 1999.



Department of Planning and Zoning
 Stephen P. Clark Center
 111 NW 1st Street • Suite 1210
 Miami, Florida 33128-1902
 T 305-375-2800

miamidade.gov

August 29, 2007

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements Construction Coordination
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning**
- Police
- Procurement Management
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Mr. Timothy M. Ravich
 Cole, Scott & Kissane, P.A.
 Pacific National Bank Building
 1390 Brickell Avenue, 3rd Floor
 Miami, FL. 33131

Re: Florida Gymnastics Training Center

Dear Mr. Ravich:

Your letter dated August 17, 2007, to Mr. Alex Munoz, Assistant County Manager, and attachments dated July 9, 2007 and August 8, 2007, have been forwarded to my office for a response. You have requested that the Department clarify your concerns in regards to permit #C2007139147 regarding the aforementioned gymnastic training center.

As I indicated in my previous correspondence to Mr. Cole, my staff has reviewed the file and has listened to the entire tape of the proceedings that is part of our zoning records. In your correspondence you indicate that the Plan resulted in Resolution CZAB12-23-99. However, although part of the hearing file, the Plan that you reference was not included in the final kit submitted to all the Board members, was not addressed in the body of the Resolution nor was there any condition tying the development of the property to the Plan or to a number of students. As such, the Plan is not inherently tied to the Resolution and is not the operative plan. The Plan and the number of students were not the issues that were under consideration throughout the hearing only the manner in which parking is to be calculated for the type of use. As such, this Department will not bind the development of the property to the Plan nor limit its use to 21 students.

You are correct when you state that my staff disapproved the plans submitted under permit #C2007139147 indicating that the new site plan has to match the hearing plan. However, that comment was made in error by the processor reviewing the plans who is not familiar with the file. On August 27, 2007, the comments were amended to indicate that the

Delivering Excellence Every Day



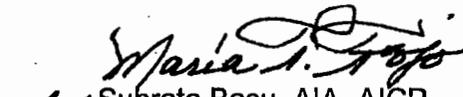
Timothy M. Ravich
August 29, 2007
Page - 2 -

applicant must submit the number of personnel and transportation vehicles to ensure that adequate parking has been provided in accordance with the CZAB's decision. As mentioned in my previous correspondence to your Firm the Department of Planning and Zoning

will ensure that the operator of the facility complies with all zoning requirements and any applicable zoning action pursuant to Resolution CZAB12-23-99.

Please do not hesitate to contact Maria Teresa Fojo, Acting Assistant Director for Zoning, at 305-375-2117, if you desire additional information on this matter.

Sincerely,


for Subrata Basu, AIA, AICP
Interim Director

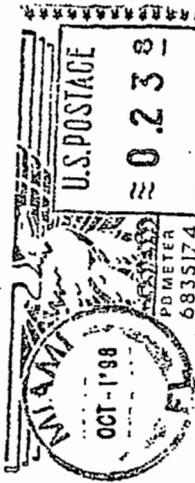
SB:MTF:er

c: Alex Munoz, Assistant County Manager
Henry Sori, Executive Assistant to the County Manager

ST

DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

ZONING HEARING NOTICE

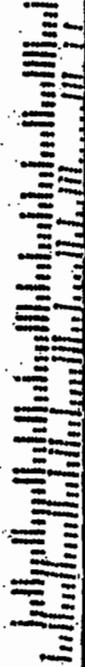


RESERVED
FIRST CLASS

1

MIAMI FL 331 10024

21
798000337 C12 LEASE COUNTY
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1st STREET SUITE 1010
MIAMI, FLORIDA 33128-1974



AUTO

AUTO

EXHIBIT "B"

MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

HEARING NUMBER: 98-337
APPLICANT NAME: FLORIDA GYMNASTICS TRAINING CENTER

THE APPLICANT IS REQUESTING AN APPEAL OF AN ADMINISTRATIVE DECISION AS IT PERTAINS TO THE PARKING REQUIREMENT FOR A GYMNASIUM.

LOCATION: 13111 S.W. 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 0.53 ACRES

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE, HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER ON CORRESPONDENCE AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION, ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974. FOR FURTHER INFORMATION, PLEASE CALL 271-1242 AND DIRECT DIAL: 1-4-1-6 OR FOR SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS.

HEARING WILL BE HELD AT THE
GLADES MIDDLE SCHOOL
AUDITORIUM
9451 SW 64 STREET
MIAMI-DADE COUNTY, FLORIDA

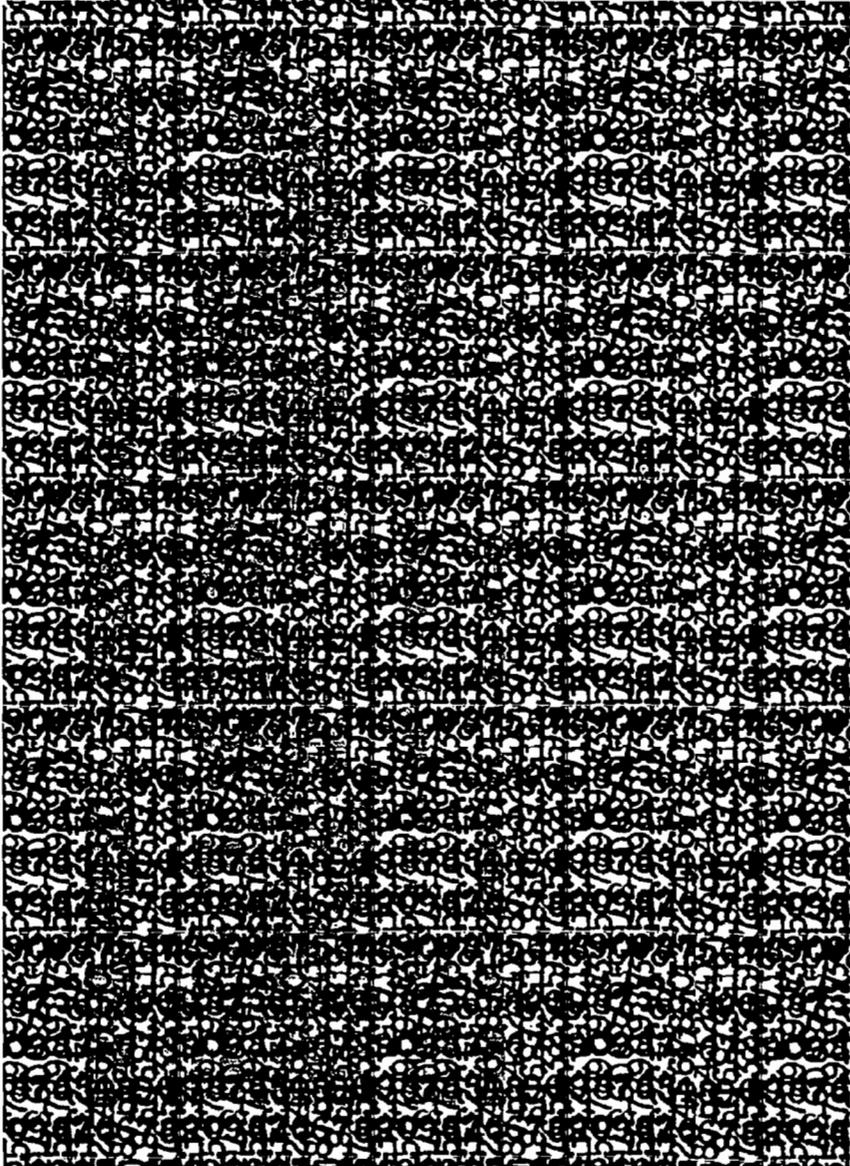
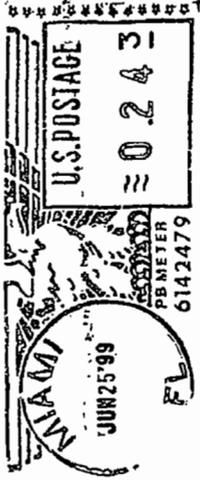
THIS IS A PRELIMINARY
NOTICE ONLY. PRIOR TO
THE HEARING, MORE TO
SPECIFIC INFORMATION
WILL BE SENT TO YOU.

21
2980000337 012
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1 STREET
SUITE 1010
MIAMI, FLORIDA 33128-1974

MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET, SUITE 1110
MIAMI, FLORIDA 33128-1974

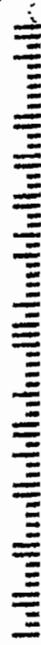
ZONING HEARING NOTICE

6-28-99
FIRST CLASS
9030DTG



71998000337 C12 21
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1st STREET SUITE 1010
MIAMI, FLORIDA 33128-1974

AUTO



MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

HEARING NUMBER: 98-337
APPLICANT NAME: FLORIDA GYMNASTICS TRAINING

CENTER
THE APPLICANT IS REQUESTING AN APPEAL OF AN
ADMINISTRATIVE DECISION THAT THE DIRECTOR ERRED IN
HIS DECISION TO REQUIRE ONE PARKING SPACE FOR EACH
ONE HUNDRED SQUARE FEET OF CLASSROOM AREA IN SECTION
33-124 K(4) OF THE ZONING CODE, FOR A GYMNASIUM
TRAINING CENTER.

LOCATION: 13111 SW 89 AVENUE, MIAMI-DADE COUNTY,
FLORIDA
SIZE OF PROPERTY: 0.53 ACRE

HEARING WILL BE HELD AT THE
MIAMI-DADE COMMUNITY COLLEGE
MIAMI CAMPUS - ROOM #6120
11011 SW 104 STREET
MIAMI-DADE COUNTY, FLORIDA

COMMUNITY ZONING APPEALS BOARD
DATE: 07/28/1999
WEDNESDAY
TIME: 7:00 PM

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE; HOWEVER, OBJECTIONS OR
WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO
HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING
SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER
ON CORRESPONDENCE AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF PLANNING
AND ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974.
FOR FURTHER INFORMATION, PLEASE CALL (305) 271-1242 AND DIRECT DIAL: 1-4-1-6 OR FOR
SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS. IF YOU ARE IN NEED OF A TRANSLATOR, FOR
THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE. PLEASE CALL (305) 375-
AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

1998000337 C12
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 NW 1 STREET
MIAMI, FLORIDA 33128-1974

HEARING NO. 99-7-CZ12-1 (98-337)

16-55-40
Council Area 12
Comm. Dist. 9

APPLICANT: FLORIDA GYMNASTICS TRAINING CENTER

APPEAL OF AN ADMINISTRATIVE DECISION that the Director erred in his decision to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center.

SUBJECT PROPERTY: Lot 12, Block 7, SOUTH KENDALL INDUSTRIAL NO. 2, Plat book 68, Page 97.

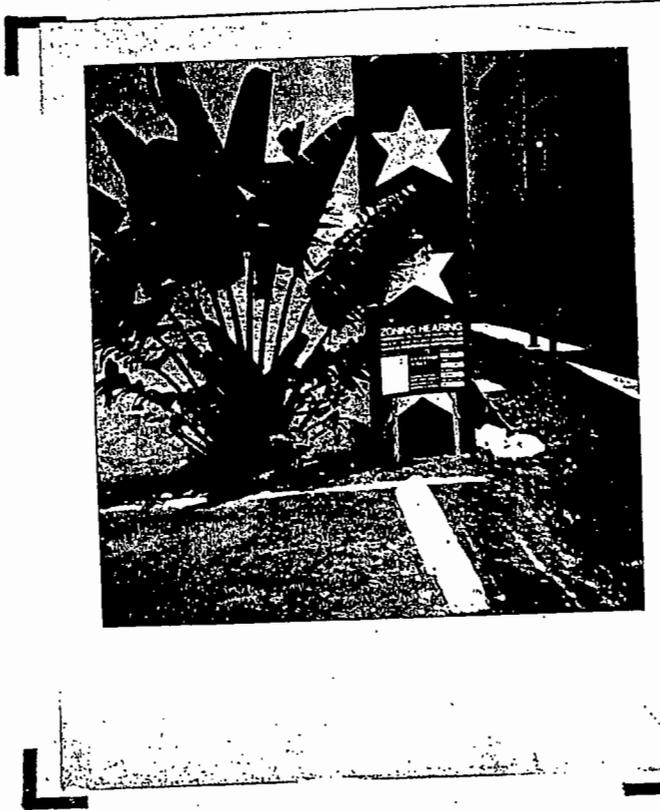
LOCATION: 13111 S.W. 89 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.53 Acre

PRESENT ZONING: IU-1 (Industry - Light)

SW. 89 AVE & 131 ST.

PHOTO OF POSTING ZONING HEARING SIGNS



C/2

HEARING NUMBER 98-337

LOCATION OF SIGN 1311 SW. 89 AVE.

DADE COUNTY, FLORIDA

DATE OF POSTING 2/7/99

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE [Handwritten Signature]

PRINT NAME _____

Memorandum



Date: September 26, 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 fluid and cursive, written over the printed name in the "From:" field.

Subject: C-12 #Z2007000339
Field of Dreams Group, Inc.
13111 S.W. 89th Avenue
Appeal of an Administrative Decision
(IU-1) (0.53 Acres)
16-55-40

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

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

Concurrency Review Summary

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

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

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

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

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

REVISION 1
PH# Z2007000339
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DREAM OF FIELDS GROUP, INC.

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

19-MAR-08

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION

*AMOUNT OF FEE \$855.00
Total including surcharge \$923.40 ^{980.20} -inc.
Additional Radius Fee \$ _____
Imaging Fee \$60.00

RECEIVED
207-334
SEP 19 2007

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

See fee information and amounts on next page.

FOLIO # 3050160090360

BY _____
Date Receipt Stamp

Appeal to be heard by
CZAB # 12

Sec. 16 Twp. 55 Rge. 40

RADIUS ASSIGNED

IMPORTANT – The applicant and/or the applicant's attorney must be present at the hearing.

1. Name of Applicant (PRINT) FIELD OF DREAMS GROUP INC.

2. Mailing Address 12986 S.W. 89th Ave., Miami Tel No. 786-256-1206

Please send all mailings to 1555 Rada Lane, North Port FL 34288

3. Contact Person Mr. Richard Cole Esq.

4. Mailing Address 1390 Brickell Ave., Tel. No. 305-350-5300

3rd Floor, Miami FL 33131

E-mail Address of Contact Person richard.cole@csklegal.com

5. Name of Property Owner K&B Investments

6. Owner's Address 11925 S.W. 128th St., Miami FL 33186

Tel. No. 305-238-1866

7. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION (If subdivided, lot, block, complete name of subdivision, plat book and page number.) (If metes and bounds description – complete description, including section, township and range.)

Lot 12, Block 7 South Kendall Industrial No. 2

Plat book 68, Page 97.

8. Address or location 13115 S.W. 89th Ave. or 13111 S.W. 89th Ave., Miami

9. Size of Property 165 ft. x 139 ft. Acres .53 Acres

10. Administrative Decision appealed: (State in brief and concise language.)

Critical required data on a hearing site plan submitted for public hearing
resulting in CZAB 12-23-99 which has been disregarded instead of enforced
by Mr. Basu, Interim Director, Letter Attached.

11. Section and paragraph of regulations if applicable: (Copy regulations in detail)

12. Alleged error in the order, requirement, decision or determination made by administrative official in interpretation or enforcement of regulation:

We challenge Mr. Basu, Interim Director's decision regarding the hearing site plan which resulted in Resolution No. CZAB 12-23-99. Mr. Basu has made a decision wherein he has stated that the Department will not bind the development to the hearing site plan which specifically limited the number of students to 21 at one time.

13. Reason why the decision should be reversed:

The Submission of the hearing site plan was mandatory and as such THE PLAN is inherently tied to the outcome (Resolution) of the hearing. The limitation as to the number of students should therefore be enforced.

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207-3229
SEP 19 2007

ZONING HEARINGS SECTION
MIAMI DADE PLANNING AND ZONING DEPT.

BY

[Signature]

AFFIDAVIT

I, Michael J. Fields, being first duly sworn, depose and say that I am the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct and honest to the best of my knowledge and belief.

Michael J. Fields
SIGNATURE

PRES. FIELD OF DREAMS GROUP, INC.

Sworn and Subscribed before me

This 19 day of September 2007

Nicole Medina
NOTARY PUBLIC

*NOTE: AN 8% SURCHARGE WILL BE ADDED TO ALL FEES EXCEPT DERM AND CONCURRENCY AND WILL BE IN EFFECT FROM 10/1/03 THROUGH 9/30/08. ADDITIONAL RADIUS FEES WILL BE CHARGED AT TIME OF FILING, IF AVAILABLE, OR WILL BE ASSESSED AND BILLED TO YOU AT A LATER DATE, IF APPLICABLE.

A WEB IMAGING FEE OF \$60.00 IS DUE AT TIME OF FILING.

Rev. 9/30/03; 9/28/06



Memorandum



Date: 04-OCT-07
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2007000339

Fire Prevention Unit:

APPLICANT MUST PROVIDE APPROVED SITE PLAN COMPLYING WITH MDFR SITE REQUIREMENTS.

Service Impact/Demand:

Development for the above Z2007000339
located at 13111 S.W. 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1994 is proposed as the following:

N/A 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: N/A alarms-annually.
The estimated average travel time is: 6:22 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 4 - Coral Reef - 9201 SW 152 Street
Rescue, BLS Engine, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

NOT APPLICABLE TO SERVICE IMPACT ANALYSIS.

TEAM METRO

ENFORCEMENT HISTORY

FIELD OF DREAMS GROUPS INC

13111 S.W. 89 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000339

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

There are two previously closed cases for this property:

200702008030: Cert/Use vio-Referred-Zoning verify # parking spaces.

200702011159: Unauth/Use-W/L issd-Parties not included on Cer/Use-Saturday insp confirmed party use ceased-compliance-case closed.

Applicants *Dream of Fulda Group, Inc.* address is:
12986 SW 89th Ave, Miami 33176

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: *Dream of Fulda Group, Inc.*

NAME AND ADDRESS	Percentage of Stock
<u><i>Michael J. Fulda 1555 Rada Ln., N. Port, FL 34282</i></u>	<u><i>50%</i></u>
<u><i>Diana M. Fulda 1555 Rada Ln. N. Port, FL 34288</i></u>	<u><i>50%</i></u>
_____	_____
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percent of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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07-339
NOV 02 2007

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

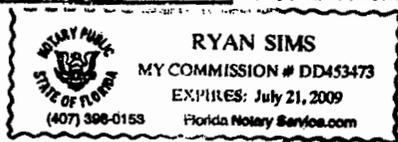
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: Michael J. Fulda
(Applicant)

Sworn to and subscribed before me this 31 day of October 2007, Affiant is personally known to me or has produced FL DL as identification.

[Signature]
(Notary Public)

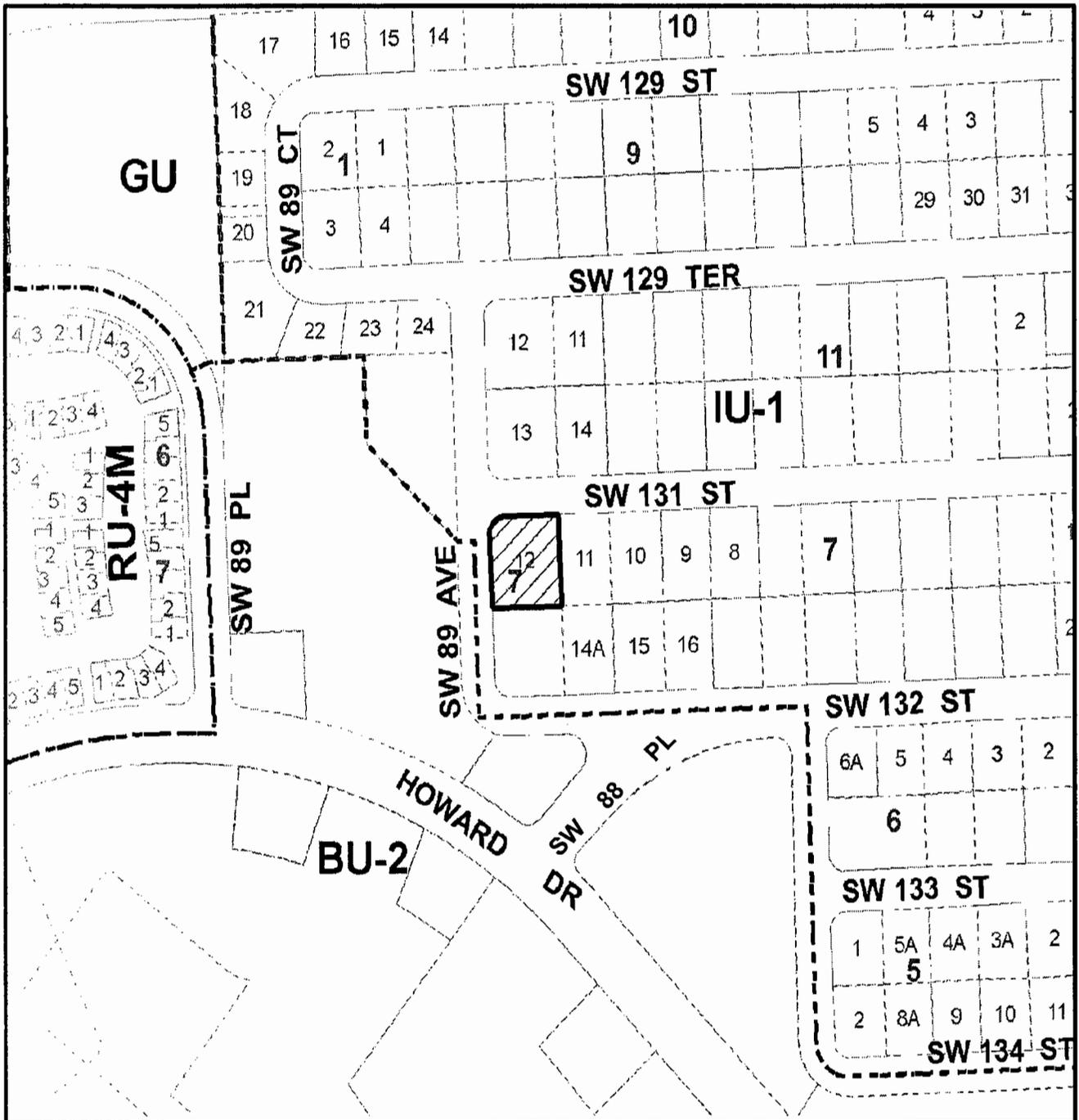


My commission expires 7/21/09

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

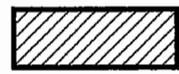
RECEIVED
207-339
NOV 02 2007

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



**MIAMI-DADE COUNTY
HEARING MAP**

**Process Number
07-339**



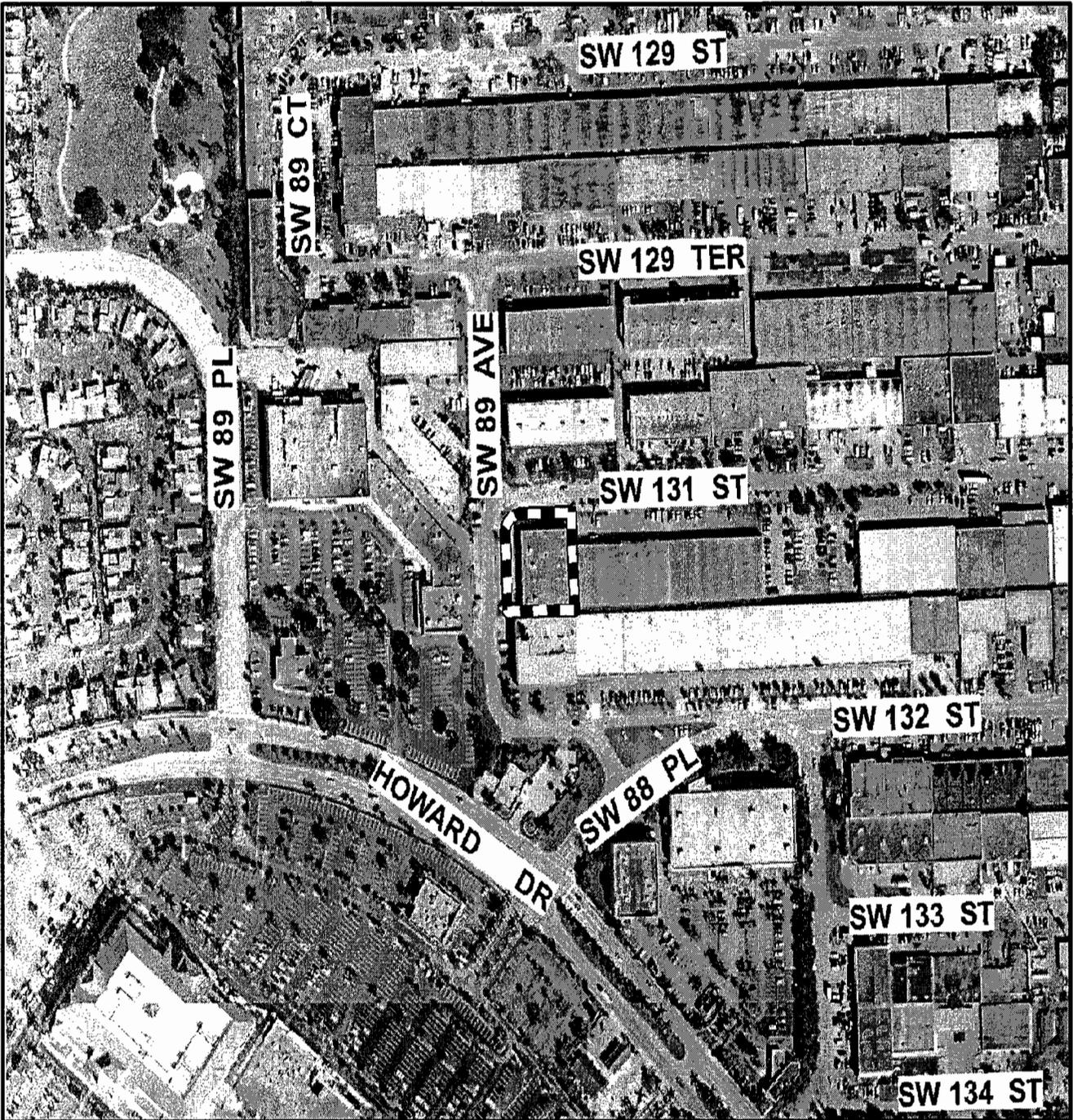
SUBJECT PROPERTY

Section: 16 Township: 55 Range: 40
 Applicant: FIELD OF DREAMS GROUPS INC.
 Zoning Board: C12
 District Number: 08
 Drafter ID: KEELING
 Scale: NTS



26

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
07-339



SUBJECT PROPERTY

Section: 16 Township: 55 Range: 40
 Applicant: FIELD OF DREAMS GROUPS INC.
 Zoning Board: C12
 District Number: 08
 Drafter ID: KEELING
 Scale: NTS



REVISION	DATE	BY