KITS

10-28-2009 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 2

HIGHLAND OAKS PARK

20300 NE 24 Avenue, Miami

Tuesday, November 17, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	09-9-CZ2-1	GISSELLE CASTILLO & JULIO VALLEJO	07-356	32-51-42

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 2

MEETING OF TUESDAY, NOVEMBER 17, 2009

HIGHLAND OAKS PARK

20300 NE 24 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

1. **GISSELLE CASTILLO & JULIO VALLEJO (09-9-CZ2-1/07-356)** **32-51-42**
Area 2/District 1

(1) UNUSUAL USE to permit a day care center.

(2) Applicants are requesting to permit parking and drives within 25' of the right-of-way (not permitted).

(3) Applicants are requesting to permit a parking back-up width of 20' (22' required).

(4) Applicants are requesting to permit the day care center building setback 7'8" (15' required) from the interior side (west) property line and setback 8' 8" (15' required) from the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of Requests #2- #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Little Dolphin Day Care," site plan dated stamped received 7/1/09 and an elevation plan dated 7/24/09, as prepared by Praxis Architecture for a total of 2 sheets. Plans may be modified at public hearing.

LOCATION: 1210 N.E. 205 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 105'

Department of Planning & Zoning Recommendation: Denial without prejudice.

Protests: 9 Waivers: 6

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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

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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed

by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

A. GISSELLE CASTILLO & JULIO VALLEJO
(Applicant)

09-9-CZ2-1 (07-356)
Area 2/District 1
Hearing Date: 11/17/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
	NO HISTORY			

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

#1

APPLICANT'S NAME: **GISSELLE CASTILLO & JULIO VALLEJO**

REPRESENTATIVE: Gisselle Castillo and Julio Vallejo

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-9-CZ2-1 (07-356)	September 22, 2009	CZAB2		09

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Nov 17, 2009 ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: At Board's request for the applicant to meet with the neighbors.

At applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Kenneth FRIEDMAN	X		
COUNCIL WOMAN	M	Caryn MONTAGUE (C.A.)	X		
COUNCIL WOMAN		Adrienne F. PROMOFF	X		
VICE CHAIR WOMAN		Peggy A. STROKER	X		
CHAIRWOMAN		Lonna COHEN			X
		VOTE:	4	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **DENNIS KERBEL**

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 2

APPLICANT: Gisselle Castillo and Julio Vallejo **PH:** Z07-356 (09-9-CZ2-1)

SECTION: 32-51-42 **DATE:** November 17, 2009

COMMISSION DISTRICT: 1 **ITEM NO.:** A

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A. INTRODUCTION

- **REQUESTS:**

  (1) UNUSUAL USE to permit a day care center.

  (2) Applicants are requesting to permit parking and drives within 25' of the right-of-way (not permitted).

  (3) Applicants are requesting to permit a parking back-up width of 20' (22' required).

  (4) Applicants are requesting to permit the day care center building setback 7' 8" (15' required) from the interior side (west) property line and setback 8' 8" (15' required) from the interior side (east) property line.

  Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or §33-311(A)(4)(c) (Alternative Non-Use Variance).

  Plans are on file and may be examined in the Zoning Department entitled "Little Dolphin Day Care," site plan dated stamped received 7/1/09 and elevation plan dated stamped received 07/24/09, as prepared by Praxis Architecture, for a total of 2 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  This application seeks to allow an unusual use to permit the establishment of a day care facility on the subject property with a reduced parking back-up width and allow parking within 25' of the right-of-way. Additionally, the application seeks to allow the daycare center with reduced setbacks in the residential district.

- **LOCATION:** 1210 N.E. 205 Terrace, Miami-Dade County, Florida.

- **SIZE:** 75' x 105'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by

single family housing, e.g., single family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, **day care centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.

3. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. The intensity of use that may be approved for "daytime service uses" such as **day care facilities** shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

   If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses, and daytime service uses such as **day care centers**, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.

   Other Land Uses Not Addressed. Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

4. **Policy LU-4C**. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; single-family residence	Low density residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; single-family residence	Low density residential, 2.5 to 6 dua
SOUTH: RU-1; single-family residence	Low density residential, 2.5 to 6 dua
EAST: RU-1; single-family residence	Low density residential, 2.5 to 6 dua
WEST: RU-1; single-family residence	Low density residential, 2.5 to 6 dua

The subject parcel is located on a frontage road at 1210 N.E. 205 Terrace. The surrounding area is characterized by single-family homes and a church and daycare center to the northwest.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Unacceptable**
Parking Layout/Circulation:	**Unacceptable**
Visibility/Visual Screening:	**Unacceptable**
Energy Considerations:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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 comment**

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the September 22, 2009, meeting to allow the applicant to amend the application. The applicant has amended the request to allow 14 students instead of the previously requested 19 students, for the proposed daycare facility. The subject property is designated **Low Density Residential** Use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated Low-Medium density include single-family homes, townhouses and low-rise apartments. Staff notes that although the subject property is located on a frontage road, abutting Ives Dairy Road, a main east/west

thoroughfare in this section of the County, it is not located in or abutting any activity node, section center or transitional to higher intensity uses, as recommended in the Guidelines for Urban Form. Additionally, the applicants' requests for additional variances to satisfy the parking location and back–up width requirements, along with the reduced spacing from the abutting residences to the east and west, substantiates staff's opinion that the site and location are physically incapable of sustaining the proposed daycare center. Notwithstanding the memoranda from the Public Works Department, staff opines that the proximity of the parking areas and drives to the roadway are likely to contribute to a negative visual and aural impact on said residences to the east and west and also negatively impact traffic on the abutting frontage road, which would not conform to the requirements of Policy LU-4C of the interpretative text of the CDMP. Therefore, staff opines, the proposed facility on the subject property is not in keeping with the Guidelines for Urban Form, would be **incompatible** with the residential community of the area and **inconsistent** with the LUP map and interpretative text of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all DERM requirements as stated in their memorandum for this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets traffic concurrency and will generate **17** additional PM daily peak hour **vehicle trips**. The traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Level of Service (LOS) of the area roads, which are currently operating at LOS "C" and "D". Miami-Dade Fire Rescue **(MDFR)** has **no objections** to this application and indicates in their memorandum that the average travel response time is 7:29 minutes.

When analyzing request #1 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the daycare facility on the subject property, staff is of the opinion that the proposal would be **incompatible** with the surrounding community. Staff notes the applicants have attempted to mitigate the negative visual and aural impacts of the proposed daycare center on the surrounding residentially zoned properties, by providing buffering in the form of continuous hedges interspersed with trees along the interior sides (east and west) and the rear (south) property lines. Staff acknowledges that, when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with this area and its development, the daycare facility would not have a negative impact on the economy of Miami-Dade County or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation or transportation, or tend to create a fire or other equally or greater dangerous hazards, as indicated in the memoranda from the various departments evaluating this application. However, as previously mentioned, the proposed daycare center is on a parcel, the size and location of which does not allow it to meet all the requirements of the zoning regulations, in particular, the reduced back-out width for the parking spaces, the proximity of the parking to the right-of-way and the reduced interior sides (east and west) setbacks. Notwithstanding the continuous hedge and 6' high wood fence along the interior sides and rear (south) property lines, staff opines that the site is physically incapable in size and location of housing the proposed daycare center and will likely have a negative visual and aural impact on the abutting residences to the east, south and west. Further, the aforementioned single-family residences would be severely negatively impacted by the traffic entering and leaving the proposed facility along this limited access frontage road. Staff's research of the surrounding area did not indicate any similar approvals for daycare centers that did not abut main roads

and were surrounded by single-family residences. Staff therefore opines that regardless of the attempts by the applicants to mitigate the potential negative visual and aural effects of the proposal, along with the reduction in the amount of students, the approval of the request to permit the daycare center would disrupt the overall welfare, tranquility and privacy of the neighborhood and would also be **inconsistent** with Policy LU-4C, of the interpretative text of the CDMP. Based on the aforementioned, staff recommends denial without prejudice of request #1, the unusual use to permit the daycare center, under Section 33-311(A)(3).

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 approval of the requests would 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 the neighborhood. The applicant is seeking approval to permit parking within 25' of the right-of-way where none is permitted, reduced parking back-up width and reduced interior sides (east and west) setbacks for the daycare center. As previously mentioned, the proximity of the parking to the right-of-way and reduced back-up width will result in a negative visual impact and will likely negatively impact traffic on the abutting frontage road to the north. Further, since the daycare center is not a permitted use in the RU-1, Single-Family Residential district, the proposed facility must meet the RU-3, Four Unit Apartment House District regulations, which require a 15' interior side setback. However, as previously mentioned, the application for an Unusual Use to permit a daycare center on the subject property to which these requests are germane, is intrusive to the residential neighborhoods to the east, south and west, too intensive and thereby visually and aurally intrusive to the surrounding residential properties. Based on the aforementioned, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standard (ANUV), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with RU-1 zoning regulations, staff is of the opinion that these requests cannot be approved under Section 33-311(A)(c) (ANUV).

Accordingly, staff is of the opinion that the approval of the requests to permit a daycare center with the requested parking and building encroachments is **incompatible** with the area and is **inconsistent** with the LUP map and the interpretative text of the CDMP. Accordingly, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses); and the denial without prejudice of request #2 through #4, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV)

I. RECOMMENDATION:

Denial without prejudice

J. CONDITIONS: None.

DATE INSPECTED: 11/06/07
DATE TYPED: 07/28/09
DATE REVISED: 08/03/09, 10/13/09
DATE FINALIZED: 10/13/09
MCL:NN:CI:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: July 13, 2009

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

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

Subject: C-02 #Z2007000356-2nd Revision
Gisselle Castillo and Julio Vallejo
1210 N.E. 205 Terrace
Unusual Use to Permit a Day Care
(RU-1) (0.18 Acres)
32-51-42

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, the existing single family residence is served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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 contains tree resources. Section 24-49 of Chapter 24, the Code of Miami-Dade County provides for the preservation and protection of tree resources. 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 Chapter 24. Said 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 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 discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

REVISION 3

PH# Z2007000356
CZAB - C02

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GISSELLE CASTILLO & JULIO VALLEJO

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

Entering and exiting vehicle's degree of turn shall be lessened by providing directional ingress and egress driveways that begin and end where NW 205 Terrace's edge of pavement intersects the extension of the site property lines.

Designated parking, stacking areas, and handicapped parking space shall be labeled on plans.

Additional improvements may be required at time of permitting.

For further details and/or questions, contact Mr. Harvey L. Bernstein at 305-375-1874, or via e-mail at hlb@miamidade.gov or Mr. Ricardo Gavilan at 305-375-2403, or via e-mail at rlg@miamidade.gov.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 17 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-2487	I-95 s/o County Line	C	C
F-2485	I-95 s/o NE 203 St.	D	D
9200	Ives Dairy Rd. e/o N. Miami Ave.	C	C

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Raul A Pino, P.L.S.
07-JUL-09

Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School

School Name: Little Dolphins Day Care

School Address: 1210 N.E. 205 Terrace, Miami, FL 33179 Tax Folio # 30 - 1230010230

1. Is this an expansion to an existing school ☒ Yes ☐ No If yes, indicated the number of students: 5 and age and grade ranges originally approved: 3months - 5years.
2. Total size of site: 105ft x 75ft = 7,875 sqft ÷ 43,560 sq. ft. = 0.18 acres
3. Number of children or students requested: 14 Ages: 2years to 5years.
4. Number of teachers: 2 Number of administrative & clerical personnel: 0.
5. Number of classrooms: 2 Total square footage of classroom area: 799 sqft.
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): (Office 242) (Kitchen 196 sqft) (bathroom 154) Closet 68 sqft.
7. Amount of outdoor recreation/play area in square footage: 3,400 sqft.

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 0.
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 4 parking spaces required by §33-124(L) _____.
10. Indicate the number of auto stacking spaces: 2 provided 2 required.
11. Proposed height for the structure(s): _____ See §33-151.18(g).
12. Size of identification sign: _____x _____= _____ sq. ft. See §33-151.18(c). No sign. Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: Monday - Friday 7:30am - 6:00pm
14. Does the subject facility share the site with other facilities? __ Yes __ No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? ☐ Yes ☐ No (If yes, describe the residential uses and indicate same on the plans).

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PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERELAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 14 (number of children) = 490 sq. ft. of classroom area required.

b. Elementary Grades 1-6

30 sq. ft. x — (number of children) = — sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x — (number of children) = — sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: _____.
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: _____.

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x 7 (½ of children) = 315 sq. ft.

b. Grades 1-6 500 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

c. Grades 7-12 800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 315 sq. ft.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVEDED: 5,562 sq ft.

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

a. 28 trees are required per net acre. Trees required: 5 Trees provided: 6.

b. Ten shrubs are required for each tree required. Shrubs required 60 Shrubs provided 70.

c. Grass area for organized sports/play area in square feet: 2,500 / 5,562 sq ft.

d. Lawn area in square feet (exclusive of organized sports/play area): 2,500 sq ft.

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School Address: 1210 N.E. 205 Terrace Miami FL Zip Code: 33179.

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 2 day of OCTOBER/09 at Miami-Dade County, Florida.

Signature

WITNESSES:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 2 day of OCTOBER 2009, before me personally appeared GISELLE M. CASTILLO, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA
Notary Public State of Florida
Julio Cesar De Los Rios
My Commission DD894068
Expires 05/28/2013

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BY

15

Memorandum

Date: 13-JUL-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000356

Fire Prevention Unit:

APPROVAL
No objection to the site plan that is date stamped July 1, 2009.

Service Impact/Demand

Development for the above Z2007000356
located at 1210 NE 205 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0066 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	2,972 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.52 alarms-annually.
The estimated average travel time is: 7:29 minutes

Existing services

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

Station 63 - Highland Oaks - 1773 NE 205 Street.
ALS Engine, Haz mat. Rescue

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 site plan date stamped July 1, 2009. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 10/15/09
REVISION 5

TEAM METRO

ENFORCEMENT HISTORY

GISSELLE CASTILLO & JULIO VALLEJO

APPLICANT

1210 NE 205 TERRACE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

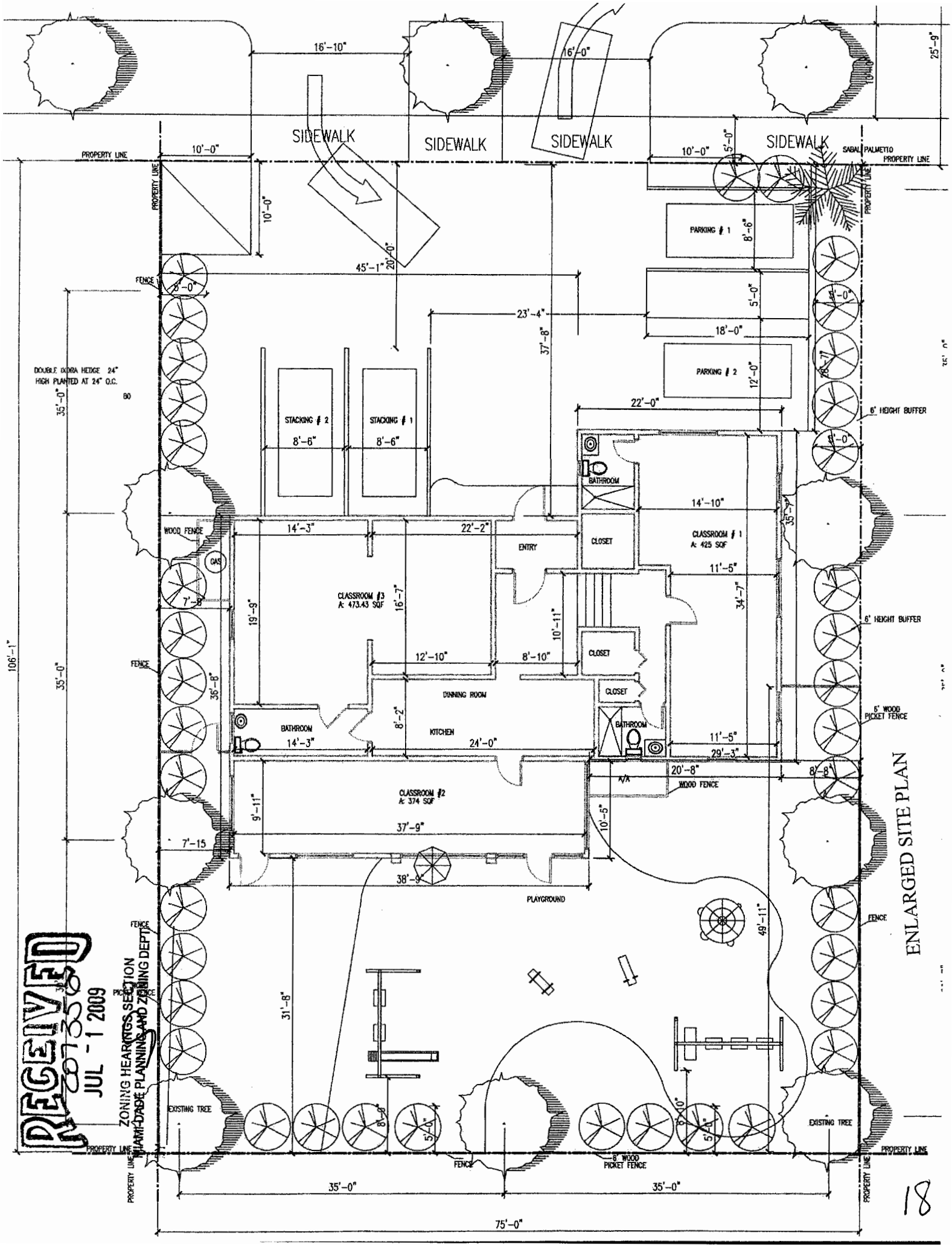
Z2007000356

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ENFORCEMENT HISTORY; NCO fOLORUNSHO WENT BACK ON 10-9-09 TO DO FOLLOWUP AND OBSERVED ONLY 4 KIDS.

nco murphy folorunsho


SIDEWALK
SIDEWALK
SIDEWALK
SIDEWALK
PROPERTY LINE
SABAL PALMETTO
PARKING # 1
PARKING # 2
STACKING # 2
STACKING # 1
DOUBLE IXORA HEDGE 24" HIGH PLANTED AT 24" O.C.
6' HEIGHT BUFFER
WOOD FENCE
FENCE
GAS
BATHROOM
CLOSET
ENTRY
CLASSROOM # 1
A: 425 SQF
CLASSROOM # 3
A: 473.43 SQF
DINNING ROOM
KITCHEN
CLASSROOM # 2
A: 374 SQF
PLAYGROUND
6' WOOD PICKET FENCE
EXISTING TREE
ENLARGED SITE PLAN
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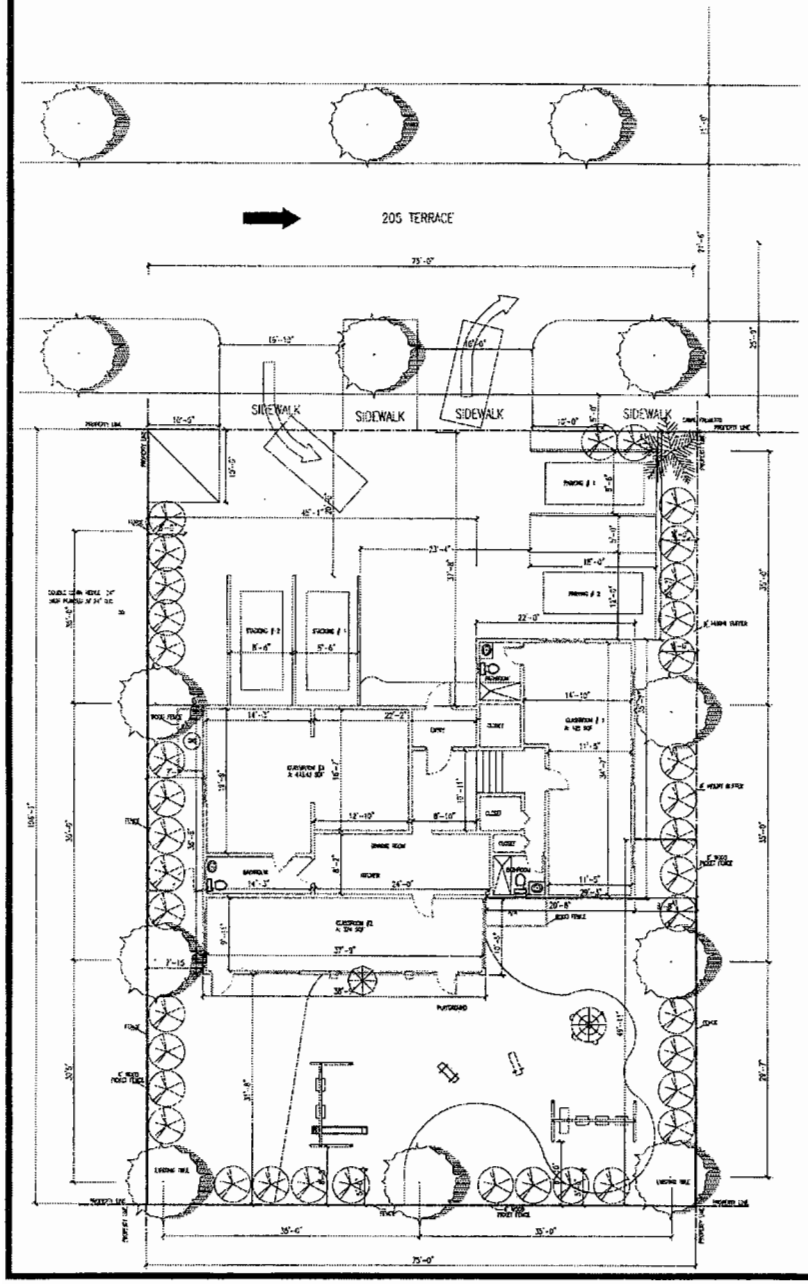


LANDSCAPE LEGEND

ZONNING DISTRICT :
NET LOT AREA: 8003 SF

OPEN SPACE: 3,971.50 SF

	REQUIRED	PROVIDED
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN: NET LOT AREA = 8,003.00 SF x 30%= 2,400.90 SF	2,400.90 SF	3,971.50 SF
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN: No. PARKING SPACES 3 x 10 SF PER PARKING SPACE =30 SF	30 SF	30 SF
C. TOTAL SF OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33: A + B =	2,430.90 SF	4,001.50 SF

LAWN AREA CALCULATION

A. 5804 SF OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33		
B. MAXIMUN LAWN AREA (SOD) PERMITED = 50 % x 8,003.00 SF = 4,001.50 SF	4,001.50 SF	4,001.50 SF

TREES

A. No. TREES REQUIRED PER NET LOT ACRE LESS EXISTING NUMBER OF TREES MEETING MINIMUN REQUIREMENTS = 5 TREES x 8003 = 40,015.00 SQF	5	7
B.% PALMS ALLOWED : x 30% % PALMS PERMITED TO COUNT AS STREET TREES ON 1:1 BASIS x 30%	1	1
D. STREES TREES (MAXIMUN AVERAGE SPACING OF 35' OC) LINEAR FEET ALONG STREET / 35		
E. STREET TREES LOCATED DIRECTLY BENEATH POWER LINES (MAXIMUN AVERAGE SPACING OF 25' OC: LINEAR FEET ALONG STREET/25=		
F. TOTAL TREES REQUIRED A + D + E = TOTAL TREES		

SHRUBS

A. 9 x 10 = 90	90	90
B. 60 x 30% = 24	24	24

G. THREE STREET TREES REQUIRED

LOT TREE	9
STREET TREE	3

NOTE:

1. RECREATION AREA	2,370.00 SF
2. CLASSROOM AREA	1,272.43 SF

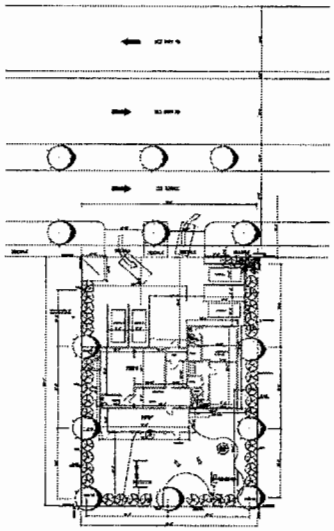
LEGAL DESCRIPTION

LOT 7, BLOCK 2, OF SUBDIVISION MANSIONETTE HOMES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, AT PAGE 98 OF THE PUBLIC RECORDS OF

MIAMI - DADE COUNTY, FLORIDA

LANDSCAPE SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	NATIVE SPECIES YES / NO	MAX. HEIGHT	CANOPY DIAMETER	REMARKS
SHRUBS & TREE NAMES							
TREES							
	7		SILVER TRUMPET TREE	YES	12' - HT MIN		NEW
	1		SABAL PALMETO	YES	12'		EXIST
SHRUBS & FLOWERS							
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	YES / NO			



UBICATION LOCATION MAP

Project:
LITTLE DOLPHIN DAY CARE
1210 NE 205 TERRACE
MIAMI, FLORIDA

Client:
LITTLE DOLPHIN DAY CARE
1210 NE 205 TERRACE
MIAMI, FLORIDA

PRAXIS ARCHITECTURE
JOSE L SANCHEZ, AIA
2324 N MIAMI AVE.
MIAMI, FLORIDA 33127
TEL.: (305) 576-5063
FAX: (305) 576-5772
FL Lic: AA26000637
N.J. Lic: 12462
N.Y. Lic: 23590

No.	Revision	Date

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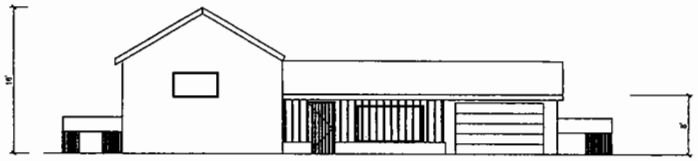
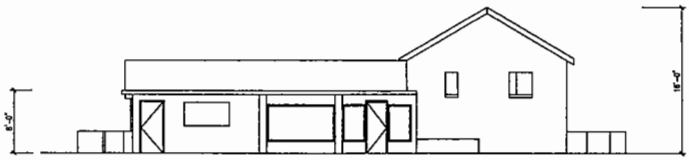
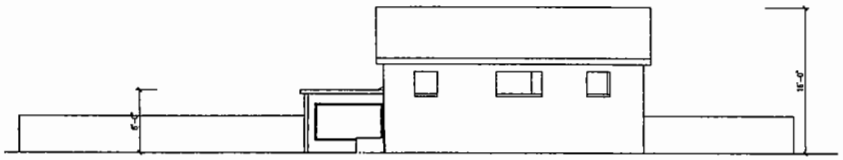


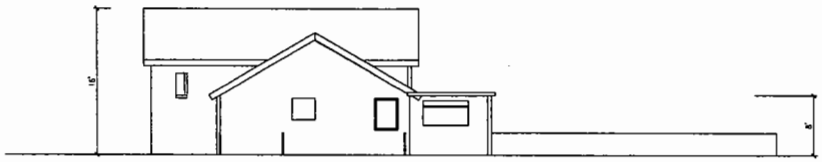
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

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Project:

LITTLE DOLPHIN DAY CARE

1210 NE 205 TERRACE
MIAMI, FLORIDA

Client:

LITTLE DOLPHIN DAY CARE
1210 NE 205 TERRACE
MIAMI, FLORIDA

PRAXIS ARCHITECTURE
JOSE L SANCHEZ, AIA
2324 N MIAMI AVE.
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FAX: (305) 576-5772
FL Lic: AA 26000827
N.J. Lic: 12482
N.Y. Lic: 22590

No.	Revision	Date

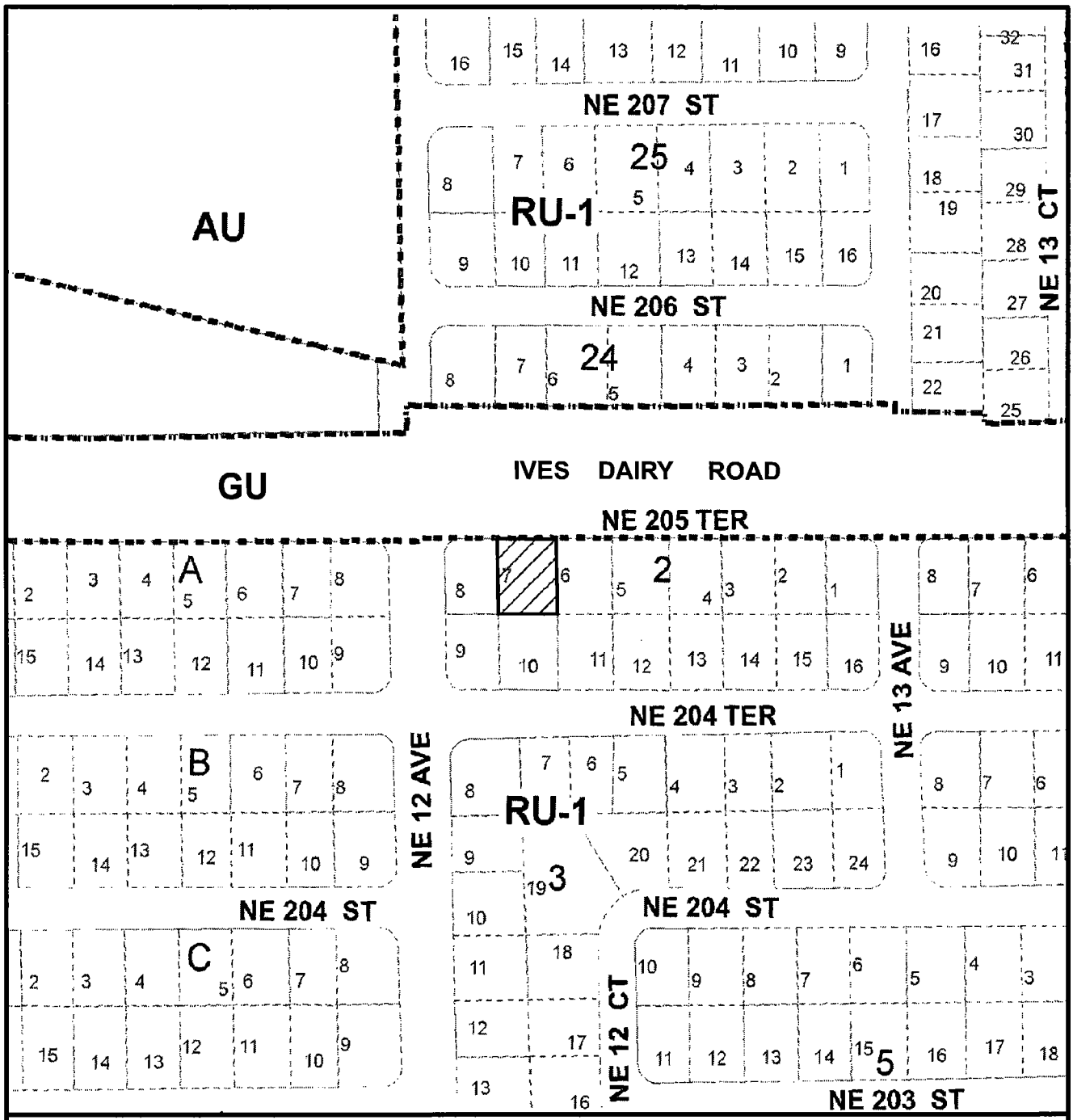
Drawing Title

Date 09/04/2007

Scale 1- 1/8"

Drawing Number

Sheet Number



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-356

N

SUBJECT PROPERTY

Section: 32 Township: 51 Range: 42
Applicant: GISSELLE CASTILLO Y JULIO VALLEJO
Zoning Board: C02
District Number: 01
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/26/07

REVISION	DATE	BY
Change Street Name	02/01/08	ESM

21

MIAMI-DADE COUNTY
AERIAL

Process Number
07-356

N

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MIAMI-DADE COUNTY

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REVISION	DATE	BY
Change Street Name	02/01/08	ESM