KITS

5-4-2009 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 5

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 Street, Miami

Thursday, May 14, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	09-4-CZ5-2	CONCRETE STRUCTURES	08-159	24-53-39

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, MAY 14, 2009

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 STREET, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. CONCRETE STRUCTURES (09-4-CZ5-2/08-159) **24-53-39**
Area 5/District 12

(1) MODIFICATION of Condition #2 of Resolution No. CZAB9-24-01, passed and adopted by Community Zoning Appeals Board #9, last modified by Resolution No. CZAB 5-9-08, passed and adopted by Community Zoning Appeals Board #5, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 2/12/08."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 1/20/09."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing unpaved parking spaces, relocation of buildings and waiving the required street trees for a previously approved concrete batching plant.

(2) Applicant is requesting to permit unpaved parking spaces (paved parking spaces required).

(3) Applicant is requesting to permit 0 street trees (38 street trees required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 12100 N.W. 58 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 11.13 Acres

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 on a **modified basis** to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

****

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.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

A. CONCRETE STRUCTURES
(Applicant)

09-4-CZ5-2 (08-159)
Area 5/District 12
Hearing Date: 5/14/09

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
1986	Four Star Trucking	Unusual Use for lake & Concrete batching plant & office trailer.	BCC	Approved w/Conds.
2001	Concrete Structures, INC.	Unusual Use for lake excavation / Non-Use Variances.	CZAB 9	Approved w/Conds.
2008	Concrete Structures, INC.	Unusual Use to permit a concrete casting plant & modification of a previous resolution.	CZAB 9	Approved w/Conds.

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 5
MOTION SLIP

#2

APPLICANT'S NAME: **CONCRETE STRUCTURES**

REPRESENTATIVE: Ethan Wasserman

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-4-CZ5-2 (08-159)	April 2, 2009	CZAB5		09

REC: Approval with conditions of requests #1 on a modified basis to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: May 14, 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 applicant's request.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Joanne CARBANA	X		
VICE-CHAIRMAN		Juan A. GARCIA (C.A.)	X		
COUNCILMAN		Archie E. MCKAY, JR.			X
COUNCILMAN	M	Leonardo A. PEREZ	X		
COUNCILMAN		Alexander C. SENDEROFF	X		
CHAIRMAN		Richard FRIEDMAN	X		
		VOTE:	5	0	

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

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MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 5

APPLICANT: Concrete Structures Inc. **PH:** Z08-159 (09-4-CZ5-2)

SECTION: 24-53-39 **DATE:** May 14, 2009

COMMISSION DISTRICT: 12 **ITEM NO.:** A

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A. INTRODUCTION

o **REQUESTS:**

(1) MODIFICATION of Condition #2 of Resolution No. CZAB9-24-01, passed and adopted by Community Zoning Appeals Board #9, last modified by CZAB 5-9-08, passed and adopted by Community Zoning Appeals Board #5, reading as follows:

FROM: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 2/12/08."

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The purpose of request #1 is to allow the applicant to submit a revised site plan showing unpaved parking spaces, relocation of buildings and waiving the required street trees for a previously approved concrete batching plant.

(2) Applicant is requesting to permit unpaved parking spaces (paved parking spaces required).

(3) Applicant is requesting to permit 0 street trees (38 street trees required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:**

  The requests will allow the applicant to operate a previously approved concrete casting, batching, rock crushing and screening plant in connection with two previously approved lake excavations with parking on natural terrain and without the number of street trees required for the site.

- **LOCATION:** 12100 N.W. 58 Street, Miami-Dade County, Florida.

- **SIZE:** 11.13 Acres

B. ZONING HEARINGS HISTORY:

In 1986, the Board of County Commissioners, pursuant to Resolution No. Z-160-86, granted an Unusual Use to permit a lake excavation on the subject property. However, said lake excavation was never established and the approvals granted therein lapsed due to failure to timely comply with the conditions imposed. In 1990, pursuant to Resolution No. 4ZAB-399-90, identical requests to the 1986 application were denied with prejudice by the Zoning Appeals Board. In 2001, Community Zoning Appeals Board 9, pursuant to Resolution No. CZAB9-24-01, approved two lake excavations, a rock crushing and screening plant and a concrete batching plant and in 2008, pursuant to Resolution No. CZAB5-9-08, the Community Zoning Appeals Board 5 granted approval allowing a concrete casting plant in conjunction with two previously approved lake excavations, a concrete batching plant, and a rock crushing and screening plant and a modification of previously approved plans.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Open Land.**

Open Land Subarea 2 (Northwest Wellfield). This Open Land subarea is bounded on the north by the Miami Canal, on the east by the Turnpike Extension, on the west by the Dade-Broward Levee, and on the south by NW 12 Street and its hypothetical extension. Limestone quarrying and ancillary uses including the continued operation of existing cement plants, necessary and compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses, rural residences at a maximum density of 1 dwelling unit per 5 acres and seasonal agriculture may be considered for approval in this area.

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. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing, lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is

found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would 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. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree which has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses.

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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU, modular buildings and precast concrete construction	Open Land
Surrounding Property:	
NORTH: GU; lake excavation and concrete manufacturing	Open Land
SOUTH: GU; vacant	Open Land
EAST: GU; vacant	Open Land
WEST: GU; vacant	Open Land

The subject property is located in the lake belt area situated in the Northwest Wellfield approximately 300' west of and outside the Urban Development Boundary (UDB). This area is characterized by vacant parcels, lakes and ancillary uses such as concrete manufacturing and pre-stressed concrete form processing facilities.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred by the CZAB 5 on April 2, 2009 to May 14, 2009 at the request of the applicant. The 11.13 acre subject property is located at 12100 N.W. 58 Street, on both sides of theoretical NW 56 Street, approximately 300' west of and outside the Urban Development Boundary (UDB) Line, in the Northwest Wellfield Area. This area is characterized by vacant parcels of land, lakes and ancillary uses such as concrete manufacturing and pre-stressed concrete form processing facilities. The zoning on the property is GU, Interim District.

The plans submitted by the applicant depict the two previously approved lake excavations, a temporary site for concrete casting use, a 40' x 60' office structure, two storage sheds and the proposed unpaved truck parking and the unpaved parking for staff. In addition, the plans depict a proposed area for temporary storage of concrete products.

The **Department of Environmental Resources Management (DERM) has no objection** to this application and has indicated that due to the unpaved parking lot the applicant shall implement some control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. The **Public Works Department** has **no objections** to this application as stated in their memorandum. The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **6:37** minutes.

The subject property is designated as **Open Land** on the Land Use Plan Map of the Comprehensive Development Master Plan. The location of the subject property is within the Open Land Subarea 2 (Northwest Wellfield). Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. The CDMP authorizes certain activities 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 category that authorizes uses substantially similar to the requested use. The existing plant is substantially similar, in staff's opinion, to uses permitted in the Open Land Subarea 2 such as limestone quarrying that deals with the production of concrete material where crushed rock is used as an ingredient. As such, the existing plant is **consistent** with the Open Land Subarea 2 designation of the CDMP.

When Request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modification is to allow the approval of a new site plan to allow unpaved parking for trucks and employees. Additionally, the applicant is seeking to waive the street trees required on the public right-of-way. However, in staff's opinion, approval of Request #1, should be on a **modified basis** to include the required 38 street trees required by the Zoning Code. Staff notes that the **Open Land** Category, allows limestone quarrying and ancillary uses including the continued operation of cement plants. As such, this application is **consistent** with the CDMP. Staff further notes that according to the Public Works memorandum, approval of this application will not generate any additional daily peak hour trips, will meet the traffic concurrency criteria, and is not expected to generate

additional traffic. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the **modified** approval of Request #1, to include the required 38 street trees subject to conditions, will not have an unfavorable effect on the surrounding area and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that the modified approval of Request #1 would be **compatible** with the other uses in the area and, therefore, staff recommends approval with conditions under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze request #1 under said standards and, as such, request #1 should be denied without prejudice under same.

When request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not negatively affect the appearance of the community. As previously mentioned, the applicant is requesting to permit unpaved parking for trucks and staff. Staff notes that the site has been approved for two lake excavations, a concrete batching plant and related uses which require continuous traffic of heavy equipment throughout the site. Staff notes, that a paved parking area will probably not withstand the frequent traffic of heavy trucks and machinery and will have to be repaved frequently. However, as indicated by the Department of Environmental Resources Management (DERM) in order to prevent the spread of dust, the applicant should adopt some dust control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the site and surrounding area. As previously mentioned, the applicant is requesting to waive the requirement of 38 street trees on the public right-of-way. Staff opines, that the street trees will provide a buffer and block some of the dust caused by the lake excavation, traffic within the site and concrete casting and batching plant operations from the neighboring properties. As such, staff recommends denial with prejudice of Request #3 without prejudice under Section 33-311(A)(4)(b) (NUV).

Under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #2 and #3 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. These requests do not comply with the standards of said section since the

property can be utilized in accordance with the previously approved Resolutions No. CZAB9-24-01 and CZAB5-9-08. Therefore, staff recommends denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends approval on a **modified basis** of request #1 to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of request #1 on a **modified basis** to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Resolutions No. CZAB9-24-01 and CZAB5-9-08 remain in full force and effect, except as herein modified.

2. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

DATE INSPECTED: 02/18/09
DATE TYPED: 02/19/09
DATE REVISED: 02/20/09; 03/05/09; 03/09/09; 05/05/09
DATE FINALIZED: 05/05/09
MCL:MTF:NN:NC:AA

for Maria I Gopo

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

Memorandum

MIAMI-DADE COUNTY

Date: September 12, 2008

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

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

Subject: C-05 #Z2008000159
Concrete Structures
12100 N.W. 58th Street
Request to Permit an Existing Concrete Casting Plant with Unpaved Parking Area and Request to Permit Less Street Trees than Required
(GU) (11.13 Acres)
24-53-39

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.

Based upon the proposed requests, to permit an existing concrete casting plant with unpaved parking and to permit less street trees than required, DERM offers the following comments:

Air Pollution
The proposed unpaved parking lot combined with vehicular traffic may create some fugitive dust. Therefore, DERM recommends that zoning approval be conditioned to the implementation of dust control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. The applicant is advised that no oil based materials will be permitted as parking surface.

Enforcement History
DERM has found one closed enforcement and two open enforcement records for the subject property:

Folio No. 30-3924-002-0272
N.W. 60th St. and N.W. 121st Ave., Miami, FL
On September 03, 1997, a Notice of Violation was issued to Sebastian and Patricia Salonia for the unpermitted filling of wetlands and storage of chemicals. On December 19, 1997, a Final Notice Prior to Court Action was sent to the owners; the case remains open and is included in Concrete Structures Inc. FW85-202 as of 01/02/2007 (see below).

Folio No. 30-3924-002-0142
12100 N.W. 58th St., Miami, FL
There is an open court case involving the subject property, which is located within the Northwest Wellfield as well as the Transitional Northeast Everglades Wetland Basin. CSI obtained a Class IV permit (FW85-202) from DERM in 2004 for a lake excavation in wetlands. The Class IV permit was

issued as an after-the-fact approval for work in wetlands, which had commenced at the subject site without prior DERM approval. As part of the resolution of the Chapter 24 violations of said permit, a Settlement Agreement was executed on November 1, 2005. The Settlement Agreement (SA) required CSI to legalize any and all uses on the property within 18 months of execution of the SA (or by June 1, 2007). CSI was approved for an Unusual Use and Modification of Zoning Resolution CZAB9-24-01 in zoning hearing application Z2007000292 utilizing fill from the on-site excavation. However, CSI has been and is currently using the subject site to store concrete products in non-compliance with the SA and County Approval.

Folio No. 30-3924-002-0141
12050 NW 58th St., Miami, FL
On July 15, 1992, a Uniform Civil Violations Notice was issued to Ken Rosen for unpermitted wetland filling. On August 20, 1993, an Affidavit of Compliance was issued and the case was subsequently closed due to compliance.

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 discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

REVISION 2
PH# Z2008000159
CZAB - C05

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:CONCRETE STRUCTURES

This Department has no objections to this application.

This Department has no objections to the request to permit unpaved parking spaces.

Additional improvements may be required at time of permitting.

The applicant must dedicate an additional 5 feet for NW 58 Street for a total of 40 feet (1/2 R/W).

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.
01-APR-09

Memorandum

MIAMI-DADE COUNTY

Date: 04-SEP-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000159

Fire Prevention Unit:

No objection to plan stamped received August 18, 2008 via Case # Z2008000159 / Old Case #: Z2008000126

Service Impact/Demand:

Development for the above Z2008000159
located at 12100 N.W. 58 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0948 is proposed as the following:

N/A residential	dwelling units	78,900 industrial	square feet
2,400 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: 3.47 alarms-annually.
The estimated average travel time is: 6:37 minutes

Existing services:

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

Station 45 - Doral - 9710 NW 58 Street
ALS Engine

Planned Service Expansions:

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

Station 69 - Doral North - 11151 NW 74 Street.

Fire Planning Additional Comments:

Current service impact calculated based on plan date stamped August 18, 2008. Substantial changes to the plan will require additional service impact analysis.

DATE: 03/04/09

TEAM METRO

ENFORCEMENT HISTORY

CONCRETE STRUCTURES

APPLICANT

12100 NW 58 STREET, MIAMI-DADE COUNTY,

ADDRESS

Z2008000159

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY: Current case history, case 200907000542 was opened based on enforcement history request and inspected 02/26/09. No violation observed and case closed. Previous case history, case 200807000733 was opened based on enforcement history request and inspected 3/14/08. No violation was observed and case was closed. Case 200707003171 was opened 8/27/07 for enforcement history and inspected and closed for no violation. Case 200007002432 was opened for failure obtain zoning permit on 8/3/00 and closed because case already in progress with citations issued and waiting for public hearing.

Osiel Morales

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-159
DATE: AUG 18 2008
BY: SDR

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: Concrete Structures, Inc.

NAME AND ADDRESS	Percentage of Stock
Richard Salonia, President	100%
12100 NW 58th Street	
Miami, Florida 33178	

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 _____

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 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: _____

NAME AND ADDRESS	Percentage of Ownership

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

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MIAMI-DADE COUNTY
PROCESS #: 208159
DATE: AUG 18 2008
BY: SDE

NAME OF PURCHASER: _____

If any 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.

Concrete Structures, Inc.

Signature: _____
(Applicant) Richard Salonia, President

Sworn to and subscribed before me this 8 day of July, 2008. Affiant is personally know to me or has produced _____ as identification.

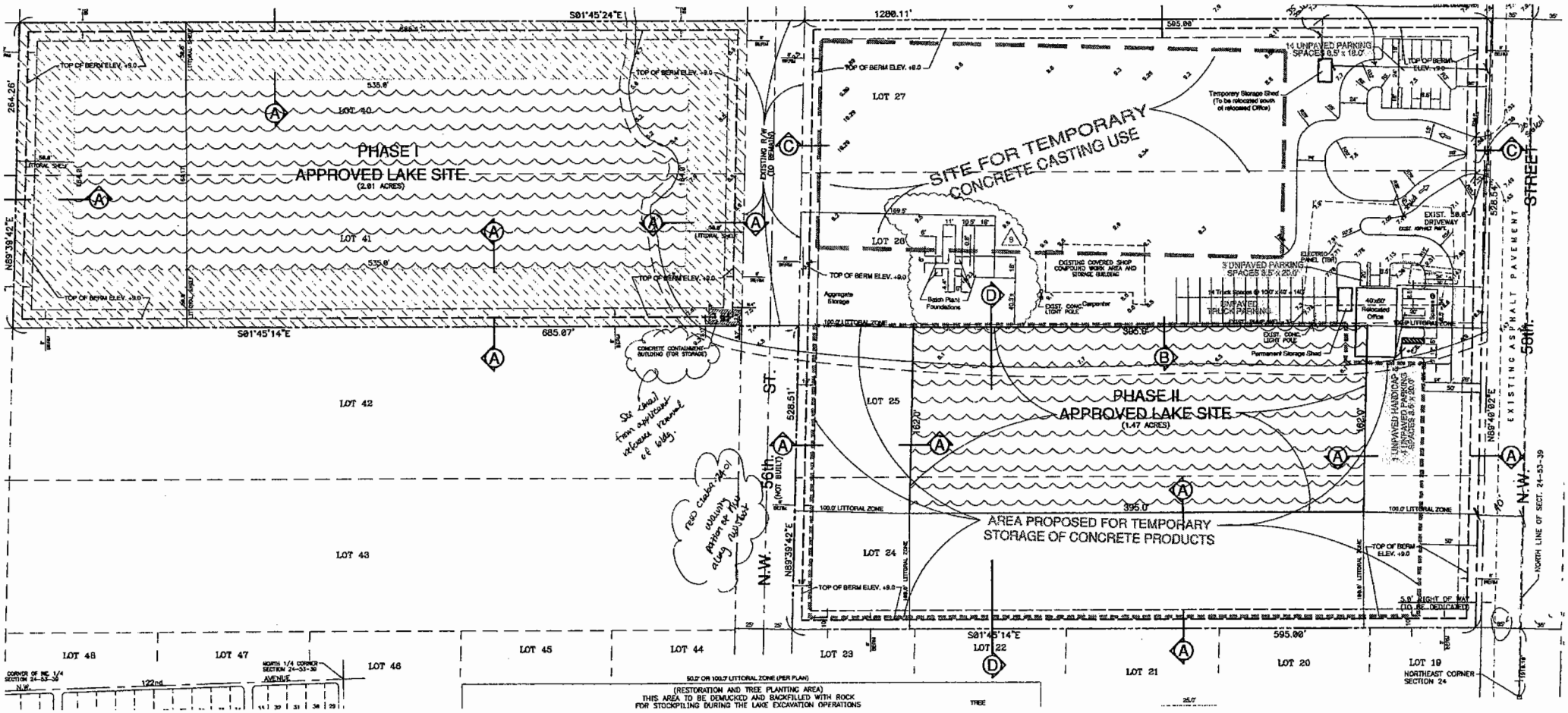
_____
(Notary Public)

PATRICIA GARZON
Commission DD 724569
Expires December 5, 2011
Bonded Thru Troy Fain Insurance 800-385-7019

My commission expires: _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or 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.

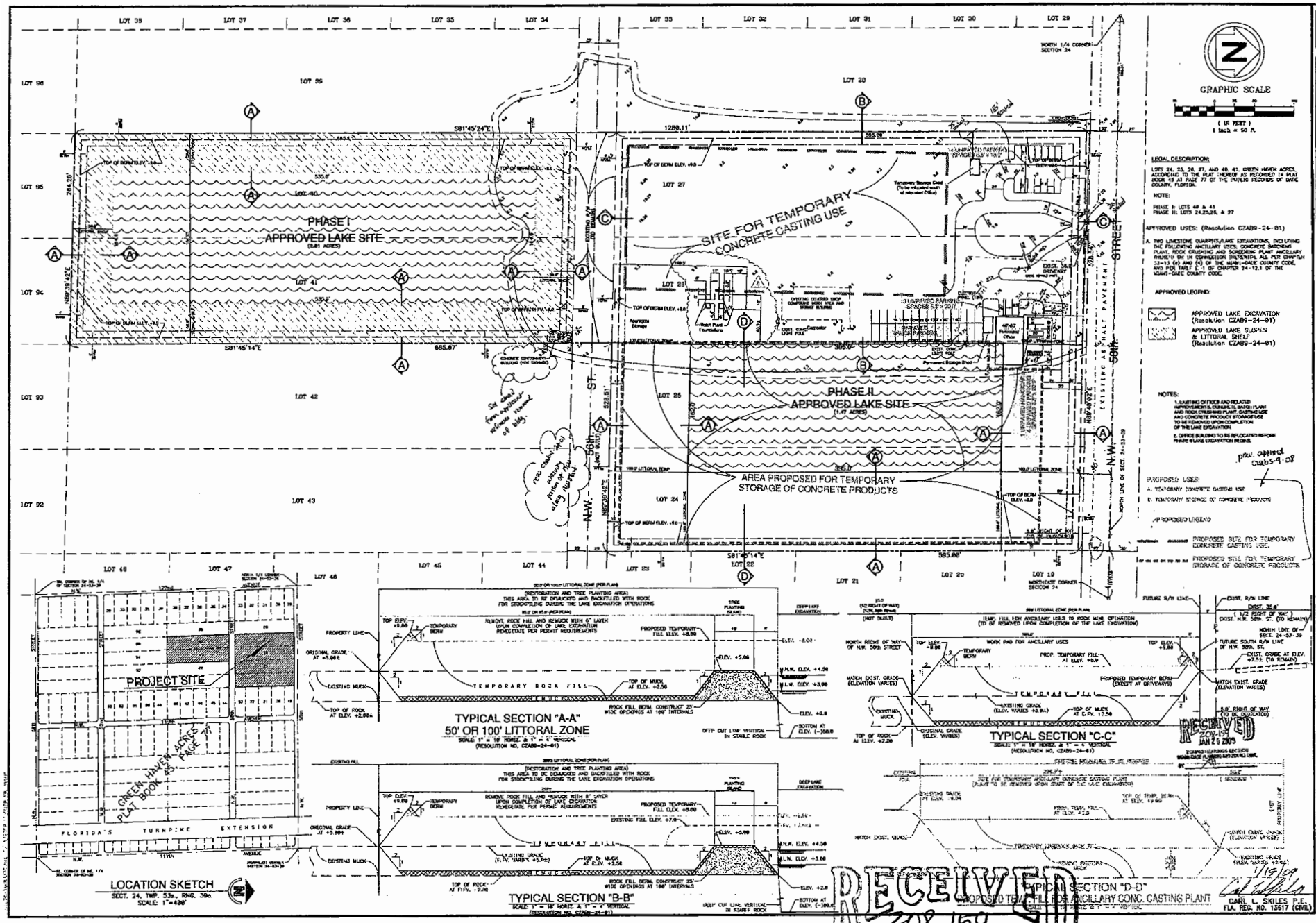
MIADOCS 2816357 1

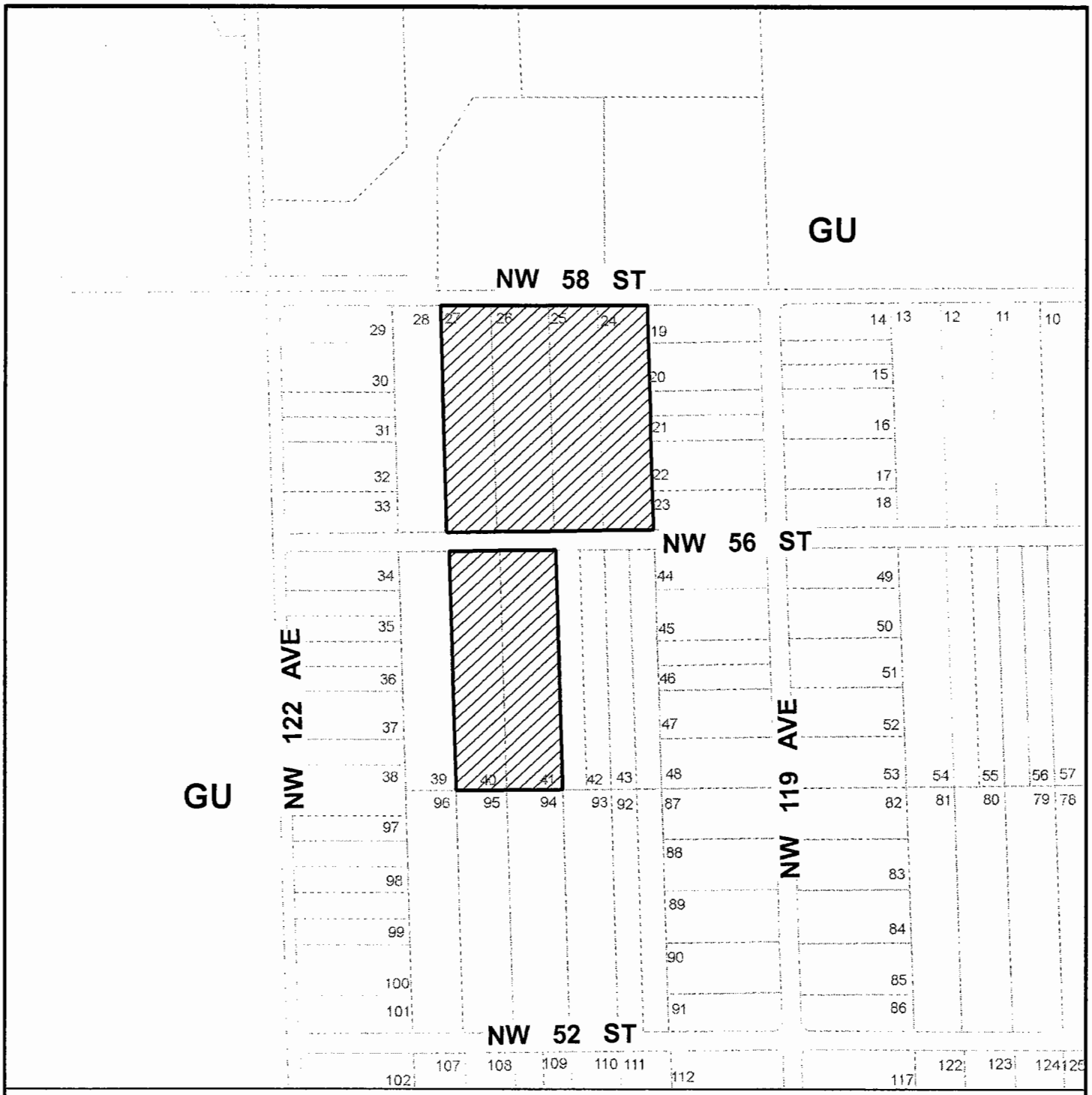


ENLARGED PLAN

RECEIVED
208-159
JAN 20 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

19


GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
LEGAL DESCRIPTION:
LOTS 24, 25, 26, 27, AND 40, 41, GREEN HAVEN ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43 AT PAGE 77 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
NOTE:
PHASE I: LOTS 40 & 41
PHASE II: LOTS 24,25,26, & 27
APPROVED USES: (Resolution CZAB9-24-01)
A. TWO LIMESTONE QUARRIES/LAKE EXCAVATIONS, INCLUDING THE FOLLOWING ANCILLARY USES: CONCRETE BATCHING PLANT, ROCK CRUSHING AND SCREENING PLANT ANCILLARY RHODES OK IN CONNECTION THEREWITH, ALL PER CHAPTER 33-13 (a) AND (c) OF THE MIAMI-DADE COUNTY CODE, AND PER TABLE 2-1 OF CHAPTER 24-12.1 OF THE MIAMI-DADE COUNTY CODE.
APPROVED LEGEND:
APPROVED LAKE EXCAVATION (Resolution CZAB9-24-01)
APPROVED LAKE SLOPES & LITTORAL SHELF (Resolution CZAB9-24-01)
NOTES:
1. EXISTING OFFICE AND RELATED IMPROVEMENTS, OUTSIDE OF BATCH PLANT AND ROCK CRUSHING PLANT, CASTING USE AND CONCRETE PRODUCT STORAGE USE TO BE REMOVED UPON COMPLETION OF THE LAKE EXCAVATION
2. OFFICE BUILDING TO BE RELOCATED BEFORE PHASE II LAKE EXCAVATION BEGINS.
PROPOSED USES:
A. TEMPORARY CONCRETE CASTING USE
B. TEMPORARY STORAGE OF CONCRETE PRODUCTS
PROPOSED LEGEND
PROPOSED SITE FOR TEMPORARY CONCRETE CASTING USE.
PROPOSED SITE FOR TEMPORARY STORAGE OF CONCRETE PRODUCTS
PHASE I
APPROVED LAKE SITE
(3.81 ACRES)
PHASE II
APPROVED LAKE SITE
(1.47 ACRES)
SITE FOR TEMPORARY CONCRETE CASTING USE
AREA PROPOSED FOR TEMPORARY STORAGE OF CONCRETE PRODUCTS
S81°45'24"E
S81°45'14"E
N89°39'43"E
1280.11'
665.07'
528.51'
585.00'
56th ST.
N.W. 57th AVENUE
EXISTING ASPHALT PAVEMENT
LOT 96
LOT 95
LOT 94
LOT 93
LOT 92
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 27
LOT 28
LOT 25
LOT 24
LOT 20
LOT 19
LOT 21
LOT 22
LOT 23
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 35
LOT 37
LOT 36
LOT 34
LOT 33
LOT 32
LOT 31
LOT 30
LOT 29
PROJECT SITE
GREEN HAVEN ACRES PLAT BOOK 43 PAGE 77
FLORIDA'S TURNPIKE EXTENSION
LOCATION SKETCH
SECT. 24, TWP. 53s., RNG. 39e.
SCALE: 1"=400'
TYPICAL SECTION "A-A"
50' OR 100' LITTORAL ZONE
SCALE: 1" = 10' HORIZ. & 1" = 4' VERTICAL
(RESOLUTION NO. CZAB9-24-01)
TYPICAL SECTION "B-B"
TYPICAL SECTION "C-C"
TYPICAL SECTION "D-D"
PROPOSED TEMP. FILL FOR ANCILLARY CONC. CASTING PLANT
TEMPORARY ROCK FILL
PROPERTY LINE
ORIGINAL GRADE
EXISTING MUCK
TOP OF ROCK
TEMPORARY BERM
PROPOSED TEMPORARY FILL
TOP OF MUCK
BOTTOM AT ELEV. (-300.0)
DEEP CUT LINE VERTICAL IN STABLE ROCK
RECEIVED
208-159
JAN 20 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
RECEIVED
ZON-159
JAN 29 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 1000533
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone: 305-653-4131 / Fax: 305-653-7133 / Email: fls@fleavy.com
CONCRETE STRUCTURES, INC.
SITE PLAN
PROPOSED CONCRETE CASTING PLANT AND STORAGE OF CONCRETE PRODUCTS
MIAMI-DADE COUNTY, FLORIDA.
Date: March 12, 2008
Scale: 1" = 50'
Drawn By: RRP
Cad. No. 080320
Date Plotted: 1/15/09 11:43a
Ref. Dwg. 3008-013/080207
Field Book. 503/35
Job. No. 2733E
Dwg. No. 3008-018-SP
Sheet 1 of 1
CARL L. SKILES P.E.
FLA. REG. NO. 15617 (CIVIL)
1/15/09



MIAMI-DADE COUNTY

HEARING MAP

Section: 24 Township: 53 Range: 39
Applicant: CONCRETE STRUCTURES
Zoning Board: C05
Commission District: 12
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number

08-159

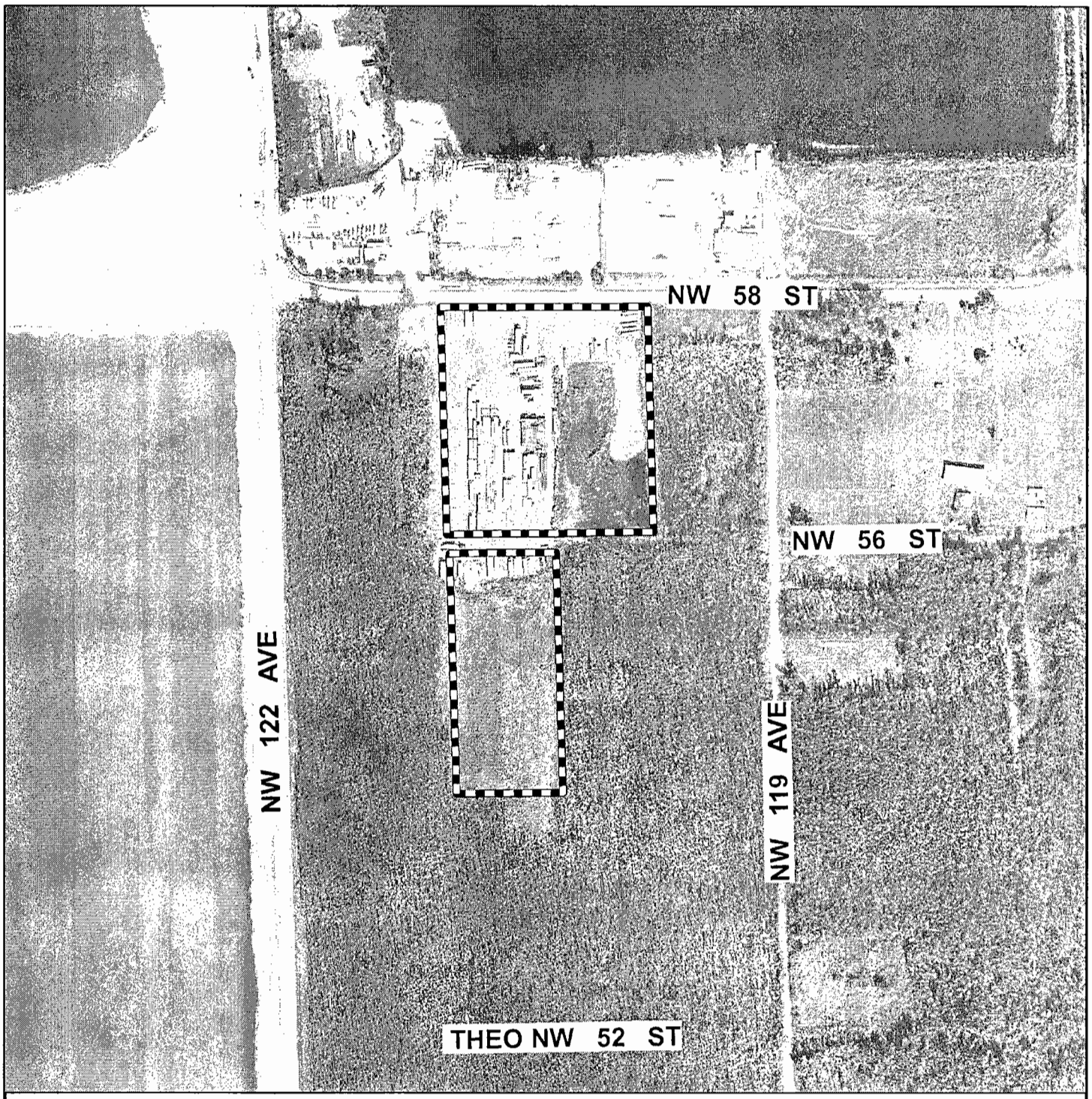
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKECTH CREATED ON:7/23/08

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 24 Township: 53 Range: 39
Applicant: CONCRETE STRUCTURES
Zoning Board: C05
Commission District: 12
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number
08-159

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/25/08

REVISION	DATE	BY