

# KITS

9-25-2008 Version # 2



**COMMUNITY ZONING APPEALS BOARD 8  
HENRY REEVES ELEMENTARY SCHOOL  
2005 NW 111 Street, Miami  
Wednesday, October 29, 2008 at 7:00 p.m.**

**PREVIOUSLY DEFERRED**

A.	06-3-CZ8-3	WALGREENS CO.	05-380 (Old #05-175)	35-52-41	N
B.	08-9-CZ8-1	SOLID OAKS, LLC	05-336	19-52-42	

**CURRENT**

1.	08-10-CZ8-1	SOUTHEASTERN GROUP INVESTMENT, INC.	06-159	28-53-41	N
2.	08-10-CZ8-2	WILLIE & HELEN JONES	08-107	15-53-41	N



# Official Zoning Agenda

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## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, OCTOBER 29, 2008

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 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

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remaining sheets dated stamped received 1/4/08 and for a total of 13 sheets. Plans may be modified at public hearing.

LOCATION: 14752 N.E. 6 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.89 Acres

Department of Planning and  
Zoning Recommendation:

Deferral.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

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

Deferred from 9/24/08

1. **SOUTHEASTERN GROUP INVESTMENT, INC. (08-10-CZ8-1/06-159)**

**28-53-41  
Area 8/District 2**

(1) RU-2 to IU-1

(2) Applicant is requesting to permit a minimum 4' wide greenbelt (8' required) along a portion of the right-of-way.

**REQUESTS #1 & #2 ON PARCEL "A"**

(3) SPECIAL EXCEPTION to permit a mixed-use 3-unit residential with retail building in the BU-1A zoning district.

(4) Applicant is requesting to permit a building setback 7' (15' required) from the side street (north) property line.

(5) Applicant is requesting to permit a minimum 4' wide greenbelt (7' required) along a portion of the right-of-way.

**REQUESTS #3 - #5 ON PARCEL "B"**

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A) (16) (Alternative Site development Option for the BU Zoning District) and requests #2, #4 & #5 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 "Proposed Two-Story Building," as prepared by Optimus Structural Design, L. L. C., Sheets "SP-1," "SP-2" and "A-1", dated stamped received 2/27/08 and Sketches "S1" and "S2" dated stamped received 7/29/08, for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: The southwest corner of N.W. 32 Avenue and N.W. 31 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 77.5' x 150'

Department of Planning and Zoning Recommendation:

Approval of request #1 on Parcel A only, subject to the Board's acceptance of the proffered covenant; approval of request #3 on Parcel B; Approval with conditions of requests #2, #4, and #5 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Section 33-311(A)(4)(c) (ANUV); denial without prejudice of request #4 under Section 33-311(A)(16) (ASDO).

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

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

**2. WILLIE AND HELEN JONES (08-10-CZ8-2/08-107)**

**15-53-41  
Area 8/District 3**

Applicants are requesting to permit an existing single-family residence setback a minimum of 1.9' (7.5' required) from the interior side (east) property line and setback 14.17' (25' required) from the front (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization to exstng residence (sic) Mrs. Willie James Jones," as prepared by Juan C. David, R. A., Sheet A-4 dated stamped received 6/17/08 and remaining sheets dated stamped received 8/18/08, for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 2261 N.W. 58 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' x 141.38'

Department of Planning and Zoning Recommendation:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0

Waivers: 11

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

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

T H E E N D

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. WALGREENS CO.**  
**(Applicant)**

**06-3-CZ8-3 (05-380)**  
**Area 8/District 2**  
**Hearing Date: 10/29/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1961	Anthony Magazul	Special exception to expand package store.	ZAB	Approved w/conds.
1964	Anthony Magazul	Modification of previous resolution.	BCC	Approved w/conds.
1970	Anthony Magazul	Unusual Use non-comm. Parking and permit a nightclub.	ZAB	Approved w/conds.
1976	Anthony and Mary Magazul	BU-1A use in the RU-1.	BCC	Approved w/conds.

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

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP

**A**

APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	October 23, 2007	CZAB8	07

**REC: Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A and denial without prejudice of the remainder of the zone change request on the balance of the subject property, and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (Non-Use Variance) and 33-311 (A)(4)(c) (Alternative Non-Use Variance).**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: 12 month deferral       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: To work with staff regarding request #2. The applicant had asked for an indefinite deferral, but the Board gave them a 12 month deferral from this evenings hearing.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	<b>M</b>	Richard C. BROWM (C.A.)	<b>X</b>		
MR.	<b>S</b>	Patrick CURE	<b>X</b>		
MR.		Vernell EVERETT	<b>X</b>		
MR.		Arthemon JOHNSON			<b>X</b>
MS.		Voncarol Yvette KINCHEN	<b>X</b>		
CHAIRMAN		Fredericke Alan MORLEY	<b>X</b>		

VOTE:      **5**      **0**

EXHIBITS:  YES       NO

COUNTY ATTORNEY: **DENNIS KERBEL**

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	July 25, 2007	CZAB8	07

**REC:** Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A, and denial without prejudice of the remainder of the zone change request on the balance of the subject property; denial without prejudice of request #2 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV).

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: October 23, 2007       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: The deferral was at the request of the applicant's representative. She stated that the Walgreens was being re-organized and that she had to speak with the company regarding staff's recommendation.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Richard C. BROWM			X
MR.		Patrick CURE	X		
MR.		Arthemon JOHNSON	X		
MS.		Voncarol Yvette KINCHEN	X		
MR.		Fredericke Alan MORLEY (C.A.)	X		
CHAIRMAN		Vernell EVERETT	X		

VOTE: 

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EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	March 20, 2007	CZAB8	07

**REC: Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A and denial without prejudice of the remainder of the zone change request on the balance of the subject property, and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV)**

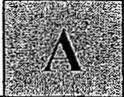
WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:     INDEFINITELY       TO: July 25, 2007       W/LEAVE TO AMEND  
 DENY:       WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:     PER REQUEST       PER DEPARTMENT       PER D.I.C.  
                                  WITH CONDITIONS  
 OTHER: To look for other solutions in obtaining complete approval of the application.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	<b>S</b>	Richard BROWN	<b>X</b>		
MR.	<b>M</b>	Arthemon JOHNSON	<b>X</b>		
MS.		Voncarol Yvette Kinchen	<b>X</b>		
MR>		Fredericke Alan MORLEY (C.A.)			<b>X</b>
CHAIRMAN		Vernell EVERETT	<b>X</b>		
VOTE:			<b>4</b>	<b>0</b>	

EXHIBITS:  YES     NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	January 16, 2007	CZAB8	07

**REC:** Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A and denial without prejudice of the remainder of the zone change request on the balance of the subject property, and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (Non-Use Variance) and 33-311(A)(4)(c) (Alternative Non-Use Variance).

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: March 20, 2007       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: No quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Arthemon JOHNSON			
MR.		Fredericke Alan MORLEY (C.A.)			X
CHAIRMAN		Vernell EVERETT			

VOTE: 

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EXHIBITS:  YES  NO

COUNTY ATTORNEY: \_\_\_\_\_

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**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	December 12, 2006	CZAB8	06

**REC: Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A, and denial without prejudice of the remainder of the zone change request on the balance of the subject property; denial without prejudice of request #2 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV).**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: January 16, 2006       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: No quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Arthemon JOHNSON			
MR.		Fredericke Alan MORLEY (C.A.)			X
CHAIRMAN		Vernell EVERETT			

VOTE: 

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EXHIBITS:  YES       NO

COUNTY ATTORNEY: Absent

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: **WALGREENS CO.**

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	November 14, 2006	CZAB8	06

**REC: Modified approval of request #1 to rezone the RU-1 portion only of the subject property to BU-1A, and denial without prejudice of the remainder of the zone change request on the balance of the subject property; denial without prejudice of request #2 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c).**

WITHDRAW:  APPLICATION  ITEM(S): \_\_\_\_\_

DEFER:  INDEFINITELY  TO: 12/12/06  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

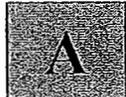
OTHER: At the request of the applicant's representative to contact the applicant in regards to staff's recommendation pertaining to the modified zone change.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	S	Bertha M. CARSWELL	X		
MR.		James COLLAZO			X
MR.		Arthemon JOHNSON	X		
MR.	M	Fredericke Alan MORLEY (C.A.)	X		
CHAIRMAN		Vernell EVERETT	X		
VOTE:			4	0	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: WALGREENS

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	September 12, 2006	CZAB8	06

REC: Denial without prejudice.

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: 11/14/06       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: To amend the letter of intent. Applicant will be held responsible for any possible  
 expenses.

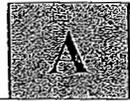
TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Bertha M. CARSWELL	X		
MR.		James COLLAZO			X
MR.	S	Arthemon JOHNSON	X		
MR.	M	Fredericke Alan MORLEY (C.A.)	X		
CHAIRMAN		Vernell EVERETT	X		

VOTE:      4      0

EXHIBITS:  YES       NO

COUNTY ATTORNEY: KENNETH DRUCKER

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP**



APPLICANT'S NAME: WALGREENS CO.

REPRESENTATIVE: Iris Escara

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
06-3-CZ8-3 (05-380)	June 20, 2006	CZAB8		06

REC: Denial with prejudice.

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:     INDEFINITELY       TO: 9/12/06       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  
 At applicant's request to work with staff.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	S	Bertha M. CARSWELL	X		
MR.		James COLLAZO	X		
MR.		Anthony DAWKINS			X
MR.	M	Arthemon JOHNSON	X		
MR.		Fredericke Alan MORLEY (C.A.)			X
CHAIRMAN		Vernell EVERETT	X		
VOTE:			4	0	

EXHIBITS:  YES     NO

COUNTY ATTORNEY: DENNIS KERBEL

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP

#4

APPLICANT'S NAME: WALGREENS CO.

REPRESENTATIVE: Iris Escarra

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-3-CZ8-3 (05-380)	March 21, 2006	CZAB8	05

REC: Denial with prejudice.

- WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: June 20, 2006       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

At the representative's request. The representative's firm was just hired, and the person needs time to review and possibly modified the site plans.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	S	Bertha M. CARSWELL	X		
MR.		James COLLAZO			X
MR.		Anthony DAWKINS	X		
MR.	M	Arthemon JOHNSON	X		
MR.		Fredericke Alan MORLEY (C.A.)	X		
CHAIRMAN		Vernell EVERETT	X		
VOTE:			5	0	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Walgreens Co.

**PH:** Z05-380 (06-03-CZ8-3)

**SECTION:** 32-52-41

**DATE:** October 29, 2008

**COMMISSION DISTRICT:** 2

**ITEM NO.:** A

**A. INTRODUCTION**

o **REQUESTS:**

- (1) RU-1, BU-1A, BU-2 and BU-3 to BU-3.
- (2) Applicant is requesting to permit a detached automatic changing sign on a 1.9 acre site (10 acres required).

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

Plans are on file and may be examined in the Zoning Department entitled "Survey," as prepared by Florida International Land Surveyor, Inc., dated received 7/6/05 and "Walgreens Electronic Readerboard," as prepared by ICON, consisting of 1 sheet dated stamped received 7/6/05 and 2 sheets dated 9/15/05 and consisting of a total of 5 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to rezone the subject property from RU-1, Single-Family Residential District, BU-1A, Limited Business District, BU-2, Special Business District, and BU-3, Liberal Business District, to BU-3. In addition, a request to permit a detached automatic changing sign (ACS) on a parcel with reduced lot area is also being sought.

o **LOCATION:** 750 N.W. 119 Street, Miami-Dade County, Florida.

o **SIZE:** 1.9 acres gross

o **IMPACT:**

The approval of the zone change would allow more liberal uses on the property which could negatively impact the area. The automatic changing sign will visually impact the surrounding properties.

**B. ZONING HEARINGS HISTORY:**

The subject property includes all of Lots 4 through 15 of Block 1 of Gratigny Place Subdivision. In 1951, pursuant to Resolution No. 4243, a zone change request from BU-2A, Special Business-Masonry District, to BU-3, Liberal Business Masonry District, was

approved on Lots 9 and 10, to allow curb-side service for an existing restaurant. In 1955, a zone change from RU-1 to BU-1A was requested and granted on Lots 6 through 8, pursuant to Resolution No. 7997, limiting the use on the lots to a mortuary. In 1956, a zone change from RU-1 to BU-1A was granted on Lots 1 through 9, pursuant to Resolution No. 9332. In 1961, a special exception to permit the expansion of an existing non-conforming package store and a variance of setback requirements to permit a store-room addition to the existing non-conforming package store setback 9.85' from the side street was granted on Lot 9, pursuant to Resolution No. ZB-573-61. In 1964, a request to delete Conditions 3a. (that the use of said property shall be restricted to BU-2 uses in addition to curbside service for the existing restaurant, and no other BU-3 use be permitted), 3b. (that wine and/or liquor will not be served on the property), and 3c. (that so long as the drive-in use is on the property, no other structure will be erected thereon and the vacant area reserved for parking) from Resolution 4243, was granted and a modified Condition 3a., that the use of the property shall be restricted to BU-2 uses and in addition to a generator shop and no other BU-3 uses be permitted, was granted, pursuant to Resolution No. 9699. Pursuant to Resolution No. Z-311-69, the Board of County Commissioners approved a zone change from RU-1 and BU-1A to BU-2 on lot 8; a special exception to permit the transfer of a non-conforming use for a liquor, beer, and wine bar; and a variance of spacing requirements as applied to alcoholic beverages and modifications of conditions of previously approved Resolution Nos. 4243 and 9332. In 1970, the Zoning Appeals Board granted unusual uses to permit non-commercial parking in a zone more restrictive than the use it serves on Lots 8 and 11, to permit a night club on lots 8 through 11, variances of wall requirements on Lots 8 and 11, variance of spacing requirements on lots 8, 9 and 10 and modifications of Conditions of Resolutions No. 4243 and 9332. Lastly, pursuant to Resolution Z-333-76, a district boundary change from RU-1 to BU-1A was denied without prejudice. A use variance to permit a portion of a proposed shopping center, office building and related parking areas in the RU-1 zone as would be permitted in the BU-1A zone was granted in the alternative. Non-use variances of wall and parking requirements were also granted.

**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 **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling,

storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

**2. Uses and Zoning Not Specifically Depicted.**

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Policy LU-9B (vii)** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

BU-1A, BU-2, BU-3, RU-1; retail store

Business and Office

**Surrounding Properties:**

**NORTH:** C-2, City of North Miami

Business and office

**SOUTH:** RU-1; single-family residences  
 BU-2; retail

Business and Office  
 Business and Office

**EAST:** BU-2; gas station

Business and Office

**WEST:** BU-1A; retail  
 RU-1; single-family residences

Business and Office

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted)

Scale/Utilization of Site:

N/A

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

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\* Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This application was deferred from the October 23, 2007 meeting date for one year at the applicant's request to allow the applicant the opportunity to pursue an amendment to the sign regulations via an ordinance. It should be noted that the applicant met with staff on October 17, 2008; however, to date, no such ordinance has been prepared for consideration by the Board of County Commissioners (BCC). Previously, this application was deferred from the July 25, 2007 meeting per the applicant's request to the October 23, 2007 meeting due to delays resulting from internal restructuring within the Walgreens Company. Additionally, this application was previously deferred from the March 20, 2007 meeting in order to allow the applicant to submit revisions to this application. Additionally, this application was deferred from the January 16, 2007 meeting and from the December 12, 2006 meeting due to a lack of quorum. Prior to this, the application was deferred from the November 14, 2006, meeting at the applicant's request and from the September 12, 2006 meeting at the applicant's request with leave to amend. On October 12, 2006, the applicant submitted a revised Letter of Intent amending their application and requesting a zone change from RU-1, BU-1A, BU-2 and BU-3 to BU-3 and to permit a detached automatic changing sign on a 1.9 acre site. Additionally, prior deferrals were granted from the June 20, 2006, meeting and from the March 21, 2006, meeting at the applicant's request to submit new plans and work with staff.

The subject property is located at 750 NW 119 Street in a mixed-use area. The applicant, Walgreens Co., is requesting to change the zoning on the property from RU-1, Single-Family

Residential District, BU-1A, Limited Business District, BU-2, Special Business District, and BU-3, Liberal Business District, to BU-3. An additional request to permit a detached automatic changing sign (ACS) on a 1.9-acre parcel is also being sought. Automatic changing signs are permitted in any BU or IU zoning district subject to conditions, with a minimum net lot area of 10 acres. To the north of the subject property is the boundary of the City of North Miami and is developed with a commercial shopping center. To the southwest are single-family residences developed under the RU-1 zoning district regulations, while commercial buildings are located to the southeast. To the west of the subject property are single-family residences and retail uses, while directly to the east is a gas station with a convenience store and a fast-food restaurant.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and indicates that their estimated response time is **5:58** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates a full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices. The CDMP indicates that all existing lawful residential and non-residential uses and zoning are deemed to be consistent with the CDMP. As such, the pharmacy retail use on the subject property and the current zoning classifications are **consistent** with the CDMP. The applicant is requesting to change the multiple zoning districts on the property from RU-1, BU-1A, BU-2 and BU-3 to BU-3, in order to make the zoning on the entire site uniform. However, the proposed BU-3 zoning will permit more liberal commercial uses such as automobile and truck sales, contractor's plants and storage yards, gun shops, lumber yards, and auto paint and body shops, to name a few. The existing pharmacy retail use is allowed under the BU-1 zoning district. Staff recognizes that rezoning the subject property to one uniform zone is appropriate. However, staff is of the opinion that the rezoning of the subject property to BU-3 would be **incompatible** as it would be intrusive to the residential area to the south by allowing higher intensity business activity and would not be transitional. To the south of the subject property is a residential community, which would be impacted by the introduction of a more liberal commercial district that allows uses that would disrupt the tranquil nature of the community. Furthermore, to the southwest of the subject property there still exist RU-1 zoned parcels, which staff opines would be negatively affected by the rezoning to BU-3. Also, the only portion of the subject property which is currently zoned BU-3 is located on the southwest corner of the intersection of NW 7 Avenue and NW 119 Street, which faces the City of North Miami to the north and northeast with properties which are designated C-2, Commercial Highway, and B-1, Commercial District. To the east and southeast are BU-2 zoned parcels and to the west is BU-1A, Limited Business District, and RU-1. Staff is of the opinion that a rezoning of the RU-1 zoned portion only of the subject property to **BU-1A**, in lieu of the requested BU-3 on the overall subject property, would be in keeping with the zones in the area and with the existing use on the subject site, and would be **consistent** with the Land Use Plan (LUP) map's designation of this site which is Business and Office use.

Policy LU-9B (vii) of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The approval of the proposed automatic changing sign on the subject site of 1.9 acres where 10 acres are required would be excessive and could lead to a proliferation of such signage by setting a precedent to allow signs of a similar nature along the roadways near the subject property. Further, staff opines that the **automatic changing sign** (ACS) would negatively impact adjacent properties and roadways, would not be in keeping with the intent and purpose of the zoning and land use regulations, and, in staff's opinion, would be **incompatible** with the surrounding area.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, the request to permit a detached automatic changing sign on the 1.9 acre site (10 acres required) (request #2) would be visually intrusive and detrimental to the surrounding area and incompatible with same. Said request does not maintain the basic intent and purpose of the zoning and other land use regulations. As previously mentioned, staff has consistently recommended denial of applications seeking deviations from signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. It should be noted that request #2 pertains to an existing detached sign, which the applicant seeks to alter by removing the manual attraction board and replacing it with an automatic changing sign. In staff's opinion, the approval of the proposed automatic changing sign on a site smaller than the 10 acres is unnecessary, would be detrimental to the area and would be a visual intrusion to the drivers on the NW 7 Avenue and NW 119 Street corridors. Approval could lead to, as previously mentioned, a proliferation of signs and could set a precedent for similar requests of this type on the site and in the area. As previously mentioned, the subject site abuts the City of North Miami to the north. Staff's research of the City of North Miami's Zoning Code pertaining to signage regulations reveals that flashing, animated or rotating signs as well as illuminated signs which, by virtue of intensity, color, lighting or illumination interfere with the operation of or cause confusion to the operator of a motor vehicle, are prohibited. Accordingly, as previously mentioned, staff is of the opinion that the Zoning Code provides adequate signage allowances. Moreover, staff opines that the approval of request #2 does not maintain the basic intent and purpose of Ordinance No. 94-99 which enacted ACS regulations and provides that illuminated signs shall provide reasonable illumination and must eliminate glare and intensity which might pose safety hazards to drivers and pedestrians. As such, staff recommends denial without prejudice of request #2 under the Non-Use Variance Standards (NUV).

When analyzed under the Alternative Non-Use Variance Standards [Section 33-311(A)(4)(c)] (ANUV), the applicant would have to prove that request #2 is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. The applicant has not proven that compliance with same would result in an unnecessary hardship. Therefore request #2 cannot be approved under the Alternative Non-Use Variance Standards. As such, request #2 is recommended for denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends denial without prejudice of request #1 to rezone the subject property to BU-3 and approval, in lieu thereof, to rezone the RU-1

portion only of the subject property to BU-1A; and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (Non-Use Variance) and under Section 33-311(A)(4)(c) (Alternative Non-Use Variance).

**I. RECOMMENDATION:**

Denial without prejudice of request #1 to rezone the subject property to BU-3 and approval, in lieu thereof, to rezone the RU-1 portion only of the subject property to BU-1A; and denial without prejudice of request #2.

**J. CONDITIONS: None.**

**DATE INSPECTED:** 01/12/06  
**DATE TYPED:** 01/27/06  
**DATE REVISED:** 02/02/06; 02/09/06; 04/21/06; 08/10/06; 08/22/06; 09/05/06; 10/12/06  
11/16/06; 12/14/06; 02/05/07; 06/20/07; 06/25/07; 08/27/07; 09/04/07;  
09/19/07; 09/09/08; 09/19/08; 10/07/08; 10/20/08; 10/21/08  
**DATE FINALIZED:** 10/21/08  
MCL:MTF:LVT:JV:CSE:NC

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

# Memorandum



**Date:** November 2, 2006

**To:** Diane O'Quinn-Williams, 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.

**Subject:** C-08 #Z2005000380-Revised  
Walgreen's Company  
750 NW 119<sup>th</sup> Street  
Non-Use Variance to Permit an Electronic Message Center  
District Boundary Change from RU-1, BU-1A, BU-2 and BU-3 to BU-3  
(RU-1/BU-1A/BU-2/BU-3) (1.9 Acres)  
35-52-41

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

#### Wellfield Protection

The northwest portion of the subject property is located within the Basic Wellfield Protection Area for the Westside Wellfield. The site is situated within the 210-day travel time contour of the Westside Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

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

#### Potable Water Supply and Wastewater Disposal

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would

generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted, in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is therefore suggested that the applicant contact DERM 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

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

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

#### Enforcement History

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

The following comment applies to that portion of the subject property that is located outside of the wellfield protection area:

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

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.

In summary, DERM does not object to the scheduling of the application for public hearing. The applicant is advised that DERM approval of any additional development, or establishment of any land uses on the subject property, will be contingent upon compliance with all applicable Code requirements.

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

**Memorandum** 

**Date:** May 24, 2005  
**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning  
**From:** Aristides Rivera, P.E., P.L.S., Director  
Public Works Department  
**Subject:** Zoning Hearing Improvements

**RECEIVED**  
MAY 28 2005  
MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting a variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department

Raul A. Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez



# Memorandum

**Date:** 02-JUL-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2005000380

**Fire Prevention Unit:**

Not applicable to Fire Engineering Site Requirements.

**Service Impact/Demand:**

Development for the above Z2005000380  
 located at 750 NW 119 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0592 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: 5:58 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 19 North Miami West 650 NW 131 St  
 Rescue, ALS 50' Squirt TRT-1

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 18 NE 5th Ave and NE 137 Street

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

WALGREENS CO.

750 NW 119 STREET, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2005000380

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

200804006309 No current violation found, case closed on 9/22/08.

Joan Spikes.

**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: WALGREENS CO.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>WALGREENS CO. (PUBLICLY TRADED)</u>	
<u>200 WILMOT RD</u>	
<u>DEERFIELD, IL 60015</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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>D. BERNAUER - CHAIRMAN OF THE BOARD AND CEO</u>	
<u>J. REIN - COO AND PRESIDENT</u>	
<u>R.L. POLARK - CEO AND SENIOR VICE PRESIDENT</u>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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: see attached

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: Shawn Cascher - Authorized Agent  
(Applicant)

Sworn to and subscribed before me this 24th day of August, 2004. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Barbara P Christensen  
(Notary Public)

My commission expires 11/06/04



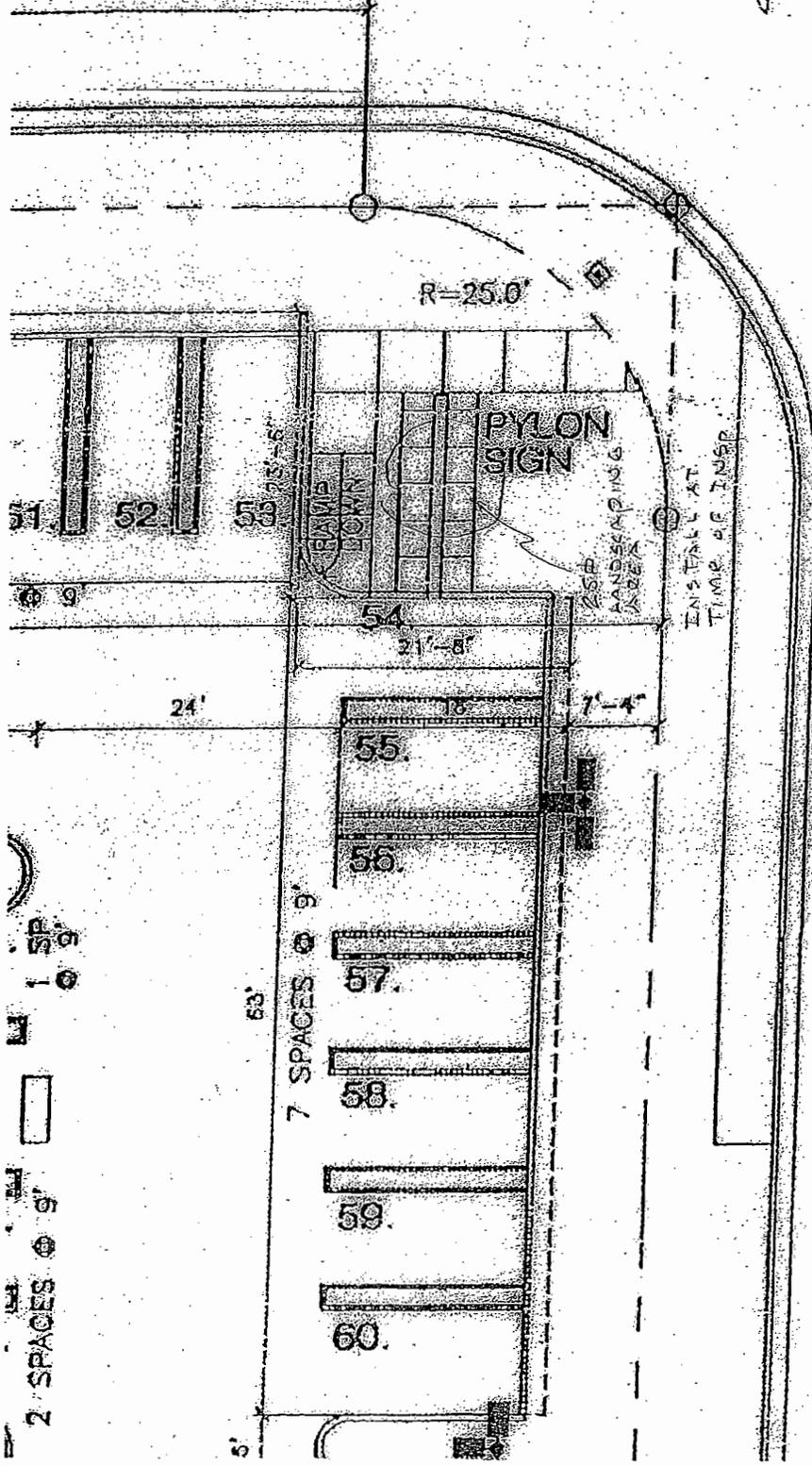
\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

205-175  
**RECEIVED**  
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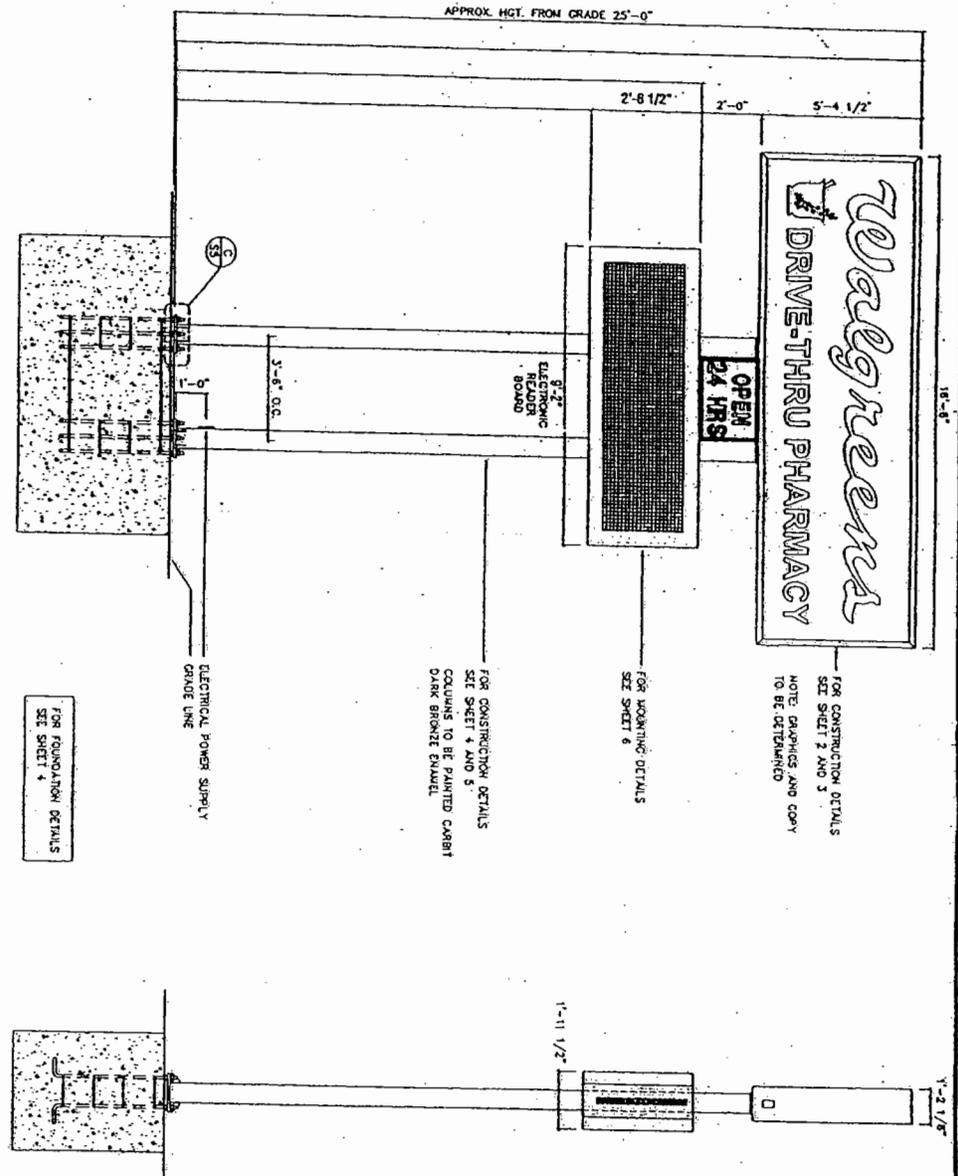
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY: *W.L.K.*

*W.L.K.*

205-175



T 7<sup>th</sup> AVENUE



FOR CONSTRUCTION DETAILS  
SEE SHEET 2 AND 3  
NOTE: GRAPHICS AND COPY  
TO BE DETERMINED

FOR WORKING DETAILS  
SEE SHEET 6

FOR CONSTRUCTION DETAILS  
SEE SHEET 4 AND 5  
COLUMNS TO BE PAINTED CABRIT  
DARK BRONZE ENAMEL

FOR FOUNDATION DETAILS  
SEE SHEET 4

ELECTRICAL POWER SUPPLY  
GRADE LINE

ELECTRICAL	
WIRE	10 7/80/7-12 C.A.W.O.
BALLAST	1) 250-400-100
WIRE	1) 250-400-100
V.A.	120 VOLTS
LED PANEL (2) MICHON	0.375 THICK (4.4 X 6.0)
APPS	120 VOLTS
V.A.	120 VOLTS
TOTAL APPS	240
V.A.	120 VOLTS
CIRCUITS	2-20 AMP

NOTE: SIGN IS TO BE  
WELD WITH COAR.  
AWL 105C FOR  
DIAGONAL ON BALLAST.  
ELECTRICAL LEADS TO  
SIGN TO BE AT THE WIRE.  
SIGN TO BE AT THE WIRE.  
GROUNDING WITH 14  
GADE GREEN WIRE.

AREA/WEIGHT
SIGN SQUARE FOOTAGE:
ESTIMATED SIGN WEIGHT:
150 LBS (HEAVY)
150 LBS (LIGHT)

THIS SIGN TO  
BEAT THIS MARK  
ELECTRICAL SIGN

**SOIL SPECIFICATIONS**  
ALL SIGNS TO BE FABRICATED ACCORDING TO THE UNDERWRITERS  
LABORATORIES SPECIFICATIONS AND TO BEAR UL LABELS.  
CIRCUIT TO COMPLY WITH STATE AND LOCAL CODES.

**NOTE:**  
WIND PRESSURE = 40 P.S.F.  
MINIMUM CONCRETE STRENGTH TO BE 3000 P.S.I.  
REINFORCEMENT STEEL TO BE ASTM A-615 OR 60  
MINIMUM SOIL BEARING CAPACITY 2000 P.S.F.  
/500

**ELEVATIONS**

REVISIONS	
NO.	DATE

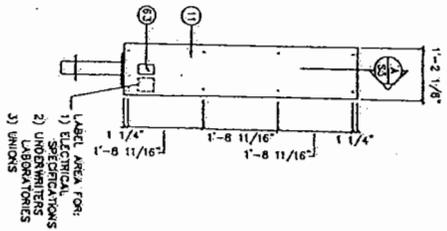
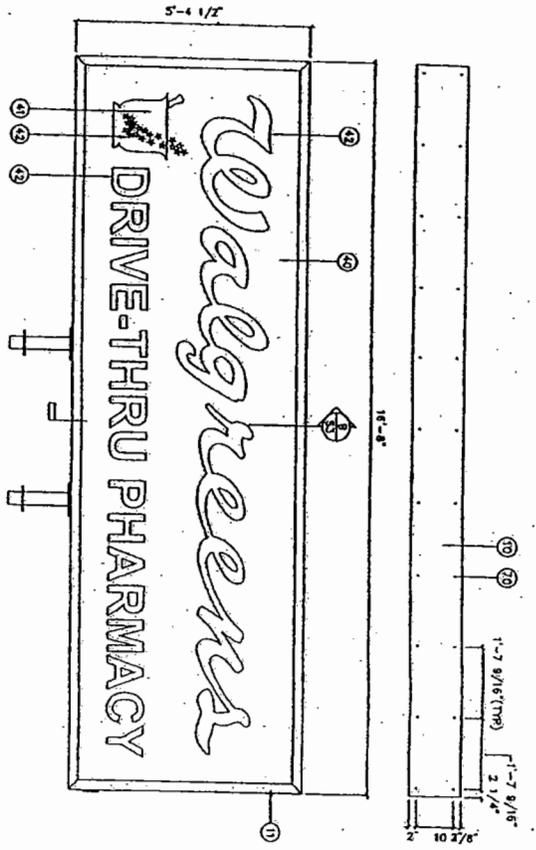
DRAWINGS ARE THE EXCLUSIVE PROPERTY OF ICON IDENTITY SOLUTIONS INC.  
ANY UNAUTHORIZED USE OR REPLICATION IS NOT PERMITTED.

**icon**  
IDENTITY SOLUTIONS  
ENGINEERING DRAWING  
1418 S. HAWTHORNE RD.  
ELK GROVE VILLAGE  
ILLINOIS 60007

PROJECT:  
**Walgreens**  
5'-4 1/2" X 18'-0" DR. SIGN/ALUMINA TO P/CON  
WITH 2'-8 1/2" X 9'-2" Electronic/Endboard  
(WIND-RESISTANT) (NON-FLAMMABLE)  
IND. SIGN CONSTRUCTION

JOB #11915  
DRAWN: W/VA/EL  
DATE: 03/08/02  
SCALE: 1/4" = 1'-0"  
SHEET 1 OF 6  
FILE: WAL0457A

BILL OF MATERIALS  
(HEADER ONLY)



**ELECTRICAL**

No.	QTY	DESCRIPTION	BY PART	HEADER
80	18	WASHER, LOCK 3/8\"/>		

**AREA/WEIGHT**

NO.	DESCRIPTION	AREA	WEIGHT
1	STEEL SQUARE FOOTING		
2	ALUMINUM SIGN		
3	STEEL ESTIMATED WEIGHT		
4	HEADER 1250 LB.		

HEADER FRONT, SIDE AND TOP VIEWS

**REVISIONS**

No.	DATE	BY	DESCRIPTION

DRAWINGS ARE THE EXCLUSIVE PROPERTY OF ICON IDENTITY SOLUTIONS INC.  
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**Icon**  
ENGINEERING DRAWING

1418 TEAKHURST RD.  
ELK GROVE VILLAGE  
ILLINOIS 60007

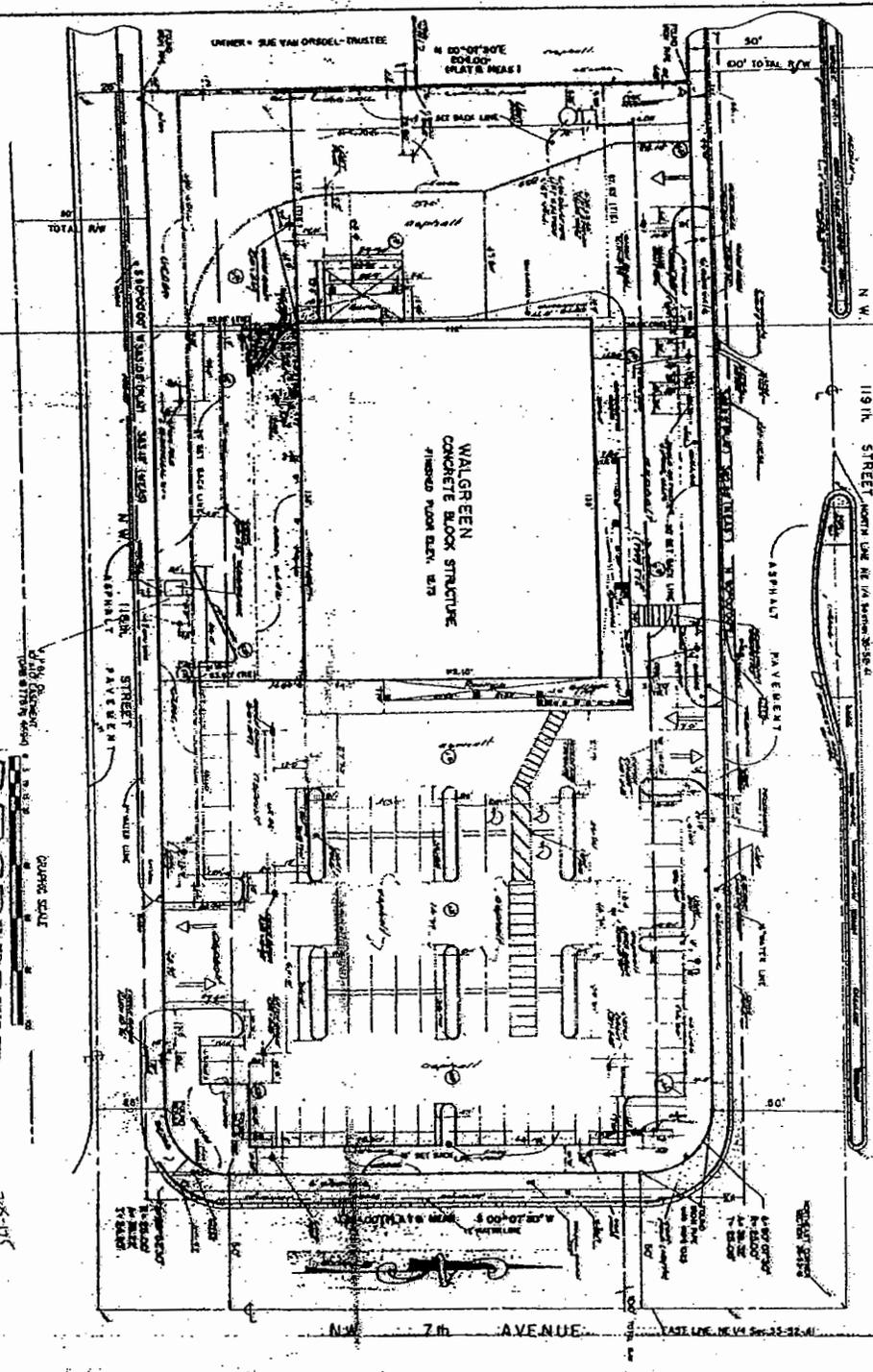
**Walgreens**

5'-4 1/2\"/>

No.	QTY	DESCRIPTION
1	2	EXTRUSION ALUMINUM LOS FRAME (LARGE) x 1.6-7 3/4 LG
2	2	EXTRUSION ALUMINUM LOS FRAME (LARGE) x 3.5-4 1/4 LG
10	2	ALUM SHIT (RED BROWN) PRECOAT. 0.50\"/>

DATE: 03/08/01  
SCALE: 3/8  
FILE: WAL0457A

# ALTA/ACSM LAND TITLE SURVEY (URBAN SURVEY)



OWNER - SUE VAN ORSDEL-TRUSTEE

N 60°00'00"E  
20.00'  
PLAT & BEAR 1

AT BACK LINE

30'

DOOR TOTAL R/W

119th STREET ASPHALT PAVEMENT

ASPHALT PAVEMENT

WALGREEN CONCRETE BLOCK STRUCTURE  
FINISHED FLOOR ELEV. 8.75

50' TOTAL R/W

7th AVENUE

WEST LINE N 61°56'32"E

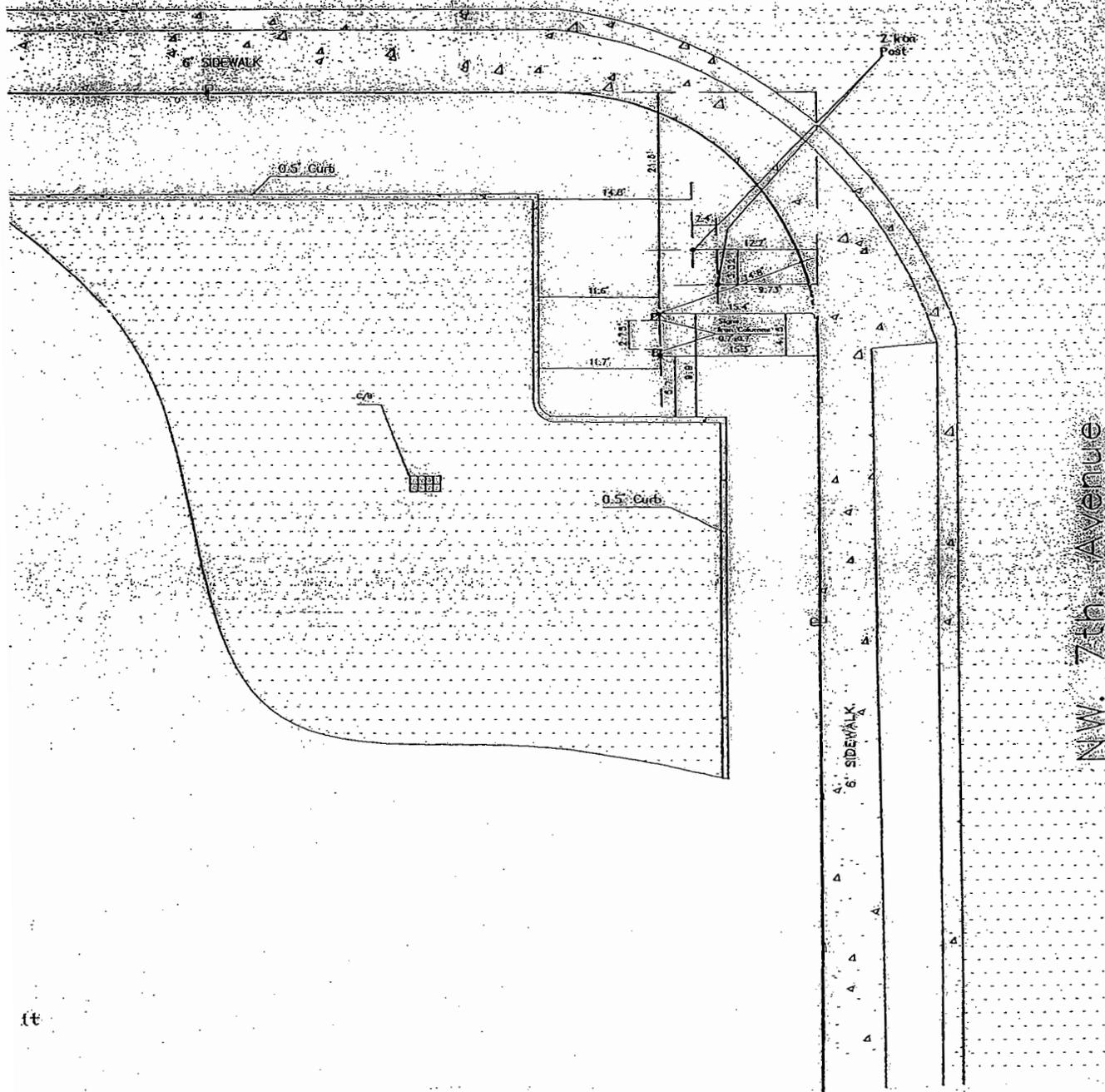
- SYMBOLS**
- 1. 1/4" = 1' - PLANNING NUMBER 1 UNIT
  - 2. CONCRETE
  - 3. ASPHALT
  - 4. GRAVEL
  - 5. SAND
  - 6. CLAY
  - 7. ROCK
  - 8. IRON PIPE
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# SPECIFIC PURPOSE SURVEY

FLORIDA INTERNATIONAL  
LAND SURVEYORS, INC.

8300 NW 53RD STREET, SUITE 300-A  
MIAMI, FLORIDA 33166  
PH: (305) 468-9650 FAX: (305) 468-9670

NW 19th Street







MIAMI-DADE COUNTY  
**AERIAL**

Process Number  
**05-380**

SCALE  
 0 NTS  
 ↑  
 N

Section: 35 Township: 52 Range: 41  
 Process Number: 05-380  
 Applicant: WALGREENS CO.  
 Zoning Board: C08  
 District Number: 02  
 Drafter ID: JEFFER  
 Scale: NTS

 SUBJECT PROPERTY



**B. SOLID OAKS, LLC**  
**(Applicant)**

**08-9-CZ8-1 (05-336)**  
**Area 8/District 2**  
**Hearing Date: 10/29/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1977	Charles Gomes	Special exception expansion of trailer park.	ZAB	Approved
1992	Bob's Trailerville, Inc.	- Special exception for site plan approval. - Special exception for spacing. - Variance of trailer parking regulations.	ZAB	Denied

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 8  
MOTION SLIP

#1

APPLICANT'S NAME: **SOLID OAKS L. L. C.**

REPRESENTATIVE: Al Dotson

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ8-1 (05-336)	September 24, 2008	CZAB8	08

REC: Denial without prejudice.

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: Oct 29, 2008       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: To allow the applicant to meet with the neighbors. No re-advertisement

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	<b>M</b>	Richard C. BROWM (C.A.)	<b>X</b>		
MR.		Patrick CURE	<b>X</b>		
MR.		Arthemon JOHNSON	<b>X</b>		
MS.		Voncarol Yvette KINCHEN			<b>X</b>
MR.	<b>S</b>	Vernell EVERETT	<b>X</b>		
CHAIRMAN		Fredericke Alan MORLEY	<b>X</b>		
VOTE:			<b>5</b>	<b>0</b>	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANTS:** Solid Oaks L. L. C.

**PH:** Z05-336 (08-9-CZ8-1)

**SECTION:** 19-52-42

**DATE:** October 29, 2008

**COMMISSION DISTRICT:** 2

**ITEM NO.:** B

=====

**A. INTRODUCTION**

o **REQUESTS:**

(1) RU-3 and BU-1 to RU-4M

(2) UNUSUAL USE to permit a home for the aged.

(3) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.18 (0.95 permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Residences at Solid Assited (sic) Living," as prepared by Arkidesign, Inc., Sheet 1 dated stamped received 1/22/08 and Sheets L-1 to L-5 dated stamped received 5/8/08 and the remaining sheets dated stamped received 1/4/08 for a total of 13 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to rezone the subject property from RU-3, Four-Unit Apartment District, and BU-1, Neighborhood Business District, to RU-4M, Modified Apartment House District. Additionally, the applicant seeks approval for a home for the aged and to permit a floor area ratio higher than permitted.

o **LOCATION:**

14752 N.E. 6 Avenue, Miami-Dade County, Florida.

o **SIZE:** 1.89 Acres

o **IMPACT:**

The proposed home for the aged will provide a service for elderly persons within the community. However, the proposed zone change to RU-4M and the approval of the request to permit the building for the home for the aged with a higher floor area ratio than permitted could have a negative visual impact on the abutting residences.

**B. ZONING HEARINGS HISTORY:**

In 1977, a Special Exception request was approved to permit the expansion of an existing trailer park, pursuant to Resolution #4-ZAB-160-77. In 1992, the Zoning Appeals Board denied without prejudice requests to permit several mobile homes with non-conforming setbacks and spacing, pursuant to Resolution #4-ZAB-447-92.

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

1. The Adopted 2015 and 2025 Land Use Plan designates **the easterly 0.55-acre** of subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, **nursing homes** (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
2. The Adopted 2015 and 2025 Land Use Plan designates **the westerly 1.44 acres** of subject property as being within the Urban Development Boundary for **Medium Density** use. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.
3. **Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities.** "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. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. 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.

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.
5. **Medium-High Density.** This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.
6. **Density Averaging.** The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.

Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and

developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.

7. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-3 and BU-1; Trailer Park

Medium Density Residential, 13-25 dua  
 (westerly 1.44-acres)  
 Business and Office  
 (easterly 0.55-acre)

**Surrounding Properties:**

**NORTH:** RU-4M; Apartment building  
 BU-1; Retail building

Low Density Residential, 2.5 - 6 dua  
 Business and Office

**SOUTH:** RU-1; Single-family residences  
 BU-1 and RU-3; Retail building

Low Density Residential, 2.5 - 6 dua  
 Business and Office

**EAST:** BU-1A; Shopping center

Business and Office

**WEST:** RU-1; Single-family residences

Low Density Residential, 2.5 - 6 dua

The subject property is located at 14752 N.E. 6 Avenue in an area characterized by single-family residences, apartments and commercial establishments.

**E. SITE AND BUILDINGS:**

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Unacceptable
Location of Buildings:	Unacceptable
Compatibility:	Unacceptable
Landscape Treatment:	Unacceptable
Open Space:	Unacceptable
Buffering:	Unacceptable
Access:	Acceptable
Parking Layout/Circulation:	Unacceptable
Visibility/Visual Screening:	Unacceptable
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) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden 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.
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and

budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny **unusual uses**; 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.

**Section 723.061 of the Florida Statutes. Eviction; grounds, proceedings.**

- (1) A mobile home park owner may evict a mobile home owner, a mobile home tenant, a mobile home occupant, or a mobile home only on one or more of the grounds provided in this section.

- (d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use, provided all tenants affected are given at least 6 months' notice of the projected change of use and of their need to secure other accommodations. . . .

**Section 723.0612 of the Florida Statutes. Change in use; relocation expenses; payments by park owner.**

- (1) If a mobile home owner is required to move due to a change in use of the land comprising the mobile home park as set forth in s. 723.061(1)(d) and complies with the requirements of this section, the mobile home owner is entitled to payment from the Florida Mobile Home Relocation Corporation of:
  - (a) The amount of actual moving expenses of relocating the mobile home to a new location within a 50-mile radius of the vacated park, or
  - (b) The amount of \$3,000 for a single-section mobile home or \$6,000 for a multisection mobile home, whichever is less. Moving expenses include the cost of taking down, moving, and setting up the mobile home in a new location.

**Section 723.83 of the Florida Statutes. Governmental action affecting removal of mobile home owners.** No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This application was deferred from the September 24, 2008 meeting at the applicant's request to meet with neighbors. The subject property is comprised of a parcel of land located at 14752 N.E. 6 Avenue in an area characterized by single-family residences located to the north, west and south and commercial establishments located along a commercial corridor, NE 6 Avenue. The subject property is currently developed with a mobile home park. The applicant is requesting a zone change from RU-3, Four-Unit Apartment District, and BU-1, Neighborhood Business District, to RU-4M, Modified Apartment House District (request #1). The applicant is also seeking to permit a home for the aged (request #2). An additional request is being sought to permit a floor area ratio

(F.A.R.) of 1.18 (0.95 permitted) (request #3). The submitted plans illustrate a seven-story building to be used as a home for the aged with 69 bedrooms for 100 resident clients. The parking area is located west of and in the rear of said building with a 2-way ingress/egress drive provided along NE 6 Avenue and another one from NE 5 Court. The submitted plans depict landscaping that include trees such as Live Oak and Carpenter Palm as well as shrubs such as Wart Fern and Beach Sunflower that are provided throughout the site. The project also shows two green rooftops geared to minimize the "Urban Heat Island Effect" produced by traditional rooftops. On the primary rooftop, extensive landscaped areas are planned where residents can enjoy passive activities and gardening. The secondary rooftop, located above the kitchen and dining room, will provide similar activities. Ground level gardening areas will be provided and stocked with fauna and aromatic and herbal plants geared towards attracting butterflies. The applicant has voluntarily proffered a covenant which, among other things, restricts the use of the property to a home for the aged, along with ancillary services such as counseling and exercise rooms for the residents, limits the number of rooms to a maximum of 69 rooms for 100 resident clients, provides that the proposed home for the aged will be equipped with commercial grade backup generators, provides that the property be developed in accordance with the "Florida Water Star Basic Qualification Checklist," and restricts the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the Public Works Department **does not object** to this application. Their memorandum indicates that the request will not generate any additional peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and has indicated that the estimated average travel time to the subject property is **6:36** minutes.

The subject property underwent a Comprehensive Development Master Plan (CDMP) Amendment (Application No. 1) during the November, 2006-2007 Amendment Cycle, for a change of LUP Map designation from Low-Density Residential use to **Medium Density Residential** use on the western 1.44-acre portion of the subject property. This category allows densities from 13 to 25 dwelling units per acre which would allow a minimum of 18 to a maximum of **36** units on said western portion. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

The eastern .55-acre portion of the subject property is designated under the LUP map of the CDMP for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, **nursing homes** (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services

and facilities. The CDMP further indicates that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts as noise or traffic.

The CDMP also indicates that residential uses, and mixing of residential uses with commercial, office and hotel uses are permitted in business and office areas provided that the scale and intensity, including height and floor area ratio (FAR) of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and provided it does not detrimentally impact the area, and it provides a sensitive, well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. When the above conditions are met, residential development may be authorized to occur in the business and office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher. The applicant is requesting a zone change from RU-3 and BU-1 to RU-4M in order to construct a home for the aged. The area to the north, south and west of the subject property within the same block is designated for Low-Density Residential, which permits densities from 2.5 to 6 units per acre. As previously mentioned, the western 1.44-acre portion of the subject property is designated Medium Density Residential which allows densities from 13 to 25 dwelling units per acre. Therefore, according to the interpretative text of the CDMP, the eastern .55-acre portion of the subject property can be developed utilizing one density category higher. As such, the eastern .55-acre portion of the site can be developed utilizing the Medium-High Density Residential category, which permits a maximum of 60 units per acre, and which would allow a maximum of 33 units on said Business and Office designated area. When taking into consideration the **36** units allowed on the 1.44-acre Medium Density residentially designated portion on the site and the **33** units permitted on the Business and Office designated portion, staff notes that the combined total number of units on the entire site allowed by the above provisions of the CDMP is **69**.

The interpretative text of the CDMP indicates that nursing homes may be permitted at suitable locations in Residential Communities in keeping with a density allowance where 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 applicant is proposing 69 rooms for 100 resident clients, which is consistent with and well within the density threshold allowed under the LUP map designations of the CDMP that allows a maximum of 172 resident clients at the subject site without taking the numbers to the "next higher" land use category. Nonetheless, in staff's opinion, the applicant's proposal for a 7-story building as allowed in the RU-4M zone along with the building mass resulting in an overage of the Floor Area Ratio (FAR) allowed in said zone, as proposed, is **incompatible** with the surrounding area and, therefore, is **inconsistent** with other Policies and Goals of the CDMP. Staff notes that 1-story single-family residences exist to the south and west of the proposed home for the aged. Additionally, a 3-story apartment complex is located immediately to the north of the subject site. The submitted plans indicate that the subject property will be developed with a 7-story building. The building encompasses most of the eastern portion of the subject site and stands at 98'-4" at its highest point. Staff is of the opinion that the proposal for a 7-story structure with an FAR of 1.18 where 0.95 is the maximum permitted (request #3) is too intense for the site and

will negatively impact the surrounding area. Additionally, as previously mentioned, the interpretative text of the CDMP indicates that in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts as noise or traffic. Staff opines that the proposed development does not provide a compatible scale and intensity when compared with the surrounding properties to the south, west and north and as evidenced by the request to permit a higher FAR than permitted in the requested zone. Staff, therefore, opines that the proposed 7-story home for the aged is **incompatible** with the area and, therefore, is **inconsistent** with the CDMP's interpretative text which indicates that the specific intensity and range of uses and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses and that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts.

As previously mentioned, the subject property is currently developed with a mobile home park. Staff notes that the applicant has proffered a covenant to ensure compliance with the State requirements and giving an additional voluntary contribution of \$1,000 to each mobile home owner prior to relocation. Section 723.083 of the Florida Statutes regulates Governmental actions affecting the removal of mobile home owners, which requires that no local government shall approve any rezoning or take any other official actions that result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the residents. The State of Florida has preempted local regulation of the landlord-tenant relationship between mobile home park owners and the owners of mobile homes occupying the parks. The Legislature has provided the exclusive remedies available when mobile home park residents are displaced. A mobile home park owner is permitted to seek a change in the use of land comprising a mobile home park and proceed with eviction of tenants/mobile home owners provided all tenants are given at least 6 months notice of the proposed change of land use. Section 723.061 of the Florida Statutes provides that if an eviction occurs because of change of land use, the mobile home owner/resident is entitled to compensation as follows: the lesser of (a) the amount of actual moving expenses or (b) \$3000 for single-section or \$6000 for multi-section mobile home.

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. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently 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. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, staff is of the opinion that the development of the subject property, if granted, would be inconsistent with the interpretative text of the Comprehensive Development Master Plan for Miami-Dade County as explained above. The applicant is requesting a zone change from RU-3 and BU-1 to RU-4M on the subject property in order to construct a home for the aged with a height of 7 stories as allowed in this RU-4M zone. Staff notes that the proposed rezoning to RU-4M will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application meets the minimum requirements of Chapter 24 of the Code. Staff notes that the proposal on the subject site is accessible by a major roadway, NE 6 Avenue, and as such, will be readily accessible to patrons. However, the development will also have access through a two-way entrance/exit located at the end of a cul-de-sac on NE 5 Court which, in staff's opinion, will negatively impact the traffic flow on the single-family residential development to the south. Additionally, approval of the 7-story residential building with an FAR of 1.18 where 0.95 is the maximum permitted will have a negative visual and aural impact on the 1-story single-family residences located immediately to the south and west of the subject property. As such, staff is of the opinion that the proposed zone change and the accompanying submitted plans are **incompatible** with the area and are **inconsistent** with the provisions of the CDMP. Accordingly, staff recommends denial without prejudice of the zone change request to RU-4M (request #1). Notwithstanding, should the Board determine that the proposed RU-4M zoning would be compatible with the surrounding area, then the Board could make a finding that request #1 is consistent with the CDMP.

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff is of the opinion that the proposed home for the aged, as designed, would result in excessive noise and traffic, cause undue and excessive burden on public facilities, including streets, roads or highways, and provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed home for the aged as proposed with an overall height of 7 stories (98'4"), an FAR of 1.18, and drives that are accessible through the residential neighborhood to the south is, in staff's opinion, incompatible with and intrusive to the residential neighborhoods located to the north, west and south, will generate excessive noise and traffic and will provoke excessive overcrowding. Additionally, the proposed residential building is an over-utilization of the subject property as evidenced by the request for FAR relief, and staff opines that the approval of said use would disrupt the character and overall welfare and privacy of the neighborhood by increasing traffic and noise in this predominately residential neighborhood. In staff's opinion, this proposed use of the home for the aged would be **incompatible** with the area and as such, recommends denial without prejudice of requests #2 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

When request #3, to permit a floor area ratio (F.A.R.) of 1.18 (0.95 permitted), 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 community. As previously mentioned, approval of the proposed 7-story building with an FAR of 1.18 where 0.95 is the maximum permitted would have a negative visual and

aural impact on the 1-story single-family residences located immediately to the south and west of the subject property. Staff opines that the proposed building as designed is overly intense and would be out of character with the area, as no similar approvals exist in the immediate vicinity and approval of same could begin a trend to approve similar requests thereby setting a precedent that would deteriorate the established residential areas found to the west, south and north. Additionally, in staff's opinion, the approval of a higher FAR will not maintain the basic intent and purpose of the zoning 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. Therefore, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, it has not been demonstrated that the denial of request #3 would result in unnecessary hardship. As such, staff is of the opinion that request #3 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

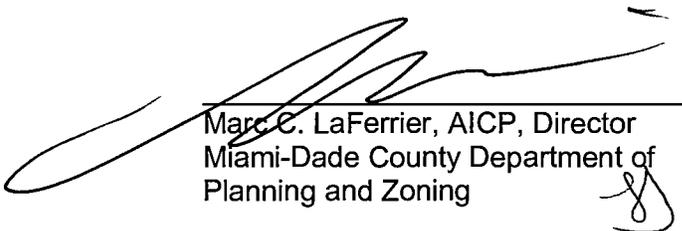
Based on all of the aforementioned, staff notes that the application as proposed is **inconsistent** with the interpretative text of the CDMP and that the approval of this application is **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Notwithstanding the aforementioned, staff notes that additional information is required from the applicant regarding compliance with the Florida Statutes, Section 723, prior to the closure of the current mobile home park on the subject property. Therefore, staff recommends deferral of this application.

**I. RECOMMENDATION:**

Deferral.

**J. CONDITIONS:** None.

**DATE INSPECTED:** 07/15/08  
**DATE TYPED:** 08/07/08  
**DATE REVISED:** 08/12/08; 08/14/08; 08/15/08; 08/22/08; 08/26/08; 08/27/08; 09/12/08;  
10/01/08; 10/21/01  
**DATE FINALIZED:** 10/21/08  
MCL; MTF; LVT; JV

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

# Memorandum



Date: December 6, 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", written over the printed name.

Subject: C-08 #Z2005000336-4<sup>th</sup> Revision  
Solid Oaks, LLC  
14752 N.E. 6<sup>th</sup> Avenue  
District Boundary Change from BU-1 to BU-1A,  
Special Exception to Permit a Residential Use in the BU-1A Zone,  
Use Variance to Permit a Multi-Building Apartment Use in the RU-3 Zone and  
Request to Permit Lot Frontage and Setback Less than Required  
(BU-1/RU-3) (1.8 Ac.)  
19-52-42

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

#### Potable Water Supply and Wastewater Disposal

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

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

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

### Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

### Wetlands

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

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

### Tree Preservation

An on-site inspection performed by DERM staff on October 27, 2005 revealed that the subject property contains tree resources, including three (3) specimen-sized (trunk diameter 18 inches or greater) strangler fig and six (6) specimen sized live oak trees. The applicant is aware of DERM preservation requirements and has submitted, with this application, a site plan of record entitled "Solid Oaks Residences Assisted Living – Master Landscape Plan" Sheets L-1, 2, 3 and 4, prepared by Arkidesign Inc., and dated February 5, 2007, that provides for the preservation of three (3) specimen-sized strangler fig and five (5) specimen sized live oak trees.

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

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

### Enforcement History

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

The following comments are also offered, as they contain Code requirements, which are applicable to certain land uses permitted in the proposed zoning classification:

### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

### Operating Permits

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

### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

### 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: SOLID OAKS, LLC

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.

27-DEC-07

# Memorandum



**Date:** 04-FEB-08  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2005000336

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated January 10, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped January 22, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed only to assure compliance with the MDRF 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 MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2005000336  
 located at 14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0394 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>94,895</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 63.67 alarms-annually.  
 The estimated average travel time is: 6:36 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 19 - North Miami W - 650 NW 131 Street  
 Rescue, ALS 50' Sqrt - TRT-1

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 18 - North Miami - NE 138 Street and 5 Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped January 22, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

SOLID OAKS, LLC

14752 N.E. 6 AVENUE, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

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Z2005000336

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**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

01/15/2002 - Inspection revealed no junk and trash on property. Case closed. 2002090000028.  
 10/10/2002 - Warning letter issued for Junk and Trash. 10/24/2002 - Property owner corrected violation. Case closed 200206003690. 05/27/2004 - Inspection revealed no electrical problems on property. Case closed. 200406000495 09/23/2004 - Warning letter issued for broken fence.  
 04/14/2005 - Property owner fixed fence. Case closed. 200406003305. 03/08/2005-Warning letter issued for chickens on property. 03/22/2005- Property owner removed chickens. Case closed. 200506000435. 03/14/2005- Warning letter issued for junk and trash. 03/22/05- Property owner removed junk and trash. Case closed. 200506000488. 03/31/2005 - Junk and trash observed on property. Property owner correct violation on the same day. Case closed. 200506000436.  
 12/12/2005- Inspection revealed no junk and trash on property. Case closed. 200506002743.  
 2/27/2007- Inspection revealed no junk and trash on property. Case closed. 200706000909.  
 09/16/2008-Junk & Trash and overgrowth on property. Warning letter was issued. Re-inspection will be done on 10/21/2008. ZONE CHANGE FROM BU1 TO BU1A

Inspected by NCO Russ Brunnetto.

### 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:** SOLID OAKS, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Leonardo Seidner, Member</u> <u>19333 Collins Avenue, Unit 2306</u> <u>Sunny Isles Beach, Florida 33160</u>	25%
<u>Harry Seidner, Member</u> <u>3380 North 40<sup>th</sup> Street</u> <u>Hollywood, Florida 33021</u>	25%
<u>Atlantic Echo, LLC, a Florida limited liability company</u> <u>801 Brickell Avenue, 16<sup>th</sup> Floor, Miami, Florida 33131</u>	25%
<u>Sion Tesone, Member</u> <u>5825 Collins Avenue, Unit 10G</u> <u>Miami Beach, FL 33140</u>	- 50%
<u>Violeta Gomez, Member</u> <u>16400 N.W. 15<sup>th</sup> Avenue</u> <u>Miami, Florida 33169</u>	- 50%
<u>Gabriel's Investments, LLC, a Florida limited liability company</u> <u>3370 N.E. 190<sup>th</sup> Street, #102, Aventura, Florida 33180</u>	12.5%
<u>Gabriel Markovich, Managing Member</u> <u>3370 N.E. 190<sup>th</sup> Street, #102</u> <u>Aventura, Florida 33180</u>	- 100%
<u>Marks Investments, L.L.C., a Florida limited liability company</u> <u>19195 Mystic Pointe Drive, #107, Aventura, Florida 33180</u>	12.5%
<u>Wendy Marks, Managing Member</u> <u>19195 Mystic Pointe Drive, #107</u> <u>Aventura, Florida 33180</u>	- 100%

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: Not applicable

NAME AND ADDRESS Percentage of Stock

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: Not applicable

NAME AND ADDRESS Percentage of Stock

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: Not applicable

NAME, ADDRESS AND OFFICE (if applicable) Percentage of Stock

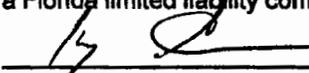
Date of contract: \_\_\_\_\_

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

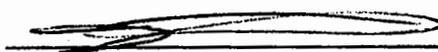
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

BY: **SOLID OAKS, LLC,**  
a Florida limited liability company

BY:   
\_\_\_\_\_  
Harry Seidner, Member

Sworn to and subscribed before me this 9<sup>th</sup> day of August, 2005. Affiant is personally known to me or has produced as identification.

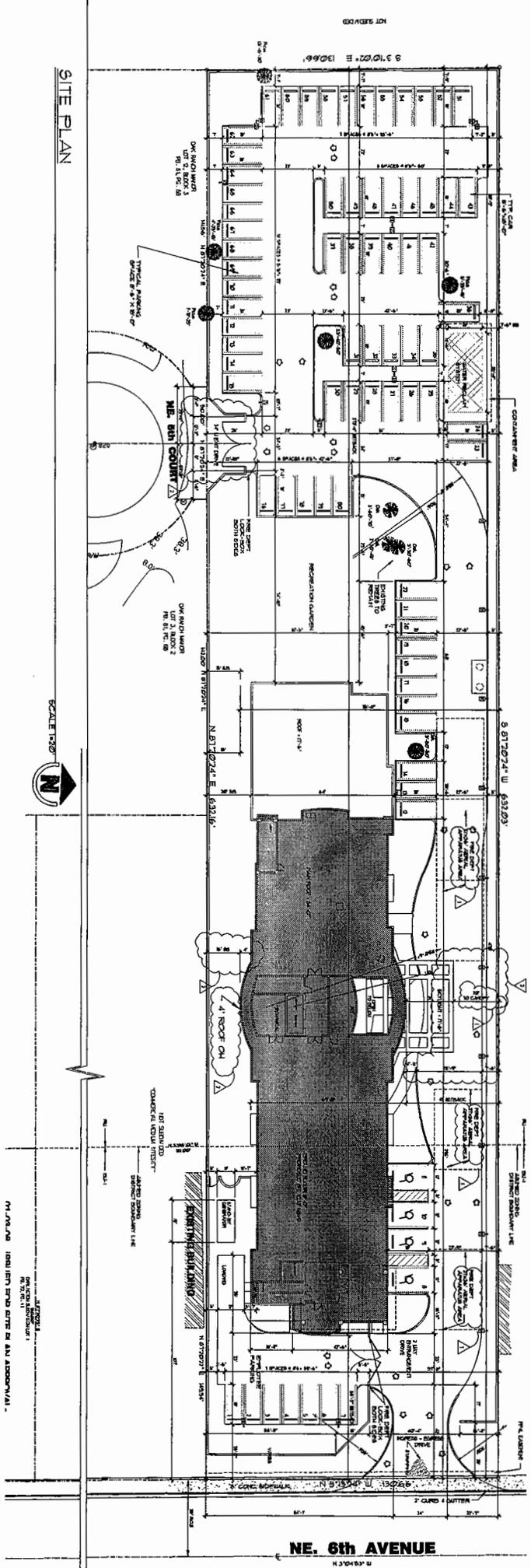
  
\_\_\_\_\_  
(Notary Public)



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

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





SITE PLAN

ENLARGED SITE PLAN



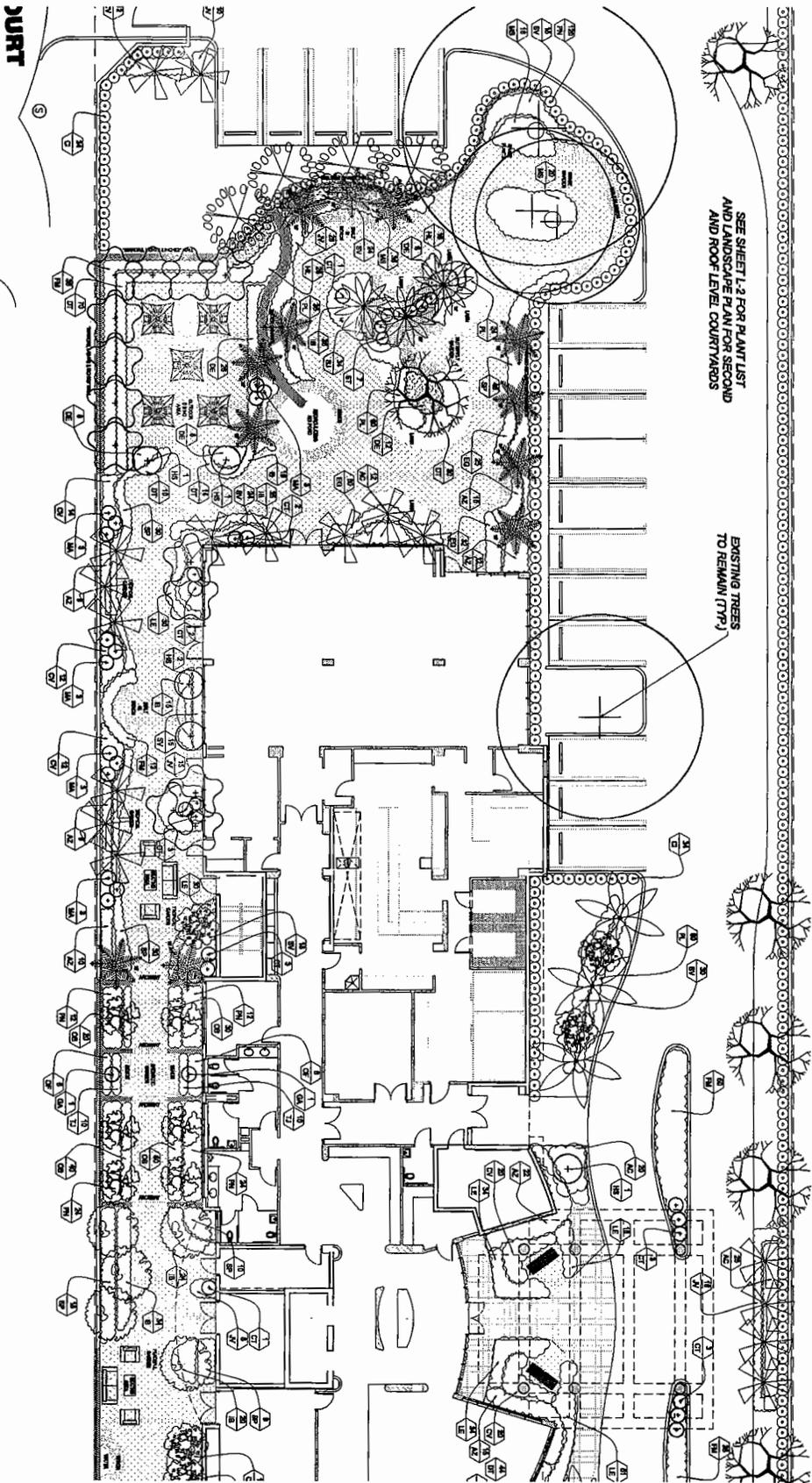
NE. 6th AVENUE

**RECEIVED**  
1/22/09

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







LANDSCAPE PLAN GROUND FLOOR WEST

**RECEIVED**  
MAY 8 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



PLOTTED ON 05/05/08

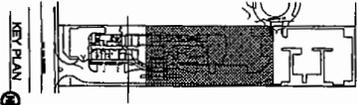


**PROJECT:**  
RESIDENCES AT  
SOLID OAKS  
ASSISTED LIVING

**DATE:**  
05/05/08

**SCALE:**  
1/8" = 1'-0"

**NO.:**  
070604



**WSP | PARSONS BRINCKERHOFF**  
ARCHITECTS

NO.	DATE	DESCRIPTION
1	05/05/08	ISSUED FOR PERMITTING

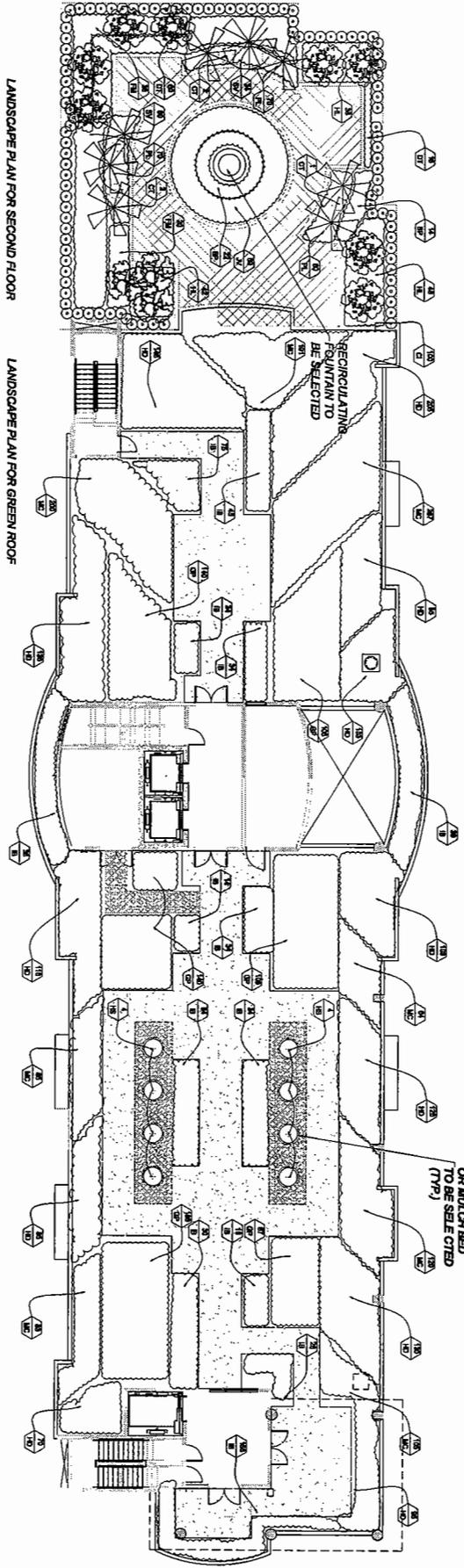
**PROJECT NAME:**  
RESIDENCES AT  
SOLID OAKS  
ASSISTED LIVING

**PROJECT NO.:**  
070604

**DATE:**  
05/05/08

DATE:	070604
SCALE:	1/8" = 1'-0"
NO.:	13





LANDSCAPE PLAN FOR SECOND FLOOR

LANDSCAPE PLAN FOR GREEN ROOF

LANDSCAPE PLAN SECOND FLOOR WEST & MAIN ROOF (GREEN ROOF)



SCALE 1/8"=1'-0"

**RECEIVED**  
 MAY ~ 8 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

PLOTTED: 01-03-08

**WINTON HILL'S**  
 LANDSCAPE ARCHITECTURE  
 11111 SW 15th Ave, Suite 100  
 Miami, FL 33185  
 Phone: 305.866.1111  
 Fax: 305.866.1112  
 www.wintonhill.com

**STADIUM INC.**  
 11111 SW 15th Ave, Suite 100  
 Miami, FL 33185  
 Phone: 305.866.1111  
 Fax: 305.866.1112  
 www.stadiuminc.com

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	05/08
2	REVISED PER CITY COMMENTS	05/08
3	REVISED PER CITY COMMENTS	05/08
4	REVISED PER CITY COMMENTS	05/08
5	REVISED PER CITY COMMENTS	05/08
6	REVISED PER CITY COMMENTS	05/08
7	REVISED PER CITY COMMENTS	05/08
8	REVISED PER CITY COMMENTS	05/08
9	REVISED PER CITY COMMENTS	05/08
10	REVISED PER CITY COMMENTS	05/08
11	REVISED PER CITY COMMENTS	05/08
12	REVISED PER CITY COMMENTS	05/08
13	REVISED PER CITY COMMENTS	05/08

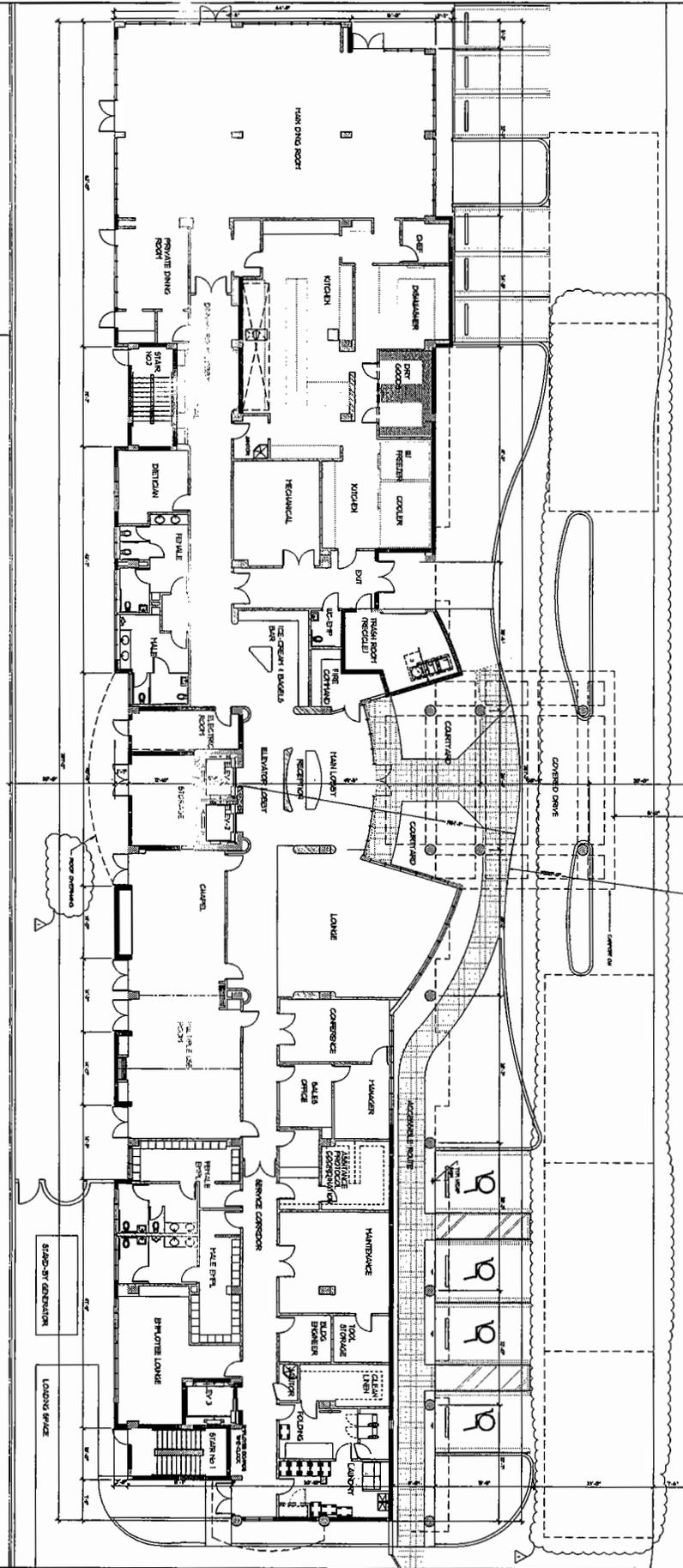
**LANDSCAPE PLAN**  
 2ND FLOOR WEST  
 & MAIN ROOF  
 GREEN ROOF

**070804**

**L-5**  
 LANDSCAPE PLAN  
 2ND FLOOR WEST  
 & MAIN ROOF  
 GREEN ROOF

DATE: 05/08  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SCALE: 1/8"=1'-0"

28



GROUND FLOOR

**RECEIVED**  
 JAN - 4 2008

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



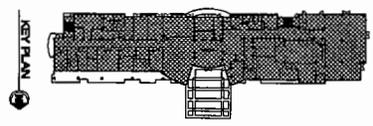
01-29-08 SUBMITTED FOR SITE PLAN APPROVAL  
 02-24-08 REVISION FOR CLIENT REVIEW  
 03-18-08 REVISION FOR CLIENT REVIEW

P. GOTTSCHEW, P.E.



meyer gottschew  
 architects llc  
 1100 S.W. 15th Ave.  
 Miami, FL 33135

OWNER:  
 PROJECT:  
 DATE:  
 SHEET NO. OF 13



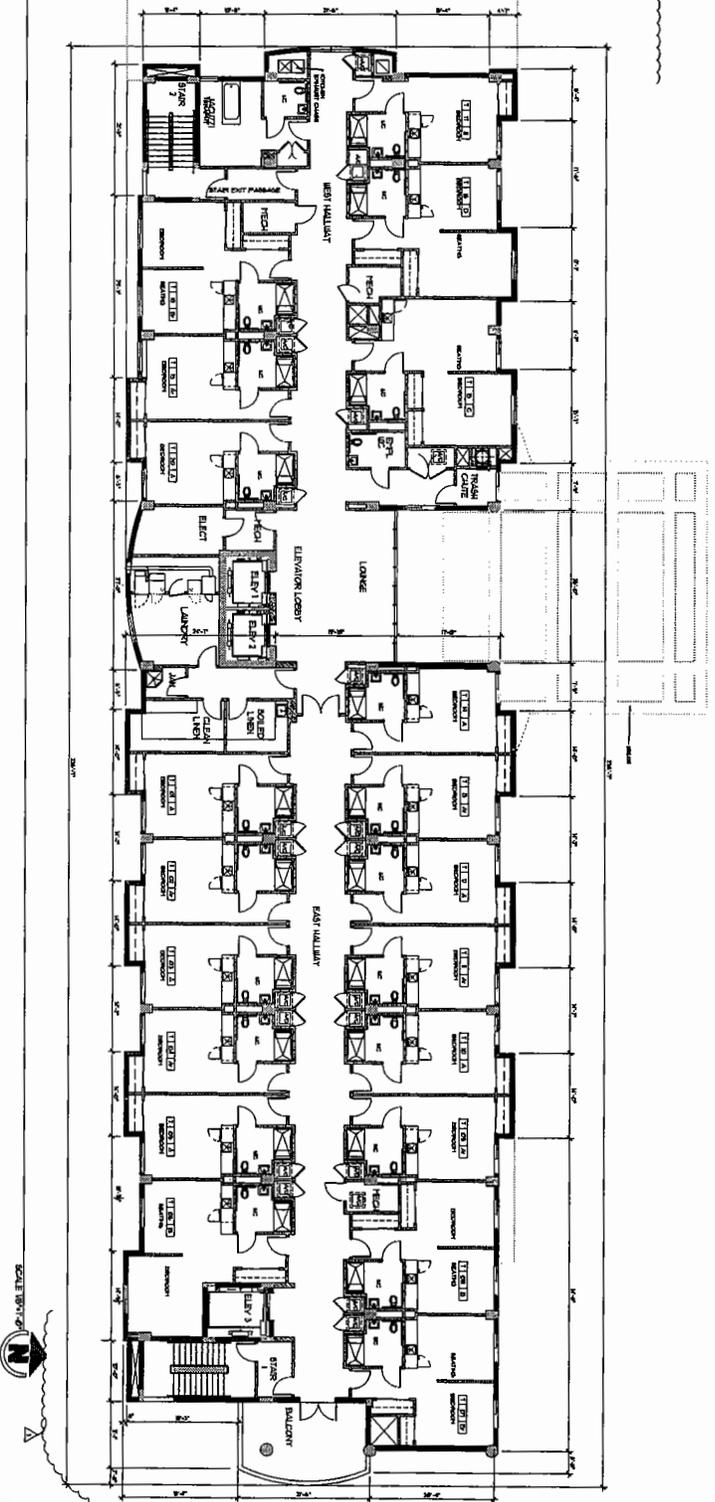
NO.	DATE	DESCRIPTION
1	01/29/08	ISSUED FOR PERMIT
2	02/24/08	REVISION FOR CLIENT REVIEW
3	03/18/08	REVISION FOR CLIENT REVIEW

PROJECT: RESIDENCES AT SOLD OAKS ASSISTED LIVING  
 PLAN: GROUND FLOOR  
 SHEET: 070604  
 SCALE: 1/8" = 1'-0"



FLOOR	TYPICAL UNIT NO.	MODEL	AREA
3 TO -1	01	A	371,000
3 TO -1	02	A	371,000
3 TO -1	03	A	371,000
3 TO -1	04	A	371,000
3 TO -1	05	A	371,000
3 TO -1	06	B	371,000
3 TO -1	07	B	509,633
3 TO -1	08	A	371,000
3 TO -1	09	A	371,000
3 TO -1	10	A	371,000
3 TO -1	11	A	371,000
3 TO -1	12	A	371,000
3 TO -1	13	A	371,000
3 TO -1	14	A	371,000
3 TO -1	15	C	597,138
3 TO -1	16	D	544,416
3 TO -1	17	E	469,544
3 TO -1	18	A	523,480
3 TO -1	19	A	378,512
3 TO -1	20	A	371,000
UNITS	1000	AVG	424,000

FLOOR 3 TO 1



ZONING HEARINGS SECTION  
 107 AMI-GADE PLANNING AND ZONING DEPT.

**RECEIVED**  
 JAN - 4 2008

01-29-08 ISSUED FOR THE PLAN APPROVAL  
 01-24-08 ISSUED FOR CLIENT REVIEW  
 01-18-07 ISSUED FOR CLIENT REVIEW

PLOTTED: 01-21-08

**STARDITION Inc.**  
 100 West 10th Street  
 New York, NY 10011  
 Tel: 212-692-1100  
 Fax: 212-692-1101  
 www.stardition.com

meier goffin olo  
 architects  
 100 West 10th Street  
 New York, NY 10011  
 Tel: 212-692-1100  
 Fax: 212-692-1101  
 www.meiergoff.com

**KEY PLAN**

**NOTES**

1. GENERAL NOTES TO THE CONTRACTOR
2. GENERAL NOTES TO THE ARCHITECT
3. GENERAL NOTES TO THE OWNER
4. GENERAL NOTES TO THE ENGINEER
5. GENERAL NOTES TO THE SURVEYOR
6. GENERAL NOTES TO THE CONTRACTOR
7. GENERAL NOTES TO THE ARCHITECT
8. GENERAL NOTES TO THE OWNER
9. GENERAL NOTES TO THE ENGINEER
10. GENERAL NOTES TO THE SURVEYOR

**TYPICAL FLOOR PLANS**

RESIDENCES AT  
 SOLID OAKS

PROJECT NO: 070804

DATE: 01/21/08

SCALE: AS SHOWN

PROJECT: 100 WEST 10TH STREET

CLIENT: MEIER GOFFIN OLO ARCHITECTS

DESIGNER: STARDITION INC.

DATE: 01/21/08

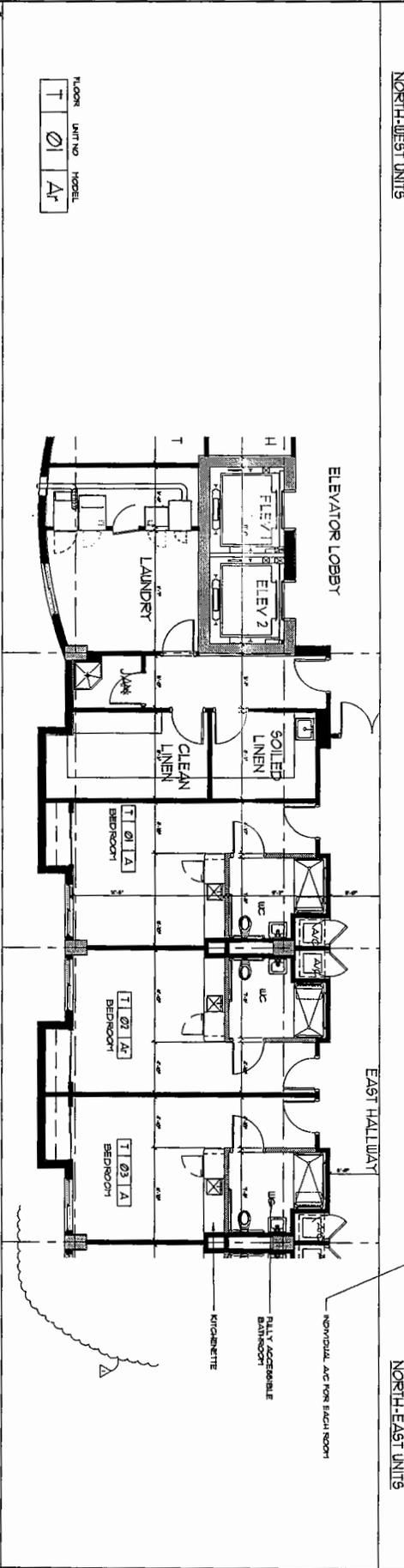
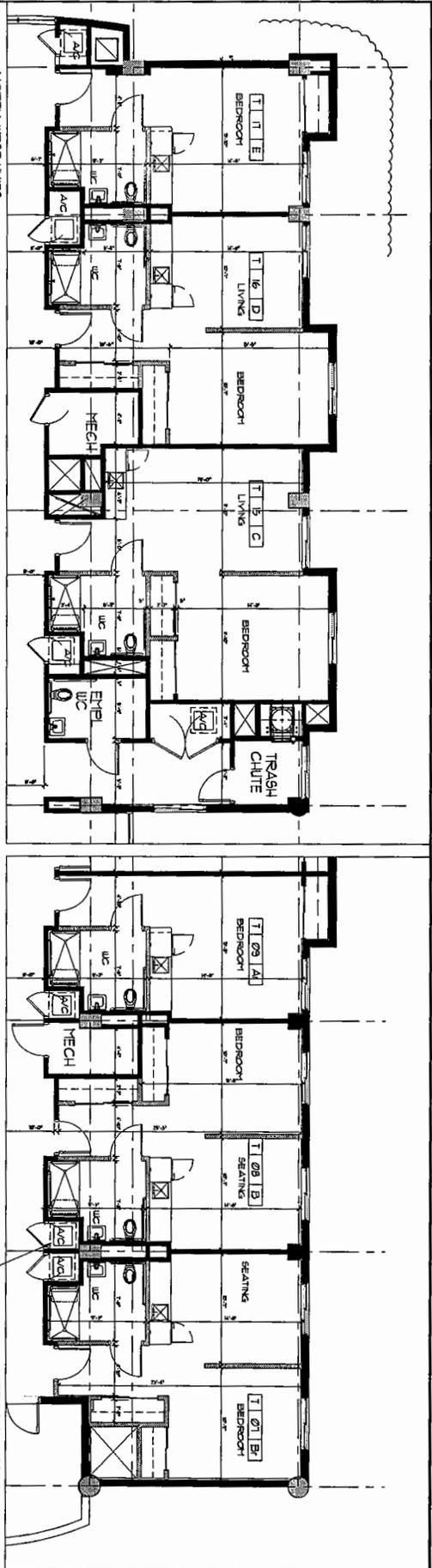
SCALE: AS SHOWN

PROJECT: 100 WEST 10TH STREET

CLIENT: MEIER GOFFIN OLO ARCHITECTS

DESIGNER: STARDITION INC.

NO.	DATE	REVISIONS
1	01/21/08	ISSUED FOR THE PLAN APPROVAL
2	01/24/08	ISSUED FOR CLIENT REVIEW
3	01/18/07	ISSUED FOR CLIENT REVIEW

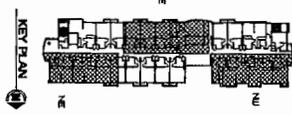


FLOOR	UNIT NO.	MODEL
T	Ø	A

RECEIVED

JAN - 4 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



01-29-08 ISSUED FOR SITE PLAN APPROVAL  
02-24-08 ISSUED FOR CLIENT REVIEW  
06-16-07 REVISION FOR CLIENT REVIEW

M. GUTIER, 01.27.08

**architectural inc.**  
ARCHITECTS

meyer goth dia  
architects llc, p.c.  
1000 Biscayne Blvd., Suite 1000  
Miami, Florida 33132  
Tel: 305.375.1100  
Fax: 305.375.1101  
www.mgdia.com

**OWNER:**  
RESIDENCES AT  
SOLD OAKS

**DESIGNER:**  
ARCHITECTURAL INC.

NO.	DATE	DESCRIPTION
1	01/29/08	ISSUED FOR SITE PLAN APPROVAL
2	02/24/08	ISSUED FOR CLIENT REVIEW
3	06/16/07	REVISION FOR CLIENT REVIEW

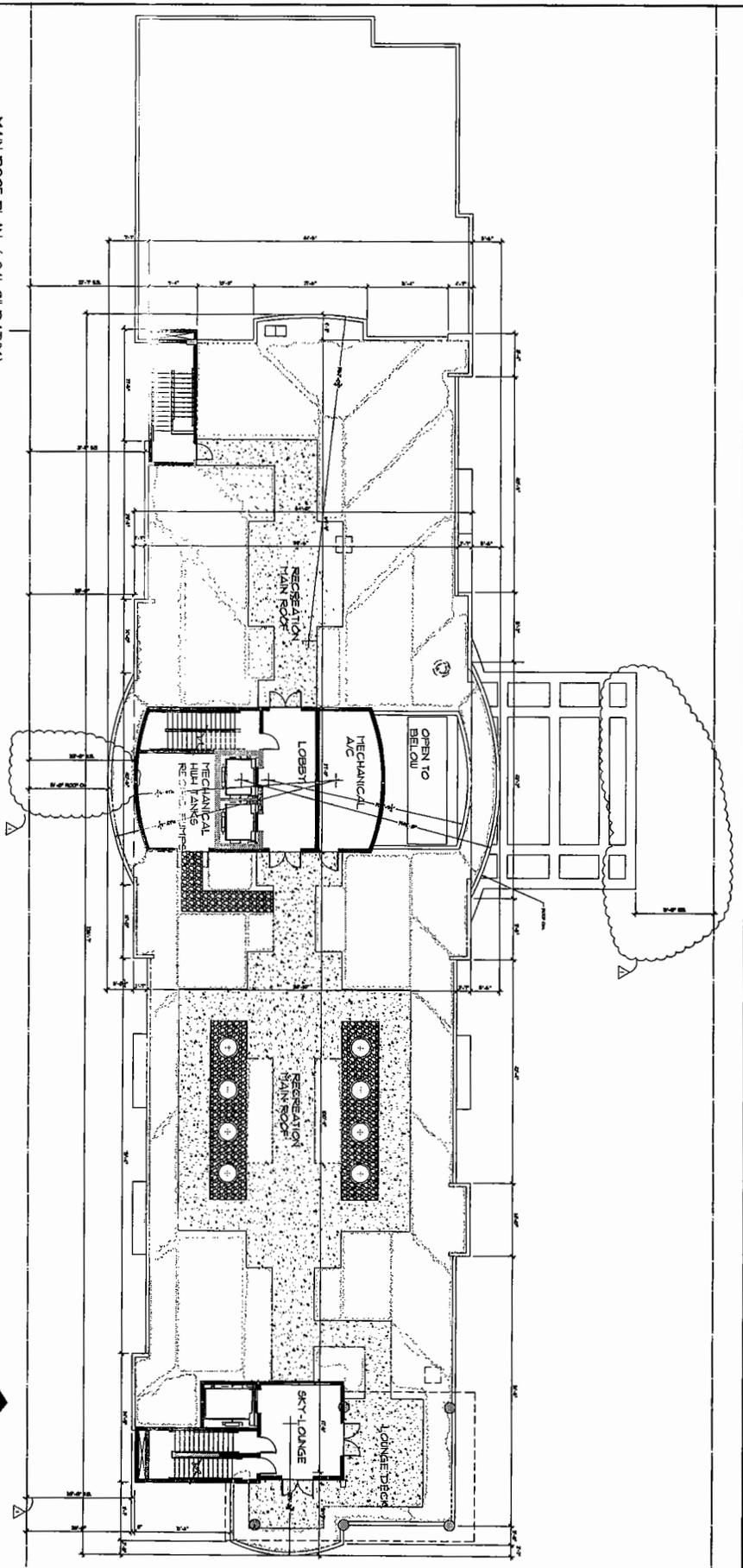
**TYPICAL UNITS**

070604

NO.	DATE	DESCRIPTION
1	01/29/08	ISSUED FOR SITE PLAN APPROVAL
2	02/24/08	ISSUED FOR CLIENT REVIEW
3	06/16/07	REVISION FOR CLIENT REVIEW

32

MAIN ROOF PLAN (84'-0" DATUM)



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

**RECEIVED**  
 JAN - 4 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

01-29-08 ISSUED FOR SITE PLAN APPROVAL  
 02-27-08 ISSUED FOR PLAN APPROVAL  
 06-18-07 ISSUED FOR CLIENT REVIEW

PLOTTED: 01-09-08

33

<p><b>Orin Gordon Inc.</b>          11000 SW 15th St., Suite 200          Miami, FL 33185          (305) 551-1188</p>	
<p>mejer gofin dia          07/01/11          11000 SW 15th St., Suite 200          Miami, FL 33185          (305) 551-1188</p>	
<p><b>NOTES:</b></p>	
<p><b>CONTRACT:</b></p>	
<p><b>DATE:</b></p>	
<p><b>BY:</b></p>	
<p><b>KEY PLAN</b></p>	
<p><b>RESIDENCES AT SOLD OAKS ASSISTED LIVING</b></p>	
<p><b>GENERAL NOTES:</b></p>	
<p><b>070804</b></p>	
<p><b>A-5-11</b></p>	
<p><b>12</b></p>	

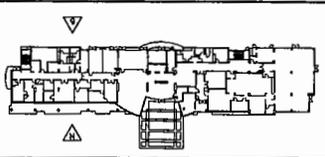
34



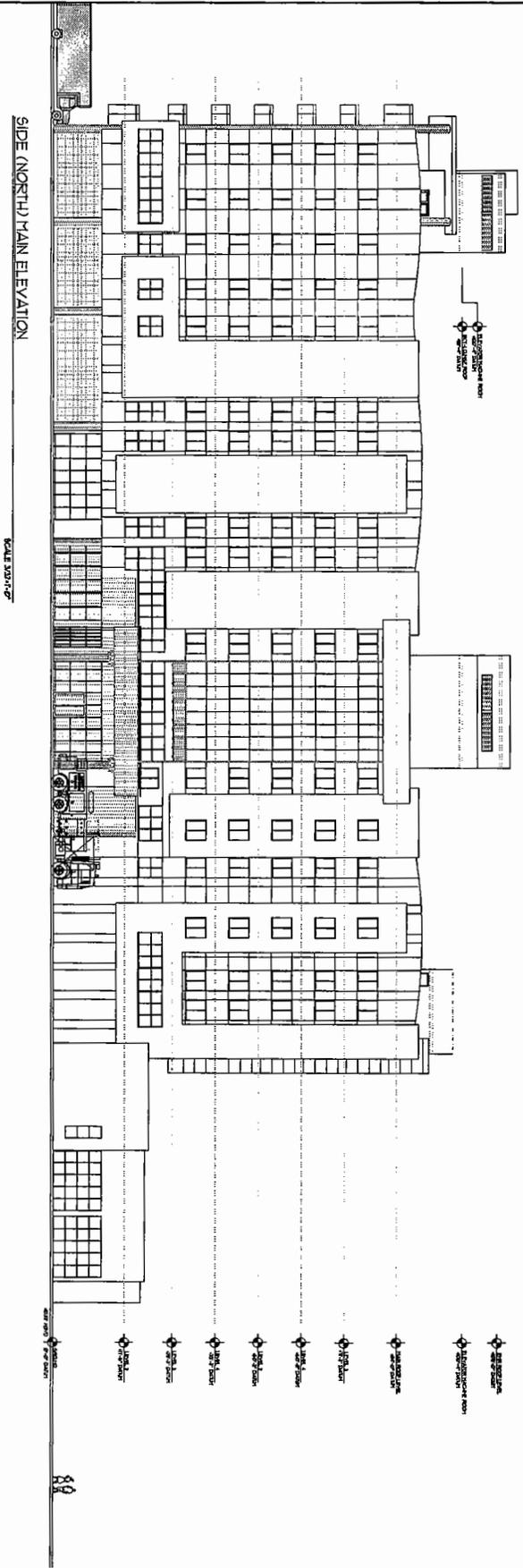
maier.groff, dia  
architects llc  
AIA 1188  
305.444.9900  
www.maiergrodoff.com

**ORKIDEDON**  
ARCHITECTURAL FIRM  
1000 BROADWAY  
SUITE 1000  
MIAMI, FL 33139  
TEL: 305.444.9900  
FAX: 305.444.9901  
WWW.ORKIDEDON.COM

**NOTES**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUFACTURER'S INSTRUCTIONS.  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72).  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINERS' HANDBOOK (IMPEH).  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ASSOCIATION OF DRAINAGE ENGINEERS' (I.A.D.E.) HANDBOOK.

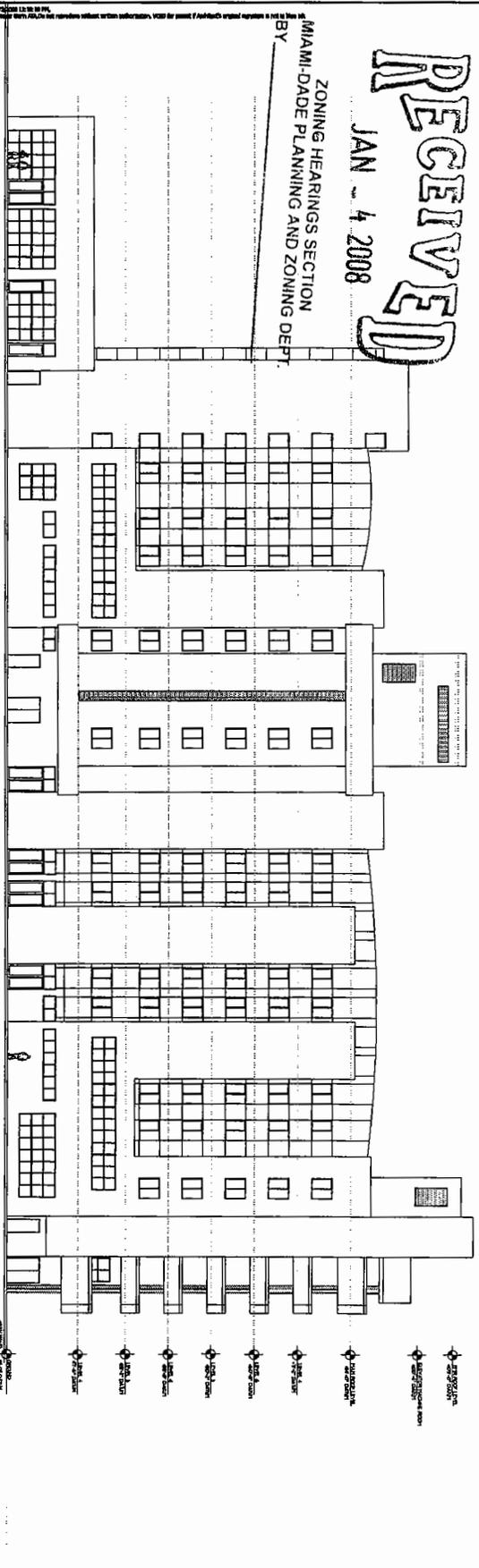


KEY PLAN



SCALE 1/8"=1'-0"

SIDE (NORTH) MAIN ELEVATION



SCALE 1/8"=1'-0"

SIDE (SOUTH) ELEVATION

**RECEIVED**  
JAN 4 2008

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

01-26-08 ISSUED FOR SITE PLAN APPROVAL  
02-24-07 ISSUED FOR CLIENT REVIEW  
06-16-07 ISSUED FOR CLIENT REVIEW

PROJECT NO. 070804

**NORTH & SOUTH ELEVATIONS**

RESIDENCES AT  
SOLID OAKS

NO.	DATE	DESCRIPTION
1	01/26/08	ISSUED FOR SITE PLAN APPROVAL
2	02/24/07	ISSUED FOR CLIENT REVIEW
3	06/16/07	ISSUED FOR CLIENT REVIEW

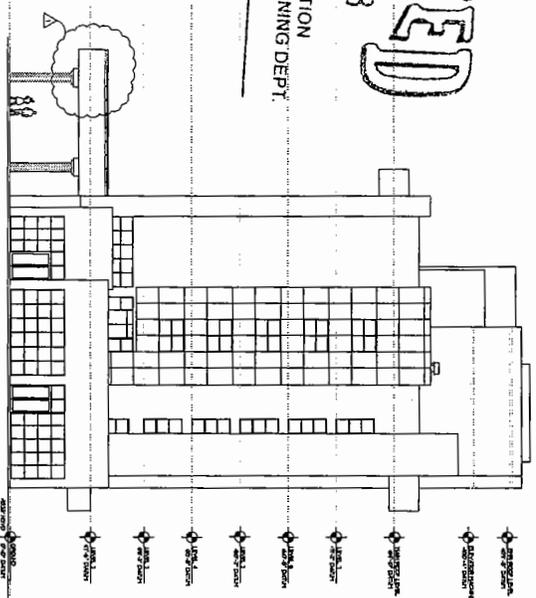
070804

**A-G**  
ARCHITECTURAL FIRM  
1000 BROADWAY  
SUITE 1000  
MIAMI, FL 33139  
TEL: 305.444.9900  
FAX: 305.444.9901  
WWW.ORKIDEDON.COM

# RECEIVED

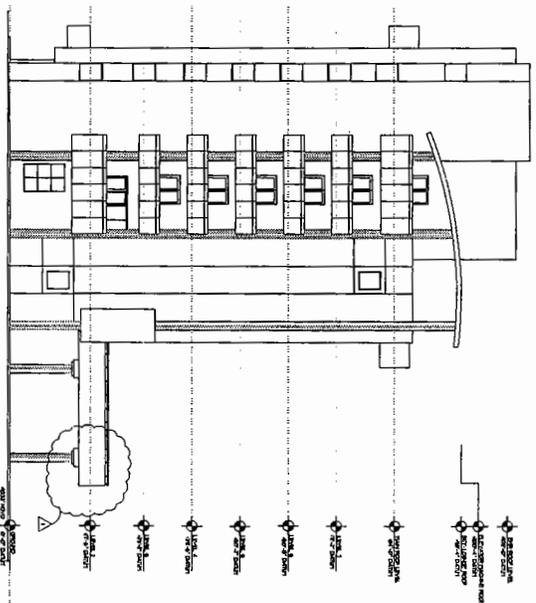
JAN - 4 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



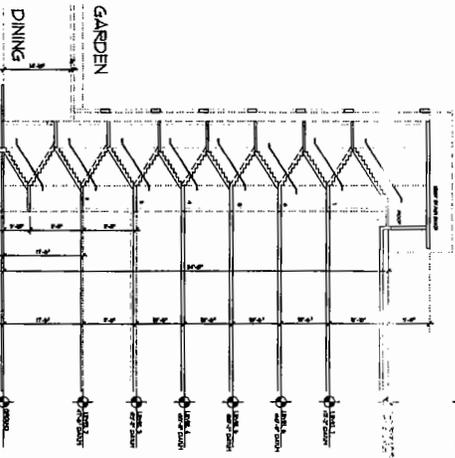
REAR ELEVATION (WEST)

SCALE 3/8"=1'-0"



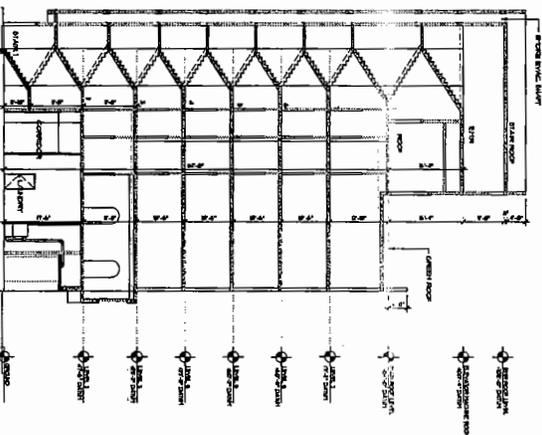
FRONT ELEVATION (EAST)

SCALE 3/8"=1'-0"



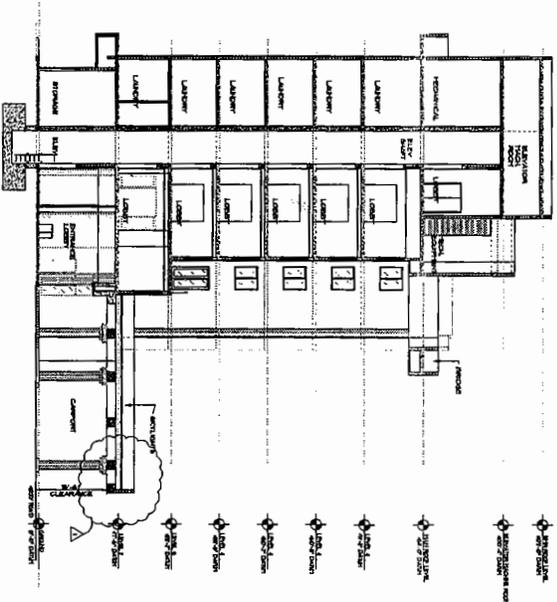
PARTIAL SECTION STAIR 2

SCALE 3/8"=1'-0"



PARTIAL SECTION STAIR 1

SCALE 3/8"=1'-0"

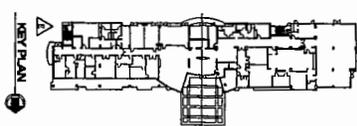


SECTION "D-D" THRU ENTRANCE

SCALE 3/8"=1'-0"

01-28-07 ISSUED FOR BLUE PLAN APPROVAL  
02-24-07 ISSUED FOR CLIENT REVIEW  
06-16-07 ISSUED FOR CLIENT REVIEW

PL. COTTAGE 07-07-08



KEY PLAN

**Orion/In Inc.**  
3100 West 15th Avenue, Suite 100  
Miami, FL 33192  
Tel: 305-553-1188  
Fax: 305-553-1189

mejer, polin, oia  
07/11/07, 01, 04, 1, 000  
www.orionin.com

**OWNER:**  
MIAMI-DADE PLANNING AND ZONING DEPARTMENT  
1000 N. W. 10th Street  
Miami, FL 33136

**NOTES:**

**RESIDENCES AT SOLD OAKS ASSISTED LIVING**

NO.	DATE	DESCRIPTION
1	07/11/07	ISSUED FOR CLIENT REVIEW
2	02/24/07	ISSUED FOR CLIENT REVIEW
3	01/28/07	ISSUED FOR BLUE PLAN APPROVAL

**ELEVATIONS FRONT (EAST) REAR (WEST)**

PROJECT NO. 070804

DATE: 01-28-07

SCALE: 3/8"=1'-0"

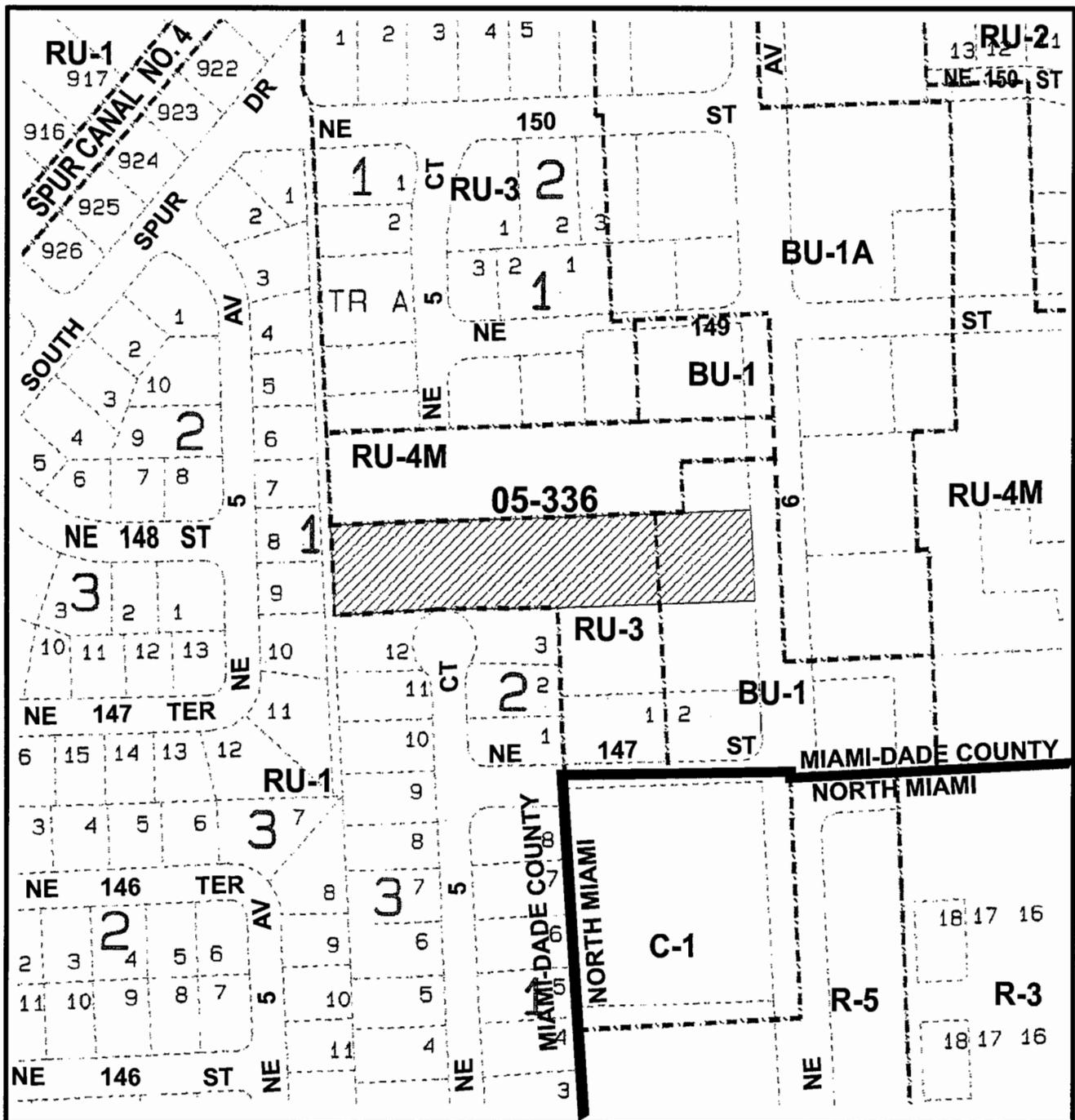
**A-7**

DATE: 01-28-07

SCALE: 3/8"=1'-0"

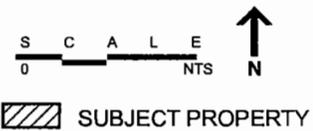
13

35



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 19 Township: 52 Range:42  
 Process Number: 05-336  
 Applicant: SOLID OAKS LLC  
 Zoning Board: C08  
 District Number: 2  
 Drafter ID: KEELING  
 Scale: 1:200'





MIAMI-DADE COUNTY  
**AERIAL**

Section: 19 Township: 52 Range:42  
Process Number: 05-336  
Applicant: SOLID OAKS LLC  
Zoning Board: C08  
District Number: 2  
Drafter ID: KEELING  
Scale: NTS



**1. SOUTHEASTERN GROUP INVESTMENT, INC.**  
(Applicant)

**08-10-CZ8-1 (06-159)**  
**Area 8/District 2**  
**Hearing Date: 10/29/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Southeastern Group Investment Inc.

**PH:** Z06-159 (08-10-CZ8-1)

**SECTION:** 28-53-41

**DATE:** October 29, 2008

**COMMISSION DISTRICT:** 2

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) RU-2 to IU-1
- (2) Applicant is requesting to permit a minimum 4' wide greenbelt (8' required) along a portion of the right-of-way.

**REQUESTS #1 & #2 ON PARCEL "A"**

- (3) **SPECIAL EXCEPTION** to permit a mixed-use 3-unit residential with retail building in the BU-1A zoning district.
- (4) Applicant is requesting to permit a building setback 7' (15' required) from the side street (north) property line.
- (5) Applicant is requesting to permit a minimum 4' wide greenbelt (7' required) along a portion of the right-of-way.

**REQUESTS #3 - #5 ON PARCEL "B"**

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A) (16) (Alternative Site development Option for the BU Zoning District) and requests #2, #4 & #5 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 "Proposed Two-Story Building," as prepared by Optimus Structural Design, L. L. C., Sheets "SP-1," "SP-2" and "A-1", dated stamped received 2/27/08 and Sketches "S1" and "S2" dated stamped received 7/29/08, for a total of 5 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting to change the zoning on Parcel A from RU-2, Two-Family Residential District, to IU-1, Light Industrial Manufacturing District. The applicant also seeks to permit a minimum 4' wide greenbelt along a portion of the right-of-way on Parcel A. Additional requests to permit a mixed-use 3-unit residential with retail building in the BU-1A zoning district, to permit a reduced building setback from the side street property line, and to permit a minimum 4' wide greenbelt along a portion of the right-of-way on Parcel B are also being sought.
- o **LOCATION:** The Southwest corner of NW 32 Avenue and NW 31 Street, Miami-Dade County, Florida.

- o **SIZE:** 77.5' x 150' (0.267 acre)
- o **IMPACT:** The approval of the application would allow the applicant to develop a mixed use 3-unit residential and retail building on Parcel B and a parking lot to serve the proposed retail and residential uses on Parcel A. However, the proposed residential and retail use, along with the companion requests for reduced setback and landscape green belt along the right-of-way may have a negative visual impact on the neighboring properties.

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 **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.
2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Objective LU-12.** Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in

a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

4. **Policy LU-1C.** Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
5. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
BU-1A & RU-2; Vacant parcel (trailer)	Industrial and Office
<b><u>Surrounding Properties:</u></b>	
<b><u>NORTH:</u></b> IU-1; Miami-Dade County bus garage	Industrial and Office
<b><u>SOUTH:</u></b> BU-1A & RU-2; Single-family residence	Industrial and Office
<b><u>EAST:</u></b> BU-1A; Duplex	Business and Office
<b><u>WEST:</u></b> IU-1; Automotive repair and body shop; Automotive and truck parts salvage yard	Industrial and Office

The 0.267-acre subject parcel is located at the southwest corner of NW 31 Street and SW 32 Avenue, approximately 1,340 feet to the northeast of the Miami River. The surrounding area is predominantly characterized by a mixture of residential uses interspersed with industrial uses such as warehouses and vehicle storage yards. A Miami-Dade County bus facility and garage is located to the north.

**E. SITE AND BUILDINGS:**

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

Visibility/Visual Screening: **Acceptable**  
Urban Design: **N/A**

\*Subject to the covenant and conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**Section 33-311(A)(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.

**Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts.** This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (a) **Setbacks** for a principal or accessory building or structure 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 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 by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
  4. any area of shadow cast by the proposed alternative development upon an adjoining property 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, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; 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(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
8. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, 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 alternative 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, parcel or tract; and
10. any windows or doors in any building(s) to be located within an interior side or rear 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 building(s) of a discordant use located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
12. the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use 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 of a discordant use located on an adjoining parcel of land; or
    - a. 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 eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
  - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- 14. 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 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- 15. when a principal or accessory 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
- 16. safe sight distance triangles shall be maintained as required by this code; and
- 17. the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- 18. the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- 19. the proposed development will meet the following:
  - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is

greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

- (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
  - (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
  - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
  - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (k) **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.
- (l) **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 economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in 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, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), 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, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:

- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development 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 the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to the conditions as indicated in their memorandum.

**H. ANALYSIS:**

The 0.267-acre subject property is a vacant lot located on the southwest corner of NW 31 Street and NW 32 Avenue, within the Urban Infill Area (UIA) approximately 1,340 feet (0.25 mile) to the northeast of the Miami River. The applicant is seeking a zone change from RU-2, Two-Family Residential District, to IU-1, Light Industrial Manufacturing District, (request #1) and to permit a minimum 4' wide greenbelt (8' required) along a portion of the right-of-way (request #2) on Parcel A. Additionally, the applicant is seeking a special exception to permit a mixed-use 3-unit residential and retail building in the BU-1A zoning district (request #3), to permit a building setback 7' (15' required) from the side street (north) property line (request #4), and to permit a minimum 4' wide greenbelt (7' required) along a portion of the right-of-way (request #5). Plans submitted by the applicant illustrate the aforementioned requests. The BU-1A zoning district requires that principal structures have a minimum side street setback of 15'. Further, Chapter 18A of the Landscape Code requires a minimum 7' wide greenbelt along the right-of-way, while the IU-1 zoning district requires a minimum 8' wide greenbelt along the right-of-way. The applicant has voluntarily proffered a covenant in lieu of unity of title that restricts the use on Parcel A to a parking lot only and provides that although the subject site (Parcels A and B) may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the submitted plans.

The plans submitted as part of this application illustrate on Parcel B a proposed two-story, residential/commercial building with approximately 2,485 sq. ft. of retail space allocated to the first floor and approximately 2,401 sq. ft. of residential living space configured on the second

floor in three separate residential units. Parking is provided in both the easternmost BU-1A zoned portion of the site (Parcel A) and the westernmost IU-1 zoned portion (Parcel B), with 5 and 11 designated spaces respectively. Landscaping is provided throughout the site in the form of Live Oak and Gumbo Limbo trees as well as Coco Plum shrubs.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The Public Works Department (**PWD**) and the Miami-Dade Fire Rescue Department (**MDFR**) have **no objections** to the application and MDFR indicates in their memorandum that the estimated average response travel time is **7:25** minutes. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and has indicated that the approval of this application will bring **1** additional student into the area's public schools. However, they indicate that the additional student generated by this development does not exceed the review threshold of 115% of FISH (Florida Inventory of School Houses) utilization. As such, MDCPS indicates that no dialogue between the applicant and the School District will be required.

Approval of this application will allow the applicant to rezone Parcel A from RU-2, Two-Family Residential District, to IU-1, Light Industrial Manufacturing District in order to develop Parcel A with a parking lot to serve the proposed residential and retail uses on Parcel B. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject site (Parcels A and B) as **Industrial and Office** use. Uses permitted in these areas are manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers. 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. As previously mentioned, the submitted plans depict a proposed parking lot on Parcel A to serve the proposed residential and retail use on Parcel B. It should be noted that the IU-1 district allows uses such as commercial and non-commercial parking lots. As such, the requested zone change to IU-1 on Parcel A is **consistent** with the Industrial and Office LUP map designation of the CDMP. Additionally, the approval of this application will allow the applicant to develop the BU-1A portion of the site, Parcel B, with a mixed-use 3-unit residential building through a special exception. The Land Use Element indicates that residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety planning reasons; however, the interpretative text of the CDMP also indicates that all existing lawful residential uses and zoning are deemed to be **consistent** with the CDMP, as indicated in the section titled "Concepts and Limitations of the Land Use Plan Map." As such, the existing BU-1A zoning on Parcel B is **consistent** with the CDMP and said zoning permits residential uses through approval at a public hearing. Further, the subject property lies within the Urban Infill Area (UIA) and **Land Use Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The subject property is located within the Urban Infill Area, and departmental memoranda have indicated that the proposal does not deplete any natural resources and has the necessary urban services readily available; therefore, the proposed residential units are **consistent** with Policy LU-1C of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Moreover, as previously mentioned, the applicant has voluntarily proffered a covenant in lieu of unity of title that restricts the use on Parcel A to a parking lot only and provides that, although the subject site (Parcels A and B) may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the submitted plans. Staff opines that the rezoning of Parcel A to IU-1 will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of Parcel A with the proposed parking lot to serve the residential and retail uses on Parcel B will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, the rezoning does not unduly burden or affect public transportation facilities since the site is located within the Urban Infill Area where traffic concurrency does not apply, as indicated in the submitted memorandum from the Public Works Department. Staff's research reveals that the majority of the area located to the west of NW 32 Avenue is zoned IU-1 with the exception of some remnant pockets of RU-2 and RU-3B zoned lots. Specifically, staff notes that the property to the west of the subject site was granted, among other requests, a zone change from RU-2 and IU-1 to IU-1, pursuant to Resolution #Z-158-91. As such, staff opines that the approval of IU-1 zoning on Parcel A would be in keeping with the zoning trend in the area for industrial uses, and therefore, would be **compatible** with same and **consistent** with the Industrial and Office Land Use Plan map designation of the CDMP. As such, staff recommends approval of the district boundary change from RU-2 to IU-1 (request #1) on Parcel A subject to the Board's acceptance of the proffered covenant.

The applicant wishes to develop a dual-zoned site with a mixed-use residential/commercial building. As such, the applicant is seeking a special exception to permit a residential use in the BU-1A zone: to wit, a three-unit residence (request #3). When analyzing this request under Section 33-311(A)(3) Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the approval of the request would not result in excessive noise and would not tend to create a fire or other equally or greater dangerous hazards. Also, staff opines that the proposed three-unit residential mixed-use two-story structure would not produce excessive overcrowding or concentration of people on the 0.267-acre subject site. Furthermore, the approval of the requested use would not generate or result in excessive traffic since it is located within the Urban Infill Area where traffic concurrency does not apply, as indicated in the submitted memorandum from the Public Works Department. Moreover, staff opines that the proposed residential use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Their memorandum indicates that the subject property is located within a designated brownfield area, and notes that the applicant should contact DERM to be advised of the economic incentives available for development within this area. As such, the request to permit a residential use in the BU-1A zone would not have an unfavorable effect on the economy of Miami-Dade County. Staff is of the opinion that the

proposed use, three residential units housed within a mixed use building in a BU-1A zone, would be **compatible** with the existing residential uses found in the area. Although the surrounding area is predominantly zoned IU-1 and BU-1A, staff notes that the subject property abuts a single-family residence to the south. Also, staff notes that along the eastern side NW 32 Avenue, to the east of the subject site, exists an abundance of retail lots interspersed with residential lots that are currently zoned BU-1A. Specifically, the lot located across the street to the east of the subject site is developed with a one-story duplex residence. As such, staff is of the opinion that the development of the site with a residential use would not be out of character with the area. Based on the foregoing, staff recommends approval with conditions of request #3 under Section 33-311(A)(3).

When requests #2, #4 and #5 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of same would be **compatible** with the surrounding area. As previously mentioned, the Landscape Code (Chapter 18A) requires a minimum 7' wide greenbelt along the right-of-way, while the IU-1 zoning district requires a minimum 8' wide greenbelt along the right-of-way. Requests #2 and #5, to permit a minimum 4' wide greenbelt along the rights-of-way, would allow the applicant to provide 4' less than the required amount of a green landscaped strip along the portion of the site adjacent to NW 31 Street (Parcel A) and 3' less than the required amount of a green landscaped strip along the portion of the site adjacent to NW 32 Avenue (Parcel B). Staff notes that the applicant's attempt to accommodate the required parking area results in the reduction in the landscaped strip along NW 31 Street which coincides with the rear parking area located on Parcel A, the western portion of the site, Parcel B. Additionally, it should be noted that the applicant's attempt to accommodate the required parking area results in the reduction in the landscape strip along NW 32 Avenue which coincides with the parking area located in front of the proposed building on the eastern portion of the site. Staff notes that the IU-1 zoned property located to the west of the subject site was granted, among other requests, a request to permit a greenbelt width of 1.35' (8' required), pursuant to Resolution #Z-158-91. As such, staff opines that approval with conditions of requests #2 and #5 would not be out of character with the surrounding area. Staff acknowledges that the approval of request #4, to permit the proposed residential and retail building setback 7' (15' required) from the side street (north) property line, would result in an encroachment of 8' into the side street setback area. However, staff notes that the submitted plan depicts abundant landscaping in the form of Live Oak and Gumbo Limbo trees (12' high at time of planting) as well as Cocoplum shrubs along the side street (north) property line on Parcel B. Moreover, as previously mentioned, a Miami-Dade County bus garage is located to the north of the subject site, across NW 31 Street. As such, staff opines that the approval of request #4 is **compatible** with the area and will not be visually intrusive to the county-owned bus garage located to the north of the site. Therefore, staff recommends approval with conditions of requests #2, #4 and #5 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for buildings and structures in the BU Zoning Districts, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, request #4 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When requests #2, #4 and #5 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Since the applicant has not proven that compliance

with same would result in an unnecessary hardship, staff is of the opinion that requests #2, #4, and #5 cannot be approved under the ANUV Standards, and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that the approval of the application is **compatible** with the surrounding area and is **consistent** with the CDMP. As such, staff recommends approval of the zone change from RU-2 to IU-1 on Parcel A, subject to the Board's acceptance of the proffered covenant (request #1) and approval with conditions of the special exception to permit a residential use in a BU-1A zone to permit a mixed-use, 3-unit residential and retail building (request #3) on Parcel B. Additionally, staff recommends approval with conditions of requests #2, #4 and #5 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 #4 under Section 33-311(A)(16) (ASDO).

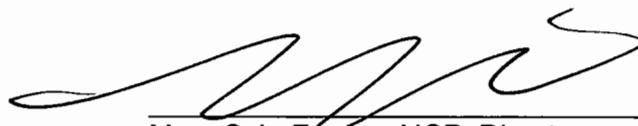
**I. RECOMMENDATION:**

Approval of the district boundary change on Parcel A only (request #1), subject to the Board's acceptance of the proffered covenant and approval of request #3 on Parcel B. Approval with conditions of requests #2, #4 and #5 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV), and denial without prejudice of request #4 under Section 33-311(A)(16) (ASDO).

**J. CONDITIONS:** As applied to requests #2 through #5 only:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Two-Story Building," as prepared by Optimus Structural Design, L. L. C., Sheets "SP-1," "SP-2" and "A-1" dated stamped received 2/27/08 and Sketches "S1" and "S2" dated stamped received 7/29/08, for a total of 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning for its review and approval at the time of building permit, a landscaping plan which complies with Chapter 18A and indicates the type of plant material and size to be installed prior to the issuance of a building permit and to be installed prior to final zoning inspection.

**DATE INSPECTED:** 12/05/06  
**DATE TYPED:** 09/08/08  
**DATE REVISED:** 09/16/08; 09/19/08; 10/07/08  
**DATE FINALIZED:** 10/07/08  
MCL:MTF:LVT:NC

  
\_\_\_\_\_  
Marc C. LaFemmer, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** September 5, 2008

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

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

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

**Subject:** C-08 #Z2006000159-Revised  
Southeastern Group Investments, Inc.  
3036 N.W. 32<sup>nd</sup> Avenue  
District Boundary Change from RU-2 to IU-1,  
Special Exception to Permit a Three Unit Residential Building in the  
BU-1A Zoning District  
Request to Permit Less Setback and Greenbelt than Required  
(RU-2) (0.2668 Acres)  
28-53-41

---

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 Supply and Wastewater Disposal

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

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

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

#### Stormwater Management

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.

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### 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 due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Pollution Remediation

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

#### Wetlands

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

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

#### Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees at this location. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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.

REVISION 1  
PH# Z2006000159  
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: SOUTHEASTERN GROUP INVESTMENT, INC.

This Department has no objections to this application.

This land may require 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.

19-MAR-08



c-8

# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**  
Alberto M. Carvalho

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

September 19, 2008

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

**RECEIVED**  
SEP 24 2008

ZONING SERVICES DIVISION MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_

c-8

**Re: Southeastern Group Investment Inc. – No. 06-159**  
**Southwest corner of NW 32 Avenue and NW 31 Street**

Dear Ms. Fojo:

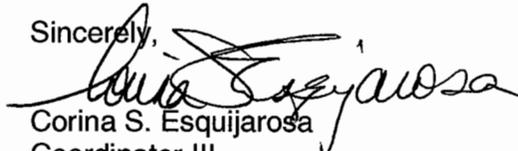
Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's review analysis of potential impact generated by the above referenced application. Please note that none of the schools impacted by the proposed development meet the review threshold. As such, no dialogue between the applicant and the School District will be required.

This application may be subject to school concurrency requirements, as mandated by 2005 Growth Management Legislation. Pursuant to Sections 163.3177 and 1013.33 of the Florida Statutes, all new residential applications will be tested for school concurrency at Final Subdivision or Site Plan (or functional equivalent), effective at the time school concurrency is fully implemented.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

  
Corina S. Esquijarosa  
Coordinator III

CSE:rr  
L-131  
Attachment

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

19

## SCHOOL IMPACT REVIEW ANALYSIS

September 19, 2008

**APPLICATION:** Southeastern Group Investment, Inc. – 06-159

**REQUEST:** Zone change from RU-2 to BU-1A

**ACRES:** 0.26 acres

**LOCATION:** Southwest corner of NW 32 Avenue and NW 31 Street

**MSA/  
MULTIPLIER:** 4.6 / .27 Multi-Family

**NUMBER OF  
UNITS:** 3 additional units

**ESTIMATED STUDENT  
POPULATION:** 1 students\*

**ELEMENTARY:** 1

**MIDDLE:** 0

**SENIOR HIGH:** 0

### SCHOOLS SERVING AREA OF APPLICATION

**ELEMENTARY:** Melrose Elementary – 3050 NW 35 Street

**MIDDLE:** Brownsville Middle – 4899 NW 24 Avenue

**SENIOR:** Miami Northwestern Senior High – 1100 NW 71 Street

All schools are located in the North Regional Center.

\*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology Services, as of October 2007:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE
Melrose Elementary	556	630	88%	0	88%
	557 *		88%		88%
Brownsville Middle	775	1,324	59%	0	59%
	775 *		59%		59%
Miami Northwestern Senior High	2,439	2,413	101%	71	98%
	2,439 *		101%		98%

\*Student population increase as a result of the proposed development.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, none of the schools meet the review threshold.

### PLANNED RELIEF SCHOOLS

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

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$6,549.

**CAPITAL COSTS:** Based on the State's September 2008 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	DOES NOT MEET THRESHOLD
MIDDLE	DOES NOT MEET THRESHOLD
SENIOR HIGH	DOES NOT MEET THRESHOLD
<b>Total Potential Capital Cost</b>	<b>\$0</b>

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



# Memorandum

**Date:** 10-DEC-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000159

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated June 16, 2006.

**APPROVAL**

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

This plan has been reviewed to assure compliance with the MDRF 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 MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2006000159  
 located at The Southwest Corner of NW 32 Ave & NW 31 St.  
 in Police Grid 1074 is proposed as the following:

<u>3</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>2,856</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 1.65 alarms-annually.  
 The estimated average travel time is: 7:25 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 2 - Model Cities - 6460 NW 27 Avenue  
 Rescue, BLS 50' Squrt, Battalion

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

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

# Office of Neighborhood Compliance

## ENFORCEMENT HISTORY

NAME:

SOUTHEASTERN GROUP  
INVEST INC

ADDRESS

3036 NW 32 AVE. SW  
CORNER NW 32 AVE & 31  
ST.

DATE

OCTOBER 16<sup>TH</sup> 2008

Folio # 3031280131790

CMS# 200813000857

### HEARING NUMBER 06-159

### CURRENT ENFORCEMENT HISTORY:

#### October 16, 2008

An inspection was conducted October 16, 2008 and no violations were observed.

#### April 22<sup>nd</sup> 2008

CMS # 200813000857 was opened and CVN # B053597 was issued to the property owner for illegally storing a container on property. A compliance inspection was conducted on September 18<sup>th</sup>, 2008 and there was compliance. The CVN payment made on October 15<sup>th</sup> 2008 and case has been closed.

#### January 28<sup>th</sup> 2008

CMS # 200813000338 was opened and CVN # N14321 was issued to property owner for illegally maintaining a non-dwelling structure in good repair. A compliance inspection was conducted on August 08<sup>th</sup> 2008, and there was compliance. The CVN payment made on July 28<sup>th</sup> 2008 and case has been closed.

January 17<sup>th</sup> 2002

CMS # 200213000095 was opened and a warning issued to property owner for illegal outdoor storage. A compliance inspection was conducted on February 19<sup>th</sup> 2002 and there was compliance case closed.

January 17<sup>th</sup> 2002

CMS# 200213000094 was opened and a warning issued to property owner for accumulating junk and trash on property. A compliance inspection was conducted on February 19<sup>th</sup> 2002 and there was compliance case closed.

**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 the 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: Southeastern Group Investment, Inc

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Adam Behnejad</u>	<u>100%</u>
<u> </u>	<u> </u>



ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY   *W*  

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 discloser shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:  

<u>NAME AND ADDRESS</u>	<u>Percent of Interest</u>
<u> </u>	<u> </u>

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

PARTNERSHP OR LIMITED PARTNERSHIP NAME:  

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

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, trust, 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**RECEIVED**  
 206-159  
 JUN 06 2006

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

**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: Adam Belgio  
 (Applicant)

Sworn to and subscribed before me this 1 day of June, 2006. Affiant is personally known to me or has produced PDL 523 001 60 021 0 as identification.

**Ed Madero**  
 Commission # DD147204  
 (Notary Public)  
 Expires 03/31/2006  
 Aaron Notary  
 1-800-350-5161

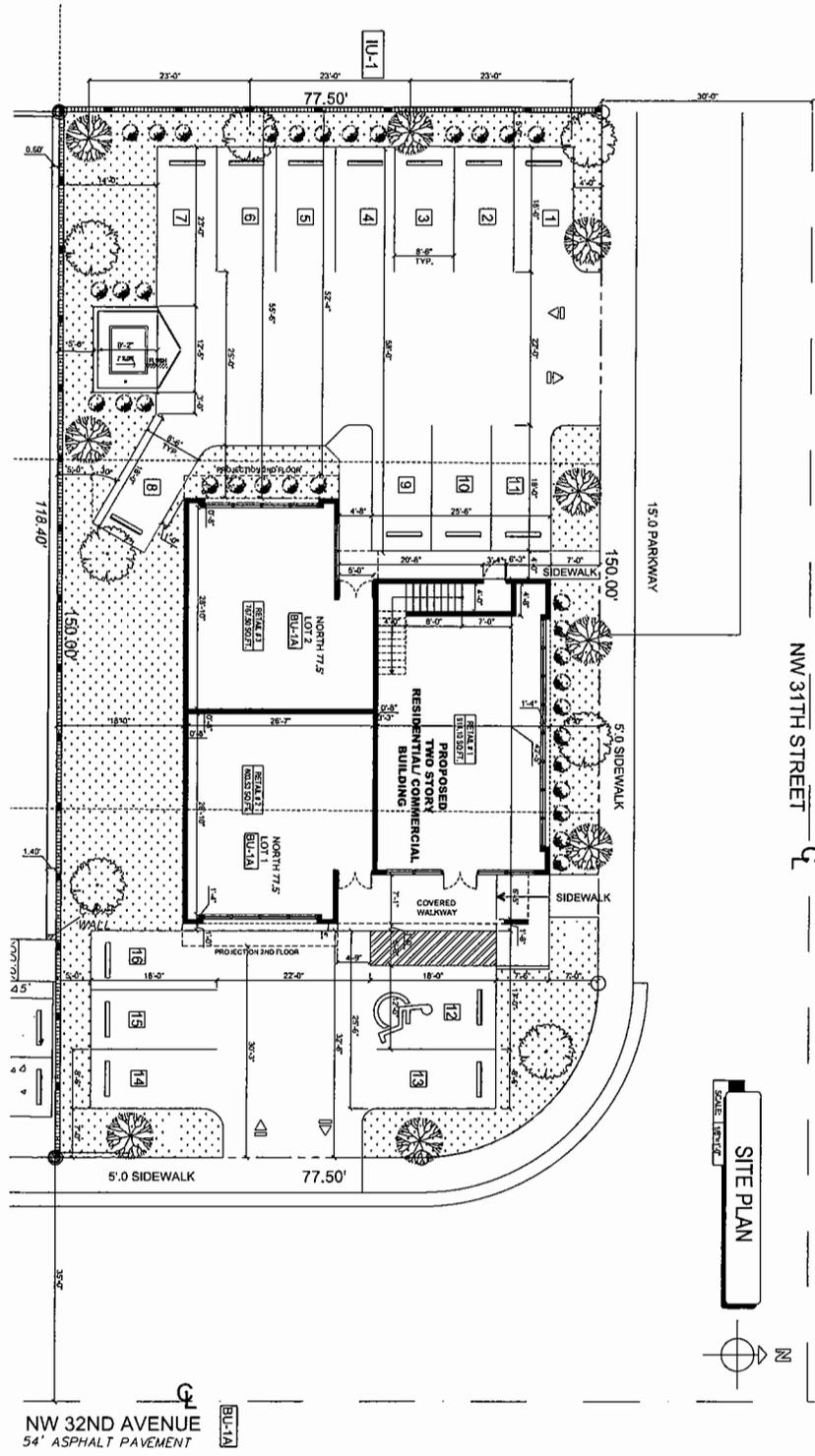
*[Handwritten Signature]*

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

\*Disclosure shall not be required of: 1) any entity, the equity interest 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 interest; or 3) any entity where ownership interest are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interest, including all interest 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 interest, 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  
 HARRISON COUNTY  
 PLANNING DEPARTMENT  
 2017 JUN 27 PM 2:52



296-159

TO THE BEST OF MY KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE FLORIDA BUILDING CODE.

DRAWN BY: S. CONDORZI CHECKED BY: J.B./J.L. DATE: 02-21-18 SCALE: AS SHOWN JOB NO.:	SP-1 of
---	------------

STATE OF FLORIDA

**OPTIMUS STRUCTURAL DESIGN LLC**  
 C.A. No. 28217 61708  
 Tonyo Homid PE  
 7850 NW 146 STREET, SUITE 501  
 MIAMI LAKES, FLORIDA 33018  
 Tel. 305.512.5880  
 Fax. 305.512.5851  
 E-mail: optimus184@bellsouth.net

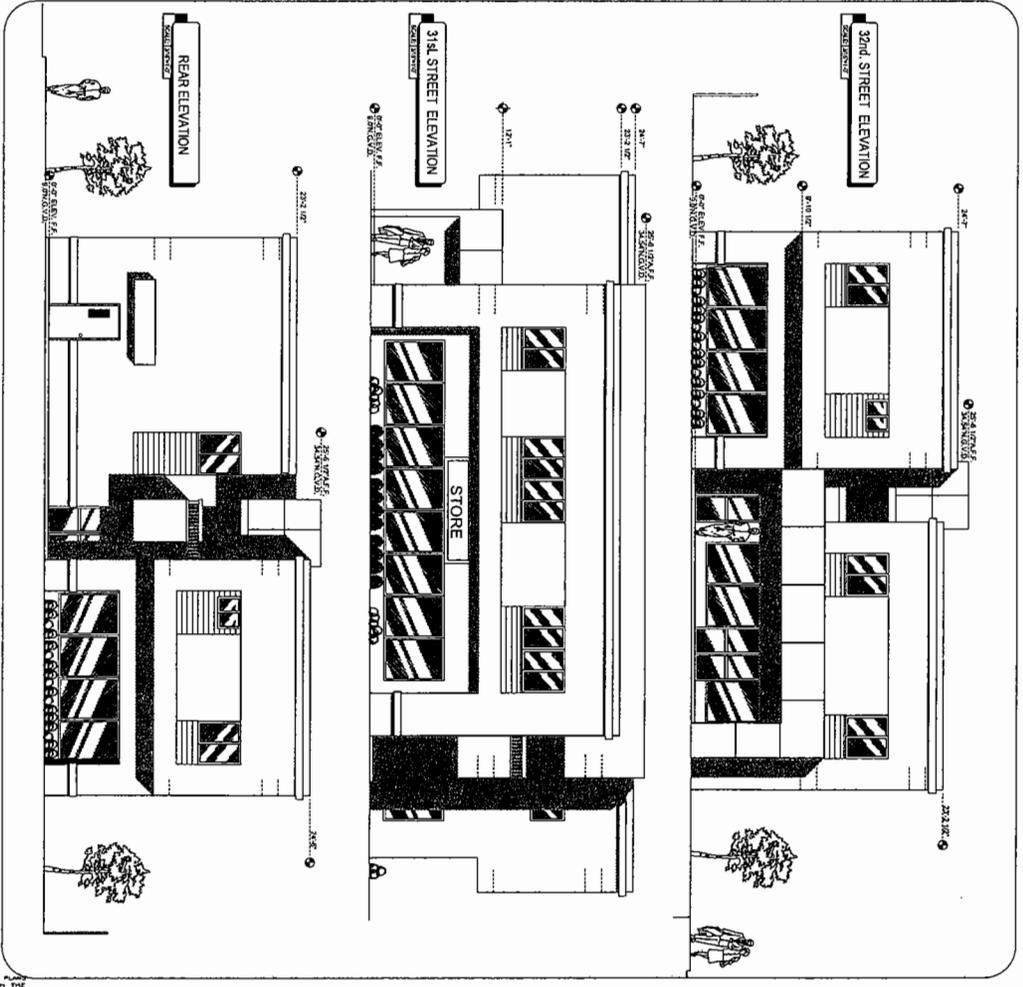
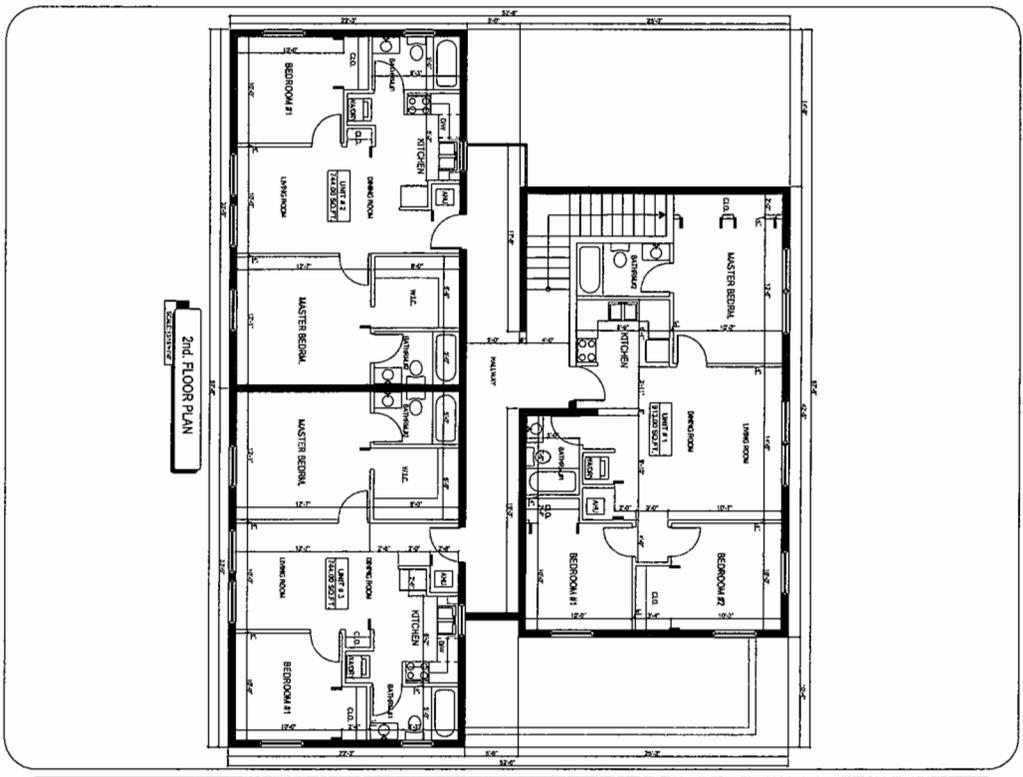
**PROPOSED TWO-STORY BUILDING**

**SITE ADDRESS:**  
 3038 NW 32nd AV.  
 MIAMI, FL

**OWNER:**  
 SOUTHEASTERN GROUP  
 INVESTMENTS, INC.

NO.	DATE	REVISION

RECEIVED  
 ARCHITECTURAL DEPARTMENT  
 PROJECT NO. 2016-159  
 DATE: 02-11-16  
 BY: [Signature]



206-159

TO THE BEST OF MY KNOWLEDGE, THE PLAN AND SPECIFICATIONS COMPLY WITH THE FLORIDA BUILDING CODE.

DRAWN BY: A. COMBES CHECKED BY: J. [Signature] DATE: 02-11-16 SCALE: AS SHOWN SHEET NO.:	A-1 of
--	-----------

SCALE: STATE OF FLORIDA

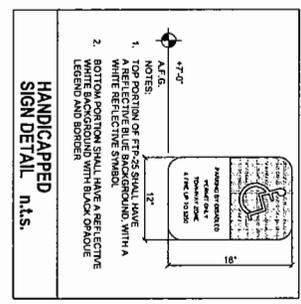
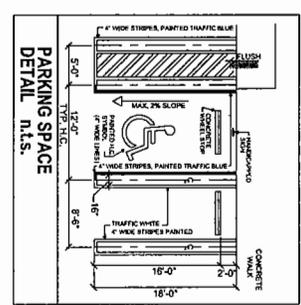
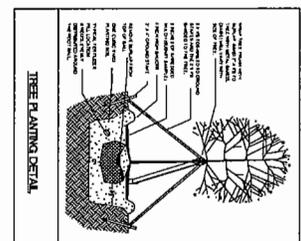
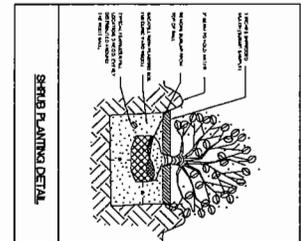
**OPTIMUS STRUCTURAL DESIGN LLC**  
 Tampa, Florida, FL 33606  
 7850 NW 146 STREET, SUITE 501  
 MIAMI LAKES, FLORIDA 33016  
 Tel: 305.512.5860  
 Fax: 305.512.5881  
 E-mail: optimus@optimusd.com

**PROPOSED TWO-STORY BUILDING**

SITE ADDRESS: 3008 NW 30th Ave, MIAMI, FL  
 OWNER: SOUTHEASTERN GROUP INVESTMENTS, INC.

NO.	DATE	REVISION

29



### SOUTH LOTS (EXISTING BUILDING)

**LEGAL DESCRIPTION**  
The South 30th 100 Feet of Lots 1, 2 and 3, of Block 30 of the  
HIGHLANDS COASTAL SECTION, according to the Plat thereof recorded in  
Public Record No. 10,000, 10,001 and 10,002, in Dade County, Florida, and  
shown as 2005 11, in Dade County, Florida.

**ZONING LEGEND BY TODAY'S STANDARDS TO EXIST. BUILDING.**  
ZONING DISTRICT: B-12.5 (B-14) (REQUEST TO B-14)  
GROSS LOT AREA: 11,000 SQ. FT.  
NET LOT AREA: 1,000 SQ. FT.  
MAX. ALLOWED: 40% NET LOT AREA OR 500 SQ. FT.  
LOT COVERAGE: 20% NET LOT AREA OR 200 SQ. FT.  
LANDSCAPED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.  
UNIMPAVED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.  
LANDSCAPED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.  
UNIMPAVED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.

**SETBACKS REQUIRED:** REQUIRED PROVIDED  
FRONT: 30'-0" 30'-0"  
SIDE: 10'-0" 10'-0"  
REAR: 10'-0" 10'-0"

**PARKING:** SPACES REQUIRED SPACES PROVIDED  
OFFICES: 2,000 SQ. FT. OFFICES: 4 SPACES  
RESIDENTIAL: 2,000 SQ. FT. OFFICES: 4 SPACES

**BUILDING HEIGHT ALLOWED:** TWO STORIES  
MAX. HEIGHT PROVIDED: 17'-0" (10' 0" TO 17' 0")  
LOT AREA PROVIDED: 9,000 SQ. FT.

**LEGAL ADDRESS**  
3026 NW 32ND AVENUE, MIAMI FL, 33142

**LOCATION MAP**

### NORTH LOTS (PROPOSED BUILDING)

**LEGAL DESCRIPTION**  
THE NORTH 77 FEET OF LOTS 12 AND 13, BLOCK 30 OF HIGHLANDS COASTAL SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PUBLIC RECORD NO. 10,000, 10,001 AND 10,002, IN DADE COUNTY, FLORIDA.

**ZONING LEGEND**  
ZONING DISTRICT: B-12.5 (B-14) (REQUEST TO B-14)  
GROSS LOT AREA: 11,000 SQ. FT.  
NET LOT AREA: 1,000 SQ. FT.  
MAX. ALLOWED: 40% NET LOT AREA OR 500 SQ. FT.  
LOT COVERAGE: 20% NET LOT AREA OR 200 SQ. FT.  
LANDSCAPED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.  
UNIMPAVED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.  
LANDSCAPED OPEN SPACE: 10% NET LOT AREA OR 100 SQ. FT.

**SETBACKS REQUIRED:** REQUIRED PROVIDED  
FRONT: 30'-0" 30'-0"  
SIDE: 10'-0" 10'-0"  
REAR: 10'-0" 10'-0"

**PARKING:** SPACES REQUIRED SPACES PROVIDED  
OFFICES: 2,000 SQ. FT. OFFICES: 4 SPACES  
RESIDENTIAL: 2,000 SQ. FT. OFFICES: 4 SPACES

**BUILDING HEIGHT ALLOWED:** TWO STORIES  
MAX. HEIGHT PROVIDED: 17'-0" (10' 0" TO 17' 0")  
LOT AREA PROVIDED: 9,000 SQ. FT.

**LEGAL ADDRESS**  
3026 NW 32ND AVENUE, MIAMI FL, 33142

**LOCATION MAP**

#### LANDSCAPE LEGEND

CHAPTER 250-09(2)(b) (REQUEST TO B-14)

MARK	QTY / SCIENTIFIC	COMMON	SCIENTIFIC NAME	MIN. DBH	MIN. HEIGHT DIA.
1	1	1	SPRINKLE	12"	12'
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49	1	1	SPRINKLE	12"	12'
50	1	1	SPRINKLE	12"	12'

206-159

TO THE BEST OF MY KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE FLORIDA BUILDING CODE.

APPROVED BY: [Signature]  
DATE: 02-11-11  
SCALE: AS SHOWN

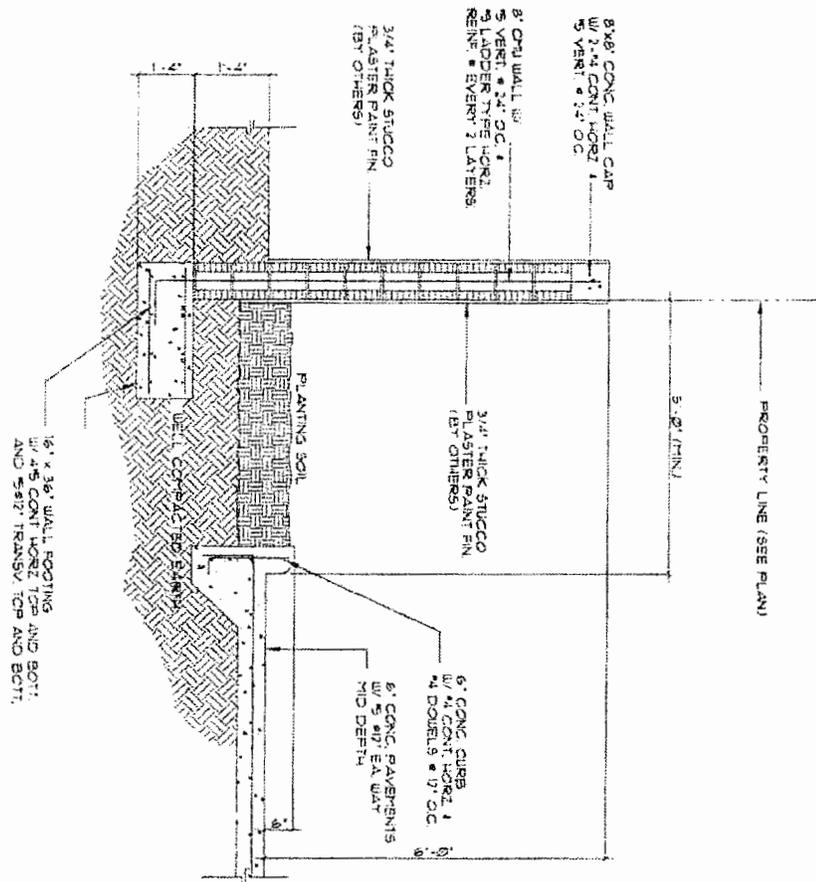
SCALE: HALF OF PLUMB

**OPTIMUS STRUCTURAL DESIGN LLC**  
CA No: 26217  
Tonya Hornelia PE 61705  
7830 NW 148 STREET, SUITE 501  
MIAMI, FL 33187  
Tel: 305.512.8980  
Fax: 305.512.8980  
E-mail: optimusd@earthlink.net

**PROPOSED TWO-STORY BUILDING**

SOUTH EASTERN GROUP INVESTMENTS, INC.

NO.	DATE	REVISION



TYP. FENCE WALL SECTION DETAIL - 1  
SCALE N.T.S.

RECEIVED  
206-159  
JUL 29 2008

ZONING DEPARTMENT HIGH  
MUNICIPAL PLANNING AND ZONING DEPT

*Test Item*  
07/24/08

206-159

ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

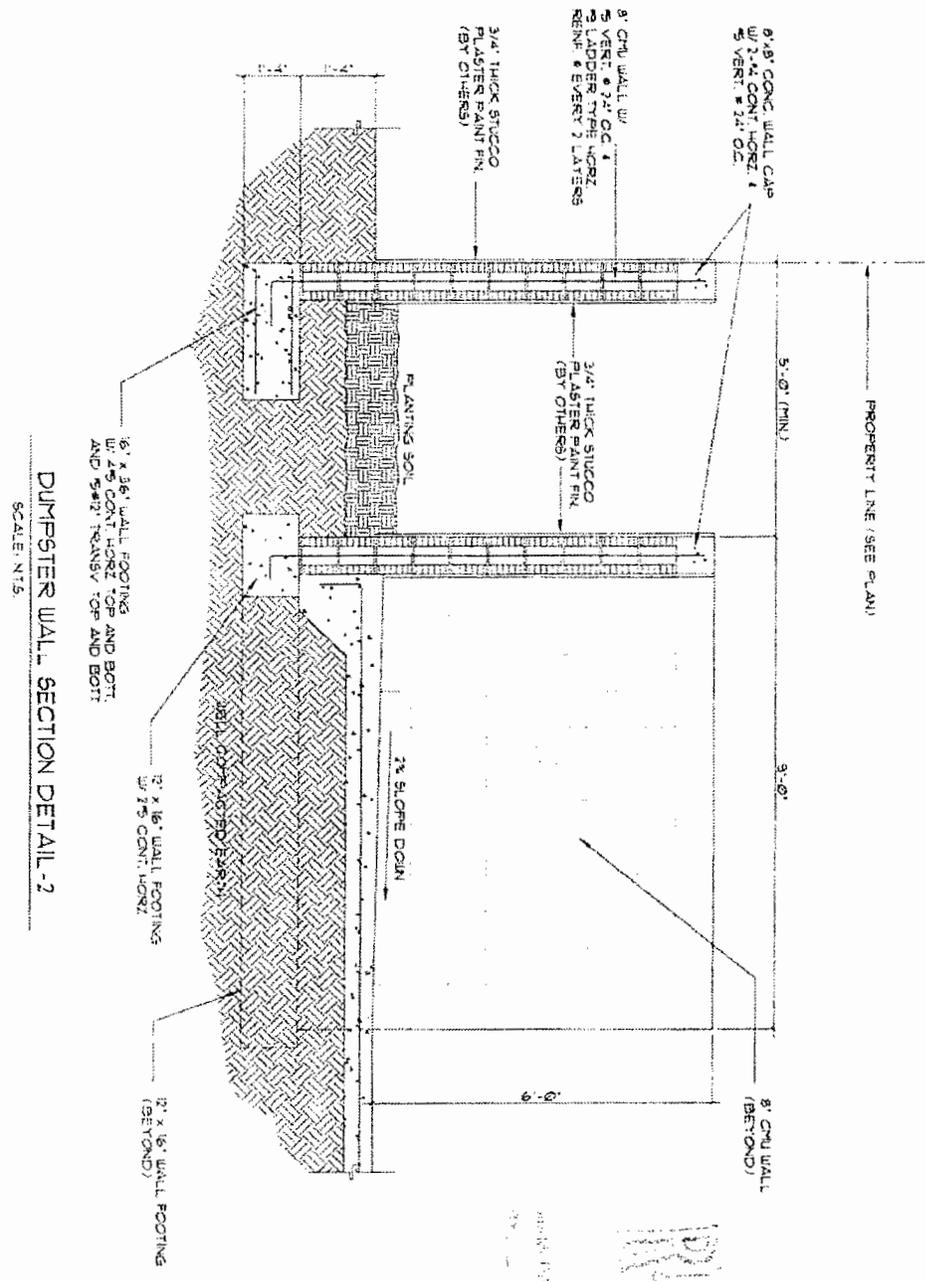
NO.	DATE	REVISION
1	05-11-07	CONVISO COMMENTS
2	07-24-08	CONVISO COMMENTS

DATE	BY	REVISION
07-24-08	...	...

**OPTIMUS STRUCTURAL DESIGN LLC**  
 7830 NW 54th STREET, SUITE 301  
 MIAMI GARDEN, FLORIDA 33174  
 TEL: 305-712-5500  
 FAX: 305-712-5501  
 E-MAIL: info@optimusdesign.com

**PROPOSED TWO-STORY BUILDING**  
 123-45678  
 901 WASHINGTON GROUP  
 MIAMI, FLORIDA 33130

NO.	DATE	REVISION
1	05-11-07	CONVISO COMMENTS
2	07-24-08	CONVISO COMMENTS



DUMPSTER WALL SECTION DETAIL - 2  
SCALE: NTS

*Tracy Leonard*  
07/24/08  
206-155

PROPOSED TWO-STORY BUILDING  
206-155  
J.P.

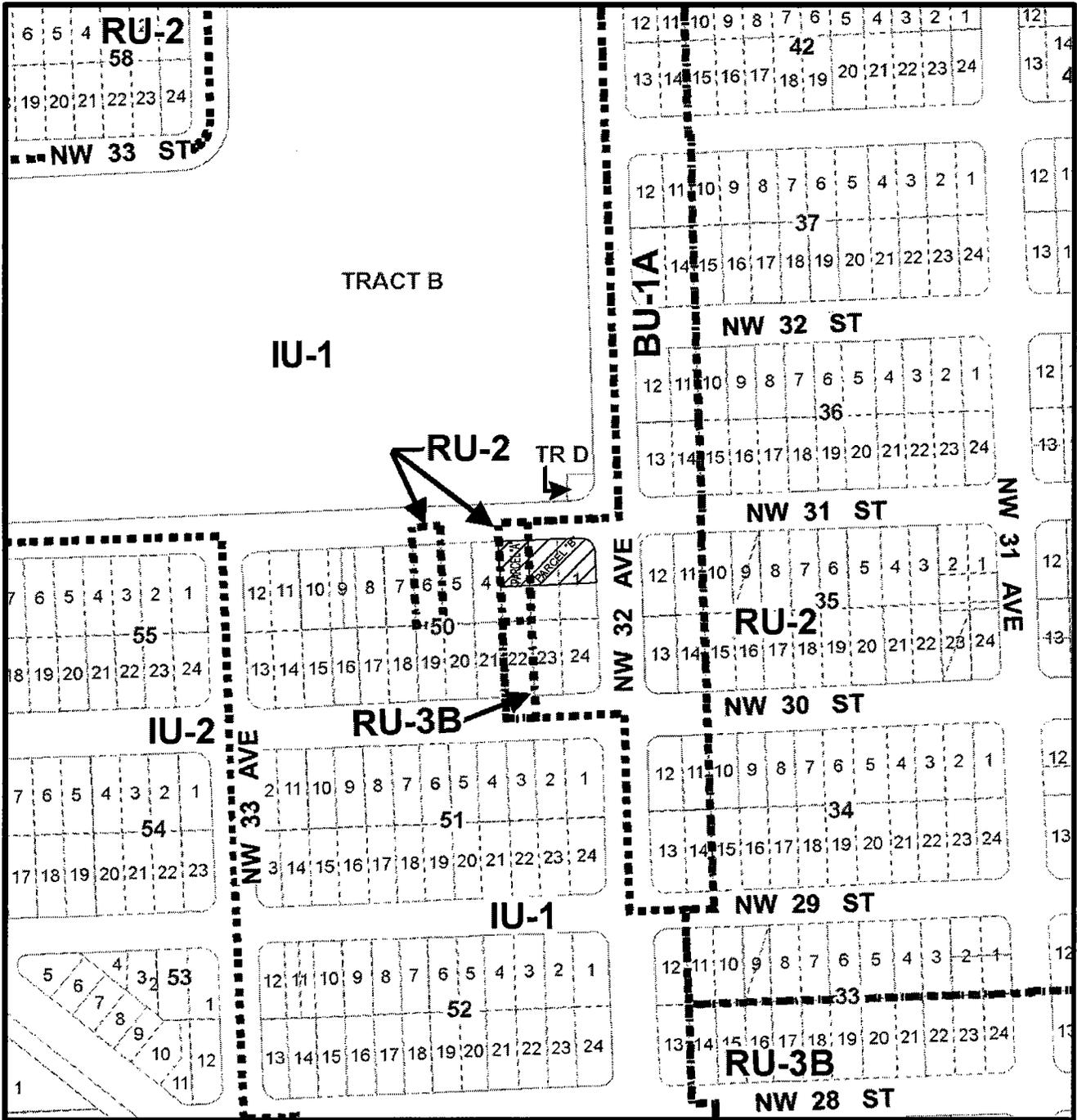
NO.	DATE	REVISION
1	07/24/08	ISSUED FOR PERMITS
2	07/24/08	ISSUED FOR PERMITS

NO.	DATE	REVISION
1	07/24/08	ISSUED FOR PERMITS

**OPTIMUS STRUCTURAL DESIGN LLC**  
125C NW 146 STREET, SUITE 501  
MIAMI, FLORIDA 33135  
TEL: 305.212.5880  
FAX: 305.212.5881  
WWW.OPTIMUSSTRUCTURALDESIGN.COM

**PROPOSED TWO-STORY BUILDING**  
125125000000  
NO. 125125000000  
NO. 125125000000

NO.	DATE	REVISION
1	07/24/08	ISSUED FOR PERMITS
2	07/24/08	ISSUED FOR PERMITS



MIAMI-DADE COUNTY  
HEARING MAP

Process Number  
**06-159**



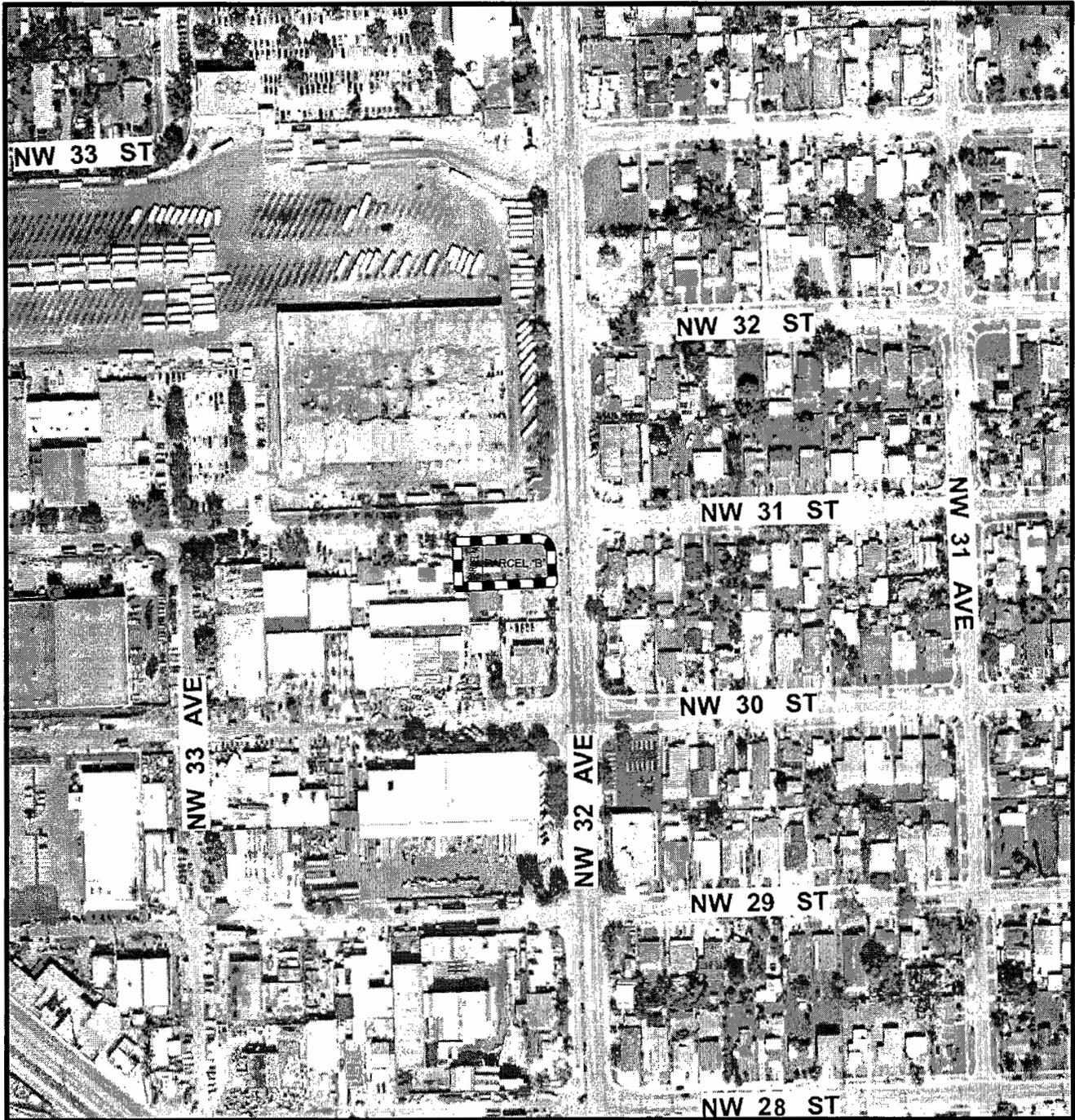
Section: 28 Township: 53 Range: 41  
 Applicant: SOUTHEASTERN GROUP INVESTMENT, INC  
 Zoning Board: C08  
 District Number: 02  
 Drafter ID: KEELING  
 Scale: NTS



SUBJECT PROPERTY



REVISION	DATE	BY
Revised	08/06/06	MS
Revised Legal Copy	11/15/07	MS
Revised from Board Case	11/20/07	JMS
Revised from Board Action	08/08/08	JMS
Parcel "A" & "B" added		



MIAMI-DADE COUNTY  
**AERIAL**

Process Number  
**06-159**



Section: 28 Township: 53 Range: 41  
 Applicant: **SOUTHEASTERN GROUP INVESTMENT, INC**  
 Zoning Board: C08  
 District Number: 02  
 Drafter ID: KEELING  
 Scale: NTS



**SUBJECT PROPERTY**



CREATED ON: 08/06/06

REVISION	DATE	BY
Revised	04/08/06	KVS
Revised Legal Chg	11/22/06	KVS
Revised New Sect P Chg	11/22/07	JOHNS
Add parcels 'A' & 'B'	09/03/08	KVS

**2. WILLIE & HELEN JONES**  
**(Applicant)**

**08-10-CZ8-2 (08-107)**  
**Area 8/District 3**  
**Hearing Date: 10/29/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL NO. 8**

**APPLICANT:** Willie and Helen Jones

**PH:** Z08-107 (08-10-CZ8-2)

**SECTION:** 15-53-41

**DATE:** October 29, 2008

**COMMISSION DISTRICT:** 3

**ITEM NO.:** 2

**A. INTRODUCTION**

o **REQUEST:**

Applicants are requesting to permit an existing single-family residence setback a minimum of 1.9' (7.5' required) from the interior side (east) property line and setback 14'2" (25' required) from the front (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization to Exstng Residnce (sic) Mrs. Willie James Jones," as prepared by Juan C. David, sheet A-4 dated stamped received 6/17/08 and the remaining sheets dated stamped received 8/18/08 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

The applicants are seeking to legalize an existing single-family residence with less interior side and front setback than required in order to make some renovations to the same.

o **LOCATION:** 2261 NW 58 Street, Miami-Dade County, Florida.

o **SIZE:** 80 x 141.38

o **IMPACT:**

The approval of the request could have a negative visual and aural impact on the adjacent properties to the rear and side.

**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-Medium Density Residential** use. 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. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

- Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertains to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

**Surrounding Properties:**

**NORTH:** RU-1; single-family residences

Low Medium Density Residential, 6 to 13 du

**SOUTH:** RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

**EAST:** RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

**WEST:** RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

The subject property consists of two interior lots located at 2261 NW 58 Street. Single-family residences surround the subject property.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site Plans submitted.)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:

**Acceptable**

Urban Design:

**N/A**

\*Subject to conditions

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**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.
- (g) **Notwithstanding** the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
1. will result in a significant diminution of the value of property in the immediate vicinity; or
  2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or

heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

The subject property consists of two interior lots with an existing single family residence thereon, located at 2261 NW 58 Street, an area zoned RU-1, Single-Family Residential District. The applicant seeks to legalize an existing single family residence setback 1.9' (7.5' required) from the interior side (east) property line and setback 14'2" (25' required) from the front (south) property line. The surrounding area is predominately developed with single-family residences. The applicants have submitted plans depicting the above request.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and states that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicants will have to comply with all conditions as set forth in their memorandum. The **Public Works Department does not object** to this application. Additionally, the **Miami-Dade Fire Rescue Department (MDFR)** does not object to this application and indicates in their memorandum that the average response travel time to the site is approximately **5.15** minutes.

Approval of the application will allow the maintenance and continued use of an addition consisting of a storage room, a family room and den to the rear unit of the existing duplex which encroaches 5.6' into the required 7.5' interior side (east) setback area and 11'10" into the front (south) setback area. The subject property is designated for **Low Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 6 to a maximum of 13 dwelling units per gross acre for a total of 2 units on this site. Since the requests will not add additional units to the community, the 11,310 square foot, RU-1 zoned single-family

residential lot is **consistent** with the Low-Medium Density Residential designation as shown in the LUP map of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that the request, to permit an existing single-family residence setback 1.9' (7.5' required) from the interior side (east) property line and setback 14'2" (25' required), would not negatively affect the appearance of the surrounding community. Staff has researched the property appraisal records and the records indicate that the existing single family residence was built in 1925, prior to the implementation of the Zoning Code in 1938, which makes the existing single family residence a legally established, non-conforming use on the subject property. However, as depicted on the plans submitted by the applicants, the applicants are seeking to make improvements to the existing non-conforming residence, which requires the legalization of the non-conforming interior side (east) and front (south) setback requirements. As such, in order to legalize those portions of the existing single family residence which encroach 5'7" into the interior side (east) setback and 10'2" into the front (south) setback, the applicants have submitted plans which depict the conversion of a one car garage into a den which requires raising the floor elevation to the required Building Code floor elevation; the demolition and replacement of a portion of the existing single family residence to be used as a study, and a front porch encroaching 10'2" into the front setback. Staff is of the opinion that the approval of the request will not result in an obvious departure from the aesthetic character of the immediate vicinity. However, staff recommends as a condition of approval of the request that the front porch not be enclosed in any manner except for approved insect screen materials. Additionally, staff will recommend that in order to reduce the visual impact of the 5'7" encroachment into the interior side (east) setback on neighboring properties to the east, a condition that buffering be provided along the interior side (east) property line either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the renovations to the single-family residence. Accordingly, staff recommends that the request be approved with conditions under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for analysis of this application under the ASDO standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed in accordance with the RU-1 zoning requirements, staff is of the opinion that this application cannot be approved under same and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

Based on all of the foregoing, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

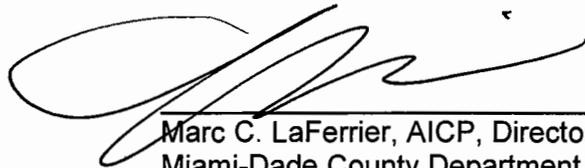
Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Legalization to Exstng Residnce (sic) Mrs. Willie James Jones," as prepared by Juan C. David, sheet A-4 dated stamped received 6/17/08 and the remaining sheets dated stamped received 8/18/08 for a total of 4 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the front porch not be enclosed in any manner.
5. That buffering be provided along the interior side (east) property line either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the renovations to the single family residence.

**DATE INSPECTED:** 9/9/08  
**DATE TYPED:** 9/9/08  
**DATE REVISED:** 9/12/08; 9/16/08; 9/23/08; 09/25/08; 09/26/08;  
10/21/08  
**DATE FINALIZED:** 10/21/08

MCL:MTF:LVT:AA

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

# Memorandum



**Date:** June 27, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in cursive script, appearing to read "Jose Gonzalez".

**Subject:** C-08 #Z2008000107  
Willie and Helen Jones  
2261 N.W. 58<sup>th</sup> Street  
Request to Permit an Addition that Exceeds Setback Requirements  
(RU-1) (0.26 Acres)  
15-53-41

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

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.

**Date:** March 8, 2006  
**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning  
  
**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department  
  
Raul A. Pino, P.L.S., Chief  
Land Development Division  
  
Leandro Rodriguez

# Memorandum



**Date:** 10-JUL-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000107

**Fire Prevention Unit:**

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

**Service Impact/Demand:**

Development for the above Z2008000107  
 located at 2261 N.W. 58 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0918 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: 5:15 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 2 - Model Cities - 6460 NW 27 Avenue  
 Rescue, BLS 65 Aerial, Squad

**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

WILLIE & HELEN JONES

2261 NW 58 STREET, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

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Z2008000107

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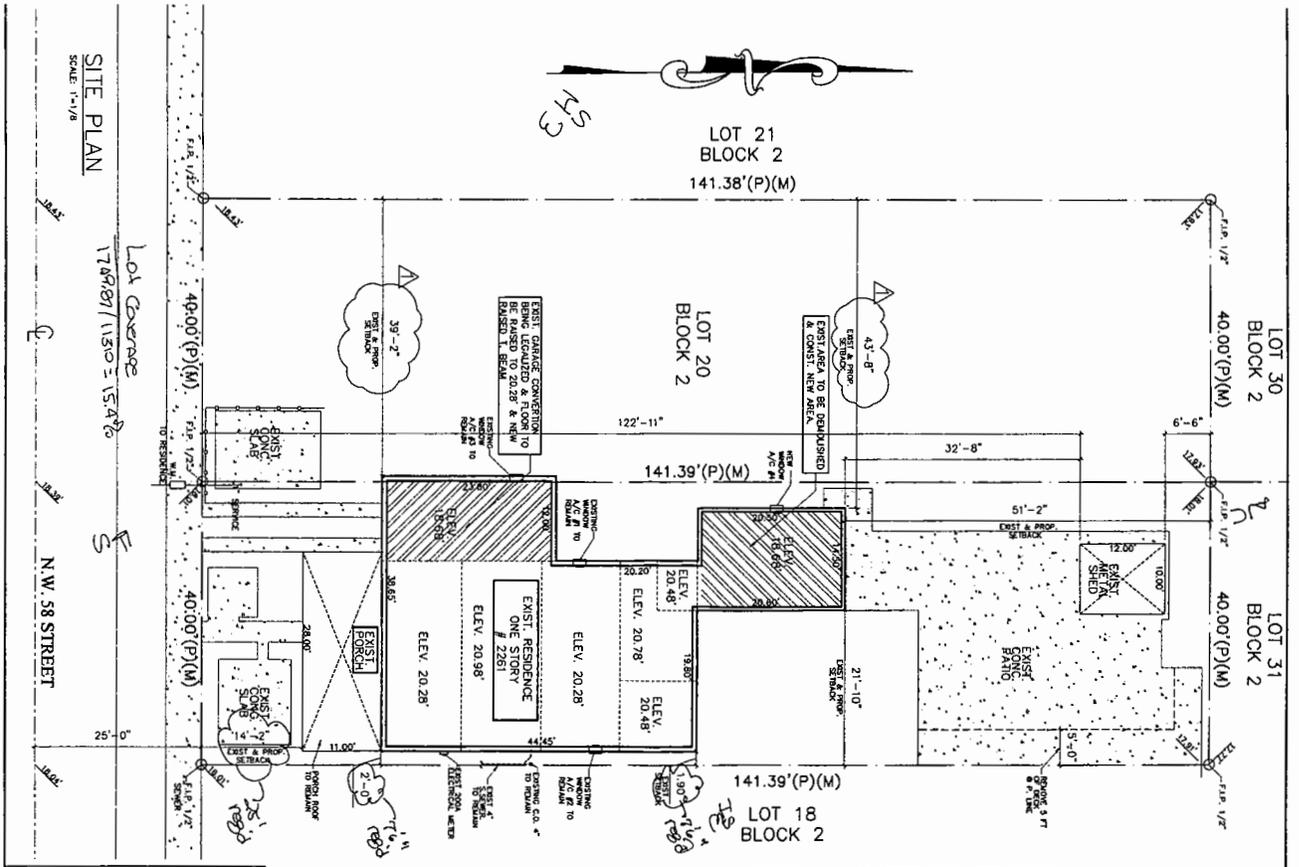
**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

200804006311 No violation found, case closed on 9/16/08.

Dale Bowlin.





**PROPERTY ADDRESS** 2261 N.W. 58th Street, Miami, Florida 33142

**LEGAL DESCRIPTION** LOT 21, BLOCK 2, SUBDIVISION 21, ACROSS FROM THE ROAD, RECORDS OF MIAMI DADE COUNTY, FLORIDA, BOOK 26, PAGE 1130. LOT 20, BLOCK 2, SUBDIVISION 21, ACROSS FROM THE ROAD, RECORDS OF MIAMI DADE COUNTY, FLORIDA, BOOK 26, PAGE 1130. LOT 18, BLOCK 2, SUBDIVISION 21, ACROSS FROM THE ROAD, RECORDS OF MIAMI DADE COUNTY, FLORIDA, BOOK 26, PAGE 1130.

**SCOPE OF WORK:** TO BE DEMOLISHED & RE-BUILT EXISTING GARAGE RESIDENCE, EXISTING FLOOR TO REMAIN, 12x20x8 BATH.

**GENERAL NOTES:**

- ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE FLORIDA BUILDING CODE, 2004 EDITION AND ALL REGULATORY AGENCIES.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AND SHALL NOTIFY THE ARCHITECT IF ANY DISCREPANCIES ARE FOUND.
- CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS FOR THE CONSTRUCTION AND SUBSEQUENT OCCUPANCY OF THE PROJECT.
- ALL WORK DONE UNDER THE SUPERVISION OF THE CONTRACTOR SHALL BE IN ACCORDANCE WITH ALL GOVERNING AGENCIES, RULES AND REGULATIONS HAVING JURISDICTION, PERMITS/PERMITS/PERMITS REQUIRED TO INSTALL, SUPPORT, BRIDGE AND SHEAR ALL BUILDING COMPONENTS.
- THE CONTRACTOR SHALL VERIFY THE CONTRACTOR SHALL VERIFY THE LOCATION, CONDITION, AND UTILITY OF ALL EXISTING UTILITIES. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED AT ALL TIMES.
- CONTRACTOR SHALL PROVIDE THE ARCHITECT WITH ALL NECESSARY AS-BUILT DRAWINGS FOR ANY AND ALL NEW CHANGES AND/OR REVISIONS TO THE ORIGINAL DESIGN.
- IF ANY CHANGES AND/OR REVISIONS ARE MADE TO THESE PLANS WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL CONSEQUENCES.
- IF DURING THE COURSE OF CONSTRUCTION, ANY DISCREPANCIES ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY.
- ALL SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW AND APPROVAL.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
- ALL DESIGN AND DRAWINGS HEREIN AND PRINTS ISSUED BY THE ARCHITECT ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE KEPT IN THE OFFICE OF THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RETURN OF ALL ORIGINAL DRAWINGS TO THE ARCHITECT AT THE END OF THE PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RETURN OF ALL ORIGINAL DRAWINGS TO THE ARCHITECT AT THE END OF THE PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RETURN OF ALL ORIGINAL DRAWINGS TO THE ARCHITECT AT THE END OF THE PROJECT.

**SYMBOLS:**

ONE SET: 1 FLOOR PLAN

DRIVING TITLE: DRAWING SCALE

PROGRESS: DRAWING NUMBER, SHEET NUMBER, SHEET TOTAL

PARTIAL SECTION: DRAWING LETTER

INTERIOR ELEVATION: SHEET NUMBER & ELEVATION

DRIVING DETAIL: DRAWING NUMBER, SHEET NUMBER, SHEET TOTAL

ROOM MARK: WINDOW MARK

**NEW CONSTRUCTION LEGEND:**

WALLS TO BE DEMOLISHED: E EXISTING TO REMAIN

CONCRETE MASONRY WALL TO REMAIN UNLESS NOTED OTHERWISE: RM TO BE REPLACED

NEW MASONRY WALL: RM TO BE REPLACED

NEW CONCRETE MASONRY WALL: RM TO BE REPLACED

EXISTING PARTITION WALL TO REMAIN UNLESS NOTED OTHERWISE: RM TO BE REPLACED

NEW PARTITION WALL: RM TO BE REPLACED

NEW WOOD FRAME EXTERIOR WALL: RM TO BE REPLACED

**FLOOD LEGEND:**

ADDITIONS, REPAIRS & CONSTRUCTION: FLOOD 30'-3115-03-0200 & 30'-3115-03-0200 ADDRESS: 2261 N.W. 58th ST. MIAMI, FLORIDA 33142

LOT 18 & 20 BLOCK 2 PLAN BOOK: 18 PAGE: 72

PROPOSED	EXISTING	BASEMENT/UNDER FLOOR AREAS	FINISH FLOOR ELEVATION	FINISH FLOOR ELEVATION	FINISH FLOOR ELEVATION
20.28 FT. HIGH	N/A	N/A	18.01'-18.12 FT. HIGH	18.01'-18.12 FT. HIGH	18.01'-18.12 FT. HIGH

**AREA CALCULATIONS:**

LOT 21: 141.38' (P)(M)

LOT 20: 141.36' (P)(M)

LOT 18: 141.39' (P)(M)

LOT 30: 40.00' (P)(M)

LOT 31: 40.00' (P)(M)

**LOCATION MAP:**

N.W. 23RD AVENUE

N.W. 58TH STREET

N.W. 59TH STREET

N.W. 22 AVENUE

**JUAN C. DAVID R.A.**  
LEED ACCREDITED PROFESSIONAL  
Design & Development

Architecture Interiors Planning Construction

1348 Coral Way, Suite 201-202 Miami, Florida 33134 Phone: 305-366-0458 Fax: 305-366-0458

**MRS WILLIE JAMES JONES**  
2261 N.W. 58th STREET  
MIAMI, FL 33142

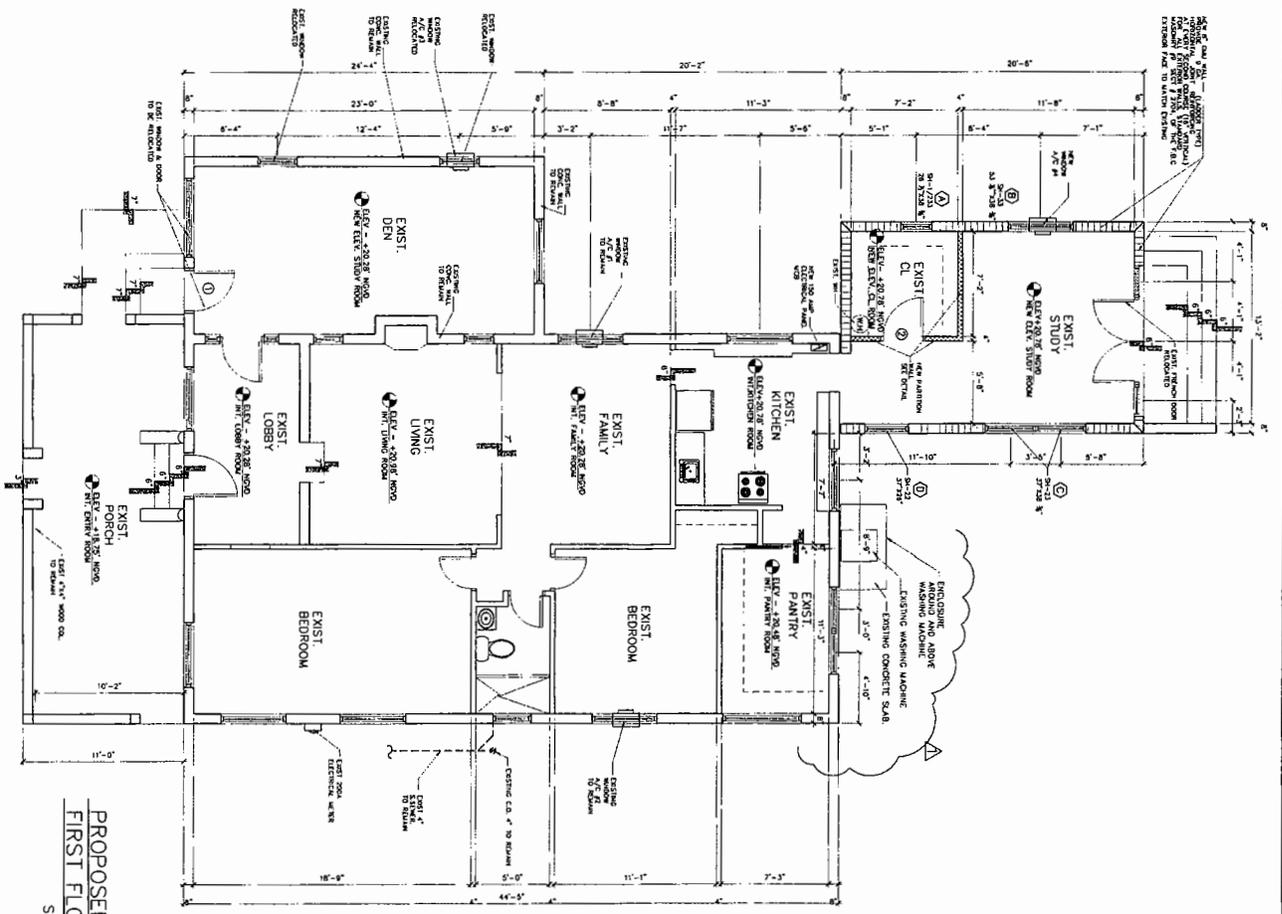
DATE: 11/30/07

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

PROJECT NO: A-1

208-107

16



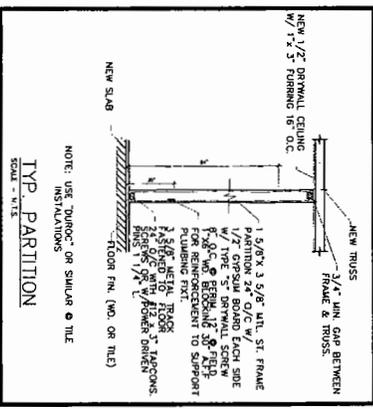
PROPOSED  
FIRST FLOOR PLAN  
SCALE: 1/4" = 1'

### Window Schedule

sym	size	type	material	finish	frame	remarks
(A)	37" x 63"	FIXED	aluminum	linted	frame	to match existing
(B)	53 1/8" x 38 3/8"	SH-33	aluminum	linted	to match existing	to match existing
(C)	37" x 38 3/8"	SH-23	aluminum	linted	to match existing	to match existing
(D)	37" x 26"	SH-22	aluminum	linted	to match existing	to match existing

### Door Schedule

door no.	size	type	material	finish	frame	remarks
(1)	3'-0" x 6'-8"	1 3/8" swing	wood	pointed	wood	paneled



**NOTE 1:**  
ALL THE GLASS OF FRENCH DOOR AND TUBS & SHOWER COMPARTMENTS MUST BE CAT-II SAFETY GLAZING TO COMPLY THE SEC. FBC, 2411.6.2

**NOTE 3: EGRESS WINDOW**  
Minimum size. The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm). The minimum net clear opening area shall be 5.7 sq ft (0.53 m<sup>2</sup>).

**NOTE 4:**  
NOTE 4: ALL WINDOWS, NO SHUTTERS REQUIRE PRODUCT APPROVAL & SEPARATE PERMIT.

**NOTE 5:**  
NOTE 5: SEE WINDOW & MULLION PRODUCT APPROVALS ATTACHED

**NOTE 6:**  
NOTE 6: SHOPNESS FOR ALL WDS. IS 3/16" PER N.O.A. ATTACHED.

**NOTE 7:**  
NOTE 7: VERIFY ALL WDS. OPENING IN THE FIELD.

208-107

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<p>RECEIVED MAY 17 2008</p>	<p><b>JUAN C. DAVID R.A.</b> LEED ACCREDITED PROFESSIONAL <b>Design &amp; Development</b> Architecture Interiors Planning Construction</p>	<p><b>LEGALIZED TO EXISTING RESIDENCE</b> MRS WILLIE JAMES JONES 2261 N.W. 58 STREET MIAMI, FL 33142</p>	<p>REVISIONS 1 11/2007 2 01/2008 3 03/2008 4 05/2008</p>
<p>Job No. AR-00015344 Scale 11.20.07 Date JUN 17 2008 Sheet No. A-4</p>	<p>1886 Coral Way, Suite 201-08 Miami, Florida 33145-4618 Phone: (305) 586-4328 Fax: (305) 286-4330</p>		

Designs are subject to modification or change as required by actual measurements, standard industry practices in light of existing structural and other conditions, applicable building codes, and the like. These plans are not to be reproduced without the prior written consent of J.C. David and shall not be used for any other project without the prior written consent of J.C. David and shall not be used for any other project without the prior written consent of J.C. David.

**FLORIDA BUILDING CODE, 2004**  
**DESIGN PRESSURES FOR COMPONENTS & CLADDING**

**BUILDING DATA**

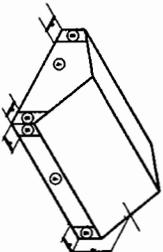
PROJECT NO.	100
DATE	11/20/07
PROJECT NAME	LEGIALIZED TO EXISTING RESIDENCE
OWNER	MRS. WILLIE JAMES JONES
DESIGNER	JUAN C. DAVID R.A.
SCALE	1/4" = 1'

**JOB INFORMATION**

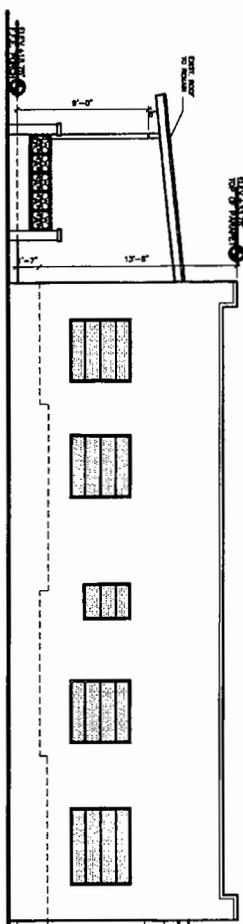
Company	JCD ARCHITECTS, INC.
Prepared By	WILLIE JAMES JONES
Job Description	LEGIALIZED TO EXISTING RESIDENCE
Job Number	

**WALL OPENINGS**

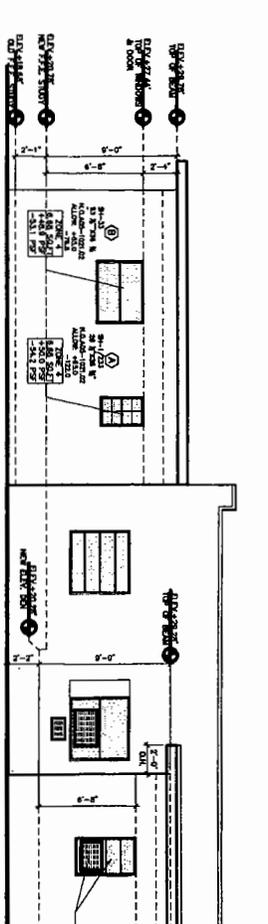
Opening Description	Location	Opening Size (ft)	Opening Perimeter (ft)	Maximum Perimeter Pressure (psf)	Maximum Inertive Pressure (psf)
1. TYPICAL WINDOW	1	4.00	8.00	88.2	84.4
2. TYPICAL WINDOW	2	4.00	8.00	88.2	84.4
3. TYPICAL WINDOW	3	4.00	8.00	88.2	84.4
4. TYPICAL WINDOW	4	4.00	8.00	88.2	84.4
5. TYPICAL WINDOW	5	4.00	8.00	88.2	84.4
6. TYPICAL WINDOW	6	4.00	8.00	88.2	84.4



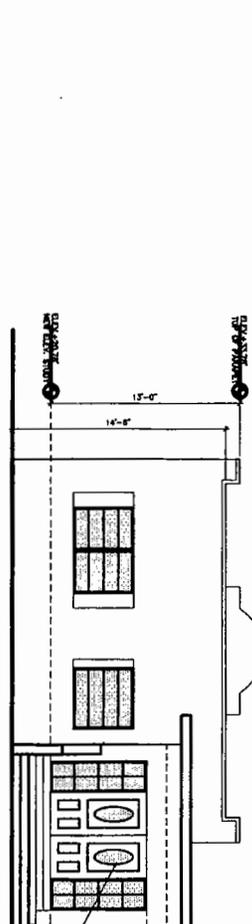
**PROPOSED FRONT ELEVATION (SOUTH)**  
 SCALE: 1/4" = 1'



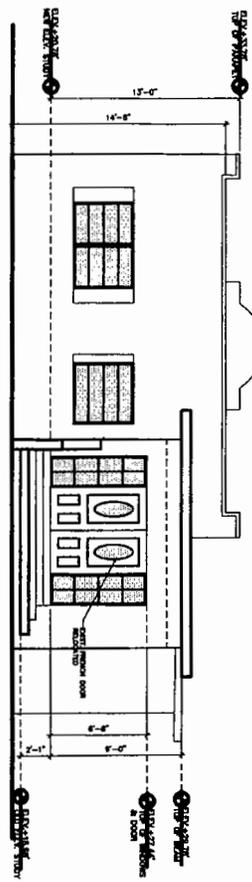
**PROPOSED SIDE ELEVATION (EAST)**  
 SCALE: 1/4" = 1'



**PROPOSED SIDE ELEVATION (WEST)**  
 SCALE: 1/4" = 1'



**PROPOSED REAR ELEVATION (NORTH)**  
 SCALE: 1/4" = 1'

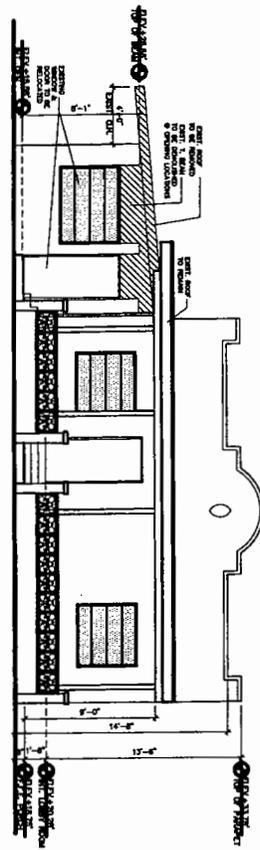


**RECEIVED**  
 AUG 18 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

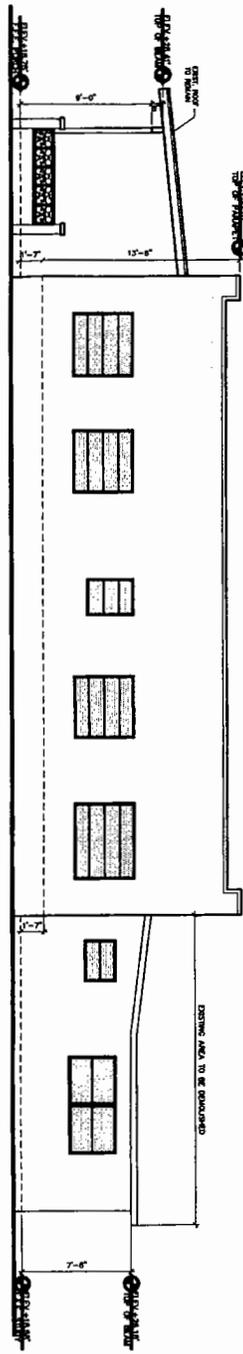
28-107

<p><b>JUAN C. DAVID R.A.</b>          LEED ACCREDITED PROFESSIONAL  <b>Design &amp; Development</b></p> <p>Architecture Interiors Planning Construction</p> <p>1488 Coral Way, Suite 407-408 Miami, Florida 33146 Phone (305) 355-6548 Fax (305) 355-6500</p>	<p><b>LEGALIZED TO EXISTING RESIDENCE</b>          MRS WILLIE JAMES JONES          2261 N.W. 58 STREET          MIAMI, FL 33142</p>	<p>DATE: 11/20/07          SCALE: A-5</p>
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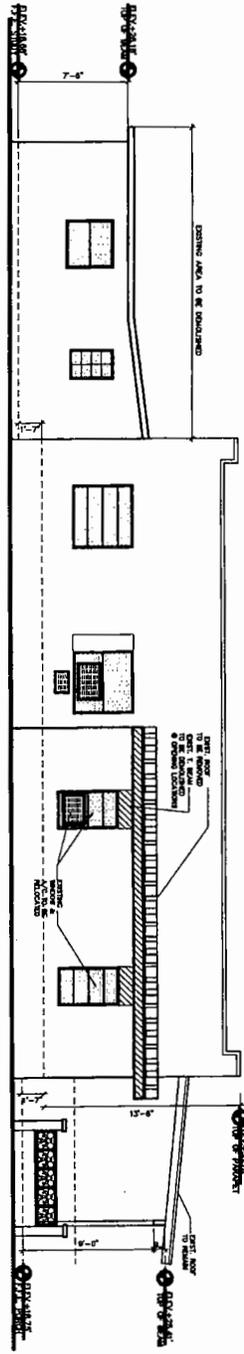
EXISTING FRONT ELEVATION  
(SOUTH)  
SCALE: 1/4" = 1'



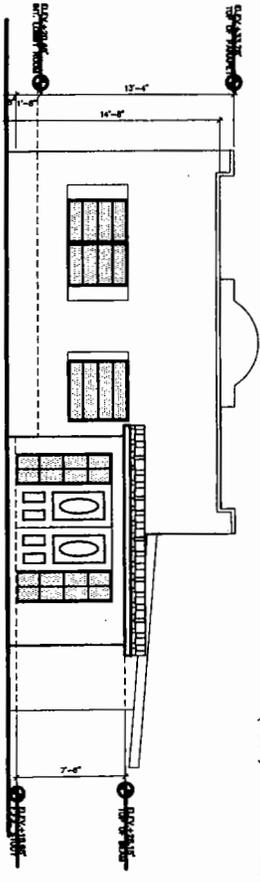
EXISTING SIDE ELEVATION  
(EAST)  
SCALE: 1/4" = 1'



EXISTING SIDE ELEVATION  
(WEST)  
SCALE: 1/4" = 1'



EXISTING REAR ELEVATION  
(NORTH)  
SCALE: 1/4" = 1'



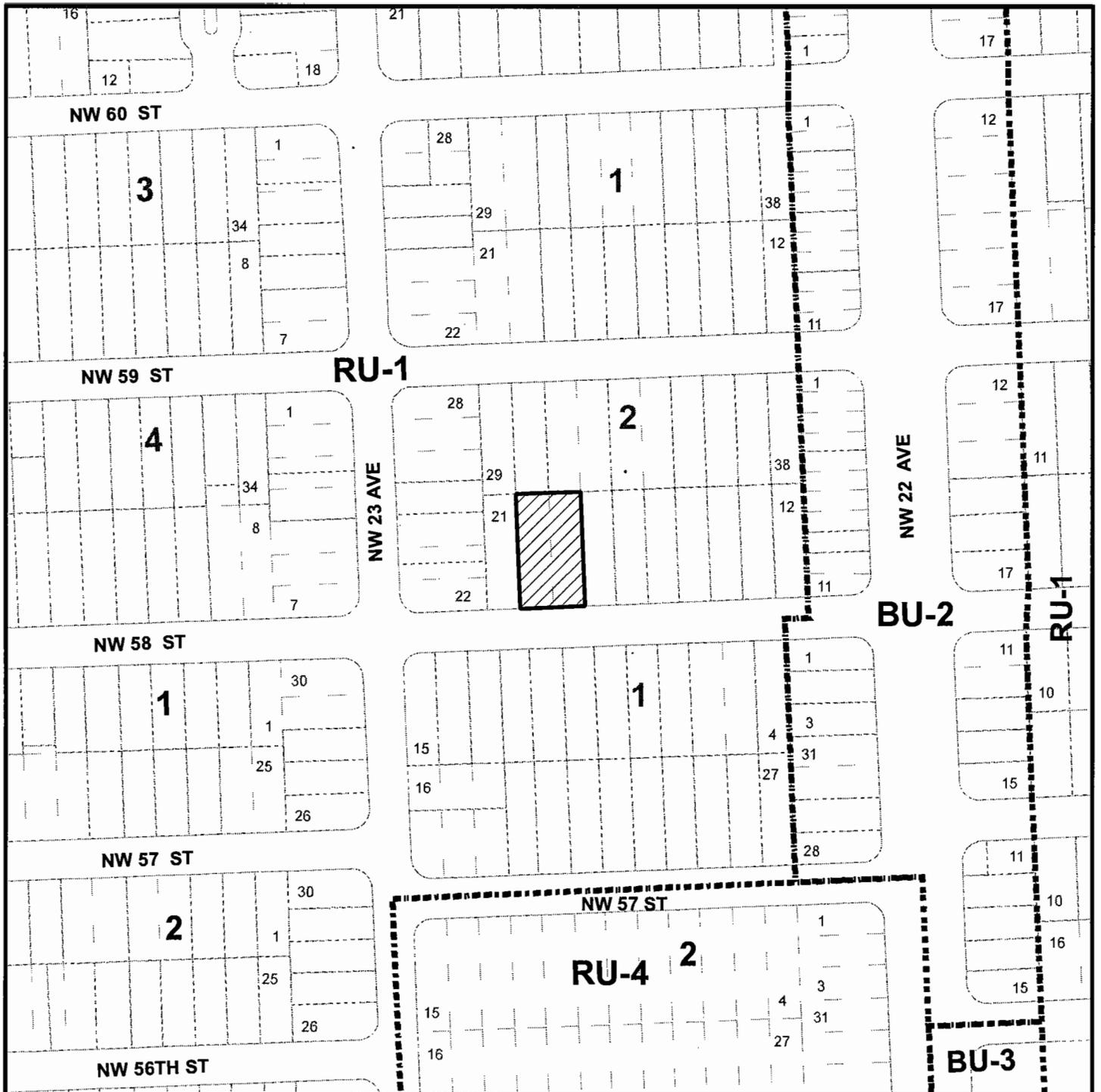
ZONING HEARING SESSION  
MIAMI-DADE PLANNING & ZONING DEPT  
BY \_\_\_\_\_

**RECEIVED**  
AUG 18 2008

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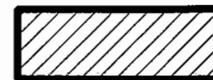
19

JOB NO. DATE: 11.29.07 SCALE:	<b>JUAN C. DAVID R.A.</b> LEED ACCREDITED PROFESSIONAL <b>Design &amp; Development</b>	<b>LEGALIZED TO EXISTING RESIDENCE</b> MRS WILLIE JAMES JONES 2261 N.W. 58 STREET MIAMI, FL 33142	
		ARCHITECTURE 1888 Coral Way, Suite 201-408 Miami, Florida 33145 Phone: (305) 350-4348 Fax: (305) 350-4990	INTERIORS PLANNING CONSTRUCTION



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-107**



**SUBJECT PROPERTY**



Section: 15 Township: 53 Range: 41  
 Applicant: WILLIE & HELEN JONES  
 Zoning Board: C08  
 District Number: 03  
 Drafter ID: KEELING  
 Scale: NTS



CREATED ON: 06/26/08

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY  
AERIAL**

Process Number  
**08-107**



**SUBJECT PROPERTY**

Section: 15 Township: 53 Range: 41  
 Applicant: WILLIE & HELEN JONES  
 Zoning Board: C08  
 District Number: 03  
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 Scale: NTS



CREATED ON: 06/26/08

REVISION	DATE	BY