KITS

11-10-2008 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Tuesday, December 16, 2008 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	08-5-CZ8-1	PRO PROPERTY LLC, ET AL	05-326	16-53-41	

CURRENT

1.	08-12-CZ8-1	VALUE PAWN JEWELRY STORE, INC.	06-270	22-53-41	N
2.	08-12-CZ8-2	ALL PRO INVESTMENT HOLDINGS, INC.	07-329	28-53-41	N
3.	08-12-CZ8-3	DOMINGO MUNOZ, ET AL	08-8	04-53-41	N
4.	08-12-CZ8-4	GEORGE DE LA FE	08-121	33-52-41	N
5.	08-12-CZ8-5	ROMAR DISTRIBUTION, LC	08-128	33-52-41	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF TUESDAY, DECEMBER 16, 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

A. **PRO PROPERTY L. L. C., ET AL (08-5-CZ8-1/05-326)** **16-53-41**
Area 8/District 2

(1) SPECIAL EXCEPTION to permit a residential use; to wit: a multi-family apartment development in the BU-2 zone.

(2) Applicant is requesting to permit the apartment building setback a minimum of 6.5' (25' required) from the interior side (north) property line.

(3) Applicant is requesting to waive the zoning regulations requiring a 5' high masonry wall where a BU zoned property abuts an RU zoned property along the interior side (north) property line.

(4) Applicant is requesting to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) and rear (east) property lines.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Grove Estates II," as prepared by Cristina Fandino, Architect, dated stamped received 4/20/07 and consisting of 9 pages. Plans may be modified at public hearing.

LOCATION: The northeast corner of N.W. 62 Street and N.W. 32 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.03 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 4 Waivers: 1

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 9/24/08

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1. **VALUE PAWN JEWELRY STORE, INC. (08-12-CZ8-1/06-270)** **22-53-41**
Area 8/District 3

(1) SPECIAL EXCEPTION to permit a pawnshop.

(2) Applicant is requesting to permit an existing commercial building setback 7.25' (20' required) from the rear (east) property line.

(3) Applicant is requesting to permit 10 parking spaces (19 required).

(4) Applicant is requesting to waive the zoning regulations requiring a minimum 5' high masonry wall to be erected along the business lot abutting an RU zoned property to permit a 6' high metal picket fence in lieu thereof.

(5) Applicant is requesting to waive the landscape regulations requiring 5 street trees and a 7' wide landscape buffer along the right-of-way.

(6) Applicant is requesting to permit a detached sign 123.2 sq. ft. (114.97 sq. ft. maximum permitted).

(7) Applicant is requesting to permit the detached sign setback 13.03' (13.76' required) from the front (west) property line and setback 11.96' (23.49' required) from the interior side (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#4 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2-#7 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 "Boundary Survey," as prepared by Fortin, Leavy, Skiles, Inc., dated stamped received 8/5/08 and consisting of 1 page.

LOCATION: 5255 N.W. 27 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 99.87' x 149.96'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1; approval with conditions of requests #2 through #7 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of same requests under Section 33-311(A)(4)(c) (ANUV); denial without prejudice of requests #2 through #4 under Section 33-311(A)(16) (ASDO).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **ALL PRO INVESTMENT HOLDINGS, INC. (08-12-CZ8-2/07-329)** **28-53-41**
Area 8/District 2

(1) RU-3b to BU-3

REQUEST #1 ON LOT 28, BLOCK 1.

(2) Applicant is requesting to permit a 2-story building setback a minimum of 0.30' (20' required) from the front (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU

Zoning District) 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 "Public Hearing All Pro Warehouse & Offices," as prepared by Jose Martinez, P. E., site plan dated stamped received 10/28/08 and the remaining sheets dated stamped received 2/29/08 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 2700 N.W. 27 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.35 Acre

Department of Planning and Zoning Recommendation: Approval of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(4)(c) (ANUV) and 33-311(A)(16) (ASDO).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. **DOMINGO MUNOZ, ET AL (08-12-CZ8-3/08-8)** **4-53-41**
Area 8/District 2

(1) Applicants are requesting to permit a storage room and laundry room addition to a single-family residence setback 16.22' (25' required) from the rear (south) property line.

(2) Applicants are requesting to permit an storage building setback varying from 4.6' to 5.12' (6' required) from the interior side (east) property line and setback 66.23' (75' required) from the front (north) property line.

(3) Applicants are requesting to permit a rear yard area coverage of 36.23% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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 "Project: Storage C.B.S. Shed/Storage to be Legalized Domingo Munoz & W. Fidelia," as prepared by Nestor J. Cifuentes, dated stamped received 8/15/08 and consisting of 4 pages. Plans may be modified at public hearing.

LOCATION: 3450 N.W. 94 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6,000 sq. ft.

Department of Planning and Zoning Recommendation: Denial without prejudice of requests #1 through #3 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(14) (ASDO), and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. **GEORGE DE LA FE (08-12-CZ8-4/08-121)** **33-52-41**
Area 8/District 2

(1) RU-1 to RU-2.

(2) Applicant is requesting to permit 2 lots, each with a frontage of 70' (75' required).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. George De La Fe," as prepared by Etienne Prophete, P.E., dated stamped received 7/7/08 and consisting of 8 sheets. Plans may be modified at public hearing.

LOCATION: East of N.W. 35 Avenue and approximately 195' north of N.W. 103 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 111.07' x 140'

Department of Planning and Zoning Recommendation: Denial without prejudice of request #1; approval with one condition of request #2 under Sections 33-311(A)(4)(b) (NUV) or 33-311(A)(14) (ASDO) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. **ROMAR DISTRIBUTION L. C. (08-12-CZ8-5/08-128)** **33-52-41**
Area 8/District 2

IU-1 to IU-3

LOCATION: 3550 N.W. 112 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 525' x 400'

Department of Planning and Zoning Recommendation: Approval, subject to the Board's acceptance of the voluntarily proffered covenant.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

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

A. PRO PROPERTY LLC, ET AL
(Applicant)

08-5-CZ8-1 (05-326)
Area 8/District 2
Hearing Date: 12/16/08

Property Owner (if different from applicant) **Hector Vinas.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1998	Lizart's Production, Inc.	- Zone change from GU and RU-1 to BU-2. - Special exception site plan approval commercial development.	CZAB-8	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: **PRO PROPERTY L. L. C., ET AL**

REPRESENTATIVE: Patrick Range

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-5-CZ8-1 (05-326)	September 24, 2008	CZAB8		08

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Dec 16, 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: At applicant's request.

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

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

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

A

APPLICANT'S NAME: **PRO PROPERTY LLC, ET AL**

REPRESENTATIVE: Simon Ferro

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-5-CZ8-1 (05-326)	June 18, 2008	CZAB8		08

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Sept 24, 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:** Deferral at the applicant's request to meet with neighbors to the north of the property and to possibly revise the site plans. Deferral will be at applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Richard C. BROWM (C.A.)	X		
MR.	S	Patrick CURE	X		
MR.		Arthemon JOHNSON			X
MS.		Voncarol Yvette KINCHEN			X
MR.		Vernell EVERETT	X		
CHAIRMAN		Fredericke Alan MORLEY	X		
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **DAVID HOPE**

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

#1

APPLICANT'S NAME: **PRO PROPERTY L. L. C., ET AL**

REPRESENTATIVE: Javier Avino

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-5-CZ8-1 (05-326)	May 21, 2008	CZAB8		08

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: June 18, 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: The applicant requested the deferral in order to meet with the neighbors.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	S	Richard C. BROWM (C.A.)	X		
MR.		Patrick CURE			X
MR.	M	Arthemon JOHNSON	X		
MS.		Voncarol Yvette KINCHEN	X		
MR.		Vernell EVERETT	X		
CHAIRMAN		Fredericke Alan MORLEY			X
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **TOM ROBERTSON**

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

APPLICANT: Pro Property L.L.C., Et Al **PH:** Z05-326 (08-5-CZ8-1)

SECTION: 16-53-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** A

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A. INTRODUCTION

- **REQUESTS:**

(1) SPECIAL EXCEPTION to permit a residential use; to wit: a multi-family apartment development in the BU-2 zone.

(2) Applicant is requesting to permit the apartment building setback a minimum of 6.5' (25' required) from the interior side (north) property line.

(3) Applicant is requesting to waive the zoning regulations requiring a 5' high masonry wall where a BU zoned property abuts an RU zoned property along the interior side (north) property line.

(4) Applicant is requesting to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) and rear (east) property lines.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Grove Estates & Grove Estates II," as prepared by Cristina Fandino, Architect, dated stamped received 4/20/07 and consisting of 9 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

This application would allow a residential development in a BU-2 zone, a building setback less than required from a property line, to waive a required wall where a business lot abuts RU zoned property and to waive the landscape regulations along the interior side and rear property lines.

- **LOCATION:**

The northeast corner of N.W. 62 Street and N.W. 32 Avenue, Miami-Dade County, Florida.

- **SIZE:** 2.03 Acres

o **IMPACT:**

The proposed residential development will bring additional living units into the community. The requests to allow reduced setbacks and to waive zoning regulations regarding required walls could visually and aurally impact the surrounding properties.

B. ZONING HEARINGS HISTORY:

In 1998, the Community Zoning Appeals Board #8 (CZAB #8) granted zone changes on the subject property from GU, Interim District, and RU-1, Single-Family Residential District, to BU-2, Special Business District, together with other requests to permit a proposed commercial development with reduced setbacks, pursuant to Resolution #CZAB8-31-98.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the **south and west L-shaped 1.57-acre** portion 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.

   Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are

met residential development may be authorized to occur in the Business and Office category at a density up to **one density 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.

2. The Adopted 2015 and 2025 Land Use Plan designates the **northeasterly .46-acre portion** of the subject property as being within the Urban Development Boundary for **Low Density Residential** use. This category allows densities from 2.5 to 6 dwelling units per gross acre. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and apartments. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

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

4. **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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-2; vacant	Business and Office (south and west 1.57 acres) Low-Density Residential, 2.5-6 dua (northeasterly .46 acres)
Surrounding Properties:	
NORTH: BU-2; gas station RU-1M(a); vacant	Business and Office Low-Density Residential, 2.5-6 dua
SOUTH: BU-3 and BU-2; gas station	Business and Office
EAST: BU-2; retail building	Business and Office
WEST: BU-3 and IU-1; warehouses	Industrial and Office

The subject property is located on the northeast corner of N.W. 62 Street and N.W. 32 Avenue. Gas stations, warehouses and vacant parcels of residential land characterize the surrounding area.

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
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

G. NEIGHBORHOOD SERVICES:

DERM	**Objects**
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**24 students**

H. ANALYSIS:

This application was deferred from the September 24, 2008 and the June 18, 2008 meetings at the applicants' request to submit revised plans. As of the time of this writing, staff had not received any revised plans. This application was also deferred from the May 21, 2008 meeting to allow the applicant time to meet with neighbors. The subject property is located on the northeast corner of N.W. 62 Street and N.W. 32 Avenue in an area characterized by gas stations, warehouses and vacant parcels of land. The applicants are requesting to permit a residential use; to wit: a multi-family apartment development in the BU-2 zone (request #1), to permit the apartment building setback a minimum of 6.5' (25' required) from the interior side (north) property line (request #2), to waive the zoning regulations requiring a 5' high masonry wall where a BU zoned property abuts an RU zoned property along the interior side (north) property line (request #3), and to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) and rear (east) property lines (request #4). The applicants are proposing a residential development with 47 residential units within a three-story and a two-story building. The three-story building is a long, continuous structure located along the front (west) and side street (south) property lines, and the two-story building is proposed along the interior side (north) property line. The site plans for the proposed development also show that the applicants intend to develop the site with adequate parking and will provide the required landscaped open space as required by the zoning regulations. However, staff does not support this application due to the over-utilization of the site that exceeds Master Plan density as will be explained below.

The Department of Environmental Resources Management (**DERM**) **objects** to this application due to the fact that specimen-sized trees located on the subject site will be impacted. Additionally, the **Public Works Department does not object** to this application. Their memorandum indicates that additional improvements may be required at time of platting. The Miami Dade County School Board **(MDCPS) does not object** to this application and has indicated that the proposed zoning will bring **24** additional **students** into the area's public schools. Their memorandum indicates that this application does not meet the review threshold and, as such, no dialogue between the applicant and the School District is required. The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application and indicates that their estimated response time is **4:10** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the majority of the subject site, the south and west 1.57-acre, L-shaped portion of the subject property, for **Business and Office** use. This category accommodates the

full range of sales and service activities including retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, entertainment and cultural facilities, amusements and commercial recreation establishments. According to the interpretative text of the CDMP, 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, 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.

Additionally, the LUP map of the CDMP designates the remaining northeasterly 0.46-acre portion of the subject property for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and apartments. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

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 applicants are requesting to permit a multi-family apartment development in the BU-2 zone in order to construct two multi-family apartment buildings encompassing a total of 47 units. In accordance with the Master Plan's interpretative text, the Business and Office portion of the subject property (1.57 acres) can be developed at one density category higher than the Low Density Residential designation found on the remainder of the subject site (0.46 acre). The permitted higher density category is Low-Medium Density Residential, which permits a density of a minimum of 6 to a maximum of 13 dwelling units per gross acre allowing a maximum of **20** units on the 1.57-acre portion of the property designated for Business and Office use. The remainder and minority portion of the subject property (0.46 acre) is designated Low Density Residential, which allows a density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre for a maximum of **2** units. Therefore, the maximum number of units allowed on the entire subject property in accordance with the interpretative text of the CDMP is **22** units.

The Master Plan provides that parcels or a group of parcels that are under a single ownership or multiple ownerships that are legally unified may be developed at densities higher than that shown on the LUP map; provided, however, 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 and as long as the proposed development is compatible with the surrounding uses and area. When the **density averaging** principle is applied to both parcels, the total number of units that would be permitted on the overall subject site, as previously mentioned, is a maximum of 22 units. Therefore, the proposed development of **47 units** on the subject property as proposed herein is **inconsistent** with the numerical threshold of the LUP map designations and density averaging allowance provided in the Master Plan. Additionally, staff's research of the surrounding area found no similar approvals of this intensity and magnitude.

Furthermore, as previously mentioned, the interpretative text of the CDMP indicates, among other things, that the specific intensity and range of uses should depend on the availability of other public services and facilities in the area. The interpretative text of the CDMP indicates, among other things, that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts as noise or traffic and that proposed low-rise apartments should have extensive surrounding open space. Staff notes that this application does not comply with the criteria found within the CDMP as the applicants seek to waive the required wall where a business lot abuts RU zoned property and to waive the landscape regulations along the interior side and rear property lines (requests #3 and #4 respectively). Staff opines that the proposed residential apartment development does not provide a sensitive, well designed transition to the adjacent RU-1M(a) zoned, single-family residentially developed area to the north as suggested by the interpretative text of the CDMP. Staff, therefore, opines that the proposed 47-unit apartment development would be out of character with the area, too intensive for the 2.03-acre site and would detrimentally impact adjoining or designated areas of different development intensities. As such, the applicants' proposal of **47** residential units within two apartment buildings is, in staff's opinion, **incompatible** with the surrounding area and as explained above, is **inconsistent** with the interpretative text as well as with the maximum numerical threshold of the CDMP.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the request for the proposed residential use within the BU-2 zone for the apartment development be compatible with the area and its future development. Staff opines that the proposed use will result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, and would provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. Furthermore, staff concurs with the memorandum submitted by the Department of Environmental Resources Management, which objects to this application due to the fact that specimen-sized trees located on the subject site will be impacted, with the Public Works Department requirement that the applicants remove portions of driveways onto NW 32 Avenue and NW 62 Street that are encroaching into abutting properties, and with the Miami Dade County School Board objection to this application until such time as the applicants are able to address the impact of the proposed residential development on public schools in the area. Staff is of the opinion that the proposal is too intense for the site, will negatively

impact the surrounding area and, therefore, is **incompatible** with the area. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When requests #2 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Approval of request #2, to permit an apartment building setback a minimum of 6.5' (25' required) from the interior side (north) property line, is in staff's opinion, overly intense and would be out of character with the area as no similar approvals exist in the immediate vicinity. Furthermore, the request is further evidence that the proposed apartment development in this portion of the site which is designated for Low-Density Residential use is not providing extensive surrounding open space and is not showing sensitivity to the adjacent single-family residentially zoned properties to the north as specified in the interpretative text of the CDMP for residential use in the Business and Office designation. Additionally, in staff's opinion, approval of request #3, to waive the zoning regulations requiring a 5' high masonry wall where a BU zoned property abuts an RU zoned property along the interior side (north) property line, and request #4, to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) and rear (east) property lines where the subject property abuts RU-1M(a) zoned and platted lots, will not maintain the basic intent and purpose of the zoning regulations, will not be compatible with the surrounding land uses and will be detrimental to the community. These requests apply to a highly intense apartment development which, in staff's opinion, could negatively impact the surrounding area by not providing the necessary buffering to alleviate any negative visual and aural impact generated by same. And, as mentioned above, failure to provide said buffering is indicative of the site plan's lack of a well-designed transition to the adjacent single-family residential area to the north and east. Additionally, requests #2 through #4 are part and parcel with request #1 which staff does not support due to the above-mentioned over-utilization of the subject site which is not consistent with the CDMP as it far exceeds the permitted Master Plan density provisions. As such, requests #2 through #4 should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the zoning regulations, staff is of the opinion that requests #2 through #4 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the aforementioned, due to the proposed over-utilization of the subject property which makes the proposed apartment development **incompatible** with the area and due to the excessive density proposed which exceeds the density threshold of the CDMP and the lack of design sensitivity to the abutting area which makes the proposal **inconsistent** with the CDMP, staff recommends denial without prejudice of request #1, and denial without prejudice of request #2 through #4 under Section 33-311(A)(4)(b) (NUV) and Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 03/05/08
DATE TYPED: 04/02/08
DATE REVISED: 04/10/08; 04/11/08; 04/17/08; 04/21/08; 04/30/08; 06/10/08; 08/07/08; 08/15/08; 11/14/08; 12/10/08
DATE FINALIZED: 12/10/08
MCL; MTF; NN; JV

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

NDN.

Memorandum

MIAMI-DADE COUNTY

Date: July 13, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: C-08 #Z2005000326-Revised
Pro Property, LLC, et al
Northeast Corner of N.W. 62nd Street and N.W. 32nd Avenue
Special Exception of Residential Development in BU Zone
(BU-2) (3.5 Ac.)
16-53-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application, and has determined that the request meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM does not object to the scheduling of the application for public hearing; furthermore, this memorandum shall constitute DERM's written consent to that effect, as required by the Code.

Notwithstanding the above, and for the reasons stated herein, DERM recommends denial of the application since the approval of the same would allow the removal or relocation of specimen-sized trees protected under Section 24-49 of the Code.

Tree Preservation:
According to the site plan submitted with this application, specimen-sized trees (trunk diameter 18 inches or greater) will be impacted. Section 24-49 of the Code requires the preservation of tree resources.

Prior to the removal or relocation of any tree on-site, a Miami Dade County Tree Removal Permit is required. Section 24-49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation for denial from the Department." Therefore, DERM shall require the on-site preservation of all specimen-sized trees, as defined in the Code.

In order for DERM to remove the recommendation for denial, the applicant shall meet the standards of Section 24-49.2(II) of the Code that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height, location of all trees, and one of the following:

1. A revised site plan that indicates the preservation of all specimen-sized trees at their current location, or

2. Comply with all specimen tree removal standards set forth in Section 24-49.2(II) of the Code.

Consequently, DERM recommends denial of this application in accordance with Section 24-49.2 of the Code.

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 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.

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 County Department of Public Works 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.

Hazardous Materials Management:
Due to the nature of uses allowed in the existing 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. The Industrial Facilities Section of DERM should be contacted for further information on required management practices for certain land uses permitted under the existing zoning classification.

Operating Permits:
Section 24-18 of the Code authorizes DERM to require operating permits for facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property will require operating permits from DERM. It is, therefore, suggested that the applicant contact DERM concerning operating permit 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 are required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

Enforcement History:
DERM has reviewed the Permits and Enforcement Database and the Enforcement Case Tracking system, and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

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 subject application before the Community Zoning Appeals Board. However, based upon the above-noted considerations, DERM recommends that the application be denied.

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

REVISION 1

PH# Z2005000326
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:PRO PROPERTY LLC, ET AL

This Department has no objections to this application.

Additional improvements may be required at time of platting.

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.
09-MAY-08

Franklin

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
Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

October 23, 2008

RECEIVED
OCT 30 2008
ZONING SERVICES ... DE COUNTY
DEPT. OF PLANNING & ZONING
BY _____
C-8

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

Re: Grove Estates – Pro Property LLC Et Al. - Application No. 05-326 (CC8)
NE Corner of NW 62 Street and NW 32 Avenue

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.

The applicant's representative has advised us of the reduction to the proposed number of units, from fifty nine (59) to forty seven (47), therefore attached please find the revised School District's review analysis of potential impact generated by the above referenced application. Please note that the schools impacted by the proposed development do not 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,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L199
Attachment
cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne

SCHOOL IMPACT REVIEW ANALYSIS
(Updated May 28, 2008)

APPLICATION: 05-326, Grove Estates – Pro Property LLC Et Al (CC8)

REQUEST: Special Exception for Residential Development in BU1-A Zone

ACRES: 2.0+ acres

M1SA/Multiplier: 4.2/.52

LOCATION: NE Corner of NW 62 Street and NW 32 Avenue

UNITS: 47 Town house Units

ESTIMATED STUDENT POPULATION: 24 students *

ELEMENTARY: 12

MIDDLE: 5

SENIOR: 7

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Hialeah Elementary - 550 East 8 Street

MIDDLE: Miami Springs Middle – 150 So. Royal Poinciana

SENIOR HIGH: Miami Springs Senior High – 751 Dove Avenue

All schools are located in North Central Regional Center

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

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

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE
Hialeah Elementary	911	908	100%	90	91%
	923 *		102%		92%
Miami Springs Middle	1,848	1,288	143%	317	115%
	1,853 *		144%		115%
Miami Springs Senior	2,740	2,065	133%	499	107%
	2,747 *		133%		107%

* Increased student population 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, the middle school meets the review threshold.

PLANNED RELIEF SCHOOLS

School	Status	Projected Occupancy Date
N/A		

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to $6549 per student. The total annual operating cost for additional students residing in this development, if approved, would total $203,019.

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

ELEMENTARY	Does Not Trigger
MIDDLE	Does Not Trigger
SENIOR HIGH	Does Not Trigger
Total Potential Capital Cost	**$0**

* 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: 02-APR-08

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

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

Subject: Z2005000326

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated May 16, 2007.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped April 20, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2005000326
located at THE NORTHEAST CORNER OF N.W. 62 STREET & N.W. 32 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0861 is proposed as the following:

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

Based on this development information, estimated service impact is: 12.59 alarms-annually.
The estimated average travel time is: 4:10 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:

Station 67 - Arcola - 1275 NW 79 Street

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped April 20, 2007. Substantial changes to the plans will require additional service impact analysis.
April 20, 2007

DATE: 09/11/08
REVISION 3

TEAM METRO

ENFORCEMENT HISTORY

PRO PROPERTY LLC, ET AL

APPLICANT

THE NORTHEAST CORNER OF N.W.
62 STREET & N.W. 32 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2005000326

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200804006207 200804006208 & 20080400209 No current Team Metro violation found; cases closed.

B. Brown.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: 62 Street Associates LTD / Pro Property LLC.

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pro Property LLC	100%
Hector Vinas	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME: _____

NAME AND ADDRESS	Percentage of Stock

If the property which is the subject of the application is owned or leased by a PARTNERSHIP OR LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: 32 Ave Dev L.T.D

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pro Property LLC	100%
Hector Vinas	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME: _____

NAME AND ADDRESS	Percentage of Stock

If the property which is the subject of the application is owned or leased by a PARTNERSHIP OR LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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OCT 05 2005

ZONING INFORMATION SECTION
MIAMI-DADE PLANNING, ZONING & DEVELOPMENT
BY _____

25

PARTNERSHIP OR LIMITED PARTNERSHIP NAME

NAME AND ADDRESS	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee or Partnership list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. [Note: Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS AND OFFICE (if applicable)	

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Hector Vinas

Sworn to and subscribed before me,
this 14th day of September, 2005

Notary Public, State of Florida at Large

My Commission Expires: 2-9-09

(SEAL)
NOTARY PUBLIC-STATE OF FLORIDA
Robin Weiner
Commission # DD395214
Expires: FEB. 09, 2009
Bonded Thru Atlantic Bonding Co., Inc.

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

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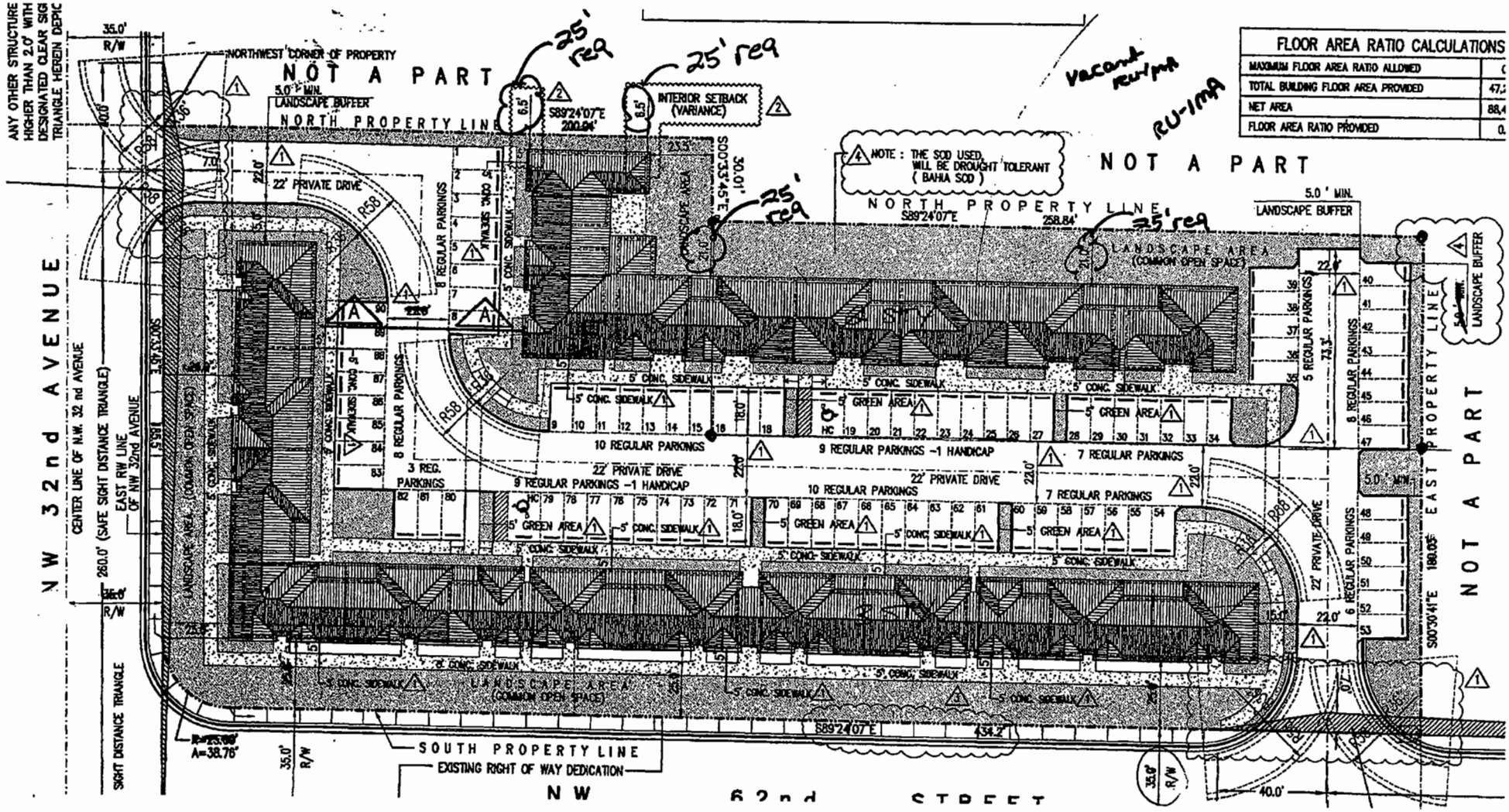
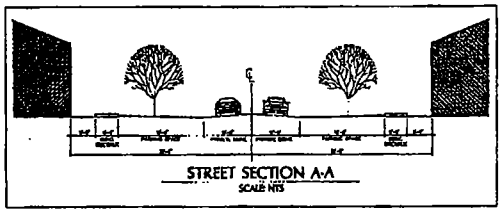
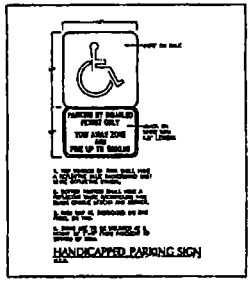
205-326

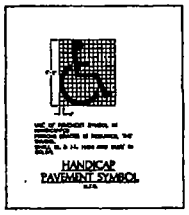


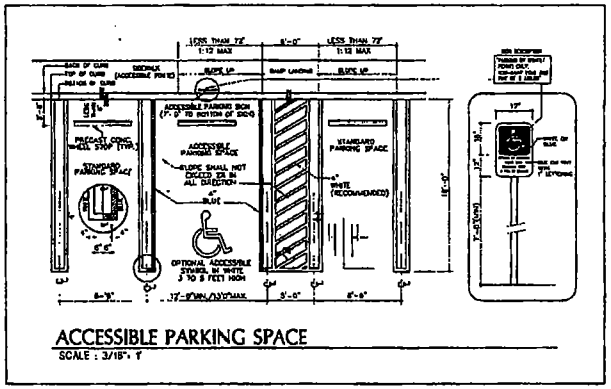
ENLARGED SITE PLAN

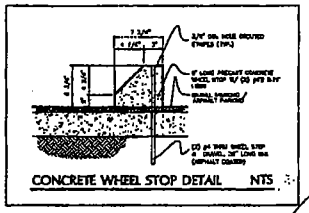
28

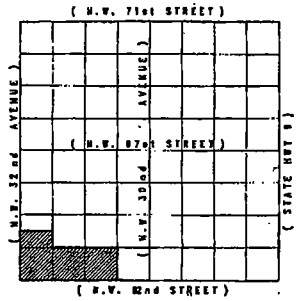












LOCATION MAP
N.T.S.

PARCEL 1

Zone BU-2

	SF	ACRES
GROSS AREA	89,400	2.051
RIGHT OF WAY DEDICATION	0	0.000
NET AREA	89,400	2.051
UNITS	40	UNITS
NET DENSITY	19.5	UNITS/ACRE

	S.F.	% OF NET AREA
REMAINING BUILDING AREA	22,651	25.33%
PERVIOUS AREAS	13,000	14.54%
PAVED AREAS	11,779	13.18%
ROOFLINE	9,000	10.06%
GRAND TOTAL OF AREAS	35,779	39.14%
TOTAL (NET AREA)	89,400	100.00%

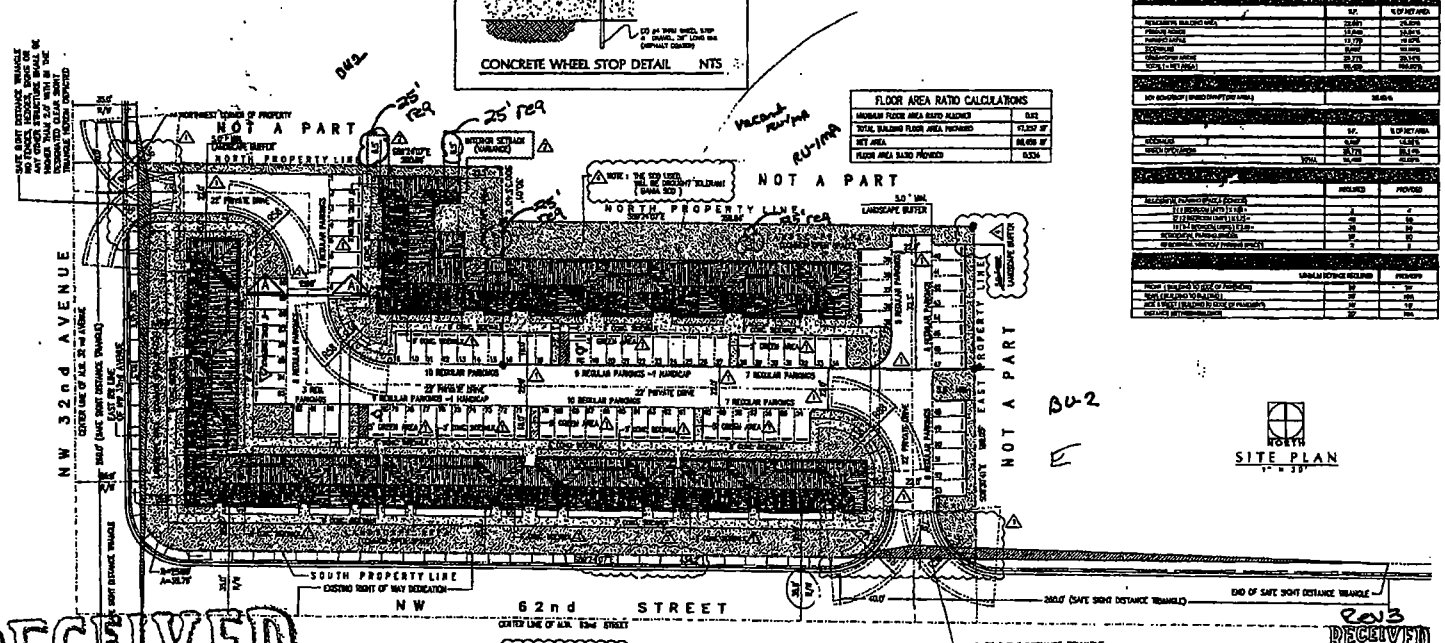
NON SCHEDULED (PAVED DRIVEWAY AREA)	38.66%

	S.F.	% OF NET AREA
SIDEWALKS	0,000	0.00%
PAVED DRIVEWAYS	35,779	39.14%
TOTAL	35,779	39.14%

	REQUIRED	PROVIDED
BUILDING PARKING SPACES REQUIRED		
1 1 BEDROOM UNITS (1 HR)	1	2
2 2 BEDROOM UNITS (1.5)	40	60
3 3 + BEDROOMS UNITS (2.0)	40	80
RESIDENTIAL PARKING SPACES	82	142
RESIDENTIAL VISITOR PARKING SPACES	0	0

	MINIMUM SETBACK REQUIRED	PROVIDED
FRONT (BUILDING TO EDGE OF PARKING)	25'	25'
SIDE (BUILDING TO BUILDING)	20'	20'
SIDE (STREET) (BUILDING TO EDGE OF PARKING)	20'	12'
REAR (BUILDING TO BUILDING)	20'	N/A

FLOOR AREA RATIO CALCULATIONS	
MAXIMUM FLOOR AREA RATIO ALLOWED	0.93
TOTAL BUILDING FLOOR AREA PROVIDED	41,257 SF
NET AREA	89,400 SF
FLOOR AREA RATIO PROVIDED	0.534



BU-2

E

PARCEL 1

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MIAMI-DADE PLANNING AND ZONING DEPT.
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REVISIONS
1 - 09.21.05
2 - 06.10.06
3 - 06.17.2006
4 - 12.18.2006

GROVE ESTATES II

CRISTINA FANDIÑO ARCHITECT
9281 SOUTHWEST 76TH STREET MIAMI, FL 33173
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REGISTRATION NO. AR 0014662
oscarfandino@bellsouth.net

SHEET 1 OF 1

SP-1

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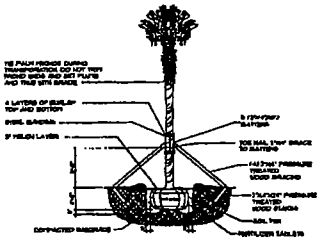
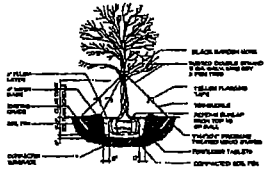
SHRUB PLANTING DETAIL N.T.S.



PALM PLANTING DETAIL N.T.S.



CANOPY TREE PLANTING DETAIL N.T.S.

LANDSCAPE LEGEND	S.F.	ACRES
ZONING DISTRICT NET LOT AREA	88,468.00	2.03

OPEN SPACE	REQUIRED	PROVIDED
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 18A AS INDICATED ON SITE PLAN: NET LOT AREA 88,468.00 SF x 30% = 26,540.40 SF	15477	30,000.00
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A AS INDICATED ON SITE PLAN: 34 PARKING S SPACES 50 x 10 SF = 850	850.00	4,908.40
C. TOTAL SF OF LANDSCAPE'S OPEN SPACE REQUIRED BY CHAPTER 33 = A+B	31,390.40	34,908.40
LAWN AREA CALCULATION		
A. TOTAL SF OF LANDSCAPE'S OPEN SPACE REQUIRED BY CHAPTER 33	31,390.40	30,778.00
B. MAXIMUM LAWN AREA (100%) PERMITTED (50% x 30,778)	3297	15,400.00
TREES		
A. No. TREES REQUIRED PER PER FEET LOT AREA LESS EXISTING NUMBER OF TREES IN EXISTING MINIMUM REQUIREMENTS 39 TREES x 2.50	15.4	39
B. % PALMS ALLOWED: No. TREES PROVIDED x 30% NO. PALMS PERMITTED TO COUNT AS STREET TREES ON 1:1 BASIS x 30%	17	17
C. NATIVES REQUIRED: No. TREES PROVIDED x 30%	17	17
D. STREET TREES (MAXIMUM AVERAGE SPACING OF 35' O.C.) 695.5 LINEAR FEET ALONG STREET OF = 19.8	19	19
E. TOTAL TREES PROVIDED	68	74
SHRUBS		
A. No. TREES REQUIRED x 10 = No. OF SHRUBS ALLOWED	640	700
B. No. SHRUBS ALLOWED x 30% = No. OF NATIVE SHRUBS REQUIRED	256	300

Note: For Standards No. 3): Total Number of trees required / provided = 74.
Shrubs required / provided = Total number of trees required / provided x 10 = 740 shrubs

PALM SCHEDULE

SYMBOL ON PLANS			PLANT NAME		NATIVE	CALIPER	HEIGHT	CANOPY
SYMBOL	TOTAL	CODE	Botanical	Common	Yes/No	Individual	Individual / Total Ht.	Individual / Total Sp.
DP	6		Acrocomia crispa/Wallis	Queen Palm	Y	4"	10' Min.	20'-30' / 10-20'
SP	23		Sabal palmetto	Cabbage Palm	Y	-	10' Min.	20'-30' / 10-20'
					Y	-	10' Min.	20'-30' / -

NOTE: 2 PALMS COUNT AS 1 TREE

SHRUB SCHEDULE

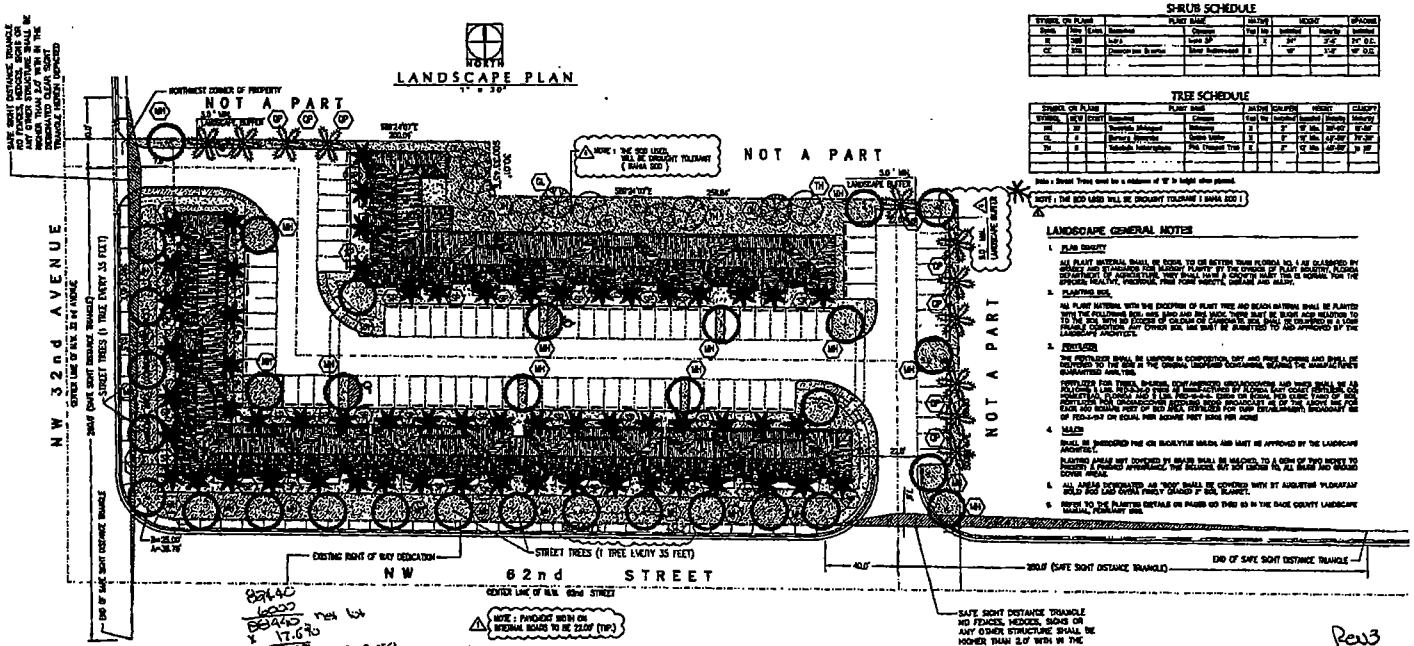
SYMBOL ON PLANS			PLANT NAME		NATIVE	HEIGHT		SPACING
Symb.	Total	Code	Botanical	Common	Yes/No	Individual	Total/Ht.	Individual
R	300		Ruellia	Ruellia DP		24"	3'-4'	24" O.C.
CC	370		Conocarpus erectus	Silver Buttonwood	Y	18"	1'-2'	18" O.C.

TREE SCHEDULE

SYMBOL ON PLANS			PLANT NAME		NATIVE	CALIPER	HEIGHT	CANOPY
SYMBOL	TOTAL	CODE	Botanical	Common	Yes/No	Individual	Individual / Total Ht.	Individual / Total Sp.
BR	32		Bursera simaruba	Gumbo Limbo	Y	3"	12' Min.	20'-40' / 12'-30'
CL	8		Bursera simaruba	Gumbo Limbo	Y	3"	12' Min.	20'-40' / 12'-30'
TH	8		Tabebuia heterophylla	Pink Trumpet Tree	Y	3"	12' Min.	20'-30' / 10'-20'

Note: Street Trees must be a minimum of 12' in height when planted.

NOTE: THE SOD USED WILL BE DROUGHT TOLERANT (SHALL SOD)



LANDSCAPE GENERAL NOTES

1. PLANT QUALITY

ALL PLANT MATERIAL SHALL BE FLORIDA, TO BE BETTER THAN FLORIDA NO. 1 AS DEFINED BY GRADES AND STANDARDS FOR NURSERY PLANTS BY THE DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE. THEY SHALL HAVE A GROWTH HABIT THAT IS NORMAL FOR THE SPECIES, HEALTHY, VIGOROUS, FREE FROM INSECTS, DISEASE AND INJURY.

2. PLANTING SOIL

ALL PLANT MATERIAL WITH THE EXCEPTION OF PLANT TREE AND BEACH MATERIAL SHALL BE PLANTED WITH THE FOLLOWING SOIL MIX: SAND AND PEAT MIX. THERE SHALL BE SLIGHT ACID REACTION TO 10 INC. BED, WITH NO ZONES OF COLD OR COMPACTED SOIL. SOIL TO BE DELIVERED IN A FIRM FRIABLE CONDITION. ANY OTHER SOIL MIX SHALL BE SUBMITTED TO AND APPROVED BY THE LANDSCAPE ARCHITECT.

3. FERTILIZER

THE FERTILIZER SHALL BE UNIFORM IN COMPOSITION, DRY AND FREE FLOWING AND SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL UNOPENED CONTAINERS BEARING THE MANUFACTURER'S GUARANTEED ANALYSIS.

FERTILIZER FOR TREES, SHRUBS, GROUNDCOVER AND ACCENTS: ALL PLANTS SHALL BE AS FOLLOWS: ALL PLANTS SHALL RECEIVE A MINIMUM OF ONE (1) TABLESPOON OF FERTILIZER PER GALLON OF CONTAINER SIZE. FERTILIZER FOR GROUNDCOVER BEDDING AREAS SHALL BE AT THE RATE OF 100 LBS. PER 1,000 SQUARE FEET OF BED AREA (EXPRESSED FOR 1000 SQUARE FEET BASIS PER ACRE) SHALL BE OF FOLIA-37 OR EQUAL PER ACRE PER ACRE PER ACRE.

4. MULCH

SHALL BE RECORDED PINE OR EUCALYTUS MULCH, AND MUST BE APPROVED BY THE LANDSCAPE ARCHITECT.

PLANTED AREAS NOT COVERED BY MULCH SHALL BE MULCHED, TO A DEPTH OF TWO INCHES TO PROVIDE A FINISHED APPEARANCE. THE MULCHES, BUT NOT LIMITED TO, ALL BEDS AND GROUND COVER AREAS.

5. ALL AREAS DESIGNATED AS "SOD" SHALL BE CENTIPEDE WITH ST AUGUSTINE "FLORATAM" SOLID SOD LAID OVER FINELY GRADED 3" SOIL BLANKET.

6. REFER TO THE PLANTING DETAILS ON PAGES 60 THRU 63 IN THE DADE COUNTY LANDSCAPE MANUAL, FEBRUARY 1993.

82,440
6000
88,440
x 17.6%
15477 open space
+ 850 parking
16,327
x 20%
3,279 max lawn

NOTE: PROJECT SIGN OR BULLETIN BOARD TO BE 12.0' (TYP.)

19 Str trees
45 Lot trees
64 total trees
+10 shrubs
40

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

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REVISIONS
1 - 09.21.05
2 - 06.10.06
3 - 08.17.2006
4 - 12.18.2006

GROVE ESTATES II

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SHEET 1 OF 1

L - 1

30

GROVE ESTATES II

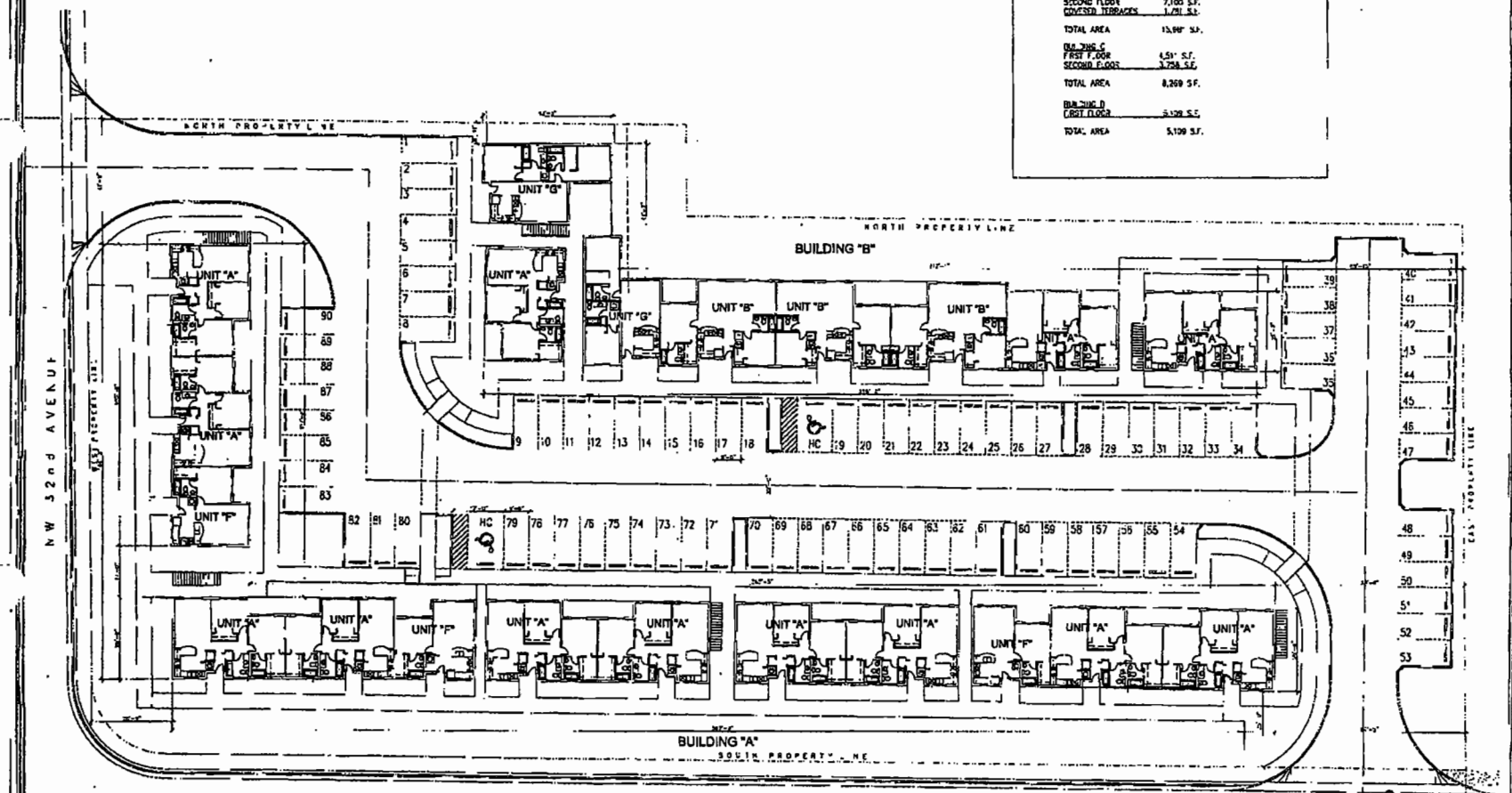
MIAMI - FLORIDA

BUILDINGS AREA

TOTAL FLOOR AREA: 93,835 SF

PER FLOOR

BUILDING A	
FIRST FLOOR	10,452 S.F.
SECOND FLOOR	10,458 S.F.
COVERED TERRACES	2,436 S.F.
THIRD FLOOR	7,930 S.F.
TOTAL AREA	31,276 S.F.
BUILDING B	
FIRST FLOOR	7,100 S.F.
SECOND FLOOR	7,100 S.F.
COVERED TERRACES	1,791 S.F.
TOTAL AREA	15,991 S.F.
BUILDING C	
FIRST FLOOR	4,511 S.F.
SECOND FLOOR	3,758 S.F.
TOTAL AREA	8,269 S.F.
BUILDING D	
FIRST FLOOR	5,109 S.F.
TOTAL AREA	5,109 S.F.



GROUND FLOOR

SCALE : 1/16" = 1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

REVISIONS

GROVE ESTATES
MIAMI, FLORIDA

OWNER:

CRISTINA FANDIÑO A/A
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A.R. No. 0014482
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786.877.3179

DATE: SEPTIEMBER 2005
DRAWN BY: O.D.
PROJECT MANAGER: C.F.

SHEET
A-4

4 OF 11

BUILDINGS A & B
GROUND FLOOR

Jan 9/06

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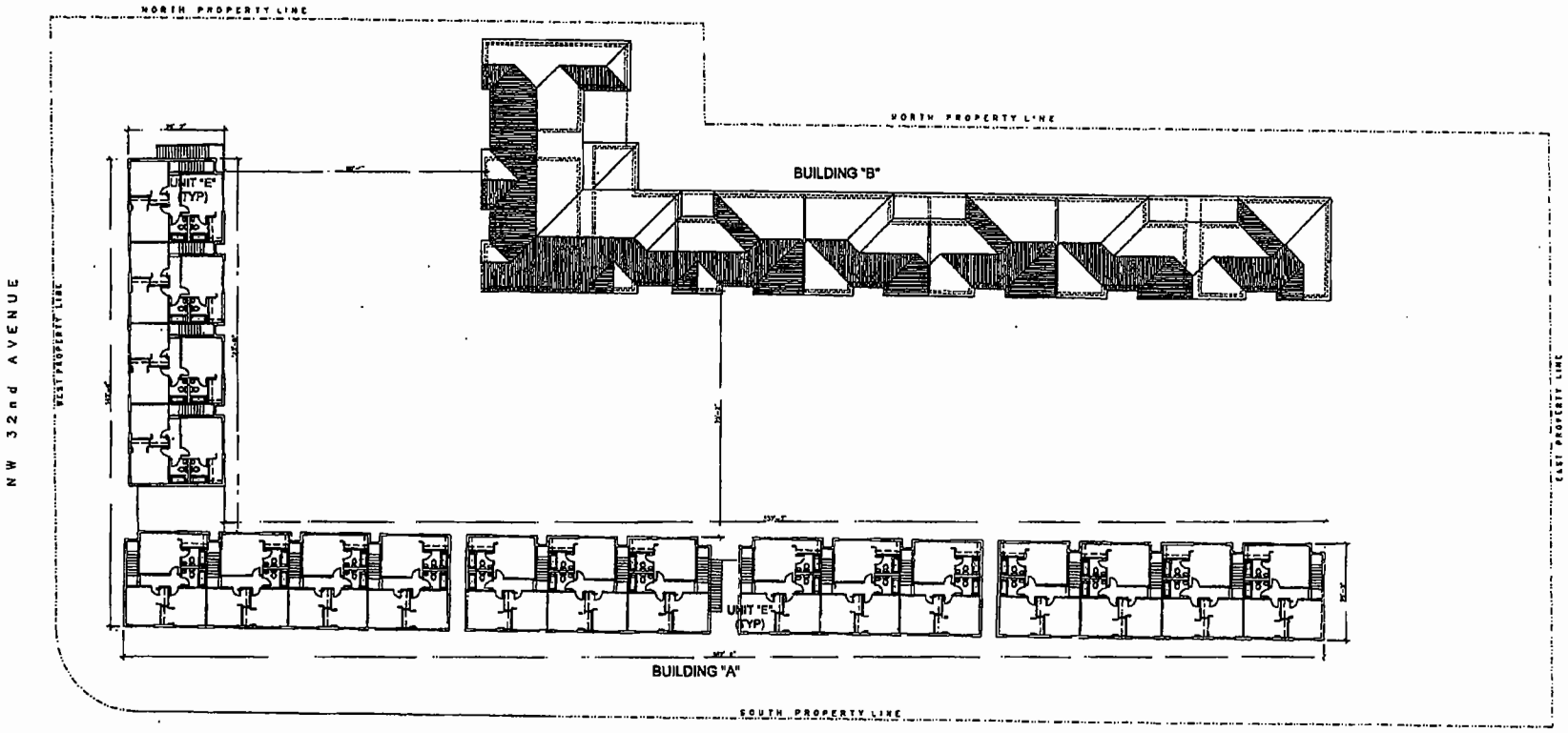
31

GROVE ESTATES II

MIAMI - FLORIDA



THIRD FLOOR
SCALE: 1/16" = 1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
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REVISIONS

GROVE ESTATES
MIAMI, FLORIDA

OWNER:

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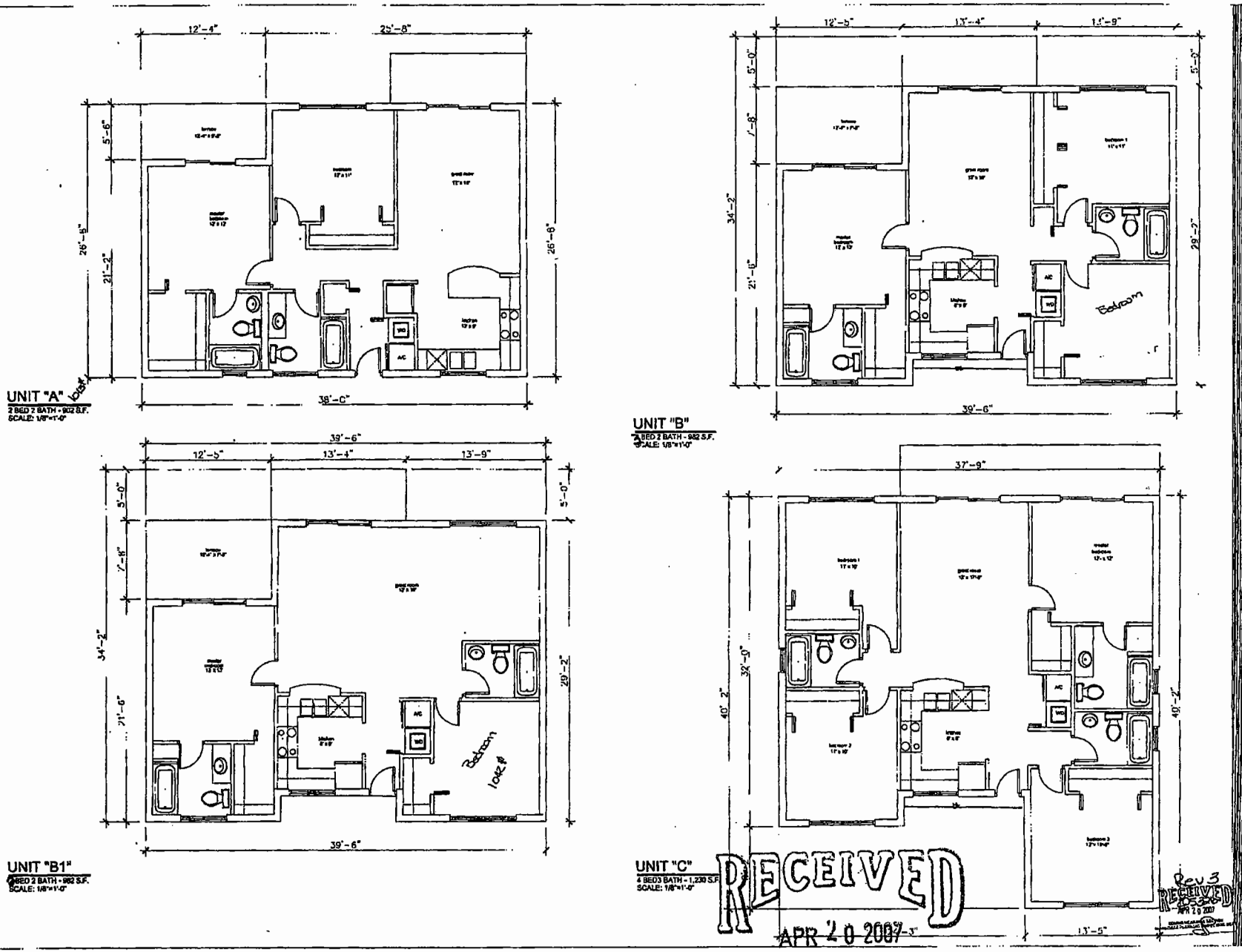
DATE: SEPTEMBER 2005
DRAWN BY: O.D.
PROJECT MANAGER: C.F.

SHEET
A-6

6 OF 11

BUILDINGS A & B
THIRD FLOOR

32



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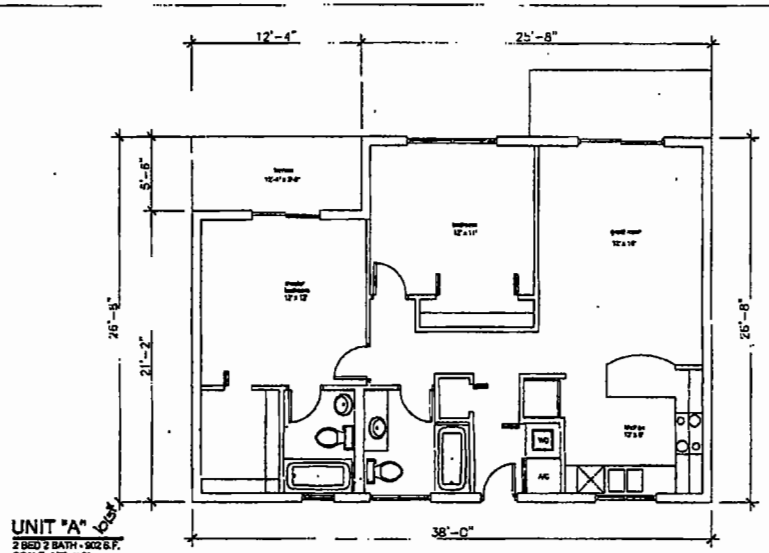
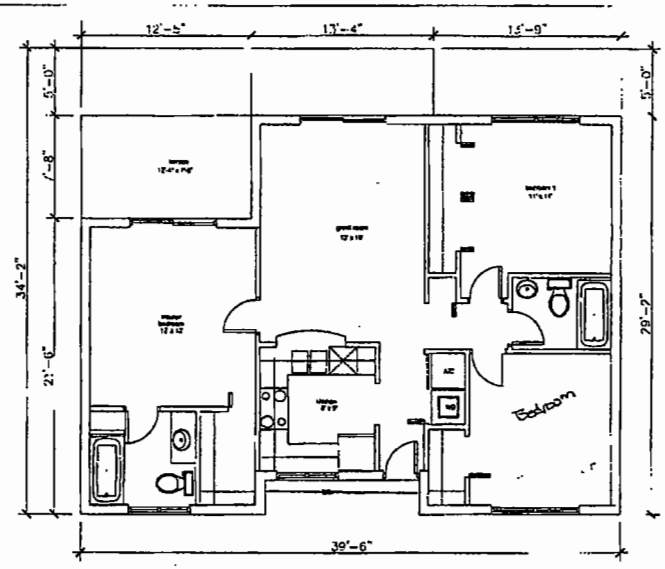
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

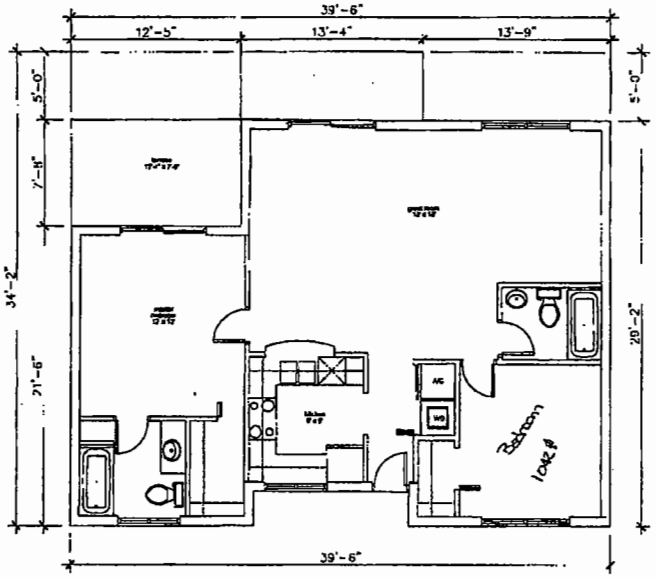
33



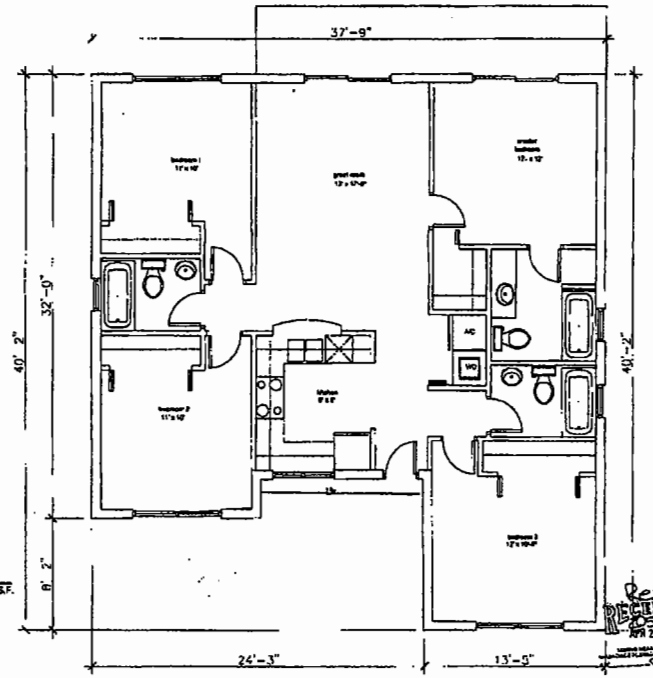
UNIT "A" lost
2 BED 2 BATH - 902 S.F.
SCALE: 1/8"=1'-0"



UNIT "B"
2 BED 2 BATH - 982 S.F.
SCALE: 1/8"=1'-0"



UNIT "B1"
2 BED 2 BATH - 982 S.F.
SCALE: 1/8"=1'-0"



UNIT "C"
4 BED 3 BATH - 1,230 S.F.
SCALE: 1/8"=1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
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GROVE ESTATES
MIAMI, FLORIDA

OWNER:

CRISTINA FANDIÑO AIA
ARCHITECT
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DATE: SEPTEMBER 2005
DRAWN BY: O.D.
PROJECT MANAGER: C.F.

SHEET
A-10

10 OF 11

UNITS

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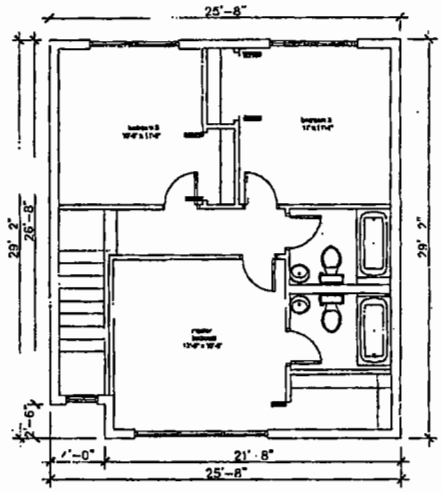
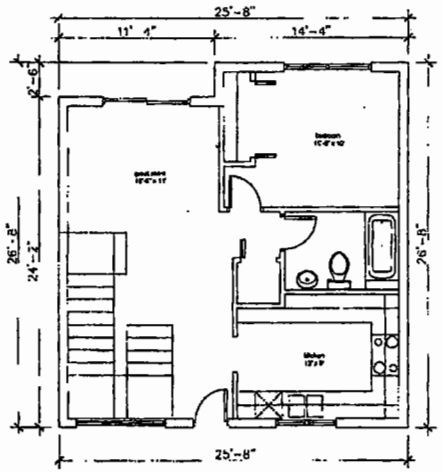
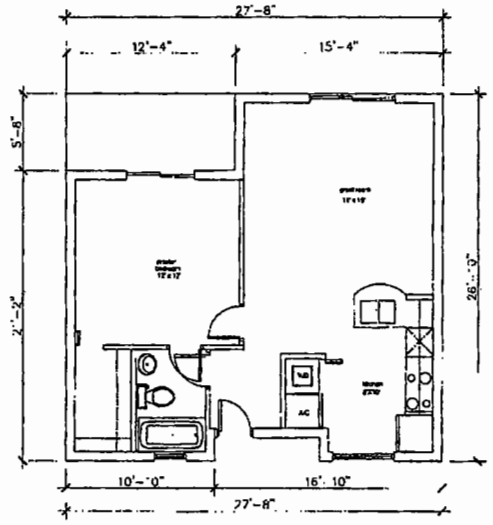
34



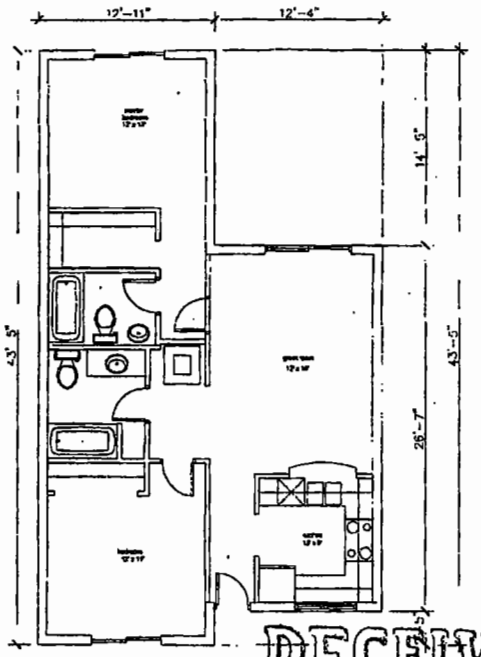
UNIT "E"
4 BED 2 BATH
SECOND FLOOR - 855S.F.
SCALE: 1/8"=1'-0"



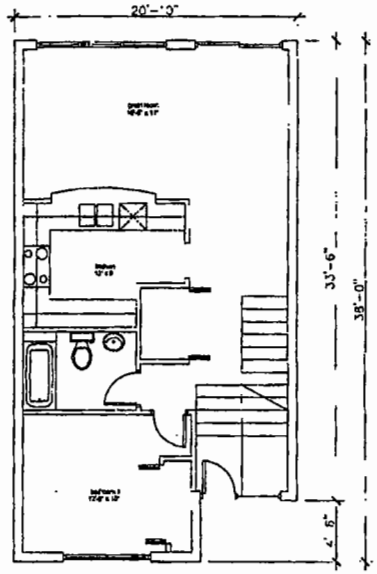
UNIT "E"
4 BED 2 BATH
FIRST FLOOR - 821S.F.
SCALE: 1/8"=1'-0"



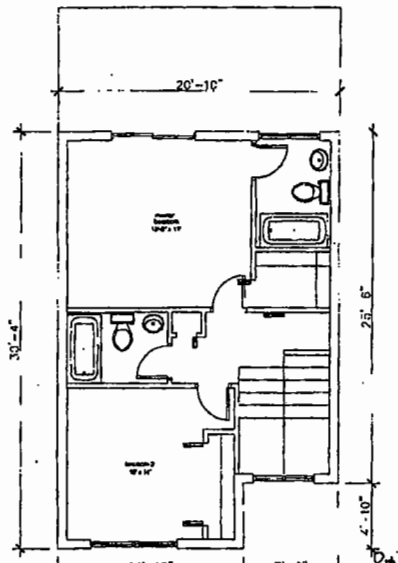
UNIT "F"
1 BED 1 BATH - 554 S.F.
SCALE: 1/8"=1'-0"



UNIT "G"
2 BED 2 BATH - 869 S.F.
SCALE: 1/8"=1'-0"



UNIT "D" 1,214 S.F.
3 BED 2 BATH
FIRST FLOOR 721 S.F.
SCALE: 1/8"=1'-0"



UNIT "D"
3 BED 2 BATH
SECOND FLOOR 493 S.F.
SCALE: 1/8"=1'-0"

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GROVE ESTATES
MIAMI, FLORIDA

OWNER:

CRISTINA FANDIÑO AIA
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A.R. No. 0014662
9281 S.W. 74 ST. MIAMI FLORIDA 33173
786.877.3179

DATE: SEPTEMBER 2003
DRAWN BY: O.D.
PROJECT MANAGER: C.F.

SHEET
A-11
11 OF 11
UNITS

35

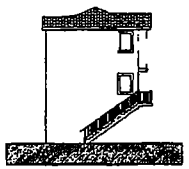
GROVE ESTATES II

MIAMI - FLORIDA

BUILDING "A"
NORTH ELEVATION
SCALE : 1/16" = 1'-0"

BUILDING "A"
SOUTH ELEVATION
SCALE : 1/16" = 1'-0"

BUILDING "A"
WEST ELEVATION
SCALE : 1/16" = 1'-0"



BUILDING "A"
EAST ELEVATION
SCALE : 1/16" = 1'-0"

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REVISIONS

GROVE ESTATES
MIAMI, FLORIDA

OWNER:

CRISTINA FANDIÑO AIA
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A.R. No. 0014685
9281 S.W. 74 St. MIAMI FLORIDA 33173
786.877.3179

DATE: SEPTEMBER 2005
DRAWN BY: O.D.
PROJECT MANAGER: C.F.

SHEET
A-8

8 OF 11

BUILDINGS A & B
ELEVATIONS

36

GROVE ESTATES II

BUILDING "B"
NORTH ELEVATION
SCALE : 1/16" = 1'-0"

BUILDING "B"
SOUTH ELEVATION
SCALE : 1/16" = 1'-0"

BUILDING "B"
WEST ELEVATION
SCALE : 1/16" = 1'-0"

BUILDING "B"
EAST ELEVATION
SCALE : 1/16" = 1'-0"

RECEIVED
APR 20 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

REVISIONS

GROVE ESTATES
MIAMI, FLORIDA

OWNER:

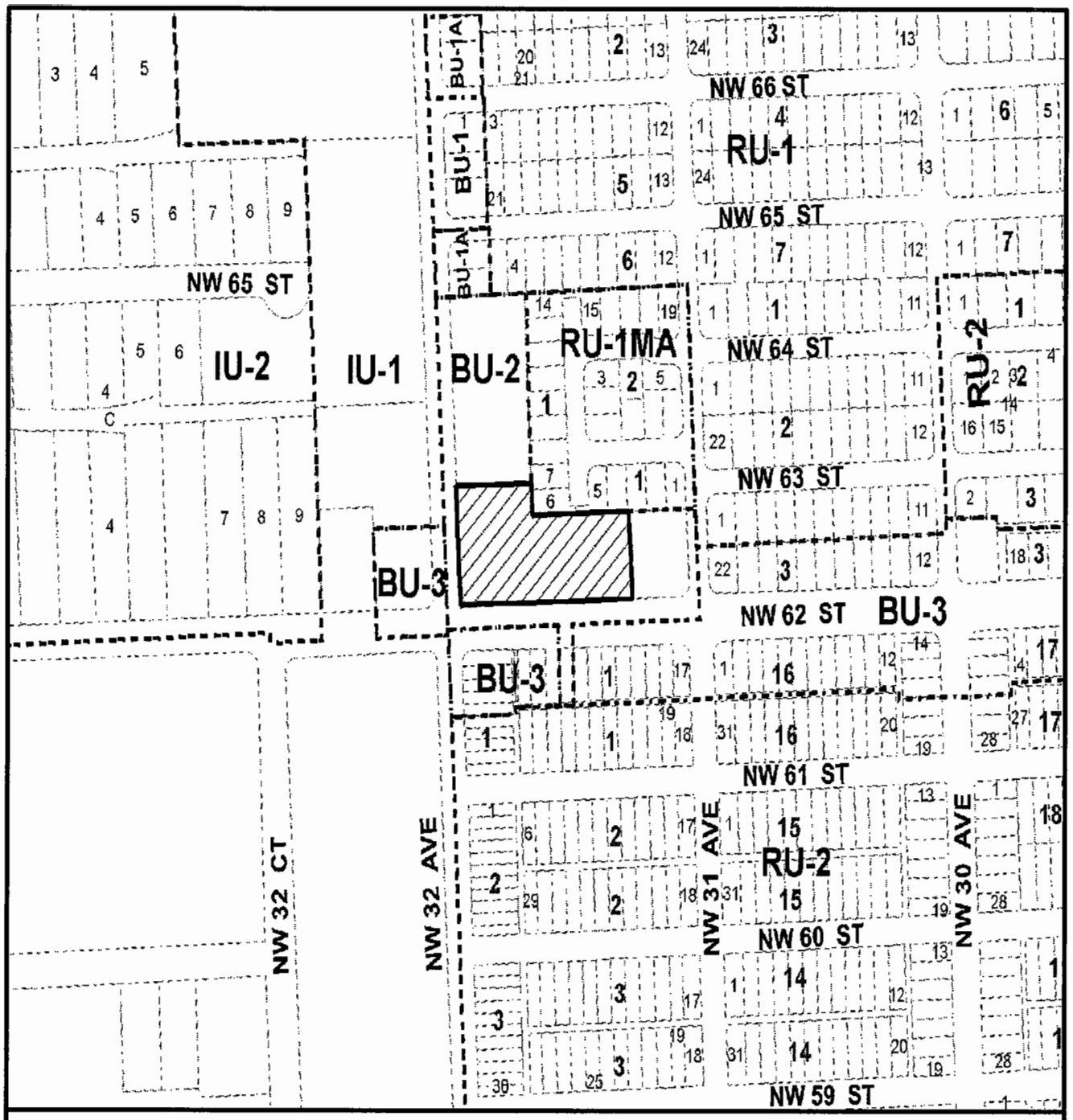
CRISTINA FANDIÑO AIA
ARCHITECT
A.E. No. 0014602
9281 S.W. 76 ST. MIAMI FLORIDA 33173
786.877.3179

DATE SEPTEMBER 2005
DRAWN BY: O.O.
PROJECT MANAGER: C.F.

SHEET
A-9

9 OF 11

BUILDINGS C,D & B
ELEVATIONS



MIAMI-DADE COUNTY
HEARING MAP

Process Number
05-326

N

SUBJECT PROPERTY

Section: 16 Township: 53 Range: 41
Applicant: PRO PROPERTY LLC. ET AL
Zoning Board: C08
District Number: 02
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/14/05

REVISION	DATE	BY
Revised Legal Desc.	12/05/07	KS

37

MIAMI-DADE COUNTY
AERIAL

Process Number
05-326

N

SUBJECT PROPERTY

Section: 16 Township: 53 Range: 41
Applicant: PRO PROPERTY LLC. ET AL
Zoning Board: C08
District Number: 02
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/14/05

REVISION	DATE	BY
Revised Legal Desc.	12/05/07	KB

1. VALUE PAWN JEWELRY STORE, INC.
(Applicant)

08-12-CZ8-1 (06-270)
Area 8/District 3
Hearing Date: 12/16/08

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:

Year	Applicant	Request	Board	Decision
1958	Clement A. & Rubye L. Roberts	Zone change from BU-2 to BU-3, or special permit for muffler installation.	ZAB	Approved in part w/conds.
1959	Sidney Kandel	Zone change from BU-2A to BU-3.	ZAB	Approved
1969	Oscar Becerra	Height of fence & barbed wire.	ZAB	Approved

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

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

APPLICANT: Value Pawn Jewelry Store, Inc. **PH:** Z06-270 (08-12-CZ8-1)

SECTION: 22-53-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 3 **ITEM NO.:** 1

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) Special Exception to Permit a Pawnshop.

  (2) Applicant is requesting to permit an existing commercial building setback 7.25' (20' required) from the rear (east) property line.

  (3) Applicant is requesting to permit 10 parking spaces (19 required).

  (4) Applicant is requesting to waive the zoning regulations requiring a minimum 5' high masonry wall to be erected along the business lot abutting an RU zoned property to permit a 6' high metal picket fence in lieu thereof.

  (5) Applicant is requesting to waive the landscape regulations requiring 5 street trees and a 7' wide landscape buffer along the right-of-way.

  (6) Applicant is requesting to permit a detached sign of 123.2 sq. ft. (114.97 sq. ft. maximum permitted).

  (7) Applicant is requesting to permit the detached sign setback 13.03' (13.76' required) from the front (west) property line and setback 11.96' (23.49' required) from the interior side (north) property line.

  Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#4 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2-#7 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 "Boundary Survey," as prepared by Fortin, Leavy, Skiles, Inc., dated stamped received 8/5/08 and consisting of 1 page. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application will allow the applicant the continued use of an existing pawnshop in the commercial district with reduced setbacks, and reduced parking spaces and to waive the requirement for a masonry wall where the business lot abuts an RU zoned property. Additionally, the applicant seeks to allow less street trees than required by the landscape regulations and to permit a sign larger than allowed by the zoning regulations which will be located closer to the property lines than permitted.

- **LOCATION:** 5255 NW 27 Avenue, Miami-Dade County, Florida.

- **SIZE:** 99.87' x 149.96'

- **IMPACT:** The approval of the application to allow the applicant to permit an existing pawn shop on the subject property with reduced setbacks and parking, to waive the zoning regulations requiring a 5' high masonry wall where the property abuts an alley, to waive the requirement for street trees and a landscape buffer and to permit a larger sign than permitted, located in the setback area, would likely impact traffic in the surrounding area and have a negative visual impact on the surrounding properties. The pawn shop will also likely have a positive economic impact on the surrounding properties by the creation of additional employment opportunities in the area.

B. ZONING HEARINGS HISTORY:

In June 1958, pursuant to Resolution #1563, the subject property was approved for a special permit to allow a muffler installation business. Subsequently, the property was approved for a zone change in January 1959, from BU-2A, Special Business District, to BU-3, pursuant to Resolution #2631. The subject property was also approved for a variance to permit a 80 sq. ft. sign in July 1960, pursuant to Resolution #BA760. In November 1969, pursuant to Resolution #4-ZAB-594-69, the subject property was approved for variances to the zoning regulations to permit a 5' high chain link fence within 10' of the edge of the driveway and within 30' of an official right-of-way as well as a variance to allow barb wire atop a 6' high chain link fence.

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**. 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. **Urban Centers**

   Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity

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

3. **Uses and Activities**

Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may

be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

4. **Radius**

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

5. **Streets and Public Spaces**

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian accessways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in Urban Centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject Urban Center to the extent that it would better serve the quality and functionality of

the center.

6. **Parking**

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

7. **Intensity**

Regional and Metropolitan Urban Centers shall be intensively developed. They should be developed at the highest intensities of development in the urbanized area. Floor area ratios (FARs) in Regional Urban Centers designated on the LUP map should average not less than 4.0 in the core of the center and around mass transit stations, and should taper to an average of not less than 2.0 near the edge of the center. Average FARs for developments in Metropolitan Urban Centers designated on the LUP map should be not less than 3.0 at the core adjacent to transit station sites and should taper to not less than 0.75 at the edge. Community Centers should average an FAR of not less than 1.5 at the core adjacent to transit station sites and should taper to an average of approximately 0.5 at the edge. Height of buildings at the edge of Metropolitan Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Centers. However, where the adjacent area is undergoing transition, heights at the edge of the center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies. As noted previously in this section, Urban Centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section.

8. **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.

9. **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:

ZONING		LAND USE PLAN DESIGNATION
Subject Property:		
BU-3; pawn store		Business and Office
Surrounding Properties:		
NORTH:	BU-2; commercial retail building	Business and Office
SOUTH:	BU-2; commercial retail building	Business and Office
EAST:	RU-4A; multi-family apartments	Medium-Density Residential 13 to 25 dua,
WEST:	BU-2; Miami-Dade County Metrorail Station and parking facility	Low Density Residential, 2.5 to 6 dua

The 99.87' x 149.96' (0.34-acre) subject parcel is located at 5255 NW 27 Avenue, within an Urban Center. The surrounding area is predominantly characterized by a mixture of commercial and multi-family residential uses. A Miami-Dade County Metrorail Station and parking facility is located to the west.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plans submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable***
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable***
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**Acceptable**
Urban Design:	**N/A**

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the

applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

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

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.

(h) **An alternative placement of a required perimeter wall** setback from the property line(s) of a parcel where said property line adjoins or lies across the street right-of-way from a residential district, shall be approved after public hearing upon demonstration of the following:

(1) the setback of the wall is the minimum distance necessary so as not to encroach into an existing utility or landscape easement(s); and

(2) that visual screening for the wall by way of landscaping is included in the easement area to prevent graffiti vandalism in a manner provided by this Code; and

(3) that a suitable mechanism for maintenance of the landscaped area by the property owner, tenant association or similar association be provided in the form of a covenant running with the land.

(j) **An alternative reduction in the number of required parking spaces** shall be approved after public hearing upon demonstration of the following:

(1) the alternative reduction of the number of required parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either:

(2) the total number of required parking spaces is not reduced below ten percent (10%); and

(A) the lot, parcel or tract is located within six hundred and sixty (660) feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) map, within one-quarter (1/4) mile from existing rail transit stations or existing express busway stops; or

(B) the hours of operation of multiple commercial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or

(3) the alternative development involves a mixed-use project in which the number of off-street parking spaces is calculated by applying the Urban Land Institute (ULI) Shared Parking Methodology to the required number of parking spaces.

(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	**No objection***
Public Works	**Objects**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

*Subject to the conditions as indicated in their memorandum.

H. ANALYSIS:

The 99.87' x 149.96' (0.34-acre) subject parcel which contains a 4,629 sq. ft. commercial building is located at 5255 NW 27 Avenue, within the Urban Infill Area (UIA). The applicant is seeking a Special Exception to permit an existing pawnshop in the BU-3, Liberal Business District (request #1); to permit an existing commercial building setback 7.25' from the rear (east) property line (request #2); to permit 10 parking spaces (request #3); to waive the zoning regulations requiring a minimum 5' high masonry wall to be erected along the business lot abutting a Residential zoned property to permit a 6' high metal picket fence in lieu thereof (request #4) and to waive the landscape regulations requiring 5 street trees and a 7' wide landscape buffer along the right-of-way (request #5). Additionally, the applicant seeks to permit a detached sign 123.2 sq. ft. (request #6) and to permit the detached sign setback 13.03' from the front (west) property line and setback 11.96' from the interior side (north) property line (request #7). The BU-3 zoning regulations require a minimum 20' rear setback and 19 parking spaces, for the 0.34-acre subject property. Additionally, said regulations permit a maximum 114.97 sq. ft. detached sign on the subject property to be setback a minimum of 13.76' from the front (west) property line and 23.49' from the interior side (north) property line. Further, Chapter 18A of the Landscape Code requires 5 street trees and a minimum 7' wide greenbelt along the right-of-way. The plans submitted by the applicant depict the 0.34-acre lot with a 4,629 sq. ft. rectangular single-story building sited in the southeast section of the lot and the 10 parking

spaces located to the west of the building within 24' of the right-of-way, NW 27 Avenue. Said plans also illustrate the aforementioned requests.

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) objects** to this application and indicate in their memorandum that approval of a reduction of the required amount of parking spaces will result in parking spilling into the right-of-way where it is not permitted. Their memorandum further indicates that since the development abuts a State road (NW 27 Avenue), the applicant must contact the State's Department of Transportation (DOT) district office as certain restrictions may apply. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to the application.

Approval of the application would allow the existing pawn shop on the subject property. This site is located in a section of land that is zoned BU-3 and is presently surrounded by a mixture of developed commercial properties, multi-family residential properties and a Miami-Dade Metrorail station and parking lot. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject site as **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. Approval of the existing pawnshop on this parcel will not be overly intrusive to the surrounding community and, with the proposed landscaping around the sign and the interior side (north) and rear (east), will be sufficiently buffered from adjacent uses. This type of retail facility is best located along intensively built commercial corridors where it is easily accessible by automobile, pedestrians and public transportation. The two major thoroughfares, NW 54 Street and NW 27 Avenue, where the facility is located, are commercial corridors highly accessible to auto, pedestrian and public transportation. The Metrorail station is located approximately 100' to the southwest of the subject property. It should be noted that the BU-3 district allows retail uses such as the existing pawnshop after a public hearing. As such, the requested Special Exception to permit the pawnshop is **consistent** with the Business and Office LUP map designation of the CDMP. Additionally, the abutting properties to the north and south of the subject property, are both zoned BU-2, Special Business District, and occupied by commercial retail establishments. As such, staff opines that approval of the Special Exception to allow a pawnshop is **compatible** with the surrounding properties to the north, south and west, and **consistent** with the LUP map designation of the CDMP.

The applicant is seeking a Special Exception to permit a pawnshop use in the BU-3 zone (request #1). 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 one-story commercial retail use would not produce excessive overcrowding or concentration of people on the 0.34-acre subject site. Moreover, staff opines that this commercial retail 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. Staff also notes that although the Public Works Department objects to the applicant's request for less parking than required by the BU-3 zoning district, the Department further indicates in their

memorandum that the application meets traffic concurrency as it lies within the urban infill area where traffic concurrency does not apply. However, staff also notes that the interpretative text of the CDMP encourages reductions from standard parking requirements where there is a complementary mix of uses on proximate development sites, and near transit stations. As previously mentioned the retail development is within approximately 100' of a transit station and abuts similar commercial/retail facilities to the north and south. Further, staff opines that the request to permit the pawnshop in the BU-3 zone would not have an unfavorable effect on the economy of Miami-Dade County. Staff also notes that the applicant has agreed to provide landscaping in the form of a hedge along the rear (east) and partially along the interior side (north) property lines along with a landscaped area surrounding the detached sign. Therefore, staff opines that the provision of these additional landscaping elements will provide a visual buffer that will mitigate any negative visual impact on the surrounding properties to the north and east. Therefore, staff opines that approval of the request to permit the pawnshop would be **compatible** with the existing commercial uses found in the area as well as the residential use to the east. As such, staff is of the opinion that the development of the site with a pawnshop would not be out of character with the area. Based on the foregoing, staff recommends approval with conditions of request #1 under Section 33-311(A)(3).

When requests #2, through #4 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. Approval of the applicant's requests to permit the existing commercial building setback 7.25' (20' required) from the rear (east) property line (request #2), to permit 10 parking spaces (19 required) (request #3) and to waive the zoning regulations requiring a minimum 5' high masonry wall to be erected along the business lot abutting an RU zoned property to permit a 6' high metal picket fence in lieu thereof, in staff's opinion, would not affect the stability and appearance of the surrounding properties nor be detrimental to the community. Staff's research of properties surrounding the subject property found that there was an approval for similar variances of setbacks on a property to the southwest of the subject property, located at the southwest corner of NW 27 Avenue and NW 49 Street. Said property was approved in 1984, pursuant to Resolution #4-ZAB-133-84, to permit a commercial building setback 10' from the rear (west) property line. Staff's research of the surrounding area did not unearth approvals of any requests similar to requests #3 and #4. However, as previously mentioned the existing commercial building is between two similarly zoned commercial uses and within 100' of a Metrorail station and the interpretative text of the CDMP encourages reductions from standard parking requirements where there is a complementary mix of uses on proximate development sites and near transit stations. Notwithstanding the objection of the Public Works Department, staff opines that the approval of request #3, to permit 10 (19 required) parking spaces would not be contrary to the future planned development of the area, which encourages reductions from standard parking requirements where there is a complementary mix of uses on proximate development sites, and near transit stations, nor would it encourage spillage of parking onto the roadways that would negatively impact traffic in the area. Similarly, staff's research did not find any approvals of similar requests for variances to waive the zoning regulations requiring a minimum 5' high masonry wall to be erected along the business lot abutting an RU zoned property to permit a 6' high metal picket fence in lieu thereof (request #4). However, staff notes that the applicant has agreed to provide a hedge along the rear (east) property line to mitigate the negative visual effect on the abutting residential property. As such, staff opines that approval with conditions of this request would not have a negative visual effect on the abutting residential property to the east and, providing the applicant satisfies the condition of installing the hedge along the rear (east) property line, will provide a necessary visual enhancement to the surrounding community. Therefore, staff

recommends approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV).

As previously mentioned, the Landscape Code (Chapter 18A) requires a minimum of 5 street trees and a 7' wide greenbelt along the right-of-way. When the applicant's request to waive these regulations (request #5) is analyzed under Section 33-311(A)(4)(b) (NUV), staff opines that approval of this request would also not be out of character or detrimental to the surrounding neighborhood. Although staff notes that there have not been approvals for similar requests within the surrounding area, staff notes that the applicant's attempt to accommodate as much of the required parking as possible results in the reduction in the landscaped strip along NW 27 Avenue and compromises their ability to provide the street trees. However, the applicant has agreed to provide additional landscaping around the detached sign located at the northeast section of the lot which encroaches into the front (west) and interior side (north) setbacks. In addition, the applicant has also agreed to provide additional landscaping in the form of a hedge running partially along the interior side (north) property line. As such, staff opines that approval with conditions of the applicant's request to waive the landscaping regulations requiring 5 street trees and a 7' wide landscape buffer is **compatible** with the area and will not be visually intrusive to the adjacent properties.

Further, staff opines that approval of the applicant's request to permit a detached sign 123.2 sq. ft. (114.97 sq. ft. maximum permitted) (request #6), and to permit the detached sign setback 13.03' (13.76' required) from the front (west) property line and setback 11.96' (23.49' required) from the interior side (north) property line (request #7), under Section 33-311(A)(4)(b) (NUV), is **compatible** with the surrounding area. Staff's research of the surrounding area found that there was a similar approval of an oversized sign encroaching into the setback on a property located the northwest of the subject property. In August 1966, pursuant to Resolution #3-ZAB-295-66, the property at 5300 NW 27 Avenue was approved for a variance of the zoning regulations to allow an oversized sign to setback 13' (19' required) from the NW 27 Avenue property line. Additionally, as previously mentioned, the applicant has agreed to provide landscaping around the sign as a condition for approval. Further, staff opines that the additional 9 sq. ft. requested for the size of the sign is minimal and would not visually intrude on the properties to the north or to the west, nor would it become a distraction for traffic travelling along NW 27 Avenue. As such, staff opines that approval of said sign would not be detrimental to or have a negative visual effect on the surrounding community and would be **compatible** to same. Based on the aforementioned, staff recommends approval with conditions of requests #5 through #7 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #7 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 through #7, cannot be approved under the ANUV Standards, and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

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, requests #2 through #4 cannot be approved under

the ASDO Standards and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

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 with conditions of request #1 under Section 33-311(A)(3) (Special Exceptions and Unusual Uses). Additionally, staff recommends approval with conditions of requests #2 through #7 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 requests #2 through #4 under Section 33-311(A)(16) (ASDO).

I. RECOMMENDATION:

Approval with conditions of request #1; approval with conditions of requests #2 through #7 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 requests #2 through #4 under Section 33-311(A)(16) (ASDO).

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 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 "Boundary Survey," as prepared by Fortin, Leavy, Skiles, Inc., dated stamped received 8/5/08 and consisting of 1 page.

3. That the applicant install a 6' tall hedge along the rear (east) property line and along the east half of the interior side (north) property line; said hedge shall be 3' high at the time of planting, which shall grow to and be maintained at a height of 6'. Additional landscaping shall be provided around the detached sign.

4. That the use be established and maintained in accordance with the approved plan.

5. 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 this approval and indicates the type of plant material and size to be installed prior to the issuance of a building permit and that it shall be installed prior to final zoning inspection.

DATE INSPECTED: 11/07/08
DATE TYPED: 11/07/08
DATE REVISED: 11/14/08, 11/17/08, 12/09/08
DATE FINALIZED: 12/09/08
MCL:MTF:NN:CI:CH

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

NDN.

Memorandum

MIAMI-DADE COUNTY

Date: September 22, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: C-08 #Z20060 00270
Value Pawn Jewelry Store, Inc.
5255 N.W. 27th Avenue
Special Exception to Permit a Pawn Shop
(BU-3) (0.34 Acres)
22-53-41

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 Service

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 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.

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.

Hazardous Materials Management

Due to the nature of uses allowed in the existing 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.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property will require operating permits from DERM. It is, therefore, suggested that the applicant contact DERM concerning operating permit 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 Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

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
There are no tree resources issues on the subject property.

Enforcement History
DERM has found no open or closed enforcement records for the subject property.

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

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

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

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

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

REVISION 1

PH# Z2006000270
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:VALUE PAWN JEWELRY STORE INC

This Department objects to this application.

This Department objects to the request to permit less parking than required. Fewer parking spaces may result in parking spilling into the right-of-way where it is not permitted.

Since this development abuts a State maintained road (SW 27 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

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.
14-OCT-08

REVISION 1

Memorandum

Date: 02-DEC-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2006000270

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2006000270
located at 5255 NW 27 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0967 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:30 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, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO
MELROSE OFFICE

ENFORCEMENT HISTORY

NAME:	ADDRESS
All Pro Investments Holding Inc. **Hearing Number- 06-270**	2700 NW 27 Ave. Miami-Dade County, FL (30-31280020010)
DATE	**CMS#**
12/19/08	

CURRENT ENFORCEMENT HISTORY:

Folio No. 30-31280020210 & 30-31280020010

02/16/01- Warning Notice for Outside Business Uses. Property owner complied and case was closed. CMS case# 200113000232.

05/18/01- Warning Notice and citation were issued for Sign Violation on Private Property. Violation was corrected and case was closed. CMS Case# 200113000822.

05/22/01- Warning Notice for Junk Yard violation was issued. Violation was corrected and case was closed. CMS # 200113000861.

11/09/01- Warning Notice for Sign Violation on private property. Violation was corrected. CMS Case# 200113000343.

02/19/02- Warning Notice wa issued for boat storage. Violation was corrected. CMS Case# 200213000343.

09/15/06- Warning Notice was issued for graffiti. Violation was corrected. CMS Case # 200613001538.

01/31/07- Citation issued for Failure to Obtain Zoning Permit. Violation was corrected and case was closed. CMS Case # 200713000256.

07/11/08- Warning Notice was issued for Graffitti. Violation was corrected and case was closed.

DISCLOSURE OF INTEREST*

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 206-270
DATE: SEP 06 2006
BY: BJL

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: **RTT Investment, Inc.**

NAME AND ADDRESS	Percentage of Stock
Ray A. Schlichte, III 221 ELDORADO, Plantation, FL 33317	67%
RAY A. Schlichte, Jr. 2134 Hollywood Blvd. Hollywood, FL 33020	33%

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of 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: _____

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].

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z06-270
DATE: SEP 06 2006
BY: BJL

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Stock

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if an 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: Mario Garcia-Serra
(Applicant)

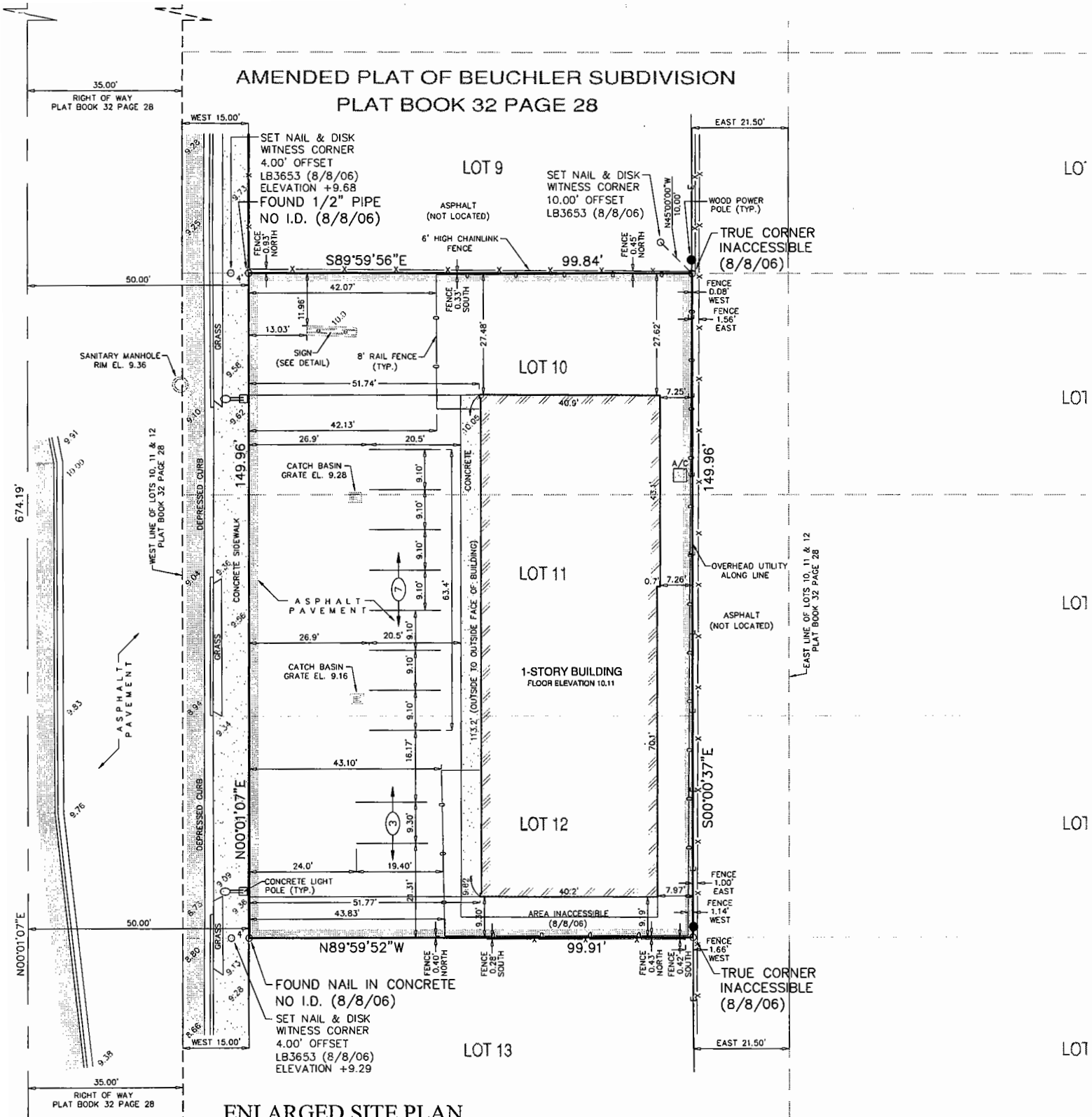
Sworn to and subscribed before me this 6 day of Sept. 2006. Affiant is personally known to me or has produced _____ as identification.

Iris Escarra
(Notary Public)

Iris Escarra
My Commission DD360120
Expires October 08, 2008

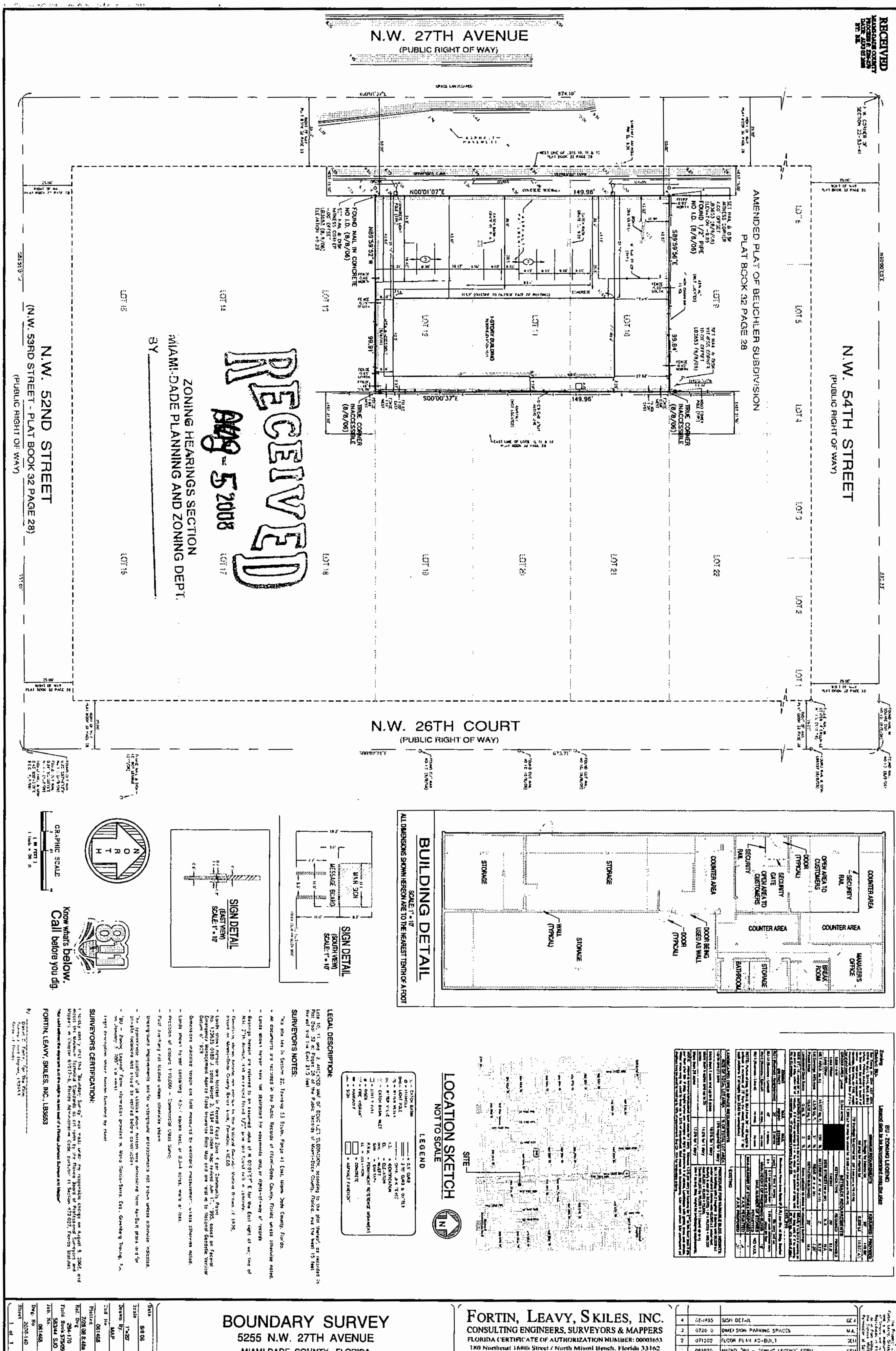
My Commission expires: _____

*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.



ENLARGED SITE PLAN

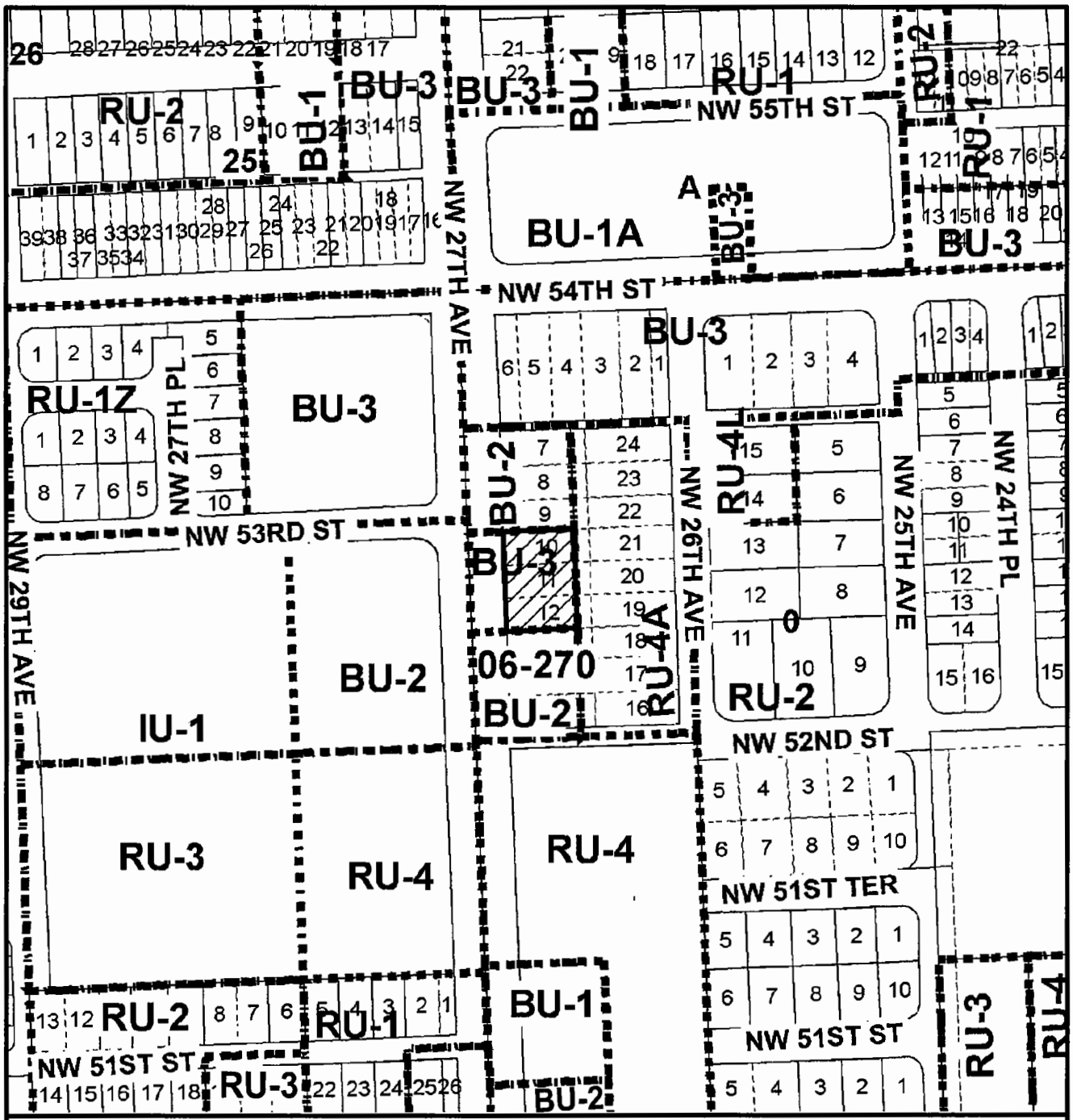
RECEIVED
AUG 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____



FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

BOUNDARY SURVEY
5255 N.W. 27TH AVENUE
MIAMI-DADE COUNTY, FLORIDA

26



MIAMI-DADE COUNTY
HEARING MAP

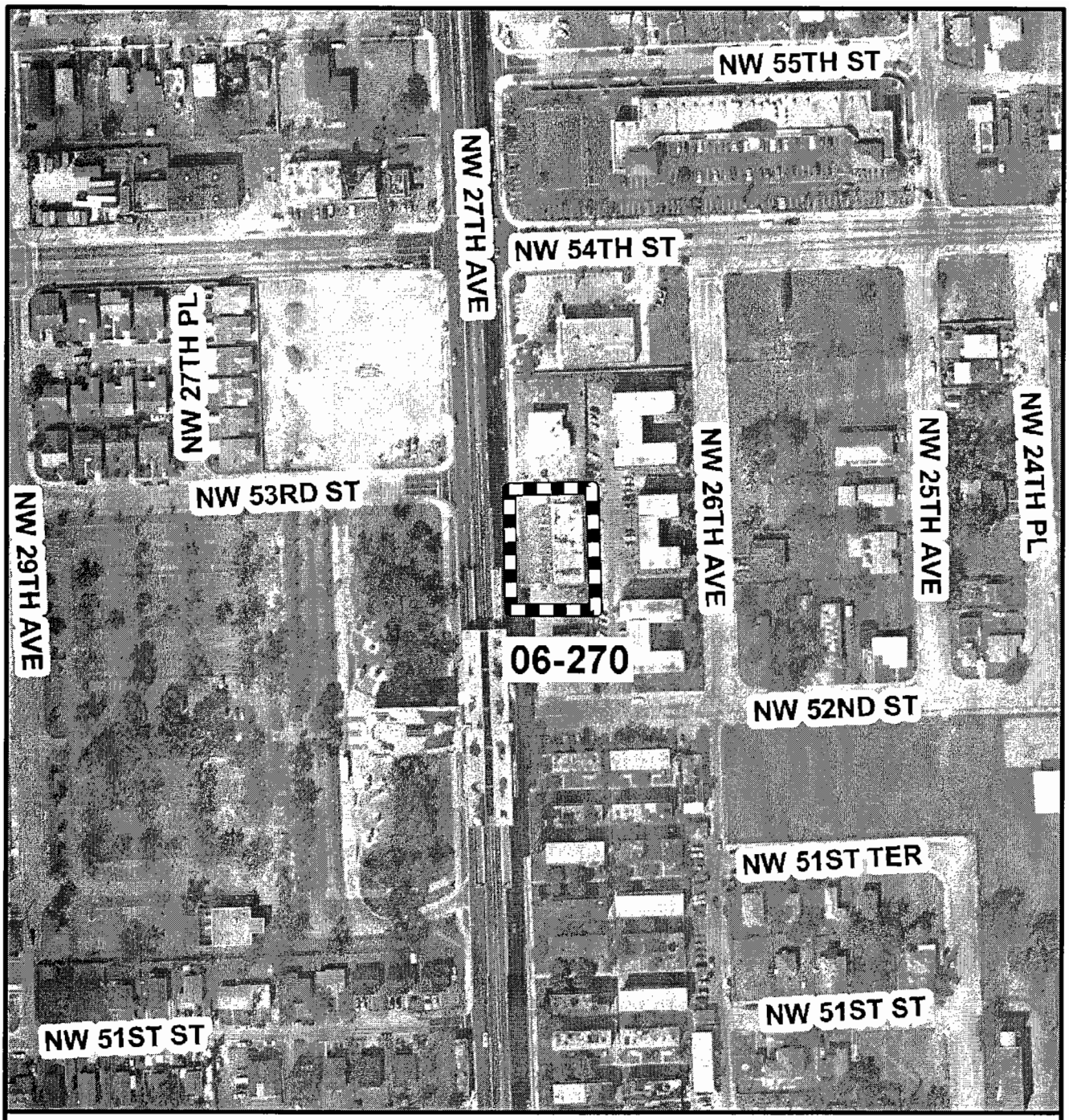
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 22 Township: 53 Range: 41
Process Number: 06-270
Applicant: VALUE PAWN JEWELRY STORE INC
Zoning Board: C08
District Number: 3
Cadastral: JEFFER
Scale: 1:200'

MIAMI-DADE COUNTY

GEOMATICS 06-270 09/06



MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 22 Township: 53 Range: 41
Process Number: 06-270
Applicant: VALUE PAWN JEWELRY STORE
Zoning Board: C08
District Number: 3
Cadastral: JEFFER
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 06-270 09/06

2. ALL PRO INVESTMENT HOLDINGS, INC.
(Applicant)

08-12-CZ8-2 (07-329)
Area 8/District 2
Hearing Date: 12/16/08

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:

Year	Applicant	Request	Board	Decision
				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: All Pro Investment Holdings, Inc. **PH:** Z07-329 (08-12-CZ8-2)

SECTION: 28-53-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 2

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A. INTRODUCTION:

- **REQUESTS:**

(1) RU-3b to BU-3

REQUEST #1 ON LOT 28, BLOCK 1.

(2) Applicant is requesting to permit a 2-story building setback a minimum of 0.30' (20' required) from the front (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) 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 "Public Hearing All Pro Warehouse & Offices," as prepared by Jose Martinez, P. E., dated stamped received 10/28/08 and the remaining sheets dated stamped received 2/29/08 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

Approval of this application will allow the applicant to change the zoning on the property from RU-3b, Bungalow Court District, to BU-3, Liberal Business District. Additionally, the applicant seeks to permit the continued use of a two-story building with less front setback than required from the east property line.

- **LOCATION:**

2700 NW 27 Avenue, Miami-Dade County, Florida.

- **SIZE:** 0.35 Acre

- **IMPACT:**

The rezoning of the property will allow the applicant to provide more intense business uses on the westerly 45' (Lot 28, Block 1) of the site than currently permitted which would bring additional activity, noise and traffic into the area. Additionally, the encroachment into the front setback area could have a visual impact on adjacent properties.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the front 99' (Lots 1 and 2, Block 1) of the subject property as being within the Urban Development Boundary for **Business and Office**. 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 such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. 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 uses.
2. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density 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. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the

Residential communities section may be used within the limits provided in this paragraph.

3. **Strips and Nodes.** The plan recognizes existing strip commercial development along many roadways. However, commercial development in newly developing areas is designated as nodes at major intersections. Allocation of commercial development rights among quadrants of such nodes will depend on locational factors, geographic, constraints, ownership fragmentation, compatibility with adjacent uses and availability of highway capacity and other public services and facilities.

4. Ribbons or strips of commercial use along roadway frontages are identified along one or both block faces fronting certain roadways. Where only one block face is indicated, this specifically provides that only that block face is intended form commercial use and is not to suggest that the opposite face is also included. The lateral boundary of the ribbon indicates the extent to which business uses may be allowed to expand along the roadway frontage.

5. The depth of the ribbon for commercial development and other uses permitted under the Business and Office land use category is more generalize. In general, the depth should be **limited to the norm for the strip**, but may be approved at such other depth that will provide **a logical transition to adjacent commercial and residential uses or accommodate vehicular parking to serve and adjacent use,** provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies. Extension of commercial strip depth beyond the mid-block to the frontage of an interior street does not necessarily authorized vehicles access on that interior street, and such access may be prohibited if it would be incompatible with neighboring development. Intervening areas between commercial ribbons along a highway face may be used only for the uses permitted in the designated land use category. Further lateral extension of the ribbon beyond that shown on the Plan map will require a Plan amendment.

6. The Adopted 2015 and 2025 Land Use Plan designates the rear 45' (Lot 28, Block 1) of the subject property for **Low Medium Density**. 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-3; two-story commercial	Business & Office
RU-3b; vacant lot	Low Medium Density

Surrounding Properties

NORTH:	BU-1A & BU-3; commercial	Business & Office
SOUTH:	BU-1A & BU-3; commercial	Business & Office
EAST:	R-3 (City of Miami); multi-family residential	Business & Office
WEST:	RU-3b; multi-family residential	Business & Office

The 0.35-acre subject parcel consists of three platted lots; two corner lots with an existing two-story building thereon, located at the northwest corner of NW 27 Avenue and NW 27 Street and an interior vacant lot located on the north side of NW 27 Street approximately 99' west of NW 27 Avenue. Commercial buildings are located to the north and south of the subject property and a multi-family building is located to the west of the subject property. Immediately to the east of the subject site across NW 27 Avenue is a multi-family residential development located within the City of Miami and zoned R-3, Multi-Family Medium-Density Residential.

E. SITE AND BUILDINGS:

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

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

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

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.

(c) **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

(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 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	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The 0.35-acre subject parcel consists of three platted lots; two of which are improved with an existing two-story commercial building thereon, located at the northwest corner of NW 27 Avenue and NW 27 Street and an interior vacant lot that is located on the north side of NW 27 Street approximately 99' (Lots 1 and 2, Block 1) west of NW 27 Avenue. The site is currently improved with a two-story plumbing supply commercial building which also contains a one (1) bedroom apartment on the second floor, and approximately 3,527 sq. ft. of office space and storage on the first floor. The applicant is seeking a district boundary change from RU3b, Bungalow Court District, to BU-3, Liberal Business District. The applicant also seeks to permit the continued use of the aforementioned two-story building setback 0.30' (20' required) from the front (east) property line (request #2). The applicant has submitted plans depicting the expansion of the existing plumbing supply commercial site onto a vacant parcel of land lying to the west which is the subject of the district boundary change from RU3b to BU-3. The plans submitted by the applicant depict an existing two-story building which contains a non-conforming 1,204 sq. ft. one (1) bedroom apartment on the second floor and 1,887 sq. ft. of storage area on the first floor along with a 1,640 sq. ft. office area. The plans also depict a proposed parking lot with landscaping containing a total of 13 parking spaces on the vacant lot to be rezoned to BU-3 (request #1). A multitude of varying intensities of commercial activity and offices characterize this section of the corridor along the east and west sides of NW 27 Ave. A multi-family property abuts the subject property to the west and east, while commercial properties abut the site to the north and south.

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, Florida. 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. This project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **7:18** minutes.

The rezoning of the property will allow the applicant to provide more intense business uses to the community than are currently permitted on the west 45' (Lot 28, Block 1) portion of the subject site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the easterly 99' (Lots 1 and 2, Block 1) of

this site as **Business and Office** use and the westerly 45' (Lot 28, Block 1) of this site as **Low Medium Density Residential** use. The existing two-story office-plumbing supply building which includes a one bedroom apartment unit on the second floor is located on the easterly 99' (Lots 1 and 2, Block 1) portion of the subject property which is **consistent** with the **Business and Office** designation which accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, **commercial and professional offices**, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. Additionally, the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) states that **residential uses**, and **mixing of residential use with commercial**, office and hotels are also permitted in **Business and Office** areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. As such, staff is of the opinion that the existing two-story office-plumbing supply building with an existing one bedroom apartment on the second floor is **consistent** with the Land Use Plan (LUP) of the Comprehensive Development Master Plan (CDMP).

The interpretative text of the CDMP further provides that the depth of the ribbon for commercial development and other uses permitted under the **Business and Office** land use category is more generalized. In general, the depth should be limited to the norm for the strip, but may be approved at such other depth that will provide a logical transition to adjacent commercial and residential uses or accommodate vehicular parking to serve an adjacent use, provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies. Staff notes, that although the west 45' (Lot 28, Block 1) of the subject property is designated as **Low Medium Density Residential** on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), the depth of the ribbon for commercial development has been established by the existing commercial zoning boundary lying to the north and to the south of the subject property. More specifically, the parcel abutting the west 45' (Lot 28, Block 1) of the subject property to the north, with the same lot width as the property requesting to be rezoned from RU-3b to BU-3, is zoned BU-1A, Limited Business District, and the property lying across NW 27 Street with a similar lot width as the subject property is zoned BU-1, Neighborhood Business District. As such, staff is of the opinion that the requested district boundary change from RU-3b to BU-3 on the west 45' (Lot 28, Block 1) of the subject property would be **consistent** with the existing commercial ribbon already established in this Block, and would be **compatible** with the existing commercial uses lying to the north and south. Additionally, the rezoning of the property will allow the applicant to unify the entire subject site under BU-3 zoning which would allow the applicant to provide more liberal commercial services to the community on that portion of the site currently zoned RU-3b. As such, staff opines that the requested BU-3 zoning is **consistent** with the **Strips and Nodes** section of the **Business and Office** designation of the Comprehensive Development Master Plan (CDMP).

In addition to considering if an application, if approved, conforms to the CDMP, the Zoning Code requires that, 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. Additionally, 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. The proposed BU-3 zoning district would provide an expansion to the existing plumbing supply commercial use by providing additional parking and landscaping to the west of the existing BU-3 parcel. Staff opines that this project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). The proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The subject site fronts on a major thoroughfare (NW 27 Avenue) and provides for an optimal location for the proposal. Staff is of the opinion that the approval of the requested district boundary change would not have an unfavorable effect on the surrounding area and would not be contrary to the public interest. Therefore, staff recommends approval of the district boundary change from RU3b to BU-3.

When request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. The applicant is seeking to permit the continued use of the aforementioned two-story building setback 0.30' (20' required) from the front (east) property line. On November 5, 1925, Lots 1 and 2, Block 1 were platted with a lot depth of 119.16', subsequently NW 27 Avenue was widened, and the right-of-way dedication for NW 27 Avenue was increased from 30' to 50' resulting in a lot depth decrease of 20'. Therefore, reducing the lot depth of Lots 1 and 2, Block 1 to 99.16', and negatively impacting the front setback of the already existing two-story building from 20' to 0.30'. Staff notes that plans submitted for permits in 1992, indicated the existence of the two-story building with the 0.30' setback which is being requested to be legalized under this application. As such, staff is of the opinion, that the continued use of the aforementioned two-story building does not negatively impact the general welfare of the public, particularly as it affects the stability and appearance of the community and is **compatible** with the surrounding land uses and is not be detrimental to the community. However, staff notes that the subject property which consists of three platted lots (Lots 1, 2 and 28, Block 1) could be easily conveyed as three sites resulting in the bifurcation of the submitted plans. Therefore, in order to maintain the integrity of the plans submitted for this application, staff will recommend that a Declaration of Restrictions in Lieu of a Unity of Title or a Unity of Title be submitted to the Department. As such, staff recommends approval of request #2 with conditions under Section 33-311(A)(4)(b).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application that 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 #2 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), 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. However, the property can be developed in accordance with the existing zoning regulations and with prior zoning approvals. Therefore, since the applicant has not proven that compliance with same would result in an unnecessary hardship, request #2 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 application is **consistent** with the LUP map designation of the CDMP, and that the applicant's proposed utilization of the site as illustrated on the submitted plans is **compatible** with the surrounding area. Accordingly, staff recommends approval of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

I. RECOMMENDATION:

Approval of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #2 under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

J. CONDITIONS: For request #2

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, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Hearing All Pro Warehouse & Offices," as prepared by Jose Martinez, P. E., dated stamped received 10/28/08 and the remaining sheets dated stamped received 2/29/08 and consisting of 3 sheets.

3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

4. That the use be established and maintained in accordance with the approved plan.

5. That a Covenant Running with the Land in Lieu of Unity of Title or a Unity of Title be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

DATE INSPECTED: 10/23/07
DATE TYPED: 11/13/08;
DATE REVISED: 11/14/08; 11/18/08
DATE FINALIZED: 11/18/08
MCL:MTF:NN:JV:AA

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

Memorandum

MIAMI-DADE COUNTY

Date: October 28, 2007

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

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

Subject: C-08 #Z2007000329-Revised
All Pro Investments Holding, Inc.
2700 N.W. 27th Avenue
District Boundary Change from RU-3B to BU-3 and
Request to Permit Less Setback, Greenbelt and Landscape than Required
(RU-3B) (0.34 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 Service
Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

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

Wastewater Disposal
Public sanitary sewers abut the subject property. Section 24-43.1(3) of the Code provides that development, as it would be permitted by the requested zoning district, may only be served by public sanitary sewers. Accordingly, DERM shall require that any development on the site be connected to the public water supply and the sanitary sewer system. Furthermore, the applicant is advised that in accordance with Code requirements, DERM will not approve any subsequent development orders for the subject property unless and until the applicant submits an executed contract from the corresponding utility company confirming that the property will be connected to the public sanitary sewer system.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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 existing and proposed land uses, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some of the activities inherent to the existing land use. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices.

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
There are records of current contamination assessment or remediation issues regarding petroleum on the property abutting Folio # 30-3128-002-0210 to the north (D.D. 27th Avenue, Inc., 2740 N.W. 27th Avenue, UT 251, File #7036). The site is in a state-funded program for the petroleum contamination, awaiting allocation of funds for cleanup.

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
There are no tree resources issues on the subject property.

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# Z2007000329
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:All Pro Investments Holding Inc.

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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.
14-OCT-08

REVISION 2

Memorandum

Date: 05-NOV-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000329

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated March 20, 2008.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped October 28, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2007000329
located at 2700 N.W. 27 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1076 is proposed as the following:

1 residential	dwelling units	1,886 industrial	square feet
1,457 Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.69 alarms-annually.
The estimated average travel time is: 7:18 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 site plan date stamped October 28, 2008. Substantial changes to the plan will require additional service impact analysis.

TEAM METRO
MELROSE OFFICE

ENFORCEMENT HISTORY

NAME:
All Pro Investments Holding Inc.
Hearing Number- 06-270

ADDRESS
2700 NW 27 Ave.
Miami-Dade County, FL
(30-31280020010)

DATE
12/19/08

CMS#

ZONING Number

CURRENT ENFORCEMENT HISTORY:

Folio No. 30-31280020210 & 30-31280020010

02/16/01- Warning Notice for Outside Business Uses. Property owner complied and case was closed. CMS case# 200113000232.

05/18/01- Warning Notice and citation were issued for Sign Violation on Private Property. Violation was corrected and case was closed. CMS Case# 200113000822.

05/22/01- Warning Notice for Junk Yard violation was issued. Violation was corrected and case was closed. CMS # 200113000861.

11/09/01- Warning Notice for Sign Violation on private property. Violation was corrected. CMS Case# 200113000343.

02/19/02- Warning Notice wa issued for boat storage. Violation was corrected. CMS Case# 200213000343.

09/15/06- Warning Notice was issued for graffiti. Violation was corrected. CMS Case # 200613001538.

01/31/07- Citation issued for Failure to Obtain Zoning Permit. Violation was corrected and case was closed. CMS Case # 200713000256.

07/11/08- Warning Notice was issued for Graffitti. Violation was corrected and case was 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 other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: ALL PRO INVESTMENT HOLDING INC.

NAME AND ADDRESS	Percentage of Stock
BARRY TEIXEIRA	50%
MARIANELA TEIXEIRA	50%
2700 NW 27 AVE	

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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R-07329
SEP 18 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 6 day of Sept, 2007. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

IRENIA GUTIERREZ
Notary Public - State of Florida
My Commission Expires Feb 22, 2008
Commission # DD 292744
Bonded By National Notary Assn.

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.

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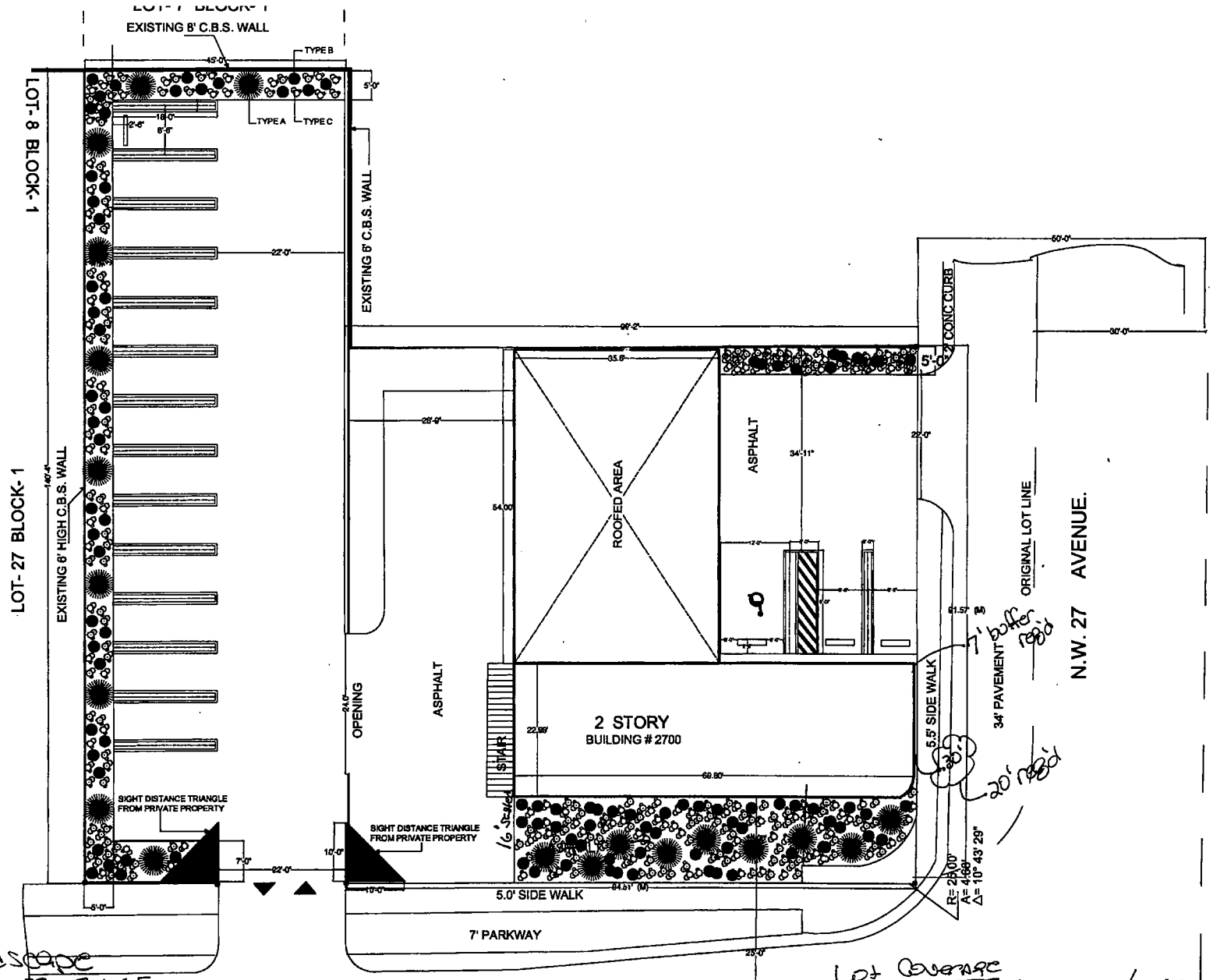
207329
SEP 18 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING
BY



Landscape
40.33 = 701.65
40 = 200
18 = 126
34.92 = 174.6
54 = 864
12 = 240
2306.25 #

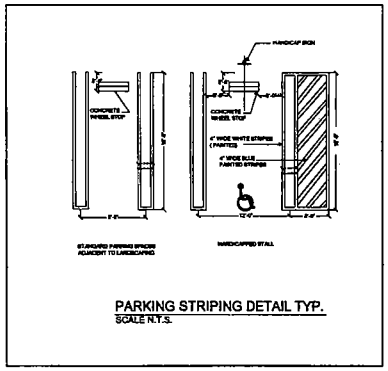
Lot Size
99.17 x 91.51 = 9080.99
45 x 140.36 = 6314.85
15,395.84

FAR
3527.1 + 1157.65 = 4684.65 / 15,395.84 #
.30 FAR
.51 permitted

Lot Coverage
36.50 x 54 = 1972.4
22.99 x 69.80 = 1604.70
3527.1 / 24132 = 14.6 %

SITE PLAN

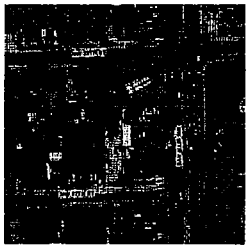
ENLARGED SITE PLAN



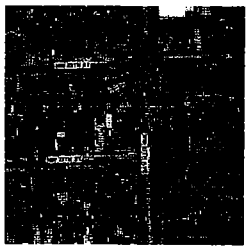
PARKING STRIPING DETAIL TYP.
SCALE N.T.S.

overall site 24,132 sf

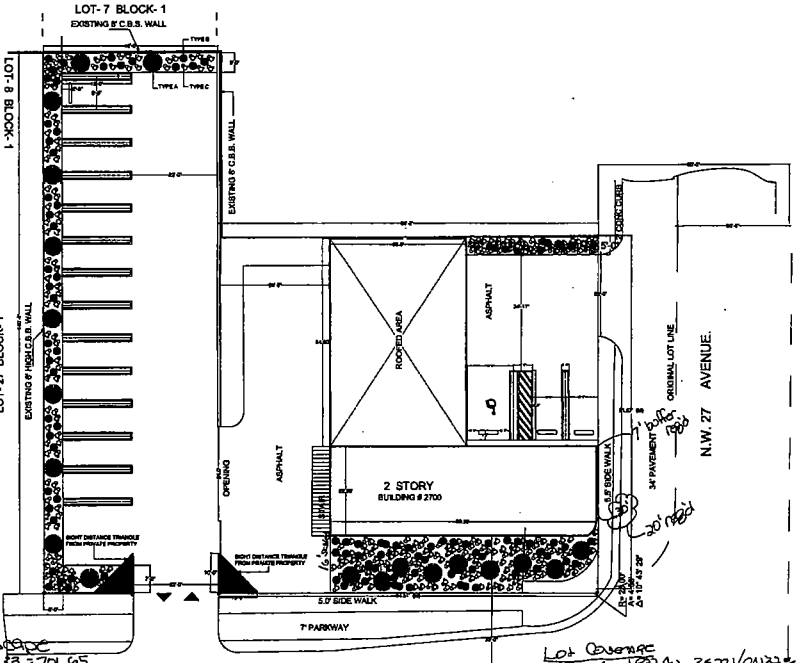
ZONING LEGEND:	BU-3		RU-3		BOTH LOTS BUSINESS	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
LOT AREA	7,500 SqFt	17,632 SqFt	6,300 SqFt	6,300 SqFt	7500 14,000 SqFt	24,132 SqFt
LOT COVERAGE	40%	19%	N/A	N/A	40%	19%
FLOOR AREA RATIO	51%	27%	N/A	N/A	51%	27%
SETBACKS						
FRONT	20 FT	0 FT	25 FT	26 FT	20 FT	0 FT
REAR	20 FT	26 FT	25 FT	25 FT	20 FT	26 FT
SIDE STREET	15 FT	15 FT			15 FT	15 FT
INTERIOR SIDE	0 FT	0 FT	0 FT	0 FT	0 FT	0 FT
LANDSCAPE	15% (3208 SqFt)	6 %	N/A	14% (925 SqFt)	1992 (3208 SqFt)	970 (925 SqFt) 2800
PARKING	18 SPACES	3 SPACES	2 SPACES	13 SPACES	12 SPACES	16 SPACES



LEGAL DESCRIPTION:
RADIO PARK AMD PB 22-75 LOT 26 BLK 1 LOT SIZE 45,000 X 140 OR 20155-4187 12 2001 4
COC 23255-2542 03 2005 4



LEGAL DESCRIPTION:
RADIO PK AMD PB 22-75 LOTS 1 & 2 LESS ST & LESS EXT AREA OF CURVE IN SE COR OF LOT 1 BLK 1 LOT SIZE
91,500 X 99 OR 20135-3478 1201 1

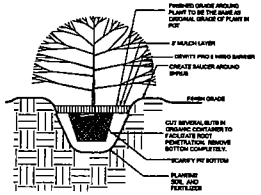


Landscape
5x140.33 = 701.65
5x40 = 200
7x18 = 126
5x34.92 = 174.6
16x54 = 864
20x12 = 240
2306.25 sf

Lot Sizes
99.114x91.51 = 9089.99
99x140.33 = 13914.85
23,004.84 sf
3527.1 + 1157.65 = 4684.65 / 15,395 sf
.30 FAR
.51 permitted

Lot Coverage
36.50x54 = 1971.0
22.99x69.80 = 1604.7
3527.1 / 24132 = 14.6%

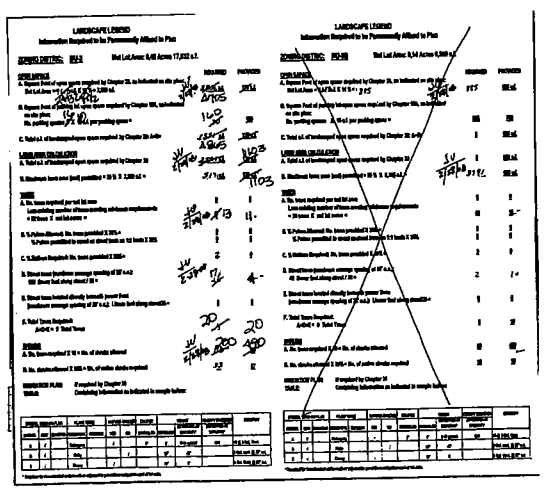
SITE PLAN
SCALE 1/16" = 1'-0"

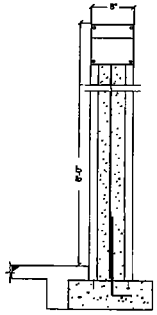


SHRUB PLANTING
N.T.S.

PLANT MATERIAL SCHEDULE

	SYMBOL	REQ	EXISTING	PLANT NAME	MUTHE TESTED	CALIPER INSTALLED	HEIGHT INSTALLED	HEIGHT MAT. MATURITY	CANOPY DIAMETER AT MAURITY	QUANTITY
	A	✓		MAHOGANY	✓	1"	12'	8 - 10 SPREAD	12	8 @ 8 GAL CONT
	B	✓		PHILODENDRON (10 CLUSTER	✓	—	36"	48"	—	3 GAL CONT. @ 36" O.C
	C	✓		CHERRY HEDGE	✓	—	18"	6'	—	3 GAL CONT. @ 36" O.C





TYPICAL CONCRETE WALL DETAIL
SCALE N.T.S.

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SEP 30 2008

09-14-2007
PUBLIC HEARING
ALL PRO WAREHOUSE & OFFICES
BARRY TEXEIRA
2700 NW 27th AVENUE
MIAMI, FL 33142

DATE:
PROJECT:
OWNER:
ADDRESS:
REVISIONS:

LICENSE No. PE0031509
JOSE MARTINEZ P.E.
CIVIL & STRUCTURAL ENGINEER

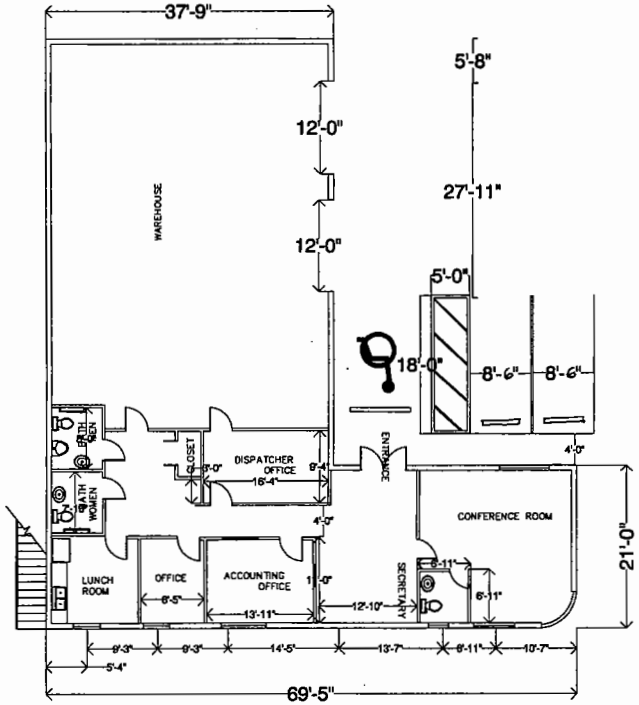
OFFICE- (305)887-4417
FAX-(305)884-3967
EMAIL
JOSEMARTINEZINC
*AOL.COM

24 EAST 5th STREET
SUITE 1-D
HIALEAH,FL 33010

ENGINEERS

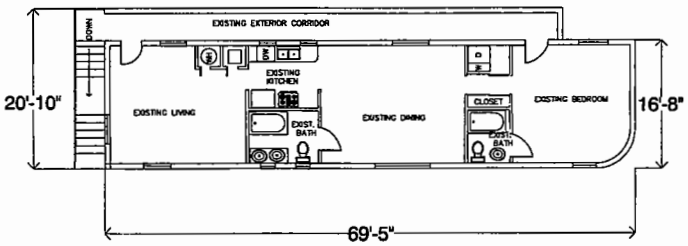
SIGN AND SEAL

26



FIRST FLOOR PLAN

Scale 1/8" = 1'-0"



SECOND FLOOR PLAN

Scale 1/8" = 1'-0"

Parking

office 21 X 69'8" = 1457.82/300 = 5
warehouse 50 X 37'9" = 1887.5/1000 = 2
Residential

2
9 req'd

DATE: 09-14-2007
PROJECT: PUBLIC HEARING
OWNER: ALL PRO WAREHOUSE & OFFICES
BARRY TEXEIRA
ADDRESS: 2700 NW 27th AVENUE
MIAMI, FL 33142
REVISIONS:

LICENSE No. PE0031509
JOSE MARTINEZ P.E.
CIVIL & STRUCTURAL ENGINEER

OFFICE- (305)887-4417
FAX-(305)884-3967

EMAIL
JOSEMARTINEZINC
@AOL.COM

24 EAST 5th STREET
SUITE 1-D
HIALEAH,FL. 33010

ENGINEER'S

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207330
FEB 29 2008
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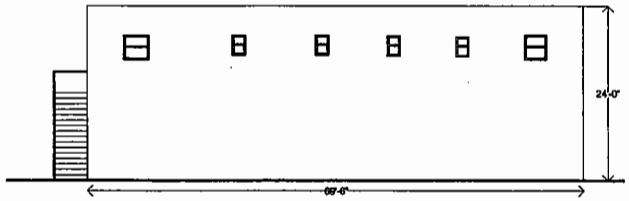
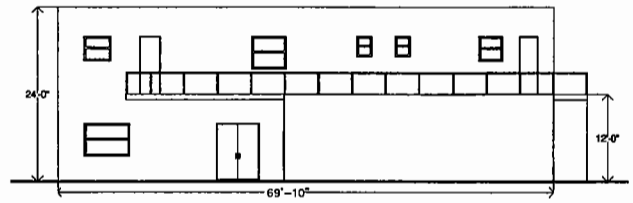
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

SIGN AND SEAL



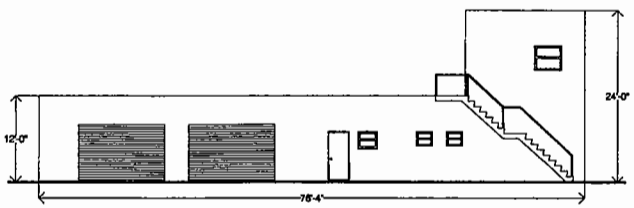
SOUTH ELEVETION

Scale 1/8" = 1'-0"



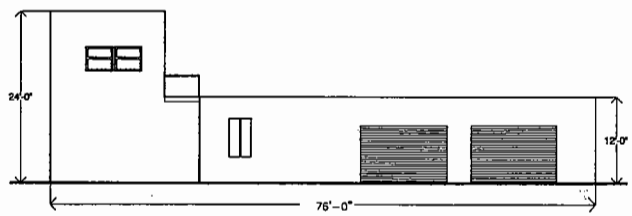
NORTH ELEVETION

Scale 1/8" = 1'-0"



WEST ELEVETION

Scale 1/8" = 1'-0"



EAST ELEVETION

Scale 1/8" = 1'-0"

RECEIVED
FEB 29 2008
ZONING HEARING SECTION
MIAMI-DADE PLANNING & ZONING DEPT

DATE: 09-14-2007
PROJECT: PUBLIC HEARING
OWNER: ALL PRO WAREHOUSE & OFFICES
ADDRESS: BARRY TEXEIRA
2700 NW 27th AVENUE
MIAMI, FL 33142
REVISIONS:

LICENSE No. PE0031509
JOSE MARTINEZ P.E.
CIVIL & STRUCTURAL ENGINEER

OFFICE- (305)887-4417
FAX-(305)884-3967

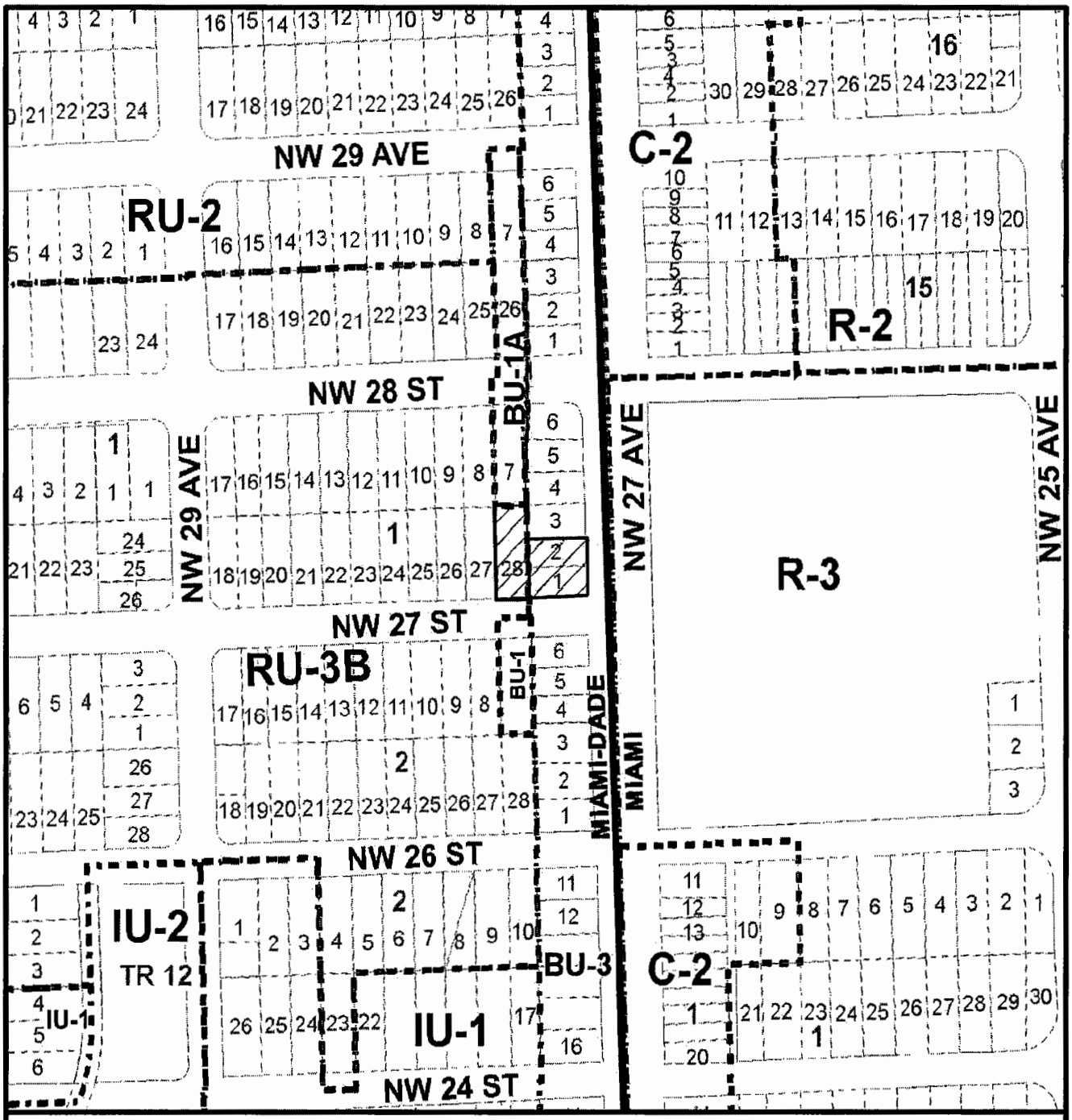
EMAIL
JOSEMARTINEZINC
@AOL.COM

24 EAST 5th STREET
SUITE 1-D
HIALEAH,FL. 33010

ENGINEERS

SIGN AND SEAL

27



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-329

N

SUBJECT PROPERTY

Section: 28 Township: 53 Range: 41
Applicant: ALL PRO INVESTMENTS HOLDING INC.
Zoning Board: C08
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/02/07

REVISION	DATE	BY
Revision Zone	11/17/06	JGURD

28

MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
07-329

N

SUBJECT PROPERTY

Section: 28 Township: 53 Range: 41
Applicant: ALL PRO INVESTMENTS HOLDING INC.
Zoning Board: C08
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/02/07

REVISION	DATE	BY
Revisio Zone	11/17/08	JGUAD

3. DOMINGO MUNOZ, ET AL
(Applicant)

08-12-CZ8-3 (08-8)
Area 8/District 2
Hearing Date: 12/16/08

Property Owner (if different from applicant) **Domingo, Fidelia, and Javier Munoz.**

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				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

APPLICANTS: Domingo Munoz, et al. **PH:** Z08-08 (08-12-CZ8-3)

SECTION: 4-53-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 3

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A. INTRODUCTION:

o REQUESTS:

(1) Applicants are requesting to permit a storage room and laundry room addition to a single-family residence setback 16.22' (25' required) from the rear (south) property line.

(2) Applicants are requesting to permit an storage building setback varying from 4.6' to 5.12' (6' required) from the interior side (east) property line and setback 66.23' (75' required) from the front (north) property line.

(3) Applicants are requesting to permit a rear yard area coverage of 36.23% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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 "Project: Storage C.B.S. Shed/Storage to be Legalized Domingo Munoz & W. Fidelia," as prepared by Nestor J. Cifuentes, dated stamped received 8/15/08 and consisting of 4 pages. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicants are seeking approval for an existing storage room and laundry room addition to a single family residence with less rear setback than required. Additionally, the applicants are seeking approval to allow an existing storage building setback less than required from the interior side and front property line and with a rear yard lot coverage which exceeds that permitted by the zoning code.

o LOCATION:

3450 NW 94 Terrace, Miami-Dade County, Florida

o SIZE: 6,000 sq. ft.

- **IMPACT:**

  Although the existing addition provides additional living area and storage space for the residents, the approval of the encroachment of the existing storage room and laundry room addition into the rear setback area, the encroachment of the detached storage structure into the interior side and front setback areas and the excessive rear yard lot coverage could have a negative visual impact on adjacent properties.

B. ZONING HEARINGS HISTORY:

In 1953, the subject property was subject to a Resolution which abolished the RU-1B, One Family Residential District zone classification and rezoned all areas at the time zoned RU1-B to RU-1, pursuant to Resolution No. 5711. Furthermore, the aforementioned Resolution established, as conforming, any lots subdivided prior to the date of the Resolution, February 24, 1953.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-1; Single-Family residence	Low Density Residential, 2.5 to 6 dua
SURROUNDING PROPERTY:	
NORTH: RU-1; Single-Family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; Single-Family residence	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Single-Family residence	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; Single-Family residence	Low Density Residential, 2.5 to 6 dua

The subject property is an interior lot located at 3450 NW 94 Terrace. The surrounding area is developed with single family residences.

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:	**Acceptable**
Visibility/Visual Screening:	**Unacceptable**

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.

(e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and

2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot 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 lot; and

3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(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;

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

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

G. NEIGHBORHOOD SERVICES:

DERM	**No objection**
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**

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

H. ANALYSIS:

The subject property is an interior lot located at 3450 NW 94 Terrace in an established single-family residential area zoned RU-1, Single-Family Residential District. The applicants are seeking approval of an existing storage and laundry room addition to a single-family residence setback 16.22' from the rear (south) property line where a 25' rear setback is required. Additionally, the applicants are seeking to permit the maintenance and continued use of a detached storage building setback varying from 4.6' to 5.12' from the interior side (east) property line where 6' is required and setback 66.23' from the front (north) property line where 75' is required. Said structure results in a rear yard lot coverage of 36.23% where a 30% rear yard lot coverage is permitted. Plans submitted by the applicants depict the requests for the storage room and laundry room addition to a single family residence and the detached storage building in the rear yard area. Additionally, the plans submitted by the applicant also depict the removal of an existing 8.85' x 16' detached carport located in the front setback area, the removal of an existing 5' x 7.87' covered area located within the interior side, west setback area, the removal of an existing 8.5' x 9.55' metal shed located within the rear setback area and the removal of a 8' x 17.20' covered terrace addition to the aforementioned detached storage building.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** also has **no objections** to this application and the Miami-Dade Fire Rescue Department (**MDFR)** has stated in their memorandum that the estimated travel time to the site is **6:12** minutes.

Approval of the application will allow the maintenance and continued use of an existing storage and laundry room addition encroaching 8.78' into the rear setback area which is attached to the rear of the existing single family residence. Additionally, the application will allow the maintenance and continued use of an existing 12.37' x 28.50' detached structure which is depicted on the plans as a storage building, and which exceeds the rear yard lot coverage by 6.23%. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6 dwelling units per gross acre for a total of 1 unit on this site. Since the requests will not add additional units to the community, the 6,000 square foot, RU-1 zoned residential lot is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of Request #1 would be **incompatible** with the surrounding area, would be detrimental to the neighborhood and would affect the appearance of the community. In request #1 the applicants seek approval for the maintenance and continued use of a storage room and laundry room addition to an existing single-family residence setback 16.22' (25' required) from the rear (south) property line. Although, the applicants seek the approval for a storage room addition staff notes that the pictures submitted by the applicant show that the rear yard area is being used to store construction materials such as concrete blocks, a small trailer, aluminum

panels and other items. Staff also notes that a 6' high wood fence bifurcates the rear yard area and that the storage room addition has separate access through the laundry room which, in staff's opinion, could easily be converted by a future owner for a multi-family use in this single-family residential area. As such, staff is of the opinion that the 8.78' encroachment into the required rear setback area is **excessive** and has a negative visual impact on the neighboring property to the south. Moreover, staff opines that the addition's encroachment of 8.78' into the rear (south) setback area results in an obvious departure from the aesthetic character of the surrounding area and is **incompatible** with the surrounding area.

In request #2 the applicants are seeking approval for the maintenance and continued use of an existing detached storage building encroaching varying from 0.88' to 1.40' into the required 6' interior side (east) setback area and encroaching 8.77' into the required 75' front setback area. Staff is of the opinion that the approval of this request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood and would negatively affect the appearance of the community. This encroachment represents a 23% encroachment into the required interior side (east) setback area and a 12% encroachment into the front setback area. In staff's opinion, the existing 12.37' x 28.5' detached storage building is excessively large for such a small rear yard area. Staff also notes that the 12.37' x 28.5' detached storage building will be a surplus to the storage addition being requested by the applicant in request #1 which contains 174.17' sq. ft. of storage floor area resulting in a combined storage floor area of 352 sq. ft. which, in staff's opinion, is **excessive** for a storage area for a single-family residential use. As previously mentioned, staff notes, that the applicants are utilizing the rear yard area for the storage of concrete blocks, a trailer, panels and other items and that the requested detached storage building and storage room addition are not being used to store these items. Since these items are not being stored in the detached storage building and due to the large size of this building, staff opines that this structure could be converted into another unit in this single-family residential district which would be **inconsistent** and **incompatible** with the surrounding area. Additionally, the applicant is seeking approval to allow the aforementioned detached storage building with a rear yard lot coverage of 36.23% where a maximum 30% rear yard lot coverage is permitted. Staff opines that the 6.23% overage of the permitted rear yard lot coverage is excessive and incompatible with the surrounding area. Staff notes, that request #3 is germane, to request #2, and that as previously mentioned for request #2, staff is of the opinion that the maintenance and continued use of the existing detached storage building is **incompatible** with the surrounding area. Staff acknowledges that in 1978, pursuant to Administrative Variance #78-AV-88, a request to allow a family room and garage addition to setback 12.5' (25' required) from the rear property line was approved at a property located at 3560 NW 95 Street (approximately 800' northwesterly of the subject property). Also, in 1993, pursuant to Resolution #4-ZAB-28-93, a request to allow an addition to setback 6.77' from the rear property line and allowing an accessory structure with a rear lot coverage of 67.1% was approved on a parcel of land located at 3521 NW 94 Terrace (approximately 250' northwesterly of the subject property) and in 2004, pursuant to Resolution #CZAB8-6-04, a request to permit an addition to setback 14.7' from the rear property line was approved on a parcel of land located at 3400 NW 95 Street (approximately 500' northeast of the subject property). However, staff is of the opinion that the requests found in this application are excessive and **incompatible** with the surrounding area. As such, staff recommends denial without prejudice of Requests #1 through #3 under the Non-Use Variance Standards (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 under the ASDO standards. As such, these requests cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

Accordingly, staff opines that Requests #1 through #3 of the application are **incompatible** with the surrounding properties and should be denied without prejudice under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice of requests #1 through #3 under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: None

DATE INSPECTED: 01/25/08
DATE TYPED: 11/17/08
DATE REVISED: 11/18/08; 12/09/08
DATE FINALIZED: 12/09/08
MCL:MTF:NN:NC:AA

for Marc C. LaFerrier, A.I.C.P., Director
Miami-Dade County Department of Planning and Zoning

NDW

Memorandum

MIAMI-DADE COUNTY

Date: January 17, 2008

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

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

Subject: C-08 #Z2008000008
Domingo, Fidelia, and Javier Munoz
3450 N.W. 94th Terrace
Request to Permit an Addition to an Existing Single-Family Residence
that Exceeds Setback Requirements
(RU-1) (0.13 Acres)
04-53-41

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.

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

Concurrency Review Summary

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

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

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

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: 17-JAN-08

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

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

Subject: Z2008000008

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2008000008
located at 3450 N.W. 94 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0736 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:12 minutes

Existing services:

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

Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, EMS Capt.

Planned Service Expansions:

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

Station 67 - Arcola - 1275 NW 79 Street.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 11/19/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

DOMINGO MUNOZ, ET AL

APPLICANT

3450 NW 94 TERRACE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

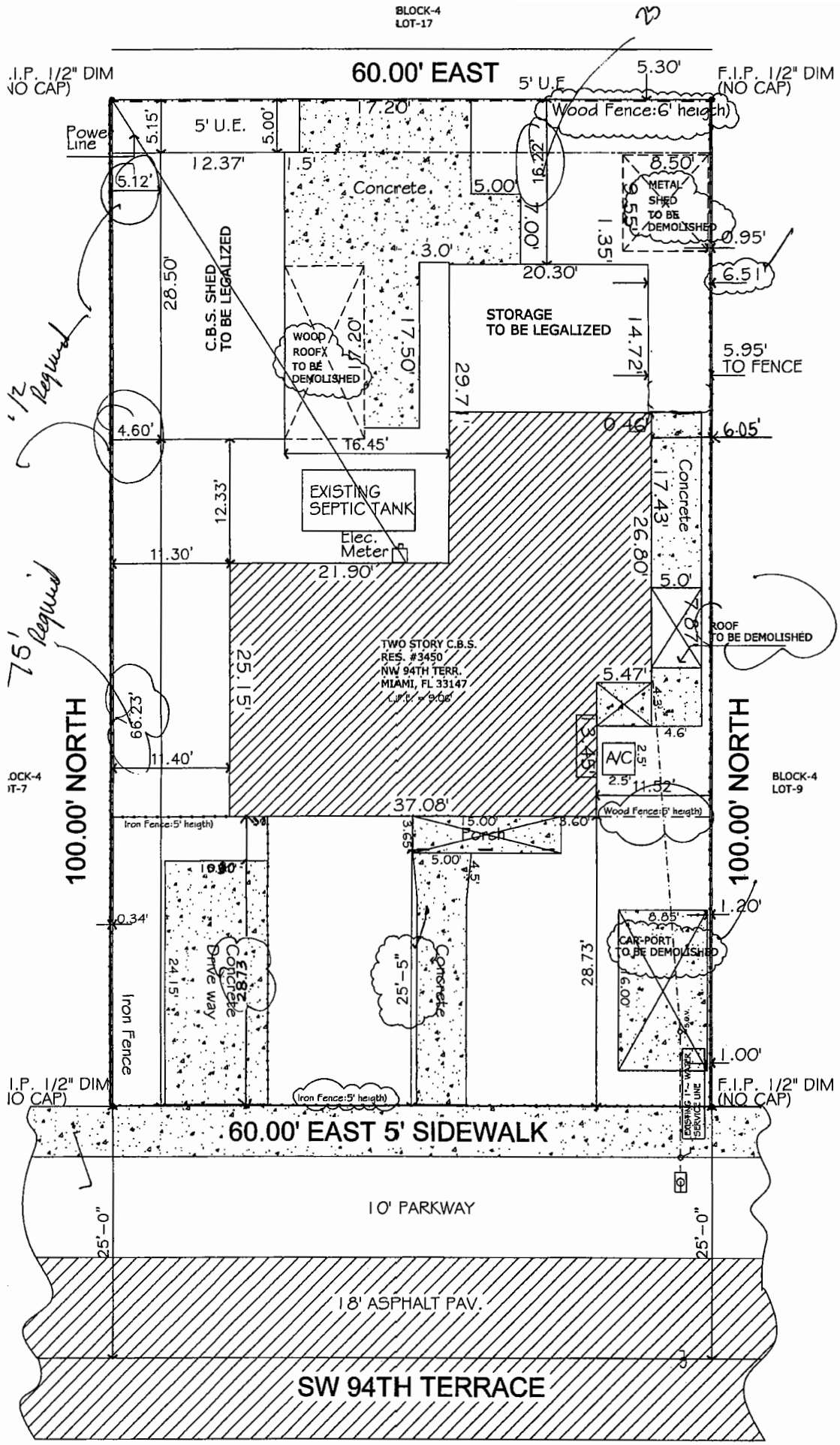
Z2008000008

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200104004997 Referral made to DSWM for junk & trash on the ROW case closed on 1/24/02
200804000259 No ONC violation observed case closed

Cassie Maura-Rhaming

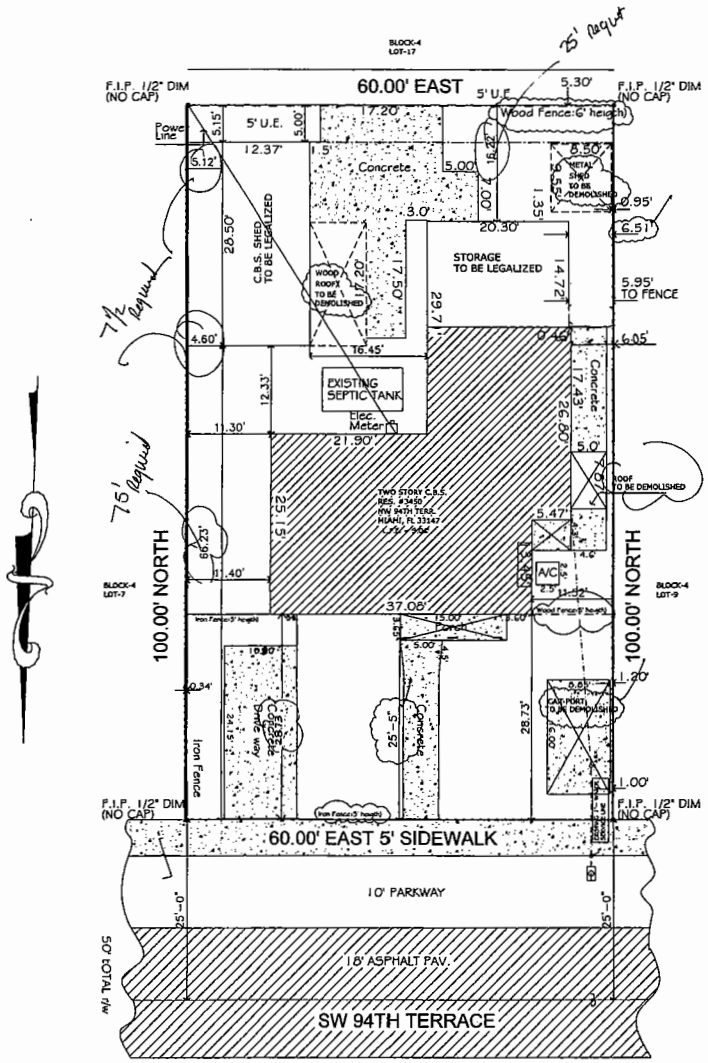


SITE PLAN

SCALE: 1/8"=1'

ENLARGED SITE PLAN

16



SITE PLAN

SCALE: 1/8"=1'

A) 25.15' X 37.80' = 950.67' Sq. Ft.
B) 16.00' X 5.47' = 87.52'
C) 20.76' X 29.71' = 616.77'
D) 3.65' X 15' = 54.75'
E) 20.30' X 14.72 = 298.71' (Storage)
2008.52% Exp 09

33.3% OK

(cossted) 28.50' X 12.37' = 352.55 SF
16.22 X 60' = 973.2 X 30% = 291.96
Rear lot area allowed
Rear lot area proposed
OVER

SCOPE OF WORK

THE PROPOSED SCOPE OF WORK CONSIST OF CERTAIN REPAIRS FOR:

C.B.S. SHED (DETACHED)AND STORAGE (ATTACHED) TO BE LEGALIZED

WORKS HAVE BEEN PERFORMED:
a-) STRUCTURAL WORK(WOOD FRAMING)
b-) NO PLUMBING WORKS
c-) EXISTING ELECTRICAL WORKS.
d-) NO MECHANICAL WORKS.

FOLIO: _____ ADDRESS: 3450 NW 94 TERRACE MIAMI, FL 33147
LOT/UNIT: 8 BLOCK/BLDG: 4 PLAT BOOK: 36 PAGE: 29
SUBDIVISION: BRIDGEMOOR MANOR 2nd. ADD. OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA
COST OF CONSTRUCTION- SCOPE OF WORK:
INTERIOR RENOVATION -COST OF WORK (MUST INCLUDE PROMISED LOTS) $ 0
ADDITION -COST OF WORK 777 SQ. FT. OF CONST. X (47 SQ. FT. LIVING SP.ADDED) = 777
SUP'L OF CONST. X (35 SQ. FT. STORAGE GARAGE TERRACED) $ _____
TOTAL COST OF WORK $ 777
CROWN OF ROAD: 7.66'

	LOWEST FLOOR ELEVATION (INCLUDING BASEMENT/ SUBWOOF AREA)	GARAGE/STORAGE FLOOR ELEVATION	ADJACENT GRADE ELEVATION (NOT TO INC. WALL OF THE STRUCTURE)
EXISTING	9.08 FT. NGDV	N/A	8.8 FT. NGDV
STORAGE CBS SHED TO BE LEGAL	9.08 FT. NGDV	N/A	8.8 FT. NGDV

THE OWNER OF THIS PROPERTY UNDERSTANDS THAT THE WORK AMOUNT INDICATED ABOVE IS GOING TO BE KEPT ON THE OFFICIAL PERMIT RECORD DURING A SIX (6) MONTH PERIOD FROM THE DATE OF WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. IF ANY ADDITIONAL REPAIR, RECONSTRUCTION, ALTERATION, ADDITION, REMODELING OR COMBINATION THEREOF IS DONE BEFORE THE CERTIFICATE OF COMPLETION IS ISSUED, OR WITHIN THE TRACKING PERIOD, IT WILL BE CONSIDERED A CONTINUANCE OF THE ABOVE WORK. IF THE PROPERTY IS DECLARED SUBSTANTIALLY IMPROVED OR DAMAGE AND 50" FLOOR ELEVATION IS NOT IN COMPLIANCE, THE STRUCTURE WILL BE ELEVATED IN ACCORDANCE WITH CHAPTER 11C OF THE MIAMI-DADE COUNTY CODE.

0'-0" = 8.1' NGVD

ZONING LEGEND

ZONING: SINGLE FAMILY

	CBS SHED	MAIN HOUSE
HEIGHT (TO RIDGE OF ROOF):	9.8'	16'
NET LAND AREA:	6000 SQF	
LOT COVERAGE (EVERYTHING UNDER ROOF):	1860.44 S.Q.F.	

EXISTING RESIDENCE = 1334 SQ.FT.
CBS SHED TO BE LEGAL=332.41 SQF
STORAGE ATTACHED TO BE LEGAL=174 SQF
LANDSCAPE AREA = N/A SQ.FT.

SETBACKS:	REQUIRED	EXISTING CBS SHED	REQUIRED	EXISTING STORAGE
FRONT	10'	66.23'	25'	28.73'
SIDE	5'	4.60'	5'	33.43'
SIDE	5'	42.7'	5'	5.95'
REAR	25'	3.00'	25'	16.22'

AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO LAKE OR CANAL.
LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

ANY APPLICABLE RESOLUTIONS: _____

NOTICE:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, SECTION 553.79 (10), FLORIDA STATUTES, EFFECTIVE 7/10/87

APPLICANT:
WILL COMPLY WITH THE ORDINANCE 80-90 (SECTION 13-13.1 OF THE MIAMI-DADE COUNTY CODE: NOTICE OF ROCK MINING OPERATIONS WHERE BLASTING IS PERMITTED)- PRIOR TO STARTING CONSTRUCTION.

A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES ONTO PUBLIC RIGHT OF WAY. CONTACT PUBLIC WORKS DEPT.
THE HEIGHT OF FENCES, WALL AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY HEADING TO A RIGHT OF WAY.
THE HEIGHT OF FENCES IS BEING MEASURED FROM GRADE = ELEVATION OF PUBLIC SIDEWALK OF CROWN OF ROAD.

GENERAL NOTES:

1. The Contractor shall verify all dimensions, elevations and angles and all other existing conditions prior to commencing any work. Contractor to also verify and approve all information on drawings. Acceptance of these plans constitutes approval. Please notify Engineer by certified mail of any conflicts or discrepancies, if any.
2. The Contractor shall furnish and be solely responsible for all temporary bracing and shoring required to maintain plumbness and stability of all structural elements during construction.
3. The Contractor shall obtain from all subcontractors the the final approved site and location of all openings to be provided for respective trades. He shall be responsible for location and details.
4. All concrete for foundations & slabs on grade shall reach 2500 p.s.i. compressive strength at 28 days, and all columns, grouted cells, slabs above grade and tie beams shall reach 3000 p.s.i. compressive strength minimum at 28 days unless otherwise noted.
5. Contractor/owner shall be responsible for verifying required grade & finished floor elevations with respect to Dade County Flood criteria, existing crown of road elevations, Federal flood criteria or any other governing body.
6. Owner and Contractor shall notify Engineer in writing, by certified mail upon commencement project.
7. The Owner shall be solely responsible for investigation in reference to whether structure can be built on site. Payment of these drawings constitutes acceptance & agreement with the following statement: No party shall initiate any kind of litigation against Emilio Castro d/OR C.C. & Associates, Inc.

RECEIVED AUG 15 2008 ZONING HEARINGS & TECHNICAL MANUFACTURING AND RUNOFF DEPT. BY

VERGELEMS Construction Inc.

Vergels Construction Inc.
13677 SW 26 ST
Miami, fl 33175
305229-1705

Revisions

No.	Date	Description

PROJECT:STORAGE C.B.S. SHED / STORAGE TO BE LEGALIZED
DOMINGO MUNOZ & W.FIDELIA
3450 NW 94 TERRACE MIAMI, FL 33147

Sheet Title: SITE PLAN

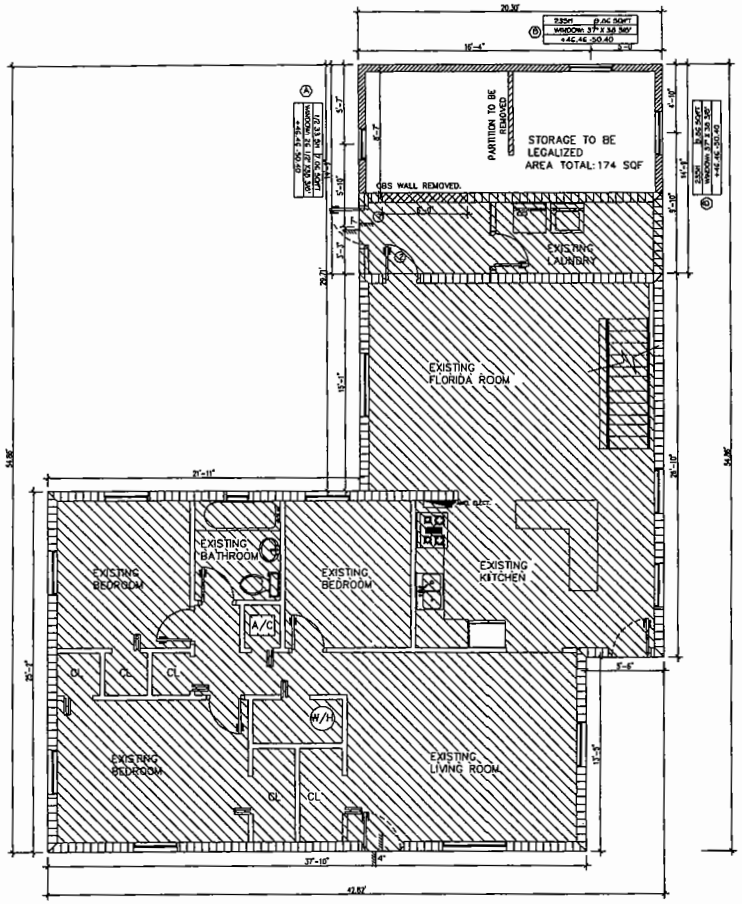
Florida Lic # 29450 P.E

NC
NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami,Florida 33155
Florida Register # 29450 P.E

Date:	06/09/07
Drawn by:	LV
Checked by:	
Date:	AS SHOWN

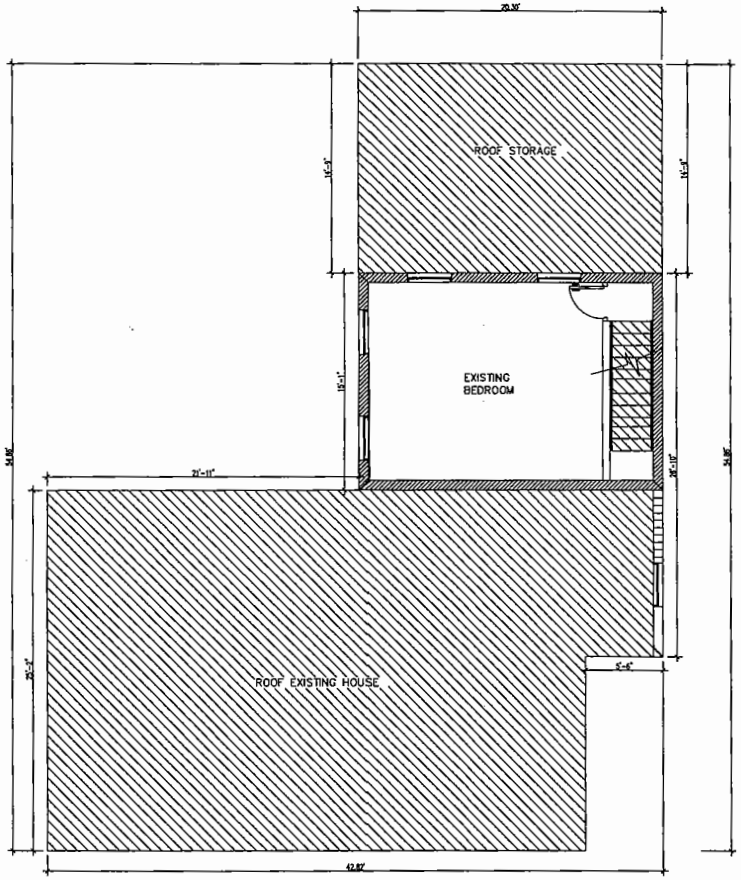
Sheet: SP

Drf. No.



FLOOR PLAN

SCALE: 1/4" = 1'-0"



2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE

MARK	DESCRIPTION	SIZE W	SIZE H	MATERIAL	AREA	REMARKS
(A)	1/2 33 SH	26 1/2"	36 3/8"	ALUMINUM/GLASS	7.06 SQ.FT.	N-1,4
(B)	23 SH	37"	36 3/8"	ALUMINUM/GLASS	9.86 SQ.FT.	N-1,4

NOTES: 1- ALL GLASS SHALL BE CLEAR
2- SAFETY GLASS CATEGORY CLASS 2.
3- EGRESS TYPE
4- SH

DOOR SCHEDULE

MARK	DESCRIPTION	SIZE W	SIZE H	SIZE T	MATERIAL DOOR	MATERIAL FRAME	REMARKS
(1)	SOLID DOOR	3'-0"	6'-8"	1-3/8"	WOOD	WD	EXT.DOOR
(2)	SOLID DOOR	2'-8"	6'-8"	1-3/8"	WOOD	WD	INT.DOOR

SAFETY NOTES FOR DOORS

BEDROOMS AND BATHROOMS
NFPA 101 - 1994 CHAPTER-21
(21-2.4.3) EVERY CLOSET DOOR LATCH SHALL BE SUNCH THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE THE CLOSET.
(21-2.4.4) EVERY BATHROOM DOOR LOCK SHALL BE DESIGNED TO PERMIT THE OPENING OF THE LOCKED DOOR FROM THE OUTSIDE IN AN EMERGENCY.
EGRESS DOOR TYPE OF LOCK OR LATCH MUST COMPLY WITH: 5311.4.4.

ROOM FINISH SCHEDULE

ROOM	FLOOR	WALLS	CEILING	BASE
STORAGE	TILE	DRYWALL	DRYWALL	CONC.

WALL LEGEND:

- INDICATES EXISTING RESIDENCE
- INDICATES EXISTING 2"X4" WD. STUDS @16" O.C 1/2" DRYWALL FINISH EACH SIDE AS PER F.B.C.2004-FEBC. 1604. 5
- INDICATES EXISTING 8"x8"x16" MASONRY UNITS.
- INDICATES WOOD FRAME 2"X6" WOOD STUDS (TO BE LEGALIZED)
- INDICATES 2"X4" WD. STUDS @16" O.C (TO BE LEGALIZED) 1/2" DRYWALL FINISH EACH SIDE AS PER F.B.C 2004-FEBC. 1604. 5

AREA CALCULATIONS:

EXISTING HOUSE:	1334.66 SQFT.
STORAGE TO BE LEGALIZED	174.00 SQFT
TOTAL CONSTRUCTION:	1508.66 SQFT.

TERMITE PROTECTION AS PER F.B.C. 2004

105.10 Certificate of protective treatment for prevention of termites.
A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used,
If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection.
A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

RECEIVED
AUG 15 2005

Vergels Construction Inc.
13677 SW 26 ST
Miami, fl 33175
305229-1705

Revisions

No.	Date	Description

PROJECT: STORAGE C.B.S. SHED / STORAGE TO BE LEGALIZED
DOMINGO MUNOZ & W.FIDELIA
3450 NW 94 TERRACE MIAMI, FL 33147

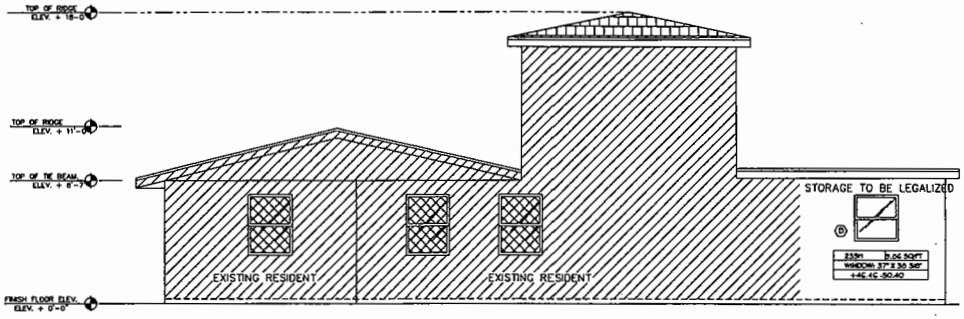
Sheet Title: FLOOR PLAN

Florida Lic # 29450 P.E

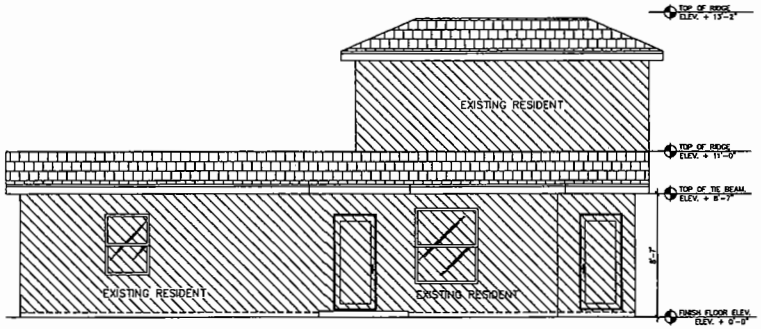
NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami, Florida 33155
Florida Register # 29450 P.E

Date:	05/06/05
Drawn by:	LG
Checked by:	
Scale:	AS SHOWN

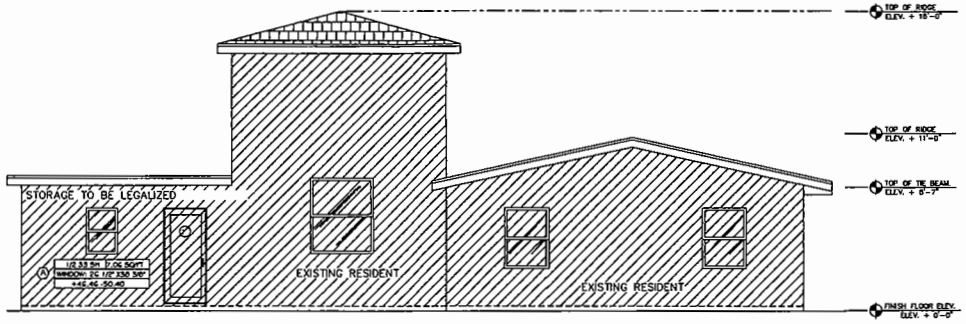
A-1



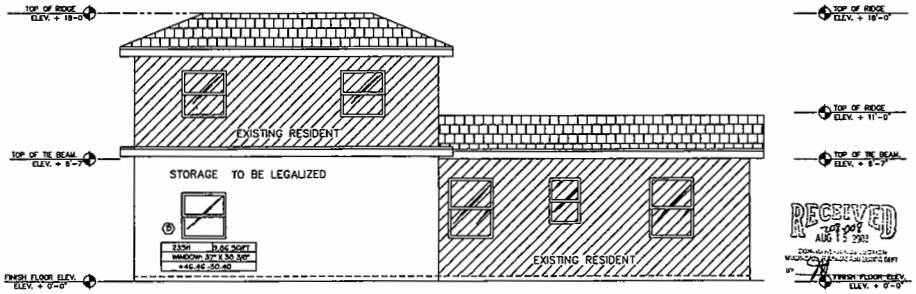
WEST ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"

RECEIVED
AUG 15 2003

Vergels Construction Inc.
13677 SW 26 ST
Miami, Fl 33175
305229-3705

Revisions

No.	Date	Description

PROJECT:STORAGE C.B.S. SHED / STORAGE TO BE LEGALIZED
DOMINGO MUNOZ & W.FIDELIA
3450 NW 94 TERRACE MIAMI, FL 33147

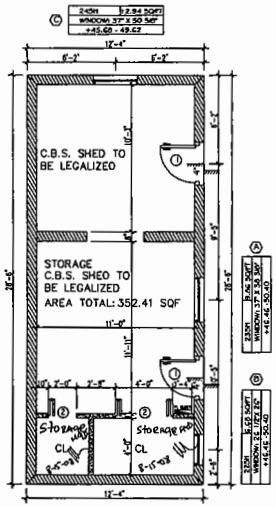
Sheet Title: ELEVATIONS

Florida Lic # 29450 P.E

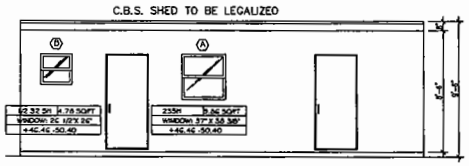
NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami,Florida 33155
Florida Register # 29450 P.E.

Date	04/28/07
Drawn by	L.F
Checked By	
Scale	AS SHOWN

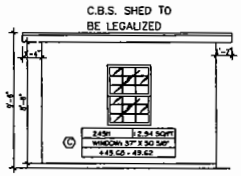
A-3



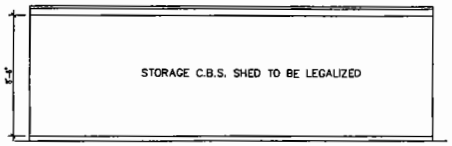
FLOOR PLAN STORAGE
SCALE: 1/4" = 1'-0"



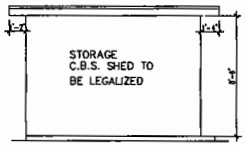
RIGHT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



LEFT ELEVATION
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"

WALL LEGEND:

INDICATES 8"X8"x16" MASONRY UNITS. (TO BE LEGALIZED)

INDICATES 2"X4" WD. STUDS @16" O.C (TO BE LEGALIZED) 1/2" DRYWALL FINISH EACH SIDE AS PER F.B.C 2004-FEBC. 1604. 5

AREA CALCULATIONS:

EXISTING HOUSE:	1334.66 SQFT.
C.B.S. SHED TO BE LEGALIZED	352.41 SQFT
TOTAL CONSTRUCTION:	1687.07 SQFT.

WINDOW SCHEDULE

MARK	DESCRIPTION	SIZE W	SIZE H	MATERIAL	AREA	REMARKS
A	23 SH	37"	36 3/8"	ALUMINUM/GLASS	9.06 SQ.FT.	N-1,4
B	1/2 32 SH	26 1/2"	26"	ALUMINUM/GLASS	4.78 SQ.FT.	N-1,4
C	24 SH	37"	50 5/8"	ALUMINUM/GLASS	12.94 SQ.FT	N-1,4,5

NOTES:
1- ALL GLASS SHALL BE CLEAR.
2- SAFETY GLASS CATEGORY CLASS 2.
3- EGRESS TYPE
4- SH

DOOR SCHEDULE

MARK	DESCRIPTION	SIZE W	SIZE H	SIZE T	MATERIAL DOOR	MATERIAL FRAME	REMARKS
D	SOLID DOOR	3'-0"	6'-8"	1-3"	WOOD	NO	EXT.DOOR
E	B-FOLD	2'-0"	6'-8"	1-3"	WOOD	NO	INT.DOOR

SAFETY NOTES FOR DOORS
EGRESS SAF REQUIREMENTS
NFPA 101 - 1994 CHAPTER-21
§21-2.4.3 EVERY CLOSET DOOR LATCH SHALL BE DESIGN THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE THE CLOSET
§21-2.4.4 EVERY BATHROOM DOOR LOCK SHALL BE DESIGNED TO PERMIT THE OPENING OF THE LOCKED DOOR FROM THE OUTSIDE IN AN EMERGENCY.
EGRESS DOOR TYPE OF LOCK OR LATCH MUST COMPLY NFPC 5311.4.4.

ROOM FINISH SCHEDULE

ROOM	FLOOR	WALLS	CEILING	BASE	
C.B.S. SHED	TILE	DRYWALL	DRYWALL	WOOD	

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WINDOW SCHEDULE

Vergels Construction Inc.
13677 SW 26 ST
Miami, fl 33175
305223-1785

Revisions

No.	Date	Description

PROJECT:STORAGE C.B.S. SHED / STORAGE TO BE LEGALIZED
DOMINGO MUNOZ & W.FIDELIA
3450 NW 94 TERRACE MIAMI, FL 33147

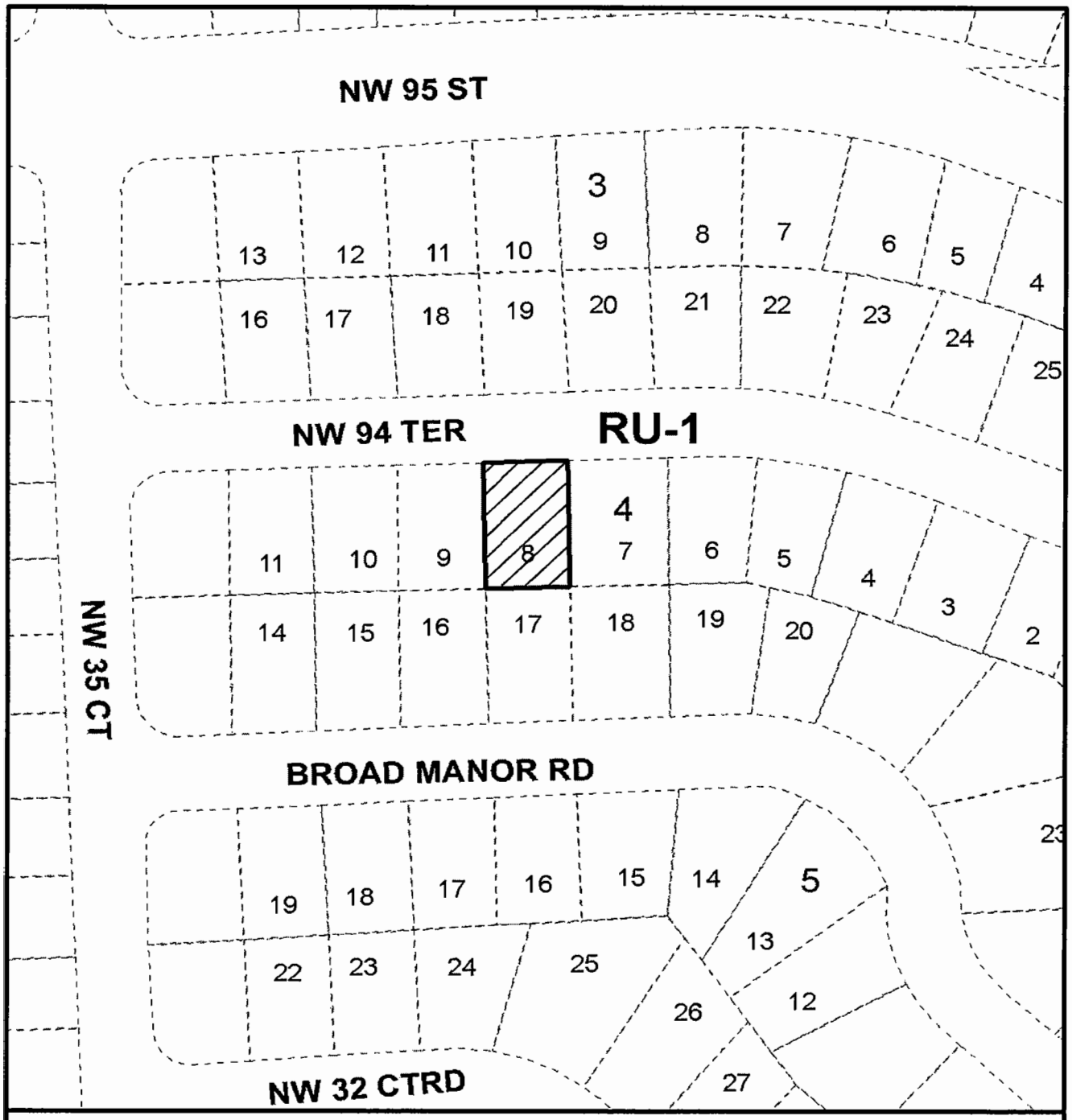
Sheet Title: FLOOR PLAN & ELEVATIONS

Florida Lic # 29450 P.E

NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami,Florida 33155
Florida Register # 29450 P.E

Date: 04/08/07
Drawn By: LS
Checked By:
Scale: AS SHOWN

Sheet: A-2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-008

N

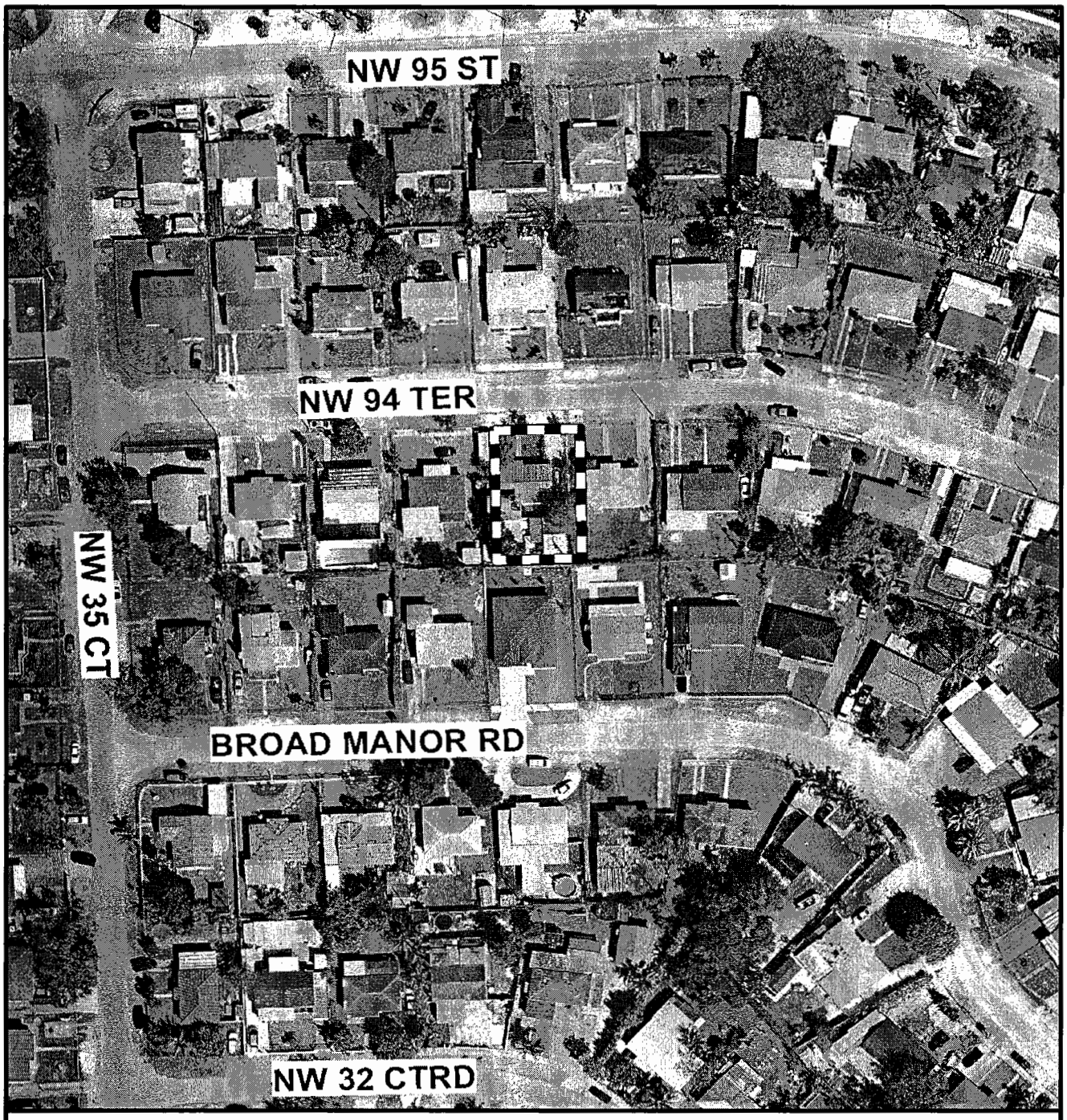
SUBJECT PROPERTY

Section: 04 Township: 53 Range: 41
Applicant: DOMINGO & FIDELIA MUNOZ AND JAVIER MUNOZ
Zoning Board: C08
District Number: 02
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 01/16/08

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
08-008

N

SUBJECT PROPERTY

Section: 04 Township: 53 Range: 41
Applicant: DOMINGO & FIDELIA MUNOZ AND JAVIER MUNOZ
Zoning Board: C08
District Number: 02
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 01/16/08

REVISION	DATE	BY

4. GEORGE DE LA FE
(Applicant)

08-12-CZ8-4 (08-121)
Area 8/District 2
Hearing Date: 12/16/08

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:

Year	Applicant	Request	Board	Decision
1961	Director, Metropolitan Dade County Building and Zoning Dept.	Zone change from RU-1 to RU-2.	BCC	Approved
1961	Director of Dade County Building and Zoning Dept.	Zone change RU-2 to RU-1.	ZB	Approved in part
1947	Zoning Dept.	Zone change multiple zones.	BCC	Approved

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

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

APPLICANT: George De La Fe **PH:** Z08-121 (08-12-CZ8-4)

SECTION: 33-52-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 4

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) RU-1 to RU-2.

  (2) Applicant is requesting to permit 2 lots, each with a frontage of 70' (75' required).

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. George De La Fe," as prepared by Etienne Prophete, P.E., dated stamped received 7/7/08 and consisting of 8 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** The applicant seeks to change the zoning on the subject site from RU-1, Single-Family Residential District, to RU-2, Two-Family Residential District. The applicant also seeks to permit 2 lots as duplex residential building sites with less lot frontage than that required by the Zoning Code.

- **LOCATION:** East of N.W. 35 Avenue and approximately 195' north of N.W. 103 Street, Miami-Dade County, Florida.

- **SIZE:** 111.07' x 140'

- **IMPACT:** Approval of the application will allow the applicant to provide additional housing for the community. However, the proposed RU-2 zoning will add to the population in the area, will bring more children into the schools, will bring additional traffic and noise into the area, and may impact water and sewer services. Approval of the lots as duplex building sites with less lot frontage than required will allow the development of the site with two duplex residences, which could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: In 1947, the subject site was included as part of an application on a larger portion of land filed by the Dade County Zoning Department, that was granted a zone change from GU, Interim District, to RU-2, Two-family Residential District, pursuant to Resolution #2423. In 1961, the subject site was included as part of an application on a larger portion of land which was granted a zone change from RU-2 to RU-1, Single-Family Residential District, pursuant to Resolution #Z-139-61.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2, 1938. This density category is generally characterized by single family, e.g. single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. **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.

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. **Uses and Zoning Not Specifically Depicted on the LUP Map.** All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of the Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than existing use or zoning.

5. 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-1, Vacant	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua

The subject parcel consists of two interior lots, which lie east of N.W. 35 Avenue and approximately 195.01' north of N.W. 103 Street. Single-family residences predominantly characterize the surrounding area where the subject property lies. However, duplex residences can also be found along the north side of NW 103 Street. The subject property is located approximately 1,664' to the east of the eastern city limit of the City of Hialeah.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) 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)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

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

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

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

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

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

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

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

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

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

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

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

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection/ 2 students**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject parcel consists of two interior lots, which lie east of N.W. 35 Avenue and approximately 195.01' north of N.W. 103 Street. Single-family residences predominantly characterize the surrounding area where the subject property lies. However, duplex residences can also be found along the north side NW 103 Street. The subject property is located approximately 1,664' to the east of the eastern city limit of the City of Hialeah. The applicant seeks to change the zoning on the subject site from RU-1, Single-Family Residential District, to RU-2, Two-Family Residential District. The applicant also seeks to permit 2 lots, each with a frontage of 70'. The RU-2 zoning district permits duplex residences on parcels with a minimum lot frontage of 75'.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and indicates in their memorandum that the estimated average travel response time is **5:36** minutes. Miami-Dade County Public Schools **(MDCPS)** indicates that the proposed zoning will bring **2 additional students** into the area's public schools. Their memorandum further indicates that none of the schools impacted by the proposed development meet the review threshold and as such, no dialogue between the applicant and the School District is required.

Approval of this application would allow the applicant to provide additional housing units to the community and would allow the construction of two duplex residences, each on a parcel of land that has a reduced lot frontage. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low Density Residential** use. This designation permits a density range of a minimum of 2.5 to a maximum of 6 dwelling units per gross acre, yielding a minimum density permitted of 1 dwelling unit and a maximum density permitted of 2 dwelling units on the 15,549 sq. ft. (111.07' x 140') subject site. Review of historical use maps from the 1950's and 1960's revealed that Lots 16 and 17 of block 17 of the Second Addition to Acme Gulfair PB 44 - 68 were each, at that time, improved with a single-family residence, each of which had been permitted. However, said single-family residences have since been demolished and the subject property is currently vacant. The proposal to reestablish the use of the subject property with 4 dwelling units (two duplex residences)

exceeds the maximum density threshold allowed under the Low Density Residential use LUP map designation and does not comply with the exception as outlined in the interpretative text for the Low Density designation that allows substandard lots to exceed the maximum density only on lots that were conveyed or platted prior to August 2nd, 1938, since the subject site was platted in 1945. Staff acknowledges that the subject property is located within the Urban Infill Area (UIA) and that **Policy LU-1C** of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. It should be noted that existing single-family residences on lots with predominantly similar or the same sized lot frontages and lot areas as the subject property are prevalent in the immediate vicinity. Additionally, staff notes that within the interpretative text of the CDMP, **Objective LU-12** indicates that the location and configuration of Miami-Dade County's urban growth should emphasize concentration and intensification of development around centers of activity, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl. The CDMP further indicates that in order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Notwithstanding the foregoing, the applicant's proposal of 4 dwelling units on the subject site exceeds the maximum density threshold of 2 dwelling units permitted under the Low Density Residential LUP map designation. As such, staff notes that the proposed development of two duplex residences on substandard sized lots would be **inconsistent** with the LUP Map designation and the interpretative text of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from RU-1 to RU-2 with the intention of constructing two duplex residences. As previously mentioned, staff concludes that the proposed development of two duplex residences on substandard sized lots would be **inconsistent** with the LUP Map designation and the interpretative text of the CDMP and opines that it would be **incompatible** with the surrounding area, which is predominately characterized by single-family residences. Staff acknowledges that the proposed duplex lots will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Further, the Public Works Department has no objection to this application, and indicates that the subject site lies within the Urban Infill Area (UIA) where traffic concurrency criteria do not apply. Staff also acknowledges that a strip of RU-2 zoning exists approximately 70' to the south of the subject site along the north side of NW 103 Street and approximately 547' to the north of the subject site along the north side of NW 106 Street. However, it should be noted that the area where the subject property lies is predominantly zoned RU-1 and is developed with single-family residences. Staff notes that the subject site is zoned RU-1 and that single-family residences are a permitted use in the RU-1 zoning district.

Therefore, staff opines that the proposed RU-2 zoning would be **incompatible** with the surrounding area.

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. This application meets the criteria for approval under the ASDO Standards for lot frontage. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU and the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the subject site is under lawful separate ownership from any contiguous property, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). Additionally, each of the proposed lots consists of a lot area of 7,774.9 sq. ft. (7,500 sq. ft. required), which complies with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The proposed lot areas, each consisting of 7,774.9 sq. ft. exceed the 7,500 sq. ft. of required lot area and are not the subject of a request in this application. Based on the above, request #2 to permit 2 lots, each with a frontage of 70' can be approved under Section 33-311(A)(14) (ASDO) or under Section 33-311(A)(4)(b) (NUV).

When request #2 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval with conditions of request #2 would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of request #2 to permit 2 lots, each with a frontage of 70' (75' required) will not result in an obvious departure from the aesthetic character of the area. It should be noted that the subject site (Lots 16 and 17) is part of a subdivision, Second Addition to Acme Gulfair PB 44 - 68, that was platted as two 70' x 111.07' lots in 1945. As such, staff notes that the subject property was platted after August 2, 1938, and therefore, is precluded from the grandfathering provision under Section 33-7. Research indicates that most of the lots located on the same block as the subject property are substandard in size and the surrounding area consists of sites with the same lot frontage as the subject property including properties located at 10330 and 10340 NW 35 Avenue which abut the subject property to the west and are each developed with a single-family residence. Additionally, staff notes that properties located at 10401 and 10323 NW 35 Avenue, immediately to the north and south of the subject property consist of the same lot frontage as the subject property and are each developed with a single-family residence. Moreover, properties located at 10330 and 10340 NW 34 Avenue that

abut the subject property to the east are also comprised of the same lot frontage as the subject property and are each developed with a single-family residence. Staff acknowledges that properties located at 10400 NW 34 Avenue and 10501 NW 35 Avenue, located to the northeast of the subject site and approximately 280' to the north of the subject site respectively, are each developed with a duplex residence on lots that consist of a lot frontage of 70'. However it should be noted that said duplex residences were constructed in 1957 and 1947 respectively, and at that time the subdivision where the subject site lies, Second Addition to Acme Gulfair PB 44 – 68, was included in an application on a larger tract of land that was approved a zone change from GU, Interim District, to RU-2, Two-Family Residential District, pursuant to Resolution #2423. However, in 1961, the subject site and most of the properties that are part of the Second Addition to Acme Gulfair were rezoned from RU-2 to RU-1, pursuant to Resolution #Z-139-61. Therefore, in staff's opinion, request #2 to permit 2 lots, each with a frontage of 70' (75' required), subject to a condition that the development of the site be limited to single-family residential use only, is **compatible** with the surrounding area, which is predominately characterized by single-family residences. Staff is supportive of request #2, subject to a condition, and notes that the development of the 2 lots with only single-family residences would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a Community Development Block Grant (CDBG)-eligible area. Allowing the construction of two single-family residences on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that the facilitation of infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As such, staff recommends approval with a condition of request #2 under Section 33-311(A)(4)(b) (NUV) or under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff concludes that the requested zone change from RU-1 to RU-2 and the proposed development of two duplex residences on substandard sized lots would be **inconsistent** with the LUP Map designation and **incompatible** with the surrounding area, which is predominately characterized by single-family residences. However, staff opines that the development of the subject site with two single-family residences is both consistent with the LUP Map designation of the CDMP and compatible with the surrounding area. As such, staff recommends approval with a condition of request #2, to permit 2 lots, each with a frontage of 70', under Section 33-311(A)(4)(b) (NUV) or under Section 33-311(A)(14) (ASDO) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice of request #1; approval with a condition of request #2 under Section 33-311(A)(4)(b) (NUV) or Section 33-311(A)(14) (ASDO) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

J. CONDITION:

That the development of each lot be limited to single-family residential use only.

DATE INSPECTED: 11/02/08
DATE TYPED: 11/10/08
DATE REVISED: 11/13/08; 12/10/08
DATE FINALIZED: 12/10/08
MCL:MTF:NN:CXH:NC

for Maria I. Tejo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2008

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

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

Subject: C-08 #Z2008000121-Revised
George de la Fe
10343-10345 N.W. 35th Avenue
Use Variance to Permit Two Duplexes in the RU-1 Zoning District
Request to Permit Less Lot Frontage than Required
(RU-1) (0.36 Acres)
33-52-41

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

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject properties; consequently, the proposed duplexes would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject properties do not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. Pursuant to Section 24-43.1(3) of the Code, the minimum lot size for a single-family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively. However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

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

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

Pollution Remediation
The subject properties are 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 properties do 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
After-the-Fact Tree Removal Permit 2008-TREE-PER-00469 was issued for these properties to George de la Fe on September 8, 2008 and is scheduled to expire on September 8, 2009. TP 2008-TREE-PER-00469 requires the preservation of one (1) specimen-sized (trunk diameter 18 inches or greater) live oak (Quercus virginiana) tree, one (1) royal palm (Roystonea elata), and one (1) sabal palm (Sabal palmetto) as identified in the DERM-approved permitted plans. The landscape plans submitted with this zoning application, depict the two palms and the specimen live oak tree to remain on the sites. Therefore, DERM may approve this zoning application.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00469 is required prior to the removal or relocation of any other tree on the subject properties. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

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

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

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

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

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

PH# Z2008000121
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:GEORGE DE LA FE

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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

Raul A Pino, P.L.S.
12-SEP-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

November 7, 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

C-8

RECEIVED
NOV 13 2008
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE

Re: George de la Fe – No. 08-121
Northeast corner of NW 35 Avenue and NW 103 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:cse
L-214
Attachment
cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez, R.A.
Ms. Vivian G. Villaamil

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E.2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • Arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS
(November 7, 2008)

APPLICATION: George de la Fe - No. 08-121

REQUEST: Zone change from RU-1 to RU-2

ACRES: 0.35 acres

LOCATION: Northeast corner of NW 35 Avenue and NW 103 Street

MSA/ MULTIPLIER: 2.4/.82 Single-Family Detached

UNITS: 3 additional units (1 unit currently permitted under existing zoning classification, for a total of 4 units)

ESTIMATED STUDENT POPULATION: 2 students*

ELEMENTARY: 1

MIDDLE: 0

SENIOR: 1

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Henry S. Reeves Elementary – 2005 NW 11 Street

MIDDLE: Madison Middle – 3400 NW 84 Street

SENIOR HIGH: Miami Central Senior High – 1781 NW 95 Street

All schools are located in North Central Regional Center.

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2008:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Henry S. Reeves Elementary	799	721	111%	0	111%
	800 *		111%		111%
Madison Middle	717	783	92%	218	72%
	717 *		92%		72%
Miami Central Senior High	1,785	2,319	77%	71	75%
	1,786 *		77%		75%

*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 impacted schools meet the review threshold.

PLANNED RELIEF SCHOOLS

School	Status	Projected Occupancy Date
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 $13,098.

CAPITAL COSTS: Based on the State's November 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
Total Potential Capital Cost	**$0**

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

REVISION 3

Memorandum

Date: 06-NOV-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000121

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2008000121
located at East of NW 35 ave. and approx. 195' north of NW 103 street, Miami-Dade County, FL
in Police Grid 0673 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.54 alarms-annually.
The estimated average travel time is: 5:36 minutes

Existing services:

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

Station 26 - Opa Locka - 3190 NW 119 Street
Rescue, ALS 75'Ladder

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on Letter of Intent date stamped July 7, 2008. Substantial changes to the Letter of Intent will require additional service impact analysis.

DATE: 12/10/08

TEAM METRO

ENFORCEMENT HISTORY

GEORGE DE LA FE

APPLICANT

EAST OF NW 35 AVENUE AND APPROXIMATELY 195.01' NORTH OF NW 103 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000121

HEARING NUMBER

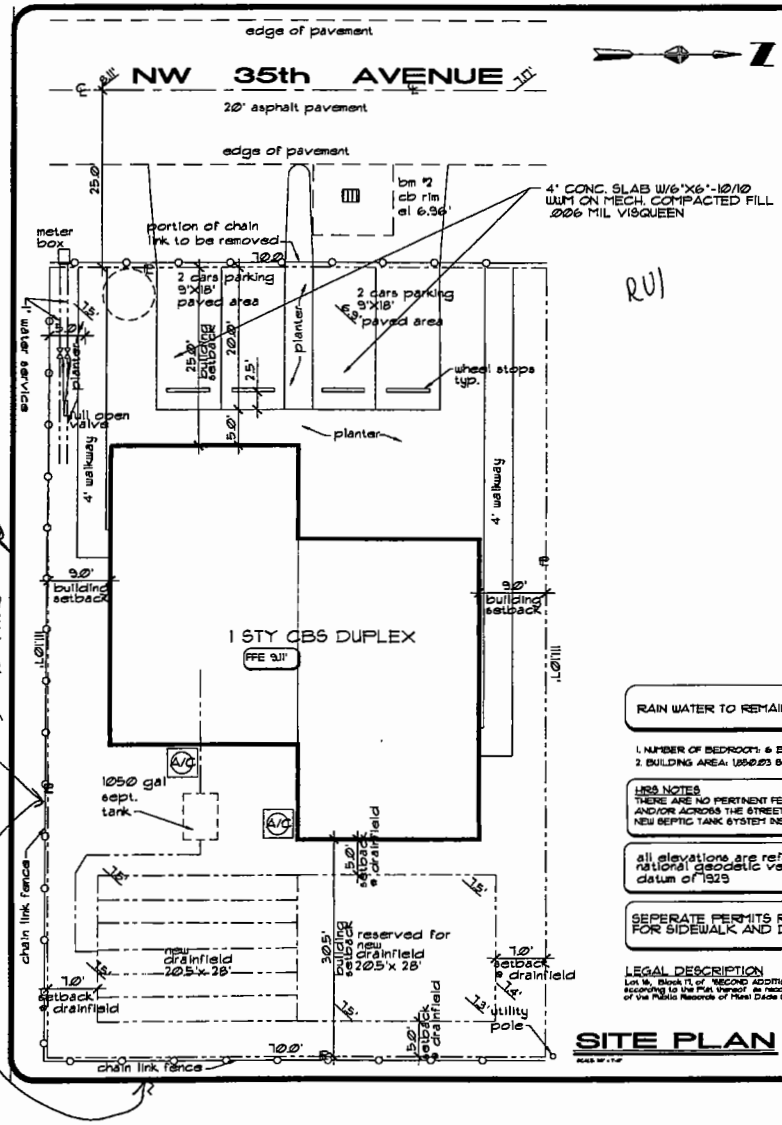
CURRENT ENFORCEMENT HISTORY:

200704006364 Warning issued for overgrowth; violation corrected by owner case closed on 7/24/07.
200704007953 Citation issued for overgrowth; violation corrected by owner case closed on 10/2/07.
200804001816 No ONC violation found; case closed on 3/24/08.
200804002058 Warning issued for Junk & debris; violation corrected by owner. Case closed on 4/12/08.
No ONC violation found. case closed on 3/24/04.

George De La Fe

A. Williams

23



RU1

ZONING LEGEND
Single Family & Duplex

ZONING:		
		RU-1
Height (to ridge of roof)		35.0' +/-
Net Land Area		7,777.49 SQ.FT.
Lot Coverage (everything under roof)	proposed:	2,501 s/f= 32.15%

SETBACKS:	REQ.	PROVIDED
FRONT	25'	29.0'
SIDE	10'	4.0'
SIDE STREET	15'	4.0'
REAR	25'	30.0'

Area adjacent to lake or canal to be graded so as to prevent direct overland discharge of stormwater into lake or canal.

Lot will be graded so as to prevent direct overland discharge or stormwater onto adjacent property. Applicant will provide certification prior to final inspection.

ANY APPLICABLE RESOLUTIONS: N/A

NOTICE:

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County. Section 533.79(10), Florida Statues, effective 7/10/97.

Applicant: Will comply with Ordinance 80-90 (Section 13-13.1 of the Metropolitan Dade County Code: notice of rock mining operations where blasting is permitted) - prior to starting construction.

A separate permit will be required for all driveway approaches onto public right of way. Contact Public Works Department.

The height of fences, walls and hedges shall not exceed 2.5 feet in height within 10 feet of the edge of any driveway leading to a right of way.

The height of frames is being measured from grade. Grade = Elevation of public sidewalk or crown of road.

LANDSCAPE LEGEND (Information Required to be Permanently Affixed to Plan.)

Zoning District: RU-1 Net Lot Area: ____ sq.ft. or ____ s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter 33, as indicated on site plan: ____ s.f. x ____ % = ____ s.f.	N/A	
B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan: ____ parking spaces ____ x 10 s.f. per parking space =	N/A	
C. Total s.f. of landscaped open space required by Chapter 18: A+B =	N/A	
LAND AREA CALCULATION		
A. Total s.f. of landscaped open space needed by Chapter 18	4,343 sf	
B. Maximum Area area (total) permitted: * ____ x ____ s.f. =		
TREES		
A. Min. trees required per net lot area: Lot existing number of trees counting minimum requirement: * ____ Note: x tree per square*	3	1
B. % Palms Allowed: Max. trees provided x 20% = % Palms provided to count as shade trees on lot: ____ x 5 trees = 20%		
C. % Native Required: Min. trees provided x 30% =		8
D. Street trees (medium): average spacing of 25' o.c.: ____ Trees (less shrub) about 1 ft.-	7	3
SHRUBS		
A. Min. trees required: x 10 = No. of shrubs allocated	5	30
B. Min. shrubs allocated: x 20% = No. of native shrubs required		292

REGULATION PLANS: If required by Chapter 33 (N.E.D. Complying information as indicated in simple bullets)

FLOOD LEGEND
Residential New Construction

ADDRESS: 10343 NW 35 AVENUE

LOT: 16 BLOCK: 11 PLAT BOOK: 44 Page: 68

HIGHEST GROUND OF BUILDING SITE: ____ FT. MEAN HIGHEST GROUND OF BUILDING SITE: ____ FT. (Attach survey or a certified survey indicating as-built elevations)

	LOWEST FLOOR PLACEMENT	LOWEST ENTRANCE FLOOR (Attached Garage)	LOWEST GARAGE FLOOR (Attached Garage)	LOWEST STORAGE FLOOR (Attached Garage)
PROPOSED	FT. MSL	FT. MSL	FT. MSL	FT. MSL
	9.11'	N/A	8.69'	N/A

ALL ELECTRICAL, MECHANICAL AND PLUMBING WILL BE PLACED AT OR ABOVE THE BASE FLOOD ELEVATION. (N/A)

ALL AREAS BELOW B.F.E. SHALL BE FRAMED WITH A MINIMUM OF TWO (2) OPENINGS HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOOD. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE FOOT ABOVE GRADE. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS, VALVES OR OTHER COVERINGS OR DEVICES PROVIDED THEY PERMIT THE ENTRY AND EXIT OF FLOODWATER AUTOMATICALLY. PROVIDING THEY WILL NOT OBSTRUCT THE FLOW OF FLOODWATERS. (FLOOD RESISTANT MATERIALS WILL BE USED BELOW B.F.E.)

ALL MECHANICAL, ELC & CONTRACTORS WILL BE NOTIFIED BY THE OWNER THAT THE OWNER WILL ALLOW FOR THE INTENTIONAL FLOODING OF THE BELOW FLOOD AREAS IN EXTREME FLOOD.

THE ENTIRE WALL OF BUILDING IS PROVIDED FOR PURPOSES OF ALLOWING FLOODWATER TO PASS THROUGH IN EXTREME FLOOD. THE WALL WILL BE CONSTRUCTED ON-SITE WITH NO CONSIDERATION FOR FLOODED PROPERTIES.

SOIL STATEMENT

1. SOIL OBSERVED TO BE SAND AND ROCK W/BEARING CAPACITY OF 2000 PSF. A LETTER WILL BE SUBMITTED AFTER THE GROUND HAS BEEN BROKEN ATTESTING THAT THE SITE HAS BEEN OBSERVED AND THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON WHICH THE DESIGN IS BASED.

RAIN WATER TO REMAIN ON SITE

1. NUMBER OF BEDROOM: 6 BEDROOM
2. BUILDING AREA: 1,550.03 SQ.FT.

HRS NOTES
THERE ARE NO PERTINENT FEATURES ON ADJACENT PROPERTIES AND/OR ACROSS THE STREET THAT MAY BE AFFECTED BY THE NEW SEPTIC TANK SYSTEM INSTALLATION

all elevations are referred to national geodetic vertical datum of 1929

SEPERATE PERMITS REQUIRED FOR FOR SIDEWALK AND DRIVEWAY

LEGAL DESCRIPTION
Lot 16, Block 11, of "SECOND ADDITION ACHE GULFAIR" according to the Plat thereof as recorded in Plat Book 44, at Page 68 of the Public Records of Miami Dade County, Florida.

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

CONCRETE
COMPRESSIVE STRENGHT OF CONCRETE AT 28 DAYS
SLAB ON FILL 2500 PSI
ALL OTHER CONCRETE 3000 PSI

MAXIMUM SIZE AGGREGATE 3/4"
MAXIMUM PERMISSIBLE SLUMP 5"

REINFORCING STEEL
SHALL CONFORM TO ASTM A-615 GRADE 60
FABRICATED ACCORDING TO THE MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCING CONCRETE STRUCTURE LAP CONTINUOUS TOP.
CLEAR COVER FOR REINFORCING
BEAMS AND COLUMNS 1 1/2"
SLABS 3/4"
FORMED FACE IN CONTACT WE/ARTH 3"
UNFORMED FACES 3"
REINFORCED BARS CONFORMING TO ASTM A-615 GRADE 60
EXCEPT COLUMNS TIES TO BE GRADE 40
CONCRETE MASONRY SHALL CONFORM TO ASTM C-90 USE MORTAR TYPE "M" AND 3" CONC. GROUT SHALL ATTAIN MIN. 2000 PSI IN 28 DAYS.

WOOD
ALL WOOD IN CONTACT W/ CONCRETE SHALL BE PRESSURE TREATED.
PRIMARY WOOD FRAMING MEMBERS SHALL BE NO. 2 SOUTHERN PINE OR BETTER, SURFACE DRY, USED AT 19% MAX. WITH THE FOLLOWING STRESS RATINGS.
Fb SINGLE MEMBER 1200 PSI
Fb REPETIVE MEMBERS 1400 PSI
Fv 94 PSI
Fc PERPENDICULAR TO GRAIN 560 PSI
E 1,600,000 PSI

1. Unless otherwise noted (U.N.O.) on Plans or in the Specifications, the following General Structural Notes shall apply to this Project.
2. If any errors or omissions appear on the Plans, Specifications or other documents, the Contractor shall notify the Engineer in writing of such omissions or errors prior to proceeding. Any work done by the Contractor in the area of such omissions or errors shall be done at his own risk and he shall be liable for any costs arising as a result of such errors or omissions and the cost of rectifying the same.
3. Do not measure scale drawings. Obtain information by measurement, dimensions from these contractor or from the shop and on site, whichever has commenced with the Engineer record the information.

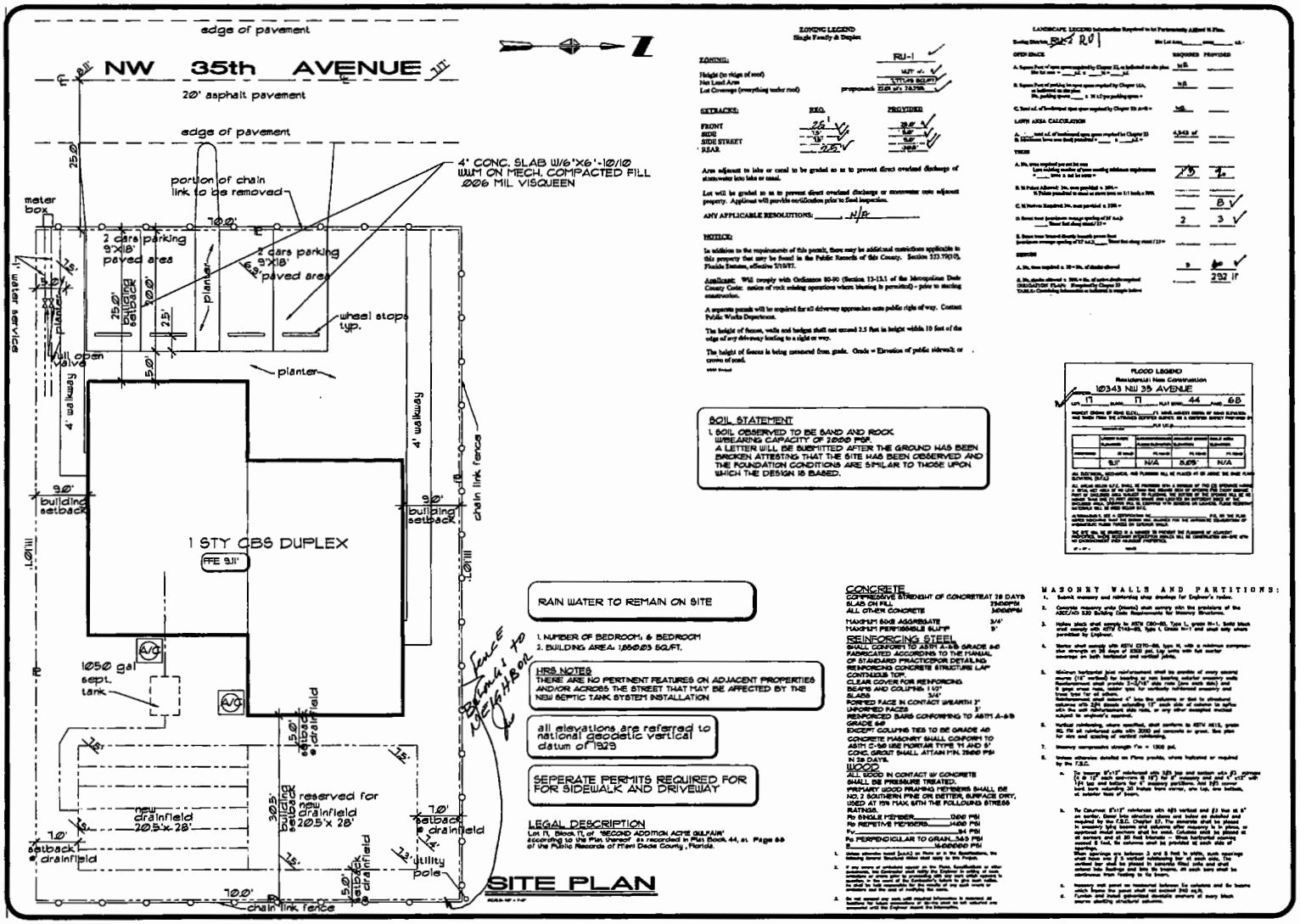
MASONRY WALLS AND PARTITIONS:
1. Submit masonry and reinforcing shop drawings for Engineer's review.
2. Concrete masonry units (blocks) shall comply with the provisions of the ASC/ACI 530 Building Code Requirements for Masonry Structures.
3. Hollow block shall comply to ASTM C90-85, Type I, grade No-1. Solid block shall comply with ASTM C145-85, Type I, Grade No-1 and used only where permitted by Engineer.
4. Mortar shall comply with ASTM C270-85, type M, with a minimum compressive strength of 28 days of 2500 psi. Lay units with full mortar coverage on beds and joints.
5. Horizontal bar/wire joint reinforcement shall be provided at every second course (16" vertical) for bearing or non bearing exterior masonry walls. Reinforcement shall consist 2-1/2" side rods (one each side) and 9 gage cross rods. Ladder type for vertically reinforced masonry and truss type for all others.
   Reinforcement shall extend 6" into the columns or tied to structural members and shall be continuous, leaving 1/2" mortar side of concrete to allow with the unit reinforcement side rods, or any other approved method subject to the Engineer's approval.
6. Vertical reinforcing, where specified, shall conform to ASTM A615, grade 60. For all reinforcing bars, MD 3200 psi concrete or grout. See plan for size and spacing of vertical reinforcing.
7. Masonry compressive strength f'm = 1500 psi.
8. Unless otherwise specified on Plans provide, where indicated or required by the I.B.C.
   a. Tie bonded 8"x16" reinforced with 3/8 tie and bottom with #4 dowels 12 in 12" vertical overlap 8 (8") for 8" masonry and grout 4" x12" with 1/4 top and bottom for 6" masonry partitions. Add 3/8 corner back bars extending 20 inches from corner, and tie, one bottom, at regular base of block.
   b. Tie Columns 8"x12" reinforced with #28 vertical and #3 tie at 8" on center. Beam tie structure along and below as detailed and required by the F.B.C. Chapter 27. The concrete shall be placed in maximum 4 foot lifts before and rodding after masonry is in place, or approved field workers shall be used. Columns shall be placed at all corners and at 20 foot intervals = When horizontal spacing exceed 6 feet, the columns shall be provided at each side of opening.
   When openings are between 2 and 6 feet in width, much openings shall be provided and it is required to provide two of each side, the vertical bar shall be continuous through floor slab and shall extend into footings and into the beams. All such bars shall be continuous from footing to the beam.
   c. Masonry wall panel are structural between the columns and the beams which frame the panel shall not exceed 300 sq.ft.
   d. Provide wall bond patterns and possibility anchors at every block course adjoining structural columns.

ETIENNE PROPHETE
PROF. ENG.
2732 SW 46 COURT
DANIA, FLORIDA
TEL. 954.961.7132
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY JAM
CHECKED BY EP
DATE 03.24.07
PROJECT NO. 07-016
DRAWING NO. 1 OF

RECEIVED JUL 07 '08



ZONING LEGEND
Single Family & Duplex

ZONING:		
		RU-1
Height (to ridge of roof)		14.0' +/-
Net Land Area		7,171.0 SQ.FT.
Lot Coverage (everything under roof)	proposed:	2.58 +/- 18.0%

SETBACKS:	REQ.	PROVIDED
FRONT	25'	28.8'
SIDE	7.5'	6.8'
SIDE STREET	15'	9.0'
REAR	25.0'	30.0'

Area adjacent to lake or canal to be graded so as to prevent direct overland discharge of stormwater into lake or canal.

Lot will be graded so as to prevent direct overland discharge or stormwater onto adjacent property. Applicant will provide certification prior to final inspection.

ANY APPLICABLE RESOLUTIONS: N/A

NOTICE:

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County. Section 533.79(10), Florida Statutes, effective 7/1/97.

Applicant: Will comply with Ordinance 93-90 (Section 13-13.1 of the Metropolitan Dade County Code: notice of rock mining operations where blasting is permitted) - prior to starting construction.

A separate permit will be required for all driveway approaches onto public right of way. Contact Public Works Department.

The height of fences, walls and hedges shall not exceed 2.5 feet in height within 10 feet of the edge of any driveway leading to a right or way.

The height of fences is being measured from grade. Grade = Elevation of public sidewalk or crown of road.

LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan.

Zoning District: RU-1

	REQUIRED	PROVIDED
OPEN SPACE		
A. Square Feet of open space required by Chapter 33, as indicated on site plan. Site Lot area = ___ SF x .75 = ___ SF	N/A	
B. Square Feet of parking lot open space required by Chapter 33A, as indicated on site plan. No. parking spaces ___ x 30 S.F. per parking space =	N/A	
C. Total s.f. of landscaped open space required by Chapter 33: s+b =	N/A	
LAWN AREA CALCULATION		
A. ___ total s.f. of landscaped open space required for Chapter 33	4,343 sf	
B. Additional lawn area (sod) provided = ___ x ___ SF =		
TREES		
A. No. trees required per acre (or less existing number of trees meeting minimum requirements = ___ trees x lot lot acres =	7.5	7
B. % Palms Allowed: No. trees provided x 20% = % Palms provided (it does not exceed trees on 1:1 basis, x 20%)		
C. % Native Required: No. trees provided x 25% =		5
D. Street tree (maximum average spacing of 30' o.c.): ___ Street feet along street / 30 =	2	3
E. Street trees located directly beneath power lines (maximum average spacing of 15' o.c.): ___ Street feet along street / 15 =		
SHRUBS		
A. No. trees required x 20 = No. of shrubs allowed	5	6
B. No. shrubs allowed x 20% = No. of native shrubs required		292 lf

DESIGNATION PLANS: Respectively Chapter 33
TABLE: Controlling Information as indicated is simple below

FLOOD LEGEND
Residential New Construction
10343 NW 35 AVENUE

LOT 17 BLOCK 17 PLAT BOOK 44 PAGE 68

	LOWEST FLOOR ELEVATION	LOWEST MECHANICAL AND ELECTRICAL EQUIPMENT	LOWEST ATTACHED GARAGE	SINGLE AIRE ELEVATION
DESIGNATION	(ft NGVD)	(ft NGVD)	(ft NGVD)	(ft NGVD)
	8.17'	N/A	8.25'	N/A

ALL ELECTRICAL, MECHANICAL AND PLUMBING WILL BE PLACED AT OR ABOVE THE BASE FLOOD ELEVATION, (B.F.E.)

ALL LOWER FLOOR (S.F.F.) WILL BE PROVIDED WITH A MINIMUM OF TWO (2) OPENINGS HAVING A TOTAL NET AREA NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE FOOT ABOVE GRADE AND AT LEAST ONE OPENING SHALL BE ON EACH ENCLOSED AREA. OPENINGS WILL BE COVERED WITH SCREENS OR LOUVRES. FLOOD RESISTANT MATERIALS WILL BE USED BELOW B.F.E.

A REFRIGERATOR, A RANGE, A DISHWASHER, THE REFRIGERATOR FOR THE DISPOSAL (SUBSTITUTION OF REFRIGERATOR FOOD TRADES OR SIMILAR ITEMS)

THE SITE WILL BE GRADED IN A MANNER TO PREVENT THE PONDING OF STORMWATER WITHIN 10 FEET OF THE BUILDING. THE SITE WILL BE CONSTRUCTED ON-SITE WITH NO DISCHARGE OF STORMWATER PROPERTIES.

SOIL STATEMENT
1. SOIL OBSERVED TO BE SAND AND ROCK W/BEARING CAPACITY OF 2000 PSF.
A LETTER WILL BE SUBMITTED AFTER THE GROUND HAS BEEN BROKEN ATTESTING THAT THE SITE HAS BEEN OBSERVED AND THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON WHICH THE DESIGN IS BASED.

CONCRETE
COMPRESSIVE STRENGHT OF CONCRETE AT 28 DAYS
SLAB ON FILL 2500PSI
ALL OTHER CONCRETE 3000PSI
MAXIMUM SIZE AGGREGATE 3/4"
MAXIMUM PERMISSIBLE SLUMP 5"

REINFORCING STEEL
SHALL CONFORM TO ASTM A-615 GRADE 60
FABRICATED ACCORDING TO THE MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCING CONCRETE STRUCTURE LAP CONTINUOUS TOP.
CLEAR COVER FOR REINFORCING
BEAMS AND COLUMNS 1 1/2"
SLABS 3/4"
FORMED FACE IN CONTACT W/EARTH 3"
UNFORMED FACES 3"
REINFORCED BARS CONFORMING TO ASTM A-615 GRADE 60
EXCEPT COLUMN TIES TO BE GRADE 40
CONCRETE MASONRY SHALL CONFORM TO ASTM C-90 USE MORTAR TYPE M AND S
CONC. GROUT SHALL ATTAIN MIN. 2000 PSI IN 28 DAYS.

WOOD
ALL WOOD IN CONTACT W/ CONCRETE SHALL BE PRESSURE TREATED.
PRIMARY WOOD FRAMING MEMBERS SHALL BE NO. 2 SOUTHERN PINE OR BETTER, SURFACE DRY, USED AT 19% MAX. WITH THE FOLLOWING STRESS RATINGS.
Fb SINGLE MEMBER 1000 PSI
Fb REPETIVE MEMBERS 1400 PSI
Fv 94 PSI
Fc PERPENDICULAR TO GRAIN 345 PSI
E 1,600,000 PSI

1. Unless otherwise noted (sizes) on Plans or in the Specifications, the following General Structural Notes shall apply to the Project.
2. If any errors or omissions appear on the Plans, Specifications or other documents, the Contractor shall notify the Engineer in writing of such omissions or errors prior to the commencement of work affected by such omissions or errors. If the Contractor fails to give such notice, he shall be held responsible for the correction of any such errors or omissions and the cost of rectifying the same.
3. Do not scale drawings. Dimensions not shown or indicated, or illegible, or in question, shall be referred to the Engineer for clarification and instructions before proceeding with the work.

MASONRY WALLS AND PARTITIONS:
1. Submit masonry and reinforcing shop drawings for Engineer's review.
2. Concrete masonry units (blocks) shall comply with the provisions of the ASCE/ACI 530 Building Code Requirements for Masonry Structures.
3. Hollow block shall comply to ASTM C90-85, Type I, grade N-1. Solid block shall comply with ASTM C145-85, type I, Grade N-1 and shall only where permitted by Engineer.
4. Mortar shall comply with ASTM C270-85, type M, with a minimum compressive strength of 28 days of 2500 psi. Lay units with full mortar coverage on horizontal and vertical joints.
5. Minimum horizontal joint reinforcement shall be provided of every second course (16" vertical) for bearing or non bearing exterior masonry walls. Reinforcement shall provide 3/16"x4" side rods (two wire dia.) and 9 gage cross rods, center wire for continuity reinforced masonry and trace lines for all others.
Reinforcement shall extend 4" into the substrate or tied to structural members at 24" intervals, extending 12" each side of exterior surface with the end reinforcement side rods, or any other accepted method subject to engineer's approval.
6. Vertical reinforcing, where specified, shall conform to ASTM A615, grade 60. Fill all reinforced cells with 3000 psi concrete or grout. See plan for size and spacing of vertical reinforcing.
7. Masonry compressive strength f'm = 1500 psi.
8. Unless otherwise detailed on Plans provide, where indicated or required by the F.B.C.
a. Top course 8"x12" reinforced with 1@5 bar and bottom with #5 dowels (1 @ 12" each side) from 8 (12") for 8" masonry and and 4" x12" with 1@4 bar and bottom for 6" masonry partitions. And 1@5 corner bent bars minimum 30 inches from corner, one top, one bottom, at exterior face of beam.
b. The Contractor 8"x12" reinforced with #5 vertical and #3 ties at 8" on center. Enter bars structure above and below or dowled and required by the F.B.C. Chapter 17. The concrete shall be placed in layers not exceeding 8 inches and vibrated after mixing to be placed or approved field workers shall be used. Columns shall be placed at all corners and at 30 feet intervals — Where horizontal openings exceed 6 feet, the columns shall be provided at each side of openings.
When openings are between 3 and 6 feet in width, such openings shall have one #5 in vertical reinforcing bar at each side. The contractor shall be permitted to provide filled cells and shall provide one #5 bar for every 4 feet in length. All such bars shall be continuous from footing to the beam.
c. Masonry walls shall be provided with expansion joints for columns and for beams which frame the panel shall not exceed 240 sq.ft.
d. Provide and install galvanized expanded metallic anchors at every block course abutting structural columns.

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.961.7192
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10347-49 NW 35 Ave.
MIAMI, FLORIDA

DATE	DESCRIPTION	BY

DRAWN BY JAM
CHECKED BY EP
DATE 03.24.07
PROJECT NO. 07-016
DRAWING NO. 1
OF

RECEIVED
JUL 07 2008
ZONING HEARINGS SECTION
PLANNING, ZONING AND DEVELOPMENT DEPT.

24

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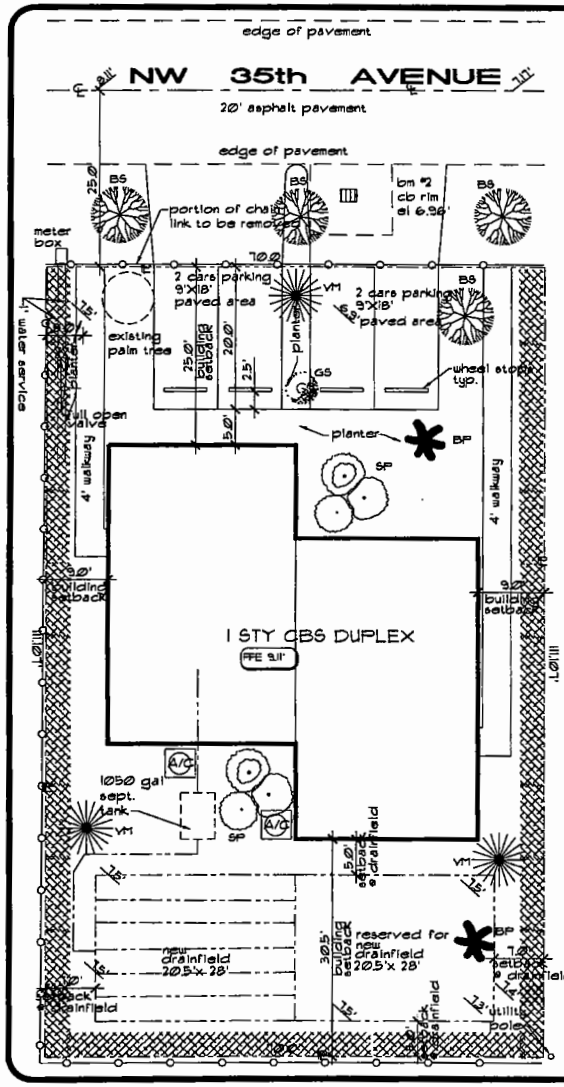


1. NUMBER OF BEDROOMS 6 BEDROOM
2. BUILDING AREA: 2281 SQ./FT.

HRS NOTES
THERE ARE NO PERTINENT FEATURES ON ADJACENT PROPERTIES AND/OR ACROSS THE STREET THAT MAY BE AFFECTED BY THE NEW SEPTIC TANK SYSTEM INSTALLATION

PLANT LIST				
TREES	NAMES	NOTES	DROUGHT	QTY
BS	hyophorbe verschaffelt spindle palm	10'X6'/5' CT/2' CALP	YES	4
VM	hyophorbe lagenicaulis bottle palm	2-13' OA 3'-16'OA	YES	3
SP	ravenala madagasca. travelers palm	12'-16' SMOOTH TRUNKS	YES	2
GS	conocarpus erectus silver buttonwood	10'-5'	YES	11
BP	chamaedorea erumpens bamboo palm	12'-16' SMOOTH TRUNKS	YES	2

common name
EXISTING PALM TREE TO REMAIN
SCIENTIFIC NAME
ROYSTONEA ELATE
D = 8, C = 6, H = 5'

BS

VM

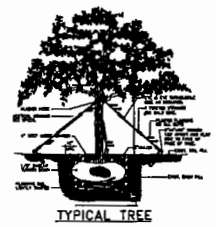
SP

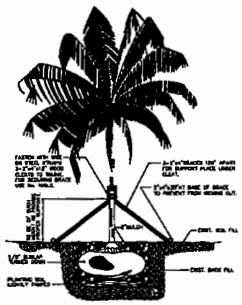
GS

BP

pink ixora hedges
5'-0" in height (@ maturity)
36" ht. min. at installation

120 shrubs


TYPICAL TREE


TYPICAL PALM

LANDSCAPING PLAN

SCALE: 1" = 10'
RETAIN RAIN WATER ON SITE

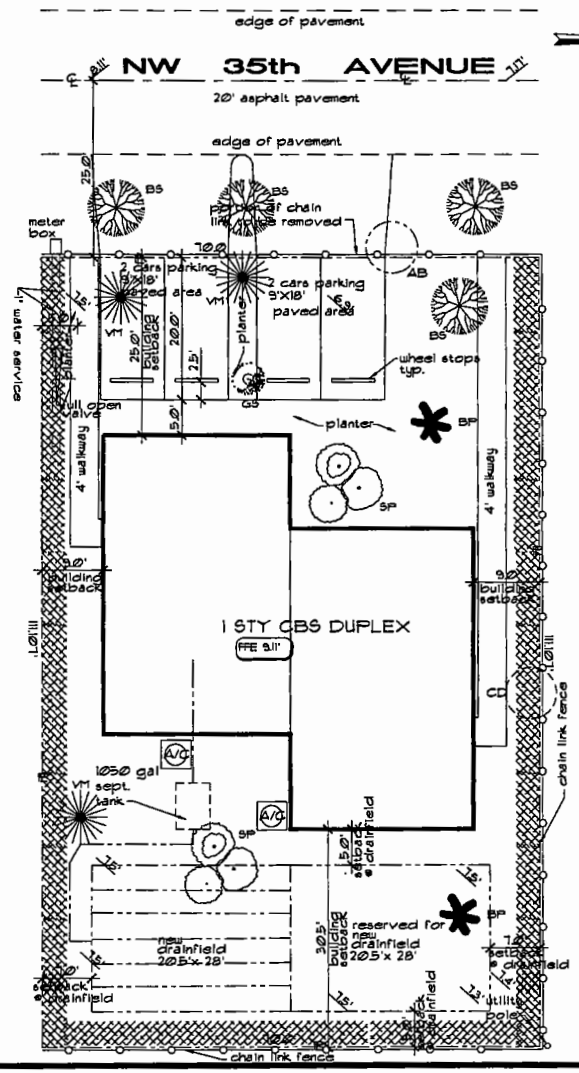
DATE	DESCRIPTION	BY

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.961.7132
CIVIL 44316

PLAN FOR
Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY	JAM
CHECKED BY	EP
DATE	03.24.07
PROJECT NO.	07-016
DRAWING NO.	2

RECEIVED
JUL 07 2009
ZONING HEARINGS SECTION
BUILDING AND ZONING DEPT.
BY



1. NUMBER OF BEDROOM: 6 BEDROOM
2. BUILDING AREA: 2201 SQ.FT.

HRS NOTES
THERE ARE NO PERTINENT FEATURES ON ADJACENT PROPERTIES AND/OR ACROSS THE STREET THAT MAY BE AFFECTED BY THE NEW SEPTIC TANK SYSTEM INSTALLATION

AB — COMMON NAME: EXISTING OAK TREE TO REMAIN; SCIENTIFIC NAME: QUERCUS AUSTRINA; D = 2', C = 48', H = 28'

CD — COMMON NAME: EXISTING PALM TREE TO REMAIN; SCIENTIFIC NAME: SABAL PALMETTO; D = 13, C = 8, H = 28'

BS

VM

SP

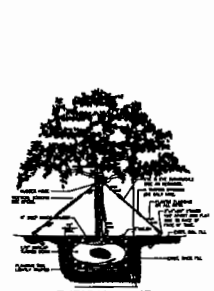
GS

BP

PLANT LIST				
TREES	NAMES	NOTES	DROUGHT	QTY.
BS	hyophorbe verschaffelt spindle palm	10'X6'/5' CT/2' CALP	YES	4 ✓
VM	hyophorbe lagenicaulis bottle palm	2-13' OA 3'-16'OA	YES	3 ✓
SP	ravenala madagasca. travelers palm	12'-16' SMOOTH TRUNKS	YES	2 ✓
GS	conocarpus erectus silver buttonwood	10'-5'	YES	1 ✓
BP	chamaedorea erumpens bamboo palm	12'-16' SMOOTH TRUNKS	YES	2 ✓

LEGAL DESCRIPTION
Lot 11, Block 11, of "SECOND ADDITION ACRES GULFWAY", according to the Plat thereof, as recorded in Plat Book 44, at Page 68 of the Public Records of Miami-Dade County, Florida.

pink ixora hedges
5'-0" in height (@ maturity)
36" ht. min. at installation


TYPICAL TREE

TYPICAL PALM

LANDSCAPING PLAN

SCALE 30' = 1"-0"
RETAIN RAIN WATER ON SITE

DATE	DESCRIPTION	BY

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.981.7132
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10347-49 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY JAM
CHECKED BY EP
DATE 03.24.07
PROJECT NO. 07-019
DRAWING NO. 2 OF

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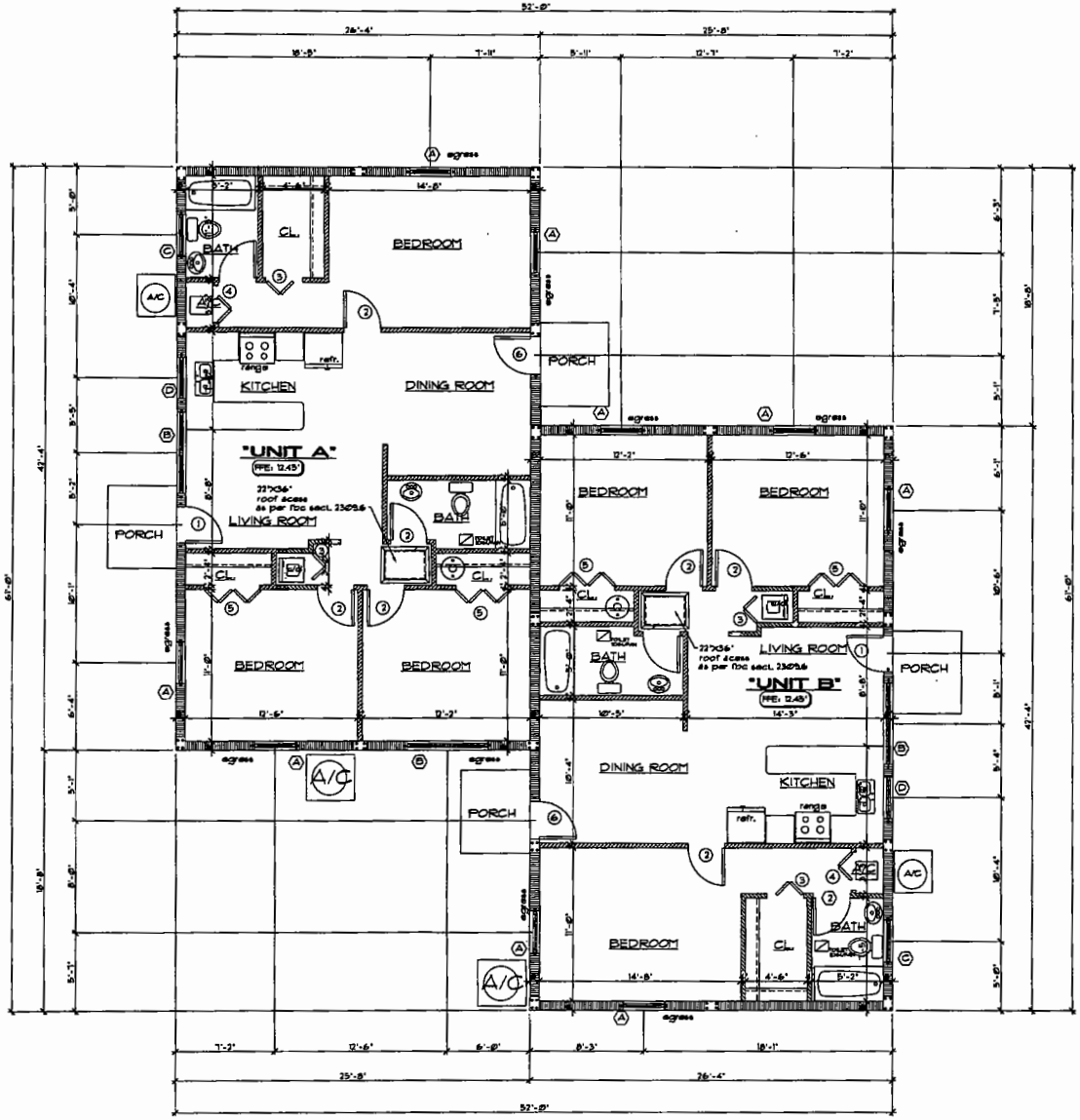

FLOOR PLAN

SCALE 1/4" = 1'-0"

NOTES

DROP BEAMS AT ALL WINDOW AND DOOR OPENINGS.

SAFETY NOTES FOR CLOSETS AND BATHS

NFPA

SECTION 21-2.4.3

EVERY CLOSET DOOR LATCH SHALL BE SUCH THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE THE CLOSET.

SECTION 21-2.6.4

EVERY BATHROOM DOOR SHALL BE DESIGNED TO ALLOW OPENING FROM THE OUTSIDE DURING AN EMERGENCY WHEN LOCKED.

SOIL STATEMENT

1. SOIL OBSERVED TO BE SAND AND ROCK WIBEARING CAPACITY OF 2000 PSF. A LETTER WILL BE SUBMITTED AFTER THE GROUND HAS BEEN BROKEN ATTESTING THAT THE SITE HAS BEEN OBSERVED AND THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON WHICH THE DESIGN IS BASED.

WINDOW SCHEDULE

MK	DESCRIPTION	TYPE	REMARKS
(A)	3'-2 5/8" X 4'-5 5/8"	256H	EGRESS
(B)	(2)3'-2 5/8" X 4'-5 5/8"	256H	EGRESS
(C)	2'6" X 13"		NON TEMP TIGHT CAT-2
(D)	3'-2 5/8" X 3'-2 5/8"	238H	

DOOR SCHEDULE

MK	SIZE	TK	REMARKS
(1)	3'-0" X 6'-8"	1 3/4"	ENTRANCE
(2)	2'-8" X 6'-8"	1 3/8"	PRIVACY
(3)	3'-0" X 6'-8"	—	BI-FOLD
(4)	2'-6" X 6'-8"	—	BI-FOLD
(5)	2'-2'-0" X 6'-8"	—	BI-FOLD
(6)	2'-8" X 6'-8"	1 3/4"	ENTRANCE

26.33'
x 18.67'
491.58 sq

23.50'
x 52.00'
1,222 sq

18.50'
x 26.50'
490.25 sq

Total 2203.83 sq
/
Lot Area 7774.9
=
28.3% total Lot coverage
OK

NOTES

WINDOWS, STORM SHUTTERS REQUIRED PRODUCT CONTROL APPROVAL AND SEPERATE BUILDING PERMITS

NOTES

APPROVED SHUTTERS ARE MANDATORY BY SEPARATE PERMIT BEFORE FINAL AND C.O.

TO THE BEST OF MY ABILITY AND KNOWLEDGE THIS BUILDING APPEARS TO BE IN COMPLIANCE WITH THE FBC AND HANDICAPPED REQUIREMENTS FOR LIVING AREA.

NOTES

APPROVED PEST CONTROL (TERMITE) CERTIF. IS REQUIRED FOR FINAL C.O.

TO THE BEST OF MY ABILITY AND KNOWLEDGE THIS BUILDING APPEARS TO BE IN COMPLIANCE WITH THE FBC AND HANDICAPPED REQUIREMENTS FOR LIVING AREA.

NOTES

PRODUCT CONTROL APPROVAL AND SEPARATE BUILDING PERMIT WILL BE REQ'D. AS CONFORM W/FBC FOR:
- WINDOWS
- DOORS/GARAGE DOOR
- TRUSSES
- STORM SHUTTERS
- RIDGE VENTILATION
- GLASS WALLS
- STORE FRONTS
- RAILINGS AND HARDWARE
- ROOFING

SOFFIT AND RIDGE VENTILATION REQ'D. A RATE OF 1 SF. OF VENT EVERY 300 SF OF ROOF

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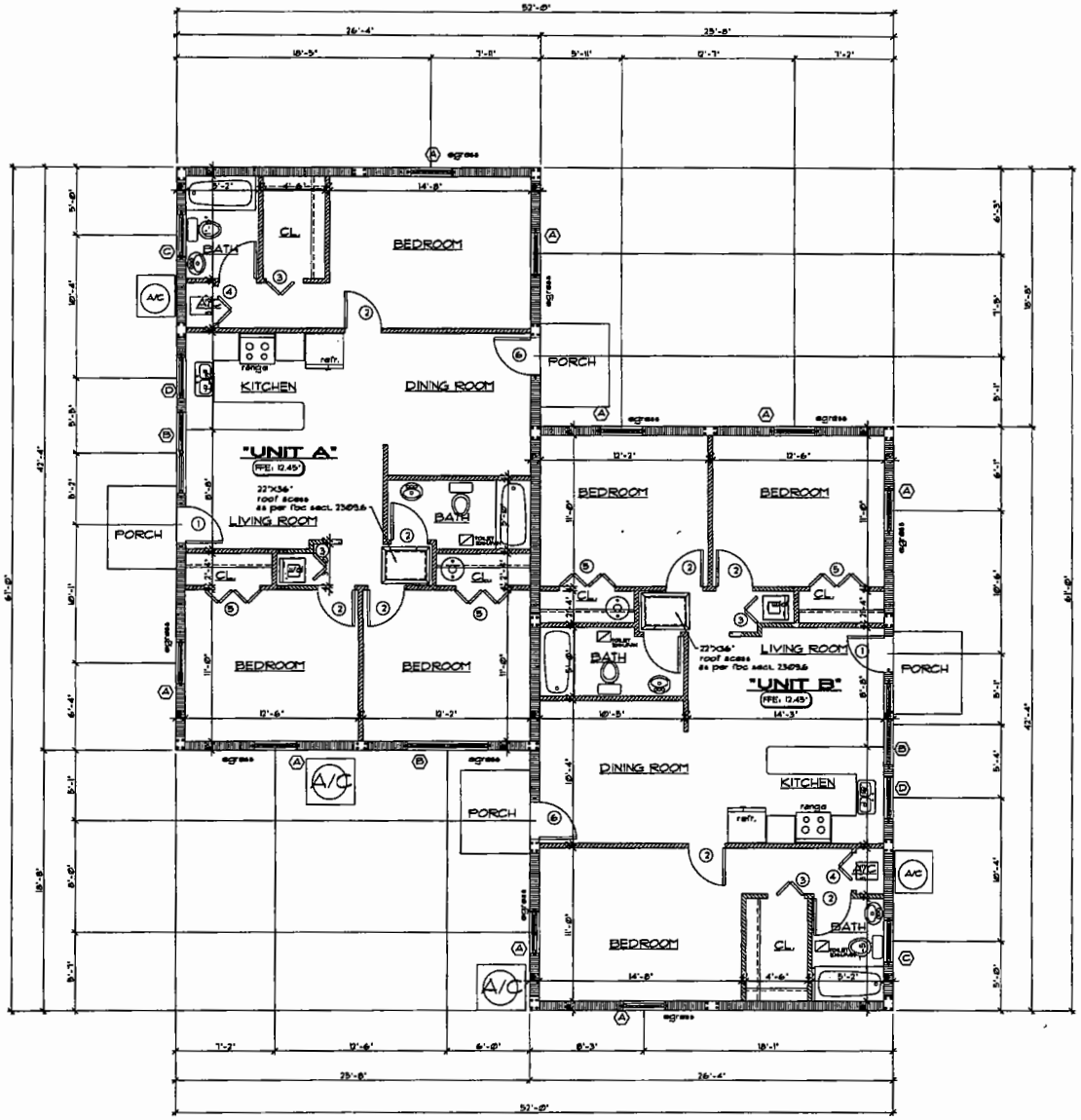
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY JAM
CHECKED BY EP
DATE 03.24.07
PROJECT NO. 07-018
DRAWING NO. 3 OF



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SCALE 1/4" = 1'-0"

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WINDOW SCHEDULE

MK	DESCRIPTION	TYPE	REMARKS
(A)	3'-2 5/8" X 4'-5 5/8"	2SSH	EGRESS
(B)	(2)3'-2 5/8" X 4'-5 5/8"	2SSH	EGRESS
(C)	26" X 15"		NON SEE THRU GALS.
(D)	3'-2 5/8" X 3'-2 5/8"	2SSH	

DOOR SCHEDULE

MK	SIZE	TK	REMARKS
(1)	3'-0" X 6'-8"	1 3/4"	ENTRANCE
(2)	2'-8" X 6'-8"	1 3/8"	PRIVACY
(3)	3'-0" X 6'-8"	—	BI-FOLD
(4)	2'-6" X 6'-8"	—	BI-FOLD
(5)	2'-2'-0" X 6'-8"	—	BI-FOLD
(6)	2'-8" X 6'-8"	1 3/4"	ENTRANCE

26.33'
x18.67'
491.58#

23.50'
x52.00
1,222#

17.50
x26.50
490.75#

Total 2203.83
coverage
%
7774.9
Lt area
= 28.3%
total lot area
OK

NOTES

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SOFFIT AND RIDGE VENTILATION REQ'D.
A RATE OF 1 SF. OF VENT EVERY 300 SF OF ROOF

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DATE	DESCRIPTION	BY

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.981.7192
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY JAM
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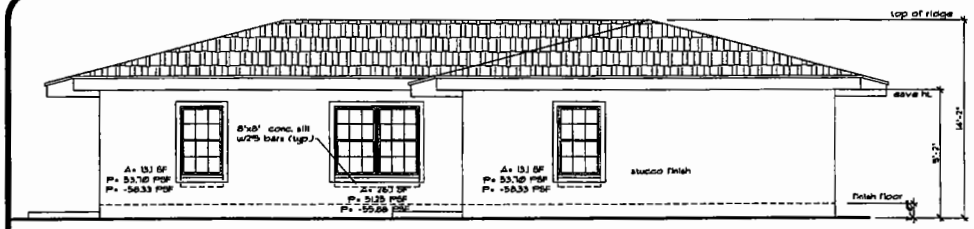
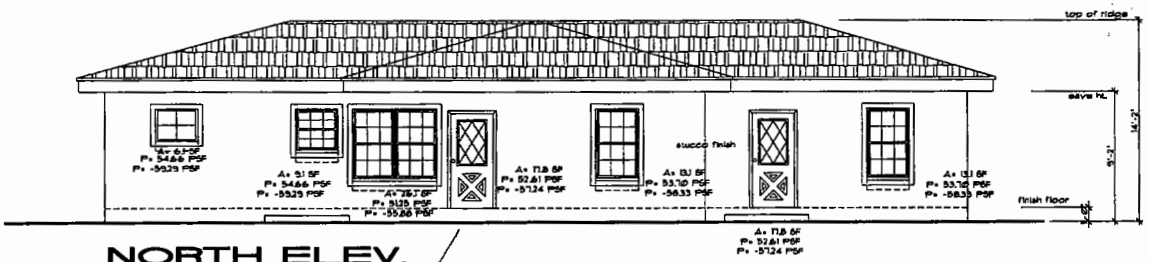
DATE 03.24.07
PROJECT NO. 07-016
DRAWING NO. 3
OF



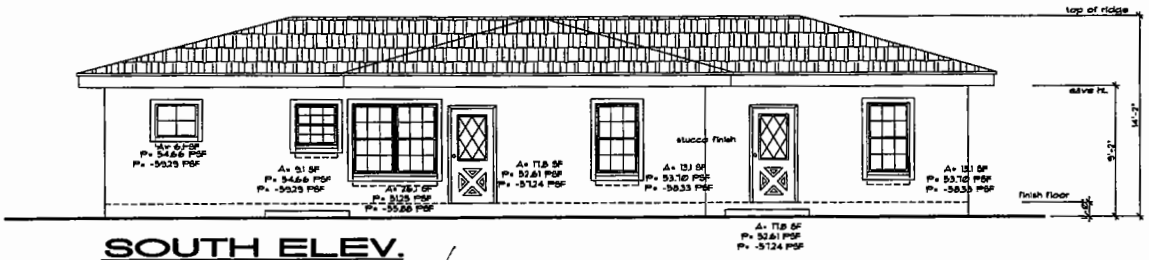
WEST ELEV.

SCALE: 1/4" = 1'-0"



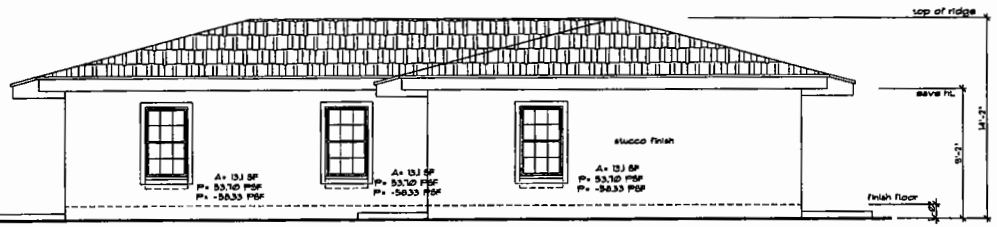
NORTH ELEV.

SCALE: 1/4" = 1'-0"



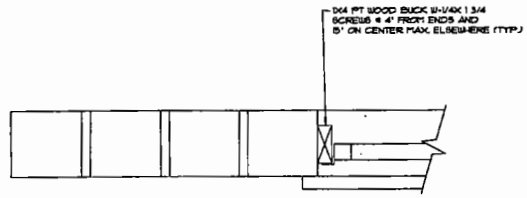
SOUTH ELEV.

SCALE: 1/4" = 1'-0"



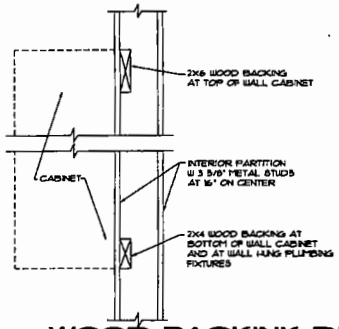
EAST ELEV.

SCALE: 1/4" = 1'-0"



DOOR/WINDOW DET.

SCALE: 1" = 1'-0"



WOOD BACKINK DET.

SHALL BE SUPPORTED AS PER 2516.3 FBC

WALL HUNG FIXTURES:

PLUMBING FIXTURES AND WALL CABINETS SHALL BE NOT LESS THAN 3"X4" WHERE SPACED NOT MORE THAN 16" O.C.

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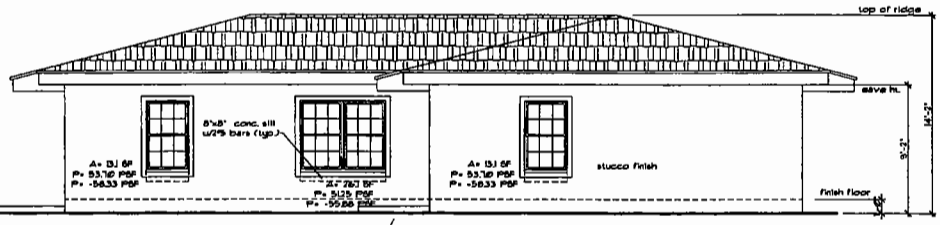
DATE	DESCRIPTION	BY

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.981.7132
CIVIL 44316

PLAN FOR:
Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

DRAWN BY: JAM
CHECKED BY: EP
DATE: 03.24.07
PROJECT NO.: 07-010
DRAWING NO.: 4 OF



WEST ELEV.

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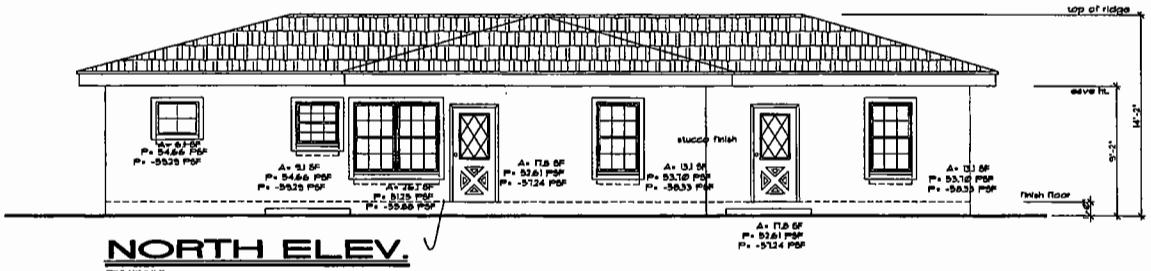
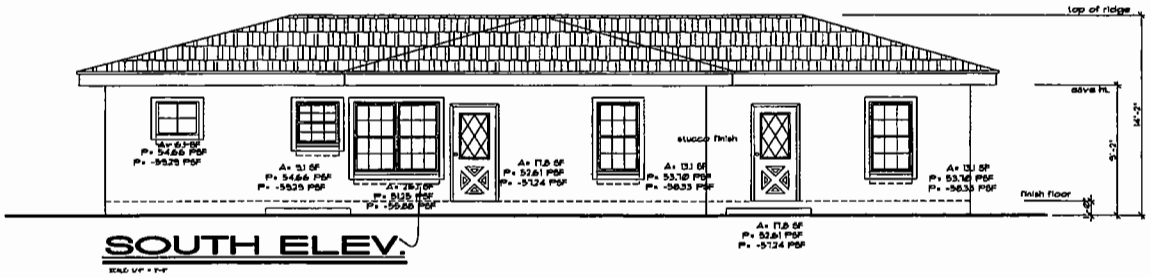


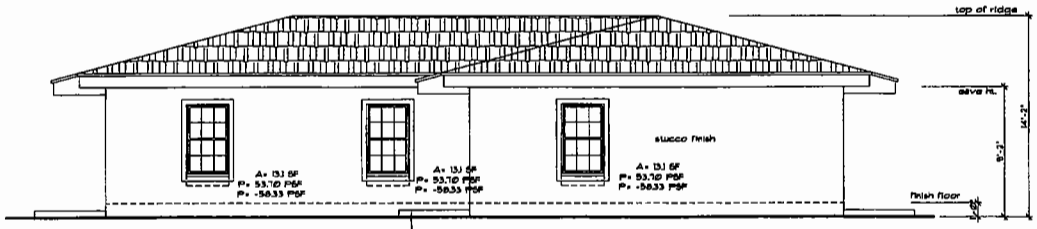
NORTH ELEV.

SCALE 1/4" = 1'-0"



SOUTH ELEV.

SCALE 1/4" = 1'-0"



EAST ELEV.

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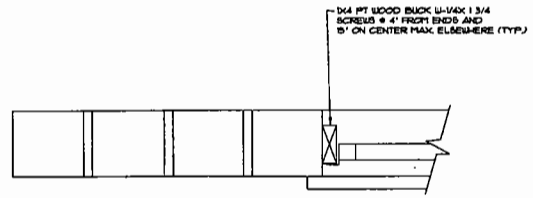
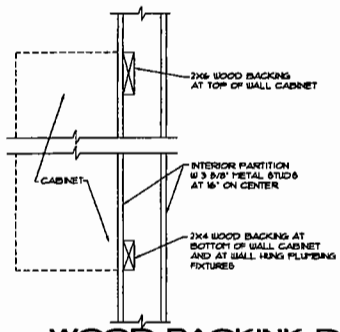


DOOR/WINDOW DET.

SCALE 1" = 1'-0"



WOOD BACKINK DET.

NTS

SHALL BE SUPPORTED AS PER 2516.5 RSC

WALL HUNG FIXTURES:

PLUMBING FIXTURES AND WALL CABINETS SHALL BE NOT LESS THAN 2"X4" WHERE SPACED NOT MORE THAN 16" O.C.

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DATE	DESCRIPTION	BY

ETIENNE PROPHETE
PROF. ENG.
2733 SW 46 COURT
DANIA, FLORIDA
TEL. 954.981.7132
CIVIL 44316

PLAN FOR:

Mr. George De La FE
10343-45 NW 35 Ave.
MIAMI, FLORIDA

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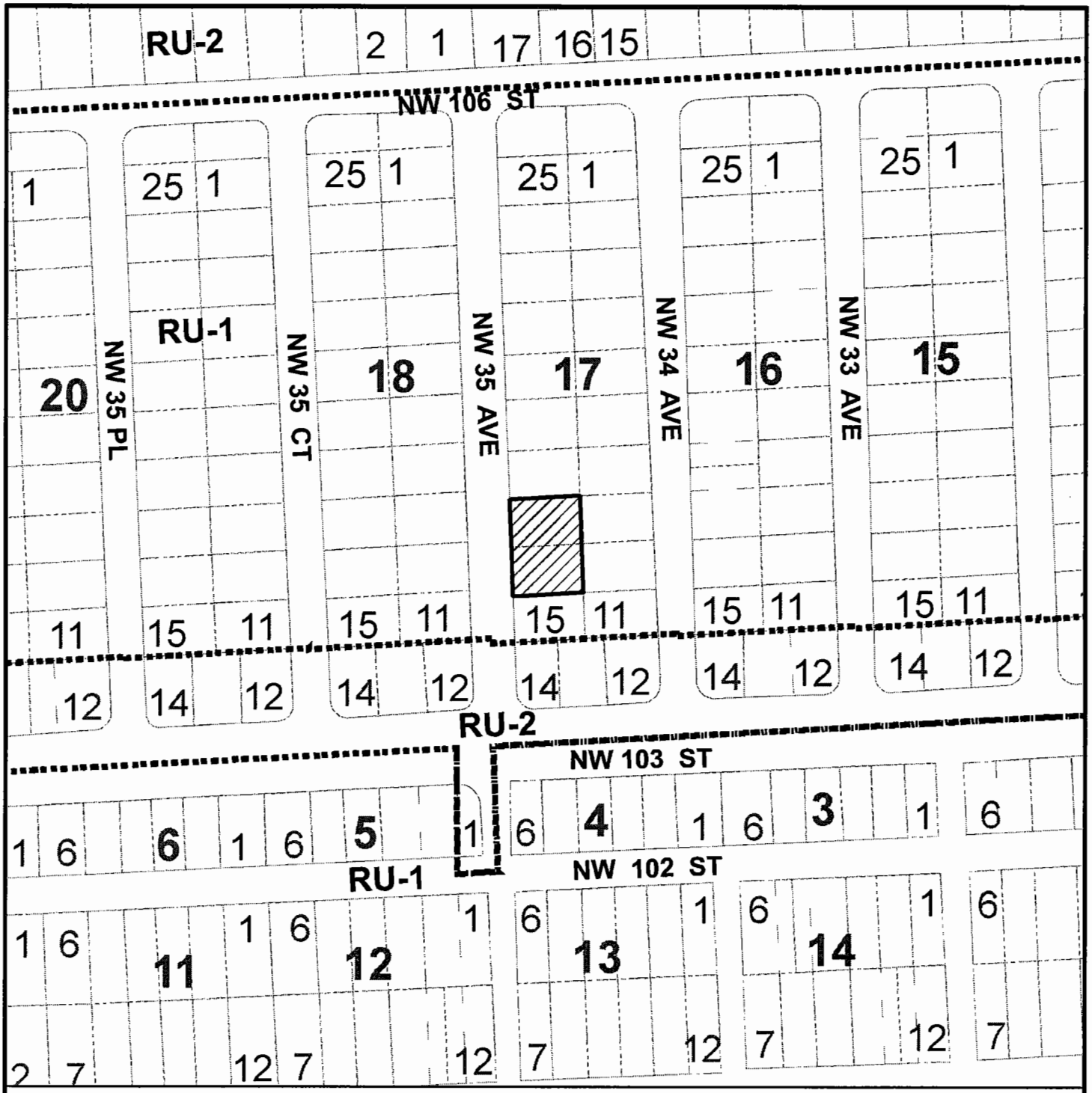


MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-121

SUBJECT PROPERTY

Section: 33 Township: 52 Range: 41
Applicant: GEORGE DE LA FE
Zoning Board: C08
District Number: 02
Drafter ID: KEELING
Scale: NTS

CREATED ON: 07/10/08

REVISION	DATE	BY
		31

MIAMI-DADE COUNTY
AERIAL

Process Number
08-121

SUBJECT PROPERTY

N
W E
S

Section: 33 Township: 52 Range: 41
Applicant: GEORGE DE LA FE
Zoning Board: C08
District Number: 02
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 07/10/08

REVISION	DATE	BY

5. ROMAR DISTRIBUTION, LC (Applicant)

08-12-CZ8-5 (08-128)
Area 8/District 2
Hearing Date: 12/16/08

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:

Year	Applicant	Request	Board	Decision
1963	Seaboard Airline Railroad Co.	Zone change from GU to IU-1.	BCC	Approved
1963	Seaboard Airline Railroad Co.	Zone change from GU to IU-1.	ZAB	Recommended for approval

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: Romar Distribution L. C. **PH:** Z08-128 (08-12-CZ8-5)

SECTION: 33-52-41 **DATE:** December 16, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 5

==========

A. INTRODUCTION

- **REQUEST:**

  IU-1 to IU-3

- **SUMMARY OF REQUEST:**

  This application will allow the applicant to change the zoning on the property from IU-1, Light Industrial District, to IU-3, Unlimited Industrial District.

- **LOCATION:**

  3550 N.W. 112 Street, Miami-Dade County, Florida.

- **SIZE:** 525' x 400'

- **IMPACT:**

  The approval of the rezoning to IU-3 will allow additional and more intense industrial uses in the area which could negatively impact the surrounding area by generating additional traffic and noise.

B. ZONING HEARINGS HISTORY:

In 1963, pursuant to Resolution #Z-126-63, the Board of County Commissioners approved a district boundary change on the subject property from GU, Interim District, to IU-1, Light Industrial District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately one quarter of a mile east of and 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.** Some existing uses and zoning are not specifically depicted on the LUP map. All existing 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 districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.

3. **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:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-1; distribution warehouse	Industrial and Office
Surrounding Properties:	
NORTH: IU-1; warehouses	Industrial and Office
SOUTH: IU-1; warehouses	Industrial and Office
EAST: IU-1; warehouses	Industrial and Office
WEST: IU-1; warehouses	Industrial and Office

The subject property is located at 3550 N.W. 112 Street. Industrial uses and warehouses characterize the area where the subject property lies.

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The applicant is seeking to change the zoning on the property from IU-1, Light Industrial District, to IU-3, Unlimited Industrial District. This property is currently being used as a distribution warehouse for chemicals used in the paint, ink and construction industries and is located at 3550 N.W. 112 Street in an area characterized by industrial uses and warehouses. The subject site is surrounded by IU-1 zoned properties. No plans were submitted for this application. However, the applicant has voluntarily proffered a covenant limiting the IU-3 uses to the storage and sale of the following products only: Cement and Clay Products, Acids and derivates, Alcohol, Industrial, Aluminum, Aluminum Powder, Ammonia, Asphalt or Asphalt Products, Casein, Caustic Soda, Cellulose Products, Cement, Lime, Gypsum or Plaster of Paris, Charcoal and Lamp Black, Chlorine, Coal Tar Product, Creosote, Dye Stuffs, Fungicides and Disinfectants, Lamp Black, Carbon Black and Bronze Black, Lead Oxide, Oils, vegetable edible, Petroleum, derivatives, gasoline and lubricating oil, wholesale storage, Phenol, Plastic Materials and Synthetic Resins, Rubber-Natural or Synthetic, Soaps (other than vegetable by-products) or detergents and Solvents.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that additional improvements may be required at the time of permitting. Additionally, this application meets traffic concurrency because the site lies within the urban infill area where traffic concurrency criteria do not apply. The Miami-Dade Fire Rescue Department **(MDFR)** also has **no objections** to this application and indicates that MDFR has reviewed a list of proposed products for the site and MDFR sees no issues with the business functioning with the listed products. Additionally, the estimated average travel response time is **4:32** minutes.

When considering district boundary changes, the Board shall consider if the development will conform to the CDMP, 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, 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. Staff is of the opinion that the rezoning of the subject site will not have an unfavorable impact on the environment since the Department of Environmental Resources Management (DERM) has no objections to this application. Additionally, the development of the subject property 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 will not unduly burden or affect public transportation facilities since this application meets the traffic concurrency criteria as the site lies within the urban infill area where traffic concurrency does not apply as indicated in the Public Works Department's memorandum. The approval of the rezoning to IU-3 would allow the applicant to provide additional and more intense industrial uses to the area. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject site for **Industrial and Office** use. Industries, manufacturing operations, 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. The proposed zone change to IU-3 is **consistent** with the LUP Map designation of the CDMP. Staff notes that some of the uses permitted in the IU-3 zoning district include manufacturing of aluminum, powder, bleaching products and paint; distillation, manufacturing or refining of coal, tar, asphalt, wood; distillery (alcoholic), breweries and alcoholic spirits; dynamite storage; manufacturing of fertilizer, organic or inorganic; manufacturing of hydrogen and oxygen; ink manufacture from primary raw materials (including colors and pigments); paint manufacture, depending upon materials and quantities used; petroleum, gasoline and lubricating oil--refining as well as wholesale storage. However, the applicant has voluntarily proffered a covenant restricting the IU-3 uses permitted on the site to the storage and sale of the following products only: Cement and Clay Products, Acids and derivates, Alcohol, Industrial, Aluminum, Aluminum Powder, Ammonia, Asphalt or Asphalt Products, Casein, Caustic Soda, Cellulose Products, Cement, Lime, Gypsum or Plaster of Paris, Charcoal and Lamp Black, Chlorine, Coal Tar Product, Creosote, Dye Stuffs, Fungicides and Disinfectants, Lamp Black, Carbon Black and Bronze Black, Lead Oxide, Oils, vegetable edible, Petroleum, derivatives, gasoline and lubricating oil, wholesale storage, Phenol, Plastic Materials and Synthetic Resins, Rubber-Natural or Synthetic, Soaps (other than vegetable by-products) or detergents and Solvents. The interpretative text of the CDMP indicates that 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 the surrounding area. The subject property is located in a section of Miami-Dade County which is predominately zoned IU-1 and developed with uses permitted in the IU-1 zoning district. However, staff notes that a few IU-2 uses have been approved in this area. Specifically, a property located two blocks north of the subject site was granted a request to permit a recycling facility along with a request to permit outdoor business uses, pursuant to Resolution #5-ZAB-250-96. Additionally, the property located to the west of the subject property was granted a request to permit a sewage treatment plant, which is a permitted use in the IU-3 zoning district, pursuant to Resolution #2-ZAB-178-64. Furthermore, a property located to the southwest of the subject site was granted a district boundary change from IU-1 to IU-2, Heavy Industrial District, with a covenant limiting the IU-2 uses to only railroad shops and construction debris materials recovery transfer facilities in enclosed buildings, pursuant to Resolution #CZAB8-21-07. Staff is of the opinion that, subject to the Board's acceptance of the voluntarily proffered covenant restricting the uses on the site to the storage and sale of some products only, approval of

the zone change request to IU-3 would not be out of character with this industrial area, would be **compatible** with neighboring developments and would, therefore, be **consistent** with the CDMP. As such, staff recommends approval of the district boundary change from IU-1 to IU-3, subject to the Board's acceptance of the voluntarily proffered covenant.

I. RECOMMENDATION:

Approval, subject to the Board's acceptance of the voluntarily proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 10/27/08
DATE TYPED: 11/14/08
DATE REVISED: 11/17/08; 11/20/08; 11/24/08
DATE FINALIZED: 11/24/08
MCL:MTF:NN:NC:JV

for Maria I. Rojo
Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning
NDN

Memorandum

MIAMI-DADE COUNTY

Date: August 27, 2008

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

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

Subject: C-08 #Z2008000128
Romar Distribution, LC.
3550 N.W. 112th Street
District Boundary Change from IU-1 to IU-3
(IU-1) (4.82 Acres)
33-52-41

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

Potable Water Service 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.

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 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
The proposed request will not impact tree resources; therefore, DERM has no objection to this zoning application. However, the applicant is advised that a Miami-Dade County Tree Removal Permit shall be required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History
DERM has the following enforcement records for the subject property:

Sunlight Foods, Inc. (IW-291)
On March 3, 1987, DERM issued a Notice of Violation (NOV) for oil and grease discharges, no industrial waste facility permit, and no underground tank permit. The case was subsequently closed in 1990 due to compliance.

On May 26, 1993, DERM issued Uniform Civil Violation Notice (UCVN) #090843 for the discharge of prohibited wastes or substances to sewers. The case was subsequently closed in August of 1993 due to compliance.

On April 22, 1994, DERM issued UCVN #110526 for violation of sewer discharge standards. The case was closed in November of 1994 due to compliance.

On March 20, 1997 a Consent Agreement was executed with DERM to resolve oil and grease discharge violations to sewers at the subject site. The case was subsequently closed in September of 2000 due to compliance.

Sunlight Foods, Inc. (UT-2213)
On December 21, 1992, DERM issued a NOV for hydrocarbon contamination found after a tank removal. A Final Notice Prior to Court Action was issued on June 28, 1994. A Site Rehabilitation Closure Report was received by DERM on September 15, 1995 and a No Further Action Plan was approved for the site on December 13, 1995; the case was subsequently closed.

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

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

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

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

PH# Z2008000128
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ROMAR DISTRIBUTION, LC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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.
18-SEP-08

REVISION 1

Memorandum

Date: 24-NOV-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000128

Fire Prevention Unit:

The Miami-Dade Fire Rescue Department (MDFR) has reviewed the inventory list of products to be stored on the property and has no objections.

Service Impact/Demand:

Development for the above Z2008000128
located at 3550 N.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0587 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 4:32 minutes

Existing services:

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

Station No. 2 - 6460 NW 27 Avenue
Rescue, 65' BLS Aerial, Squad

Planned Service Expansions:

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

N/A

Fire Planning Additional Comments:

N/A

DATE: 11/19/08

TEAM METRO

ENFORCEMENT HISTORY

ROMAR DISTRIBUTION, LC

APPLICANT

3550 N.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000128

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200005001395 referral made to DSWM for hazardous material on the ROW ONC case closed on 2/25/2002.
200205004886 referral made to DSWM for no dumpster at location ONC case closed on 10/9/02
200243001505 Citation issued for overgrowth; violation corrected case closed on 5/22/03
200213001506 Citation issued for chain linked fence in disrepair; violation corrected case closed on 5/22/03
200804004744 No ONC violation case closed on 7/16/08

A. Williams

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-128
DATE: JUL 09 2008
BY: SDE

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: Romar Distribution, L.C.

NAME AND ADDRESS	Percentage of Stock
Joost Sajet - 8100 NW 68th Street	50 %
Irith Sajet - 8100 NW 68th Street	50 %

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of 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: _____

NAME AND ADDRESS	Percentage of Stock

RECEIVED
MIAMI-DADE COUNTY
PROCESS#: 208128
DATE: JUL 09 2008
BY: SDE

CONTRACT FOR PURCHASE by a Corporation, Trust or Partnership, LIST PURCHASERS INCLUDING PRINCIPAL OFFICERS, STOCKHOLDERS, BENEFICIARIES OR PARTNERS. [If the principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Stock

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if an 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.

X Signature: _____
(Applicant)

Sworn to and subscribed before me this 9 day of July, 2008. Affiant is personally known to me or has produced DL S230420677900-0 as identification.

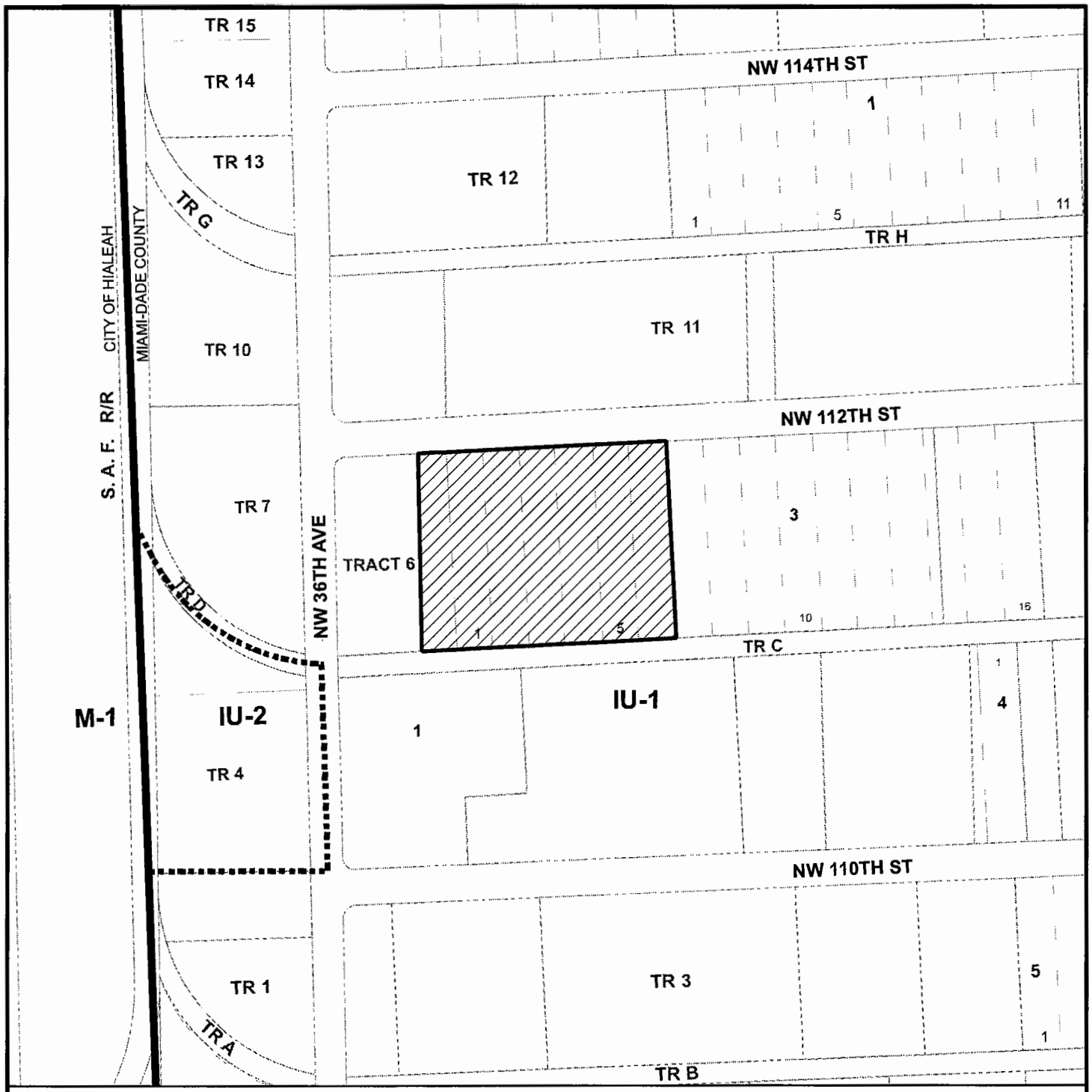
X _____
(Notary Public)

MARISOL R. GONZALEZ
Notary Public - State of Florida
My Commission Expires Sep 17, 2010
Commission # DD 553129
Bonded By National Notary Assn.

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.

MIA 180,103,916v1 6-17-08MIA 180,103,916v1 6-17-08



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-128

Section: 33 Township: 52 Range: 41
Applicant: ROMAR DISTRIBUTION, LC
Zoning Board: C08
Commission District: 02
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

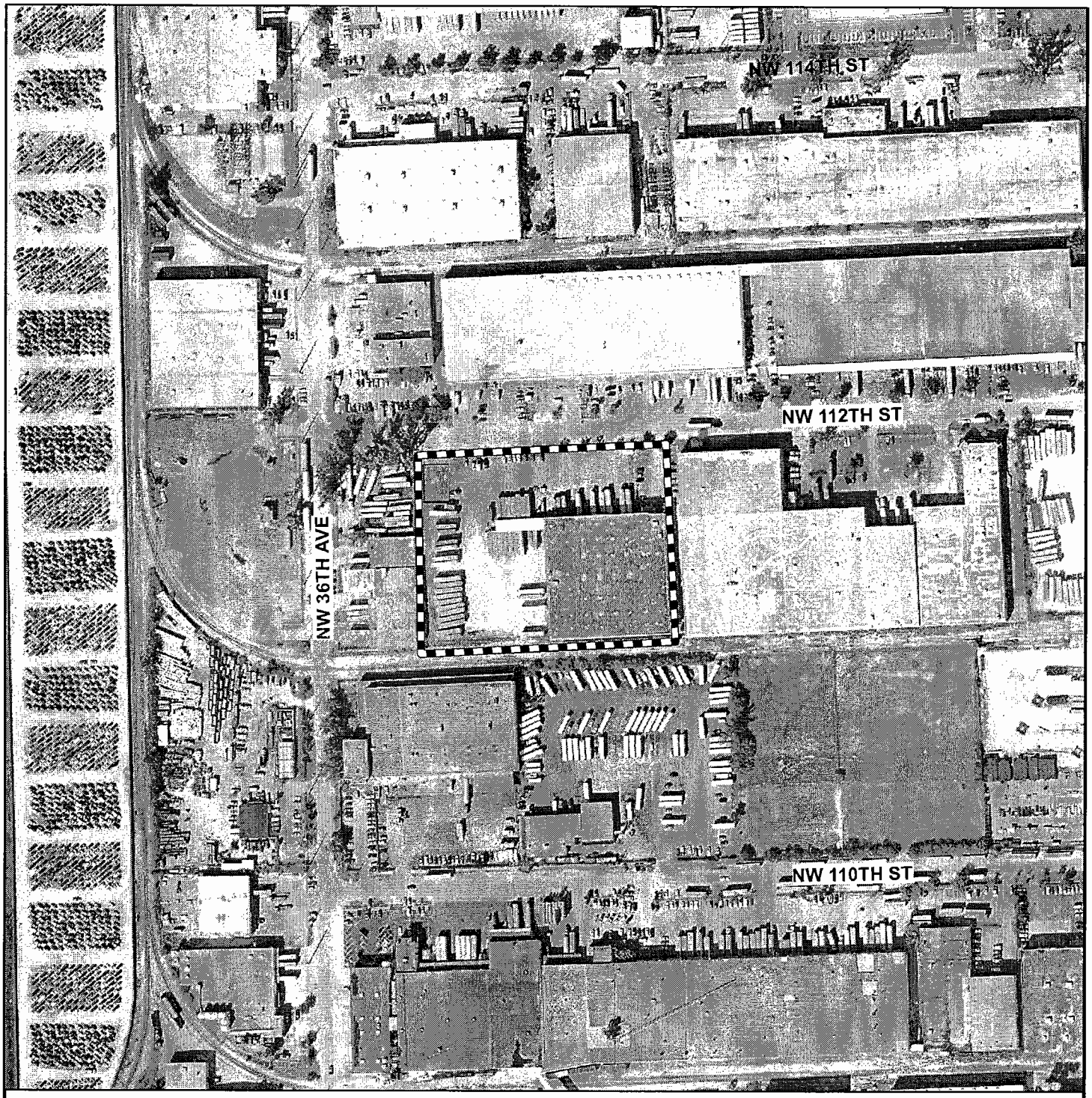
N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/12/08

REVISION	DATE	BY
Re-do Sketch (P.A. Correction)	11/12/08	KWS

16



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 33 Township: 52 Range: 41
Applicant: ROMAR DISTRIBUTION, LC
Zoning Board: C08
Commission District: 02
Drafter ID: KEELING
Scale: NTS
---------- Zoning

Process Number

08-128

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/12/08

REVISION	DATE	BY
Re-do Sketch (P.A. Correction)	11/12/08	KWS

CZAB 8 —— December 16, 2008
Item# 5 —— Z08-128
Romar Distribution, LC

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

Received by
Zoning Agenda Coordinator
DEC 10 2008

Received by
Zoning Agenda Coordinator
DEC 10 2008

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS FOR MIAMI-DADE COUNTY

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

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing **No. Z08-128** will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Use Restrictions.** Notwithstanding the IU-3 zoning designation on the Property, Owner agrees that the only IU-3 and IU-2 uses permitted on the Property, in addition to the uses currently permitted under the IU-1 zoning district, shall be the storage and sale of the following products described in Section 33-262 and Section 33-264 of the Miami-Dade County Zoning Code:

Section 33-262 (IU-2):

Cement and clay products.

Received by
Zoning Agenda Coordinator
DEC 10 2008

Section 33-264 (IU-3):

Acids and derivates.
Alcohol, Industrial.
Aluminum, Aluminum Powder.
Ammonia.
Asphalt or Asphalt Products.
Casein.
Caustic Soda.
Cellulose Products.
Cement, Lime, Gypsum or Plaster of Paris.

Charcoal and Lamp Black.
Chlorine.
Coal Tar Product.
Creosote
Dye Stuffs
Fungicides and Disinfectants.
Lamp Black, Carbon Black and Bronze Black.
Lead Oxide.
Oils, vegetable edible.
Petroleum, derivatives, gasoline and lubricating oil, wholesale storage.
Phenol.
Plastic Materials and Synthetic Resins.
Rubber -Natural or Synthetic.
Soaps (other than vegetable by-products) or detergents.
Solvents.

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

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

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

(5) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the

Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

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

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

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

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

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

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

(12) **Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of

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

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

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

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT BY NON PROFIT CORPORATION

Signed, witnessed, executed and acknowledged on this 5 day of DECEMBER, 2008.

IN WITNESS WHEREOF,. a Florida limited liability corporation has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Shanina Stefiuk

Print Name

Signature

Rodrigo Arguello

Print Name

ROMAR DISTRIBUTION, L.C.
3550 N.W. 112th Street
Miami, Florida, FL 33167

By: Joost Sajet
Title: Managing Member

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by **Joost Sajet** the **Managing Member** of **ROMAR DISTRIBUTION, L.C.**, a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced Fl. Driver Lic., as identification.

Witness my signature and official seal this 5th day of December, 2008, in the County and State aforesaid.

Notary Public State of Florida
Rodrigo A Arguello
My Commission DD382684
Expires 01/02/2009

Notary Public-State of Florida

[L:\forms\180294535_v_2_Romar_Chemo Declaration of Restrictions (3).DOC

(Public Hearing)

Section 33 Township 52 Range 41
Folio number: 3021330070160

Rodrigo A. Arguello

Print Name

My Commission Expires:

(Space reserved for Clerk)

JOINDER BY MORTGAGEE CORPORATION

The undersigned **Bank of America, N. A. a national banking association** and Mortgagee under that certain mortgage from **Romar Distribution, L.C., a Florida Limited Liability Company,** dated the **7th** day of **July, 2008** and recorded in Official Records Book **26470** Page **538** of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions for Miami-Dade County executed by Romar Distribution, L.C., does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 5th. day of December 2008.

Witnesses:

Signature

Claudia Sanchez

Print Name

Signature

MARY McInnis

Print Name

BANK OF AMERICA, N. A.
A National Banking Association
FL9--100-03-15
9000 Southside Blvd., 3rd Floor
Jacksonville, FL 32256

By

Vice-President

Print Name: Yamilet Carcache.

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA

COUNTY OF Dade

The foregoing instrument was acknowledged before me by Yamilet Carcache the Vice President of **Bank of America, N. A.**, a National Banking Association on behalf of the Associaition. He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of December, 2008 in the County and State aforesaid.

JORGE LUIS SOSA
MY COMMISSION # DD745015
EXPIRES December 27, 2011
(407) 398-0153 FloridaNotaryService.com

Notary Public-State of Florida

Jorge Luis Sosa

Print Name

My Commission Expires:

[f:\forms\180333327_1.DOC (12/3/08)]
MIA 180,333,327v1 12-2-08FERROS

EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 6, AND 7 BLOCK 3 SEABOARD INDUSTRIAL PARK, SECTION TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 93 AT PAGE 50, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,

AKA:
3550 NW 112TH STREET
MIAMI, FL 33178