KITS

4-3-2009 Version # 2

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Wednesday, April 29, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	06-3-CZ8-3	WALGREENS CO.	05-380	35-52-41	N
B.	09-3-CZ8-1	ROGER ALFONSO VAZQUEZ	08-196	16-53-41	

CURRENT

1.	09-4-CZ8-1	VALENTIN PAZMINO	07-96	28-53-41	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, APRIL 29, 2009

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. WALGREENS CO. (06-3-CZ8-3/05-380) **35-52-41**
Area 8/District 2

(1) RU-1, BU-1A, BU-2 & BU-3 to BU-3

(2) Applicant is requesting to permit a detached automatic changing sign on a 1.9 acre site (10 acres required).

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

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

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

SIZE OF PROPERTY: 1.9 Acres

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from 10-29-08

B. ROGER ALFONSO VAZQUEZ (09-3-CZ8-1/08-196) **16-53-41**
Area 8/District 2

BU-1 to BU-3

LOCATION: The southeast corner of NW 32 Avenue and NW 68 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 77.68' x 209.87'

Department of Planning and Zoning Recommendation: Approval of BU-2, Special Business District in lieu of BU-3, Liberal Business District.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3-25-09

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1. VALENTIN PAZMINO (09-4-CZ8-1/07-96) **28-53-41**
Area 8/District 2

Applicant is requesting to permit a duplex residence with a lot coverage of 31.4% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option) 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 Zoning Department entitled "Duplex for Mr. Valentin Pazmino," prepared by JRJ, Sheet 2 dated stamped received 1/21/09 and the remaining sheets dated stamped received 3/21/07 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 2728 N.W. 28 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 45' x 140'

Department of Planning and Zoning Recommendation: Approval with conditions of the application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of the same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE OF APPEAL RIGHTS

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

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

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

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

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

A

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

REPRESENTATIVE: Patrick Range

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
06-3-CZ8-3 (05-380)	October 29, 2008	CZAB8		08

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: 6 months (April 09) ☐ 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 to explore options regarding zoning regulations as per signs.

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

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

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

A

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

REPRESENTATIVE: Iris Escara

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

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: 12 month deferral ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To work with staff regarding request #2. The applicant had asked for an indefinite deferral, but the Board gave them a 12 month deferral from this evenings hearing.

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

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

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

A

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

REPRESENTATIVE: Iris Escara

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

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: October 23, 2007 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: The deferral was at the request of the applicant's representative. She stated that the Walgreens was being re-organized and that she had to speak with the company regarding staff's recommendation.

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

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

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

A

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

REPRESENTATIVE: Iris Escara

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

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

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: July 25, 2007 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To look for other solutions in obtaining complete approval of the application.

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

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

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

A

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

REPRESENTATIVE:

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

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

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: March 20, 2007 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: No quorum.

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

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EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY:

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

A

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

REPRESENTATIVE:

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

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

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: January 16, 2006 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: No quorum.

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

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EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: Absent

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

A

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

REPRESENTATIVE: Iris Escara

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

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

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

■ DEFER: ☐ INDEFINITELY ■ TO: 12/12/06 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

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

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

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

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

A

APPLICANT'S NAME: **WALGREENS**

REPRESENTATIVE: Iris Escara

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

REC: Denial without prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: 11/14/06 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To amend the letter of intent. Applicant will be held responsible for any possible expenses.

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

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EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **KENNETH DRUCKER**

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

A

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

REPRESENTATIVE: Iris Escara

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

REC: Denial with prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: 9/12/06 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ At applicant's request to work with staff.

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

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

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

#4

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

REPRESENTATIVE: Iris Escarra

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

REC: Denial with prejudice.

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

■ DEFER: ☐ INDEFINITELY ■ TO: June 20, 2006 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

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

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

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

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

APPLICANT: Walgreens Co. **PH:** Z05-380 (06-03-CZ8-3)

SECTION: 35-52-41 **DATE:** April 29, 2009

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

==========

A. INTRODUCTION

- **REQUESTS:**

  (1) RU-1, BU-1A, BU-2 and BU-3 to BU-3.

  (2) Applicant is requesting to permit a detached automatic changing sign on a 1.9 acre site (10 acres required).

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

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

- **SUMMARY OF REQUESTS:**

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

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

- **SIZE:** 1.9 acres gross

- **IMPACT:**

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

B. ZONING HEARINGS HISTORY:

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

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

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling,

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

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

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

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-1A, BU-2, BU-3, RU-1; retail store	Business and Office
Surrounding Properties:	
NORTH: C-2, City of North Miami	Business and office
SOUTH: RU-1; single-family residences	Business and Office
BU-2; retail	Business and Office
EAST: BU-2; gas station	Business and Office
WEST: BU-1A; retail	Business and Office
RU-1; single-family residences	

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted)
Scale/Utilization of Site:	**N/A**
Location of Buildings:	**N/A**
Compatibility:	**Unacceptable**
Landscape Treatment:	**N/A**

Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**Unacceptable**
Signage:	**Unacceptable**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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

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

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

* Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the October 29, 2008 meeting date for 6 months at the applicant's request. It should be noted that as of the time of this writing the applicant has not submitted any additional information pertaining to this application. This application was also deferred from the October 23, 2007 meeting date for one year at the applicant's request to allow the applicant the opportunity to pursue an amendment to the sign regulations via an ordinance. It should be noted that the applicant met with staff on October 17, 2008; however, to date, no such ordinance has been prepared for consideration by the Board of County Commissioners (BCC). Previously, this application was deferred from the July 25, 2007 meeting per the applicant's request to the October 23, 2007 meeting due to delays resulting from internal restructuring within the Walgreens Company. Additionally, this application was previously deferred from the March 20, 2007 meeting in order to allow the applicant to submit revisions to this application. Additionally, this application was deferred from the January 16, 2007 meeting and from the December 12, 2006 meeting due to a lack of quorum. Prior to this, the application was deferred from the November 14, 2006, meeting at the applicant's request and from the September 12, 2006 meeting at the applicant's request with leave to amend. On October 12, 2006, the applicant submitted a revised Letter of Intent amending their application and requesting a zone change from RU-1, BU-1A, BU-2 and BU-3 to BU-3 and to permit a detached automatic changing sign on a 1.9 acre site. Additionally, prior deferrals were granted from the June 20, 2006, meeting and from the March 21, 2006, meeting at the applicant's request to submit new plans and work with staff.

The subject property is located at 750 NW 119 Street in a mixed-use area. The applicant, Walgreens Co., is requesting to change the zoning on the property from RU-1, Single-Family Residential District, BU-1A, Limited Business District, BU-2, Special Business District, and BU-3, Liberal Business District, to BU-3. An additional request to permit a detached automatic changing sign (ACS) on a 1.9-acre parcel is also being sought. Automatic changing signs are permitted in any BU or IU zoning district subject to conditions, with a minimum net lot area of 10 acres. To the north of the subject property is the boundary of the City of North Miami and is developed with a commercial shopping center. To the southwest are single-family residences developed under the RU-1 zoning district regulations, while commercial buildings are located to the southeast. To the west of the subject property are single-family residences and retail uses, while directly to the east is a gas station with a convenience store and a fast-food restaurant.

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

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

with the Land Use Plan (LUP) map's designation of this site which is Business and Office use.

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

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

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

Based on all of the aforementioned, staff recommends denial without prejudice of request #1 to rezone the subject property to BU-3 and approval, in lieu thereof, to rezone the RU-1 portion only of the subject property to BU-1A; and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (Non-Use Variance) and under Section 33-311(A)(4)(c) (Alternative Non-Use Variance).

I. RECOMMENDATION:

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

J. **CONDITIONS:** None.

DATE INSPECTED:	01/12/06
DATE TYPED:	01/27/06
DATE REVISED:	02/02/06; 02/09/06; 04/21/06; 08/10/06; 08/22/06; 09/05/06; 10/12/06 11/16/06; 12/14/06; 02/05/07; 06/20/07; 06/25/07; 08/27/07; 09/04/07; 09/19/07; 09/09/08; 09/19/08; 10/07/08; 10/20/08; 10/21/08; 03/10/09
DATE FINALIZED:	03/10/09

MCL:MTF:LVT:JV:CSE:NC

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: November 2, 2006

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Concurrency Review Summary

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

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: May 24, 2005

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

From: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Subject: Zoning Hearing Improvements

RECEIVED
MAY 25 2005
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

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

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

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

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

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

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

Leandro Rodriguez

REVISION 3

Memorandum

MIAMI-DADE COUNTY

Date: 02-JUL-07

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

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

Subject: Z2005000380

Fire Prevention Unit:

Not applicable to Fire Engineering Site Requirements.

Service Impact/Demand:

Development for the above Z2005000380
located at 750 NW 119 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0592 is proposed as the following:

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: 5:58 minutes

Existing services:

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

Station 19 North Miami West 650 NW 131 St
Rescue, ALS 50' Squrt TRT-1

Planned Service Expansions:

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

Station 18 NE 5th Ave and NE 137 Street

Fire Planning Additional Comments:

Not applicable to service impact analysis.

OFFICE of NEIGHBORHOOD COMPLIANCE NORTHSIDE OFFICE

ENFORCEMENT HISTORY

WALGREEN CO	750 NW 119 ST
APPLICANT	**ADDRESS**
APRIL 01, 2009	Z05-380
INSPECTION DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

Current case history: Case 200904002174 was opened based on enforcement history request and inspected 04/01/09. No violations were observed and case was closed. Previous case history: Case 200804006309 case was opened for junk/trash overgrowth on 09/15/08 and no violations were observed and case closed. Case 200804002604 was opened for signs on the ROW on 03/29/08 and no violation was observed case was closed. Case 200804002448 was opened for signs on the ROW on 03/29/08 and no violation was observed case was closed. Case 200804010729 was opened for ROW maintenance on 12/19/07 no violation was observed and case was closed. Case 200704008023 was opened on 09/11/07 for Junk/trash overgrowth and no violation was observed case closed. Case 200704003897 was opened on 04/23/07 for signs on the ROW and no violation was observed case closed. Case 200804003893 was opened on 04/23/07 for signs on the ROW and no violation was observed case was closed. Case 200006005690 was opened on 08/21/00 for Graffiti found in violation and a Warning Letter was issued. Property owner corrected violation 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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: WALGREENS CO.

NAME AND ADDRESS	Percentage of Stock
WALGREENS CO. (PUBLICLY TRADED)	
200 WILMOT RD	
DEERFIELD, IL 60015	

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

TRUST/ESTATE NAME:

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

NAME AND ADDRESS	Percent of Ownership

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

NAME OF PURCHASER: See attached

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

Date of contract: _____

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

_____

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

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

Signature: Shawn Tasecher - Authorized Agent
(Applicant)

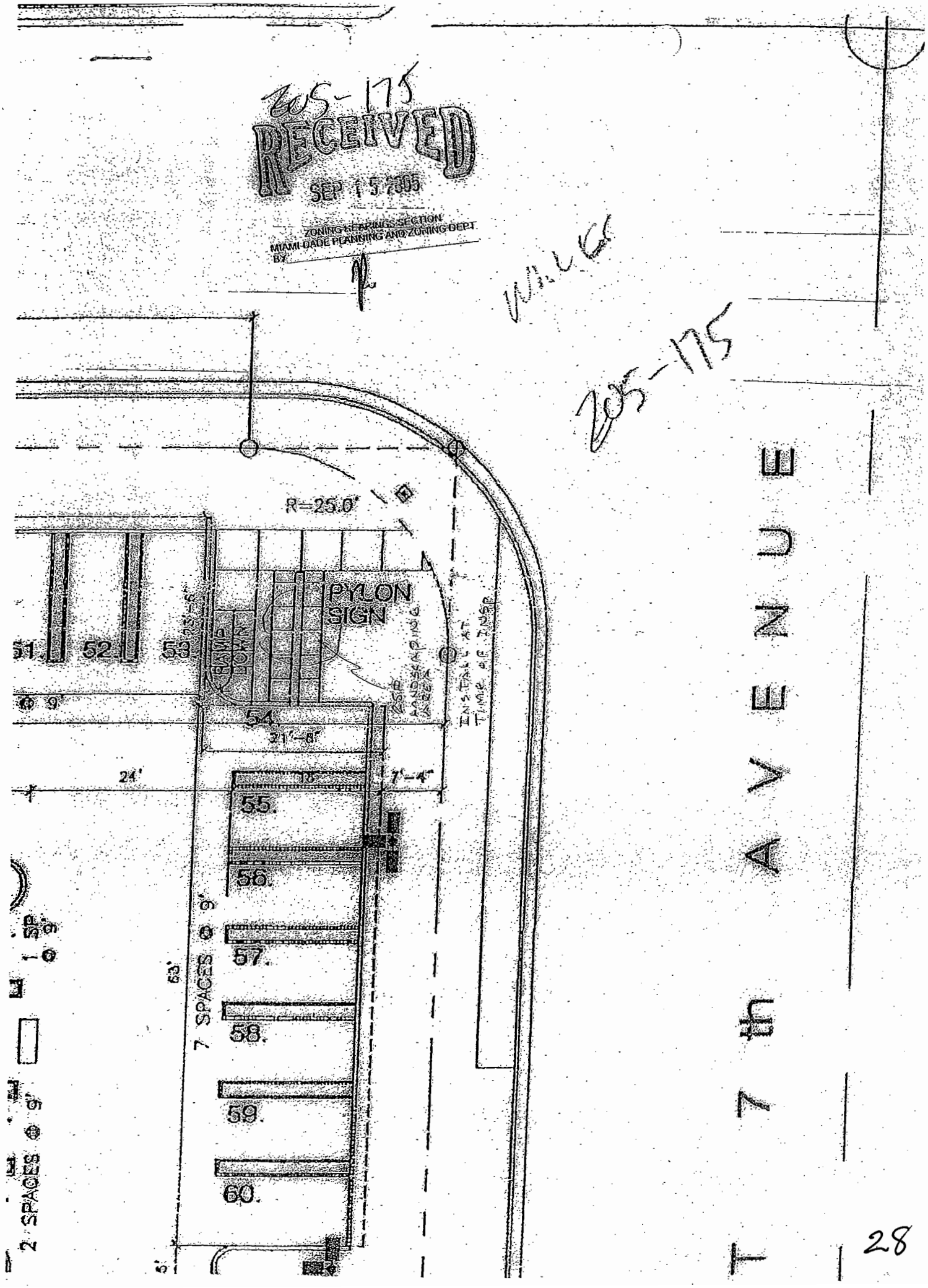
Sworn to and subscribed before me this 24th day of August, 2004. Affiant is personally known to me or has produced _____ as identification.

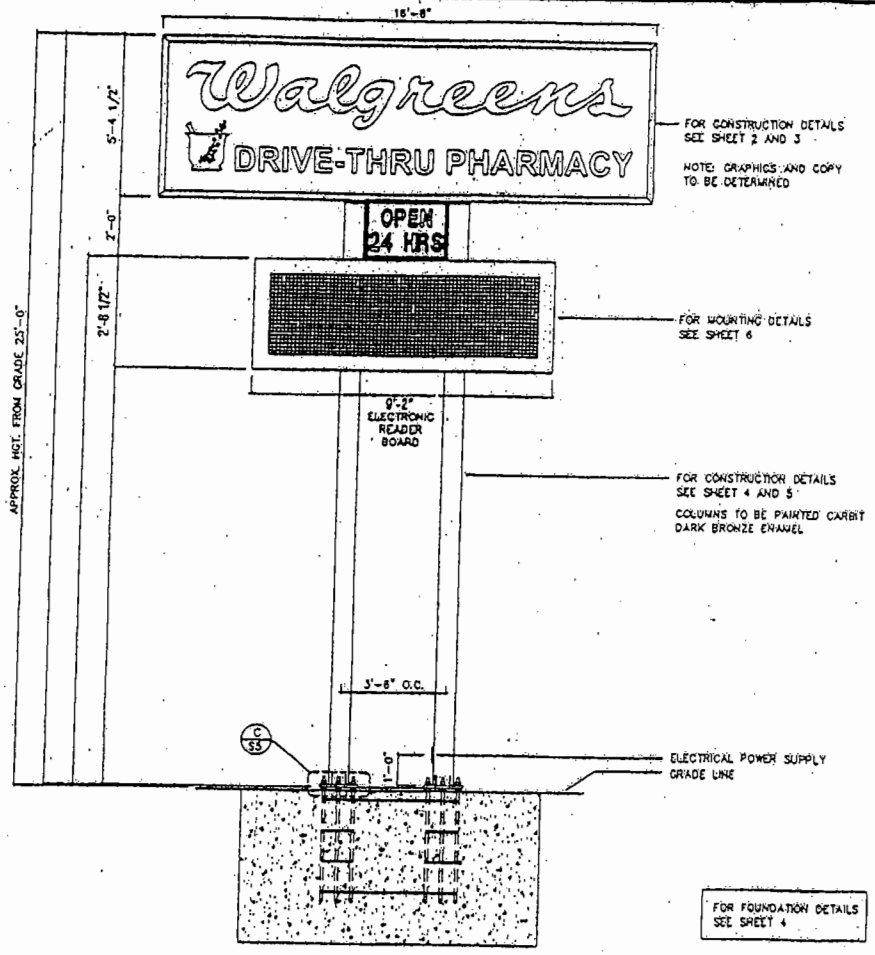
Barbara P Christensen
(Notary Public)

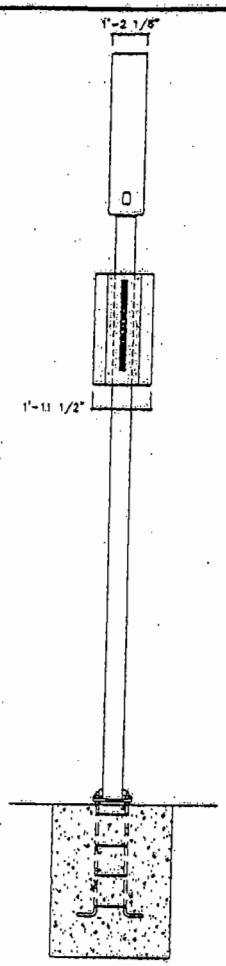
My commission expires 11/06/04

OFFICIAL SEAL
BARBARA P CHRISTENSEN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 11/06/04

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


205-175
RECEIVED
SEP 15 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY:
205-175
R=25.0'
PYLON SIGN
RAMP
LOCKS
51.
52.
53.
54.
55.
56.
57.
58.
59.
60.
9'
24'
21'-8"
7'-4"
63'
7 SPACES @ 9'
2 SPACES @ 9'
5'
7th AVENUE





ELECTRICAL

LAMPS	(16) F/60/T-12 C.W.H.O.	
BALLAST	(1) 256-496-100	
	(2) 256-672	
AMPS	10.7	
V.A.	120 VOLTS	WATTS 1,285
LED PANELS	(2) HITECH #1.375 STDSB (24 X 80)	
AMPS	30.0	
V.A.	120 VOLTS	WATTS 3,600
TOTAL AMPS	40.7	
V.A.	120 VOLTS	TOTAL WATTS 4,885
CIRCUITS	3-20 AMP	

NOTE: SIGN IS TO BE WIRED WITH 14 GAGE AWM 105C PER DIAGRAM ON BALLAST. ELECTRICAL LEADS TO BE 12 GAGE MTW WIRE. SIGN MUST BE GROUNDED WITH 14 GAGE GREEN WIRE.

AREA/WEIGHT

SIGN SQUARE FOOTAGE:

ESTIMATED SIGN WEIGHT:
750 Lbs (HEADER)
450 Lbs (E.M.U.s)

THIS SIGN TO BEAR THIS MARK
Underwriters Laboratories Inc.
ELECTRIC SIGN

SIGN SPECIFICATIONS

ALL SIGNS TO BE FABRICATED ACCORDING TO THE UNDERWRITERS LABORATORIES SPECIFICATIONS AND TO BEAR UL LABELS.

PROVIDE DISCONNECT SWITCH ON EXTERIOR OF SIGN FOR EACH CIRCUIT TO COMPLY WITH STATE AND LOCAL CODES.

NOTES:

WIND PRESSURE = ~~[illegible]~~ 27 P.S.F.

MINIMUM CONCRETE STRENGTH TO BE 3000 P.S.I.

REINFORCEMENT STEEL TO BE ASTM A-615 GR. 60

MINIMUM SOIL BEARING CAPACITY ~~3000 PSF~~. 1500

ELEVATIONS

SCALE: 1/4" = 1'-0"
REF. & ID. [illegible]

REVISIONS

No.	DATE:	BY:	DESCRIPTION

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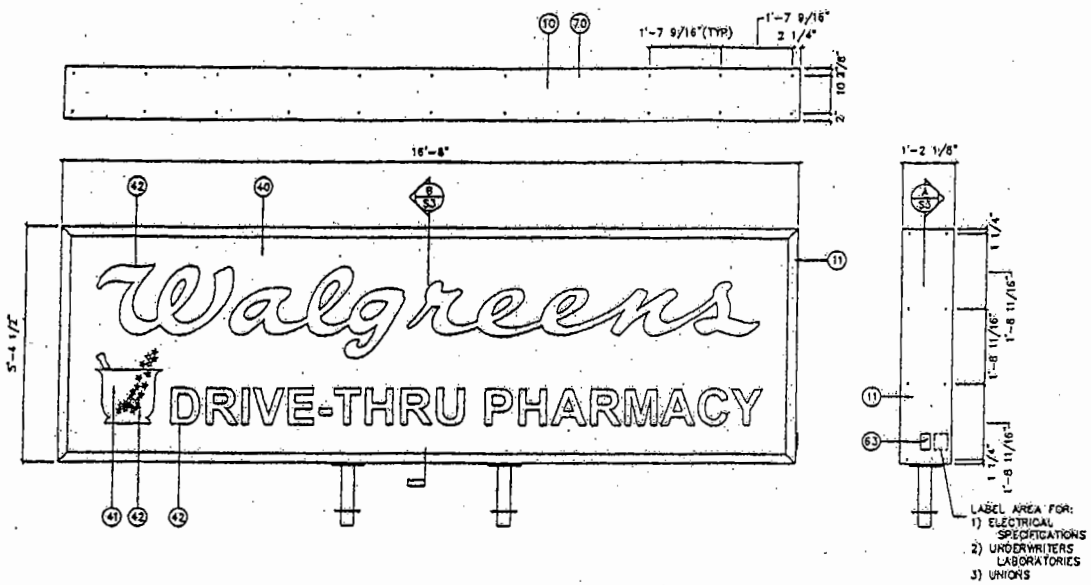
icon Identity Solutions
1418 SUMMERHURST RD.
BOX GROVE VILLAGE
ILLINOIS 60007

ENGINEERING DRAWING

PROJECT: Walgreens
5'-4 1/2" X 15'-8" DIF. ILLUMINATED PYLON
WITH 2'-8 1/2" X 9'-2" Electronic Readerboard
(WEST PALM BEACH, SOUTH FLORIDA)

TITLE: SIGN CONSTRUCTION

JOB:	#4915	APPROVED BY:	DATE:
	WEST PALM, FLA	DESIGN	
DRAWN:	AJL	CUSTOMER	
DATE:	03/08/02	PRODUCTION	
SCALE:	1/4	MARKETING	
FILE:	WAL0457A	SHEET	1 of 6



THIS SIGN TO BEAR THIS MARK

ELECTRIC SIGN

ELECTRICAL

HEADER

No.	QTY.	ITEM	DESCRIPTION	AW PART.
60	16	LAMPS	F60T-12, CW/HO	UPF08000G
61	1	BALLAST	256-472	BLJ256009
62	2	BALLAST	256-872	BLJ256012
		AMPS	10.7	
		V.A.	120 VOLTS WATTS 1285	
		CIRCUITS	1-15 AMP	

AREA/WEIGHT

SIGN SQUARE FOOTAGE:
HEADER 90 sq/ft.

SIGN ESTIMATED WEIGHT:
HEADER 750 Lbs.

BILL OF MATERIALS

(HEADER ONLY)

No.	QTY.	DESCRIPTION
1	2	EXTRUSION ALUMINUM, MOS FRAME (LARGE) x 16'-7 3/4" LG
2	2	EXTRUSION ALUMINUM, MOS FRAME (LARGE) x 5'-4 1/4" LG
10	2	ALUM SHT (MED. BRONZE) PRECOAT, .050" x 1'-9 3/8" x 16'-
11	2	ALUM SHT (MED. BRONZE) PRECOAT, .050" x 1'-9 7/16" x 5'-
12	12	ALUMINUM FLAT STOCK, .125" x 1 1/2" x 10 1/2" LG
13	16	.050" WHITE PRECOAT ALUMINUM, 6 1/2" x 6 1/2"
14	AS REQ'D	ALUM SHT (MED. BRONZE) PRECOAT, .050", DIA
21	AS REQ'D	STEEL ANGLE GALV, 1/4" x 2" x 2" x 8" LG
22	2	STEEL ANGLE GALV, 1/4" x 2 1/2" x 2 1/2" x 3" LG
23	2	STEEL ANGLE GALV, 3/16" x 1 1/2" x 1 1/2" x 3" LG
24	2	STEEL TUBE SQUARE, 1/4" x 3 1/2" x 3 1/2" x 6'-6 1/2" LG
25	2	ROD, STEEL, 3/8" DIA. x 7'-10" LG
26	2	LIFT CLIP, STEEL ANGLE GALV, 1/4" x 2 1/2" x 2 1/2" x 2 1/
27	2	STEEL ANGLE BLACK, 3/16" x 1 1/2" x 1 1/2" x 2'-0" LG
30	2	STEEL PLATE, 1/2" x 9" x 9"
31	2	STEEL PLATE, 1/4" x 7" DIA.
40	2	VINYL 3M 3630-53 CARDINAL RED
41	2	VINYL 3M 3630-36 BLUE
42	2	PANAFLEX SERIES 945 WHITE
60	16	LAMP, F60T12 C.W.H.O.
61	1	BALLAST, MAGNETEK #256-472
62	2	BALLAST, MAGNETEK #256-872
63	1	SWITCH, 20A RAIN TIGHT, MULBERRY# 30482
69	AS REQD	SCREW, HEX WASHER TEK, #8 X 3/4" UNSLOTTED, ZINC FINISH
70	92	SCREW, HEX WASHER TEK, #10 X 3/4" UNSLOTTED, ZINC FINISH
71	6	BOLT, TAP HEX HEAD, 1/4-20 x 1 1/4"
72	6	RIVNUT, 1/4-20
73	6	WASHER, LOCK 1/4" MEDIUM
74	6	WASHER, FLAT, 1/4"
75	18	BOLT, HEX HEAD CAP, 1/2-13 x 1 1/2", GRADE 5, ZINC FINISH
76	18	NUT, HEX FINISHED, 1/2-13, ZINC FINISH
77	18	WASHER, LOCK 1/2" MEDIUM, ZINC FINISH
78	18	WASHER, FLAT, 1/2", ZINC FINISH
79	4	BOLT, HEX HEAD, 3/8-16 x 1 1/4", ZINC FINISH
80	124	TENSIONER
81	124	KEEPER
82	124	DOWEL
83	4	NUT, HEX FINISHED, 3/8-16, ZINC FINISH
84	4	WASHER, LOCK 3/8" MEDIUM SPLIT, ZINC FINISH
85	4	WASHER, FLAT, 3/8", ZINC FINISH
90	26	3/8" DIA. DRAIN HOLES
91	2	ALUM SHEET (MED. BRONZE) PRECOAT, .050" x 8" x 8"
92	2	ALUM SHEET (MED. BRONZE) PRECOAT, .050" x 11 1/8" x 2'-9
93	1	ALUM SHEET (MED. BRONZE) PRECOAT, .050" x 8" x 2'-9 3/4"
94	6	SCREW, #8 X 3/4" SLOTTED HEX WASHER TYPE A
95	AS REQD	RIVET, POP ALUMINUM

HEADER FRONT, SIDE AND TOP VIEWS

SCALE: 3/8"=1'-0"
REF. #

REVISIONS

No.	DATE:	BY:	DESCRIPTION

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icon Identity Solutions
1415 ELMHURST RD.
ELK GROVE VILLAGE
ILLINOIS 60007

ENGINEERING DRAWING

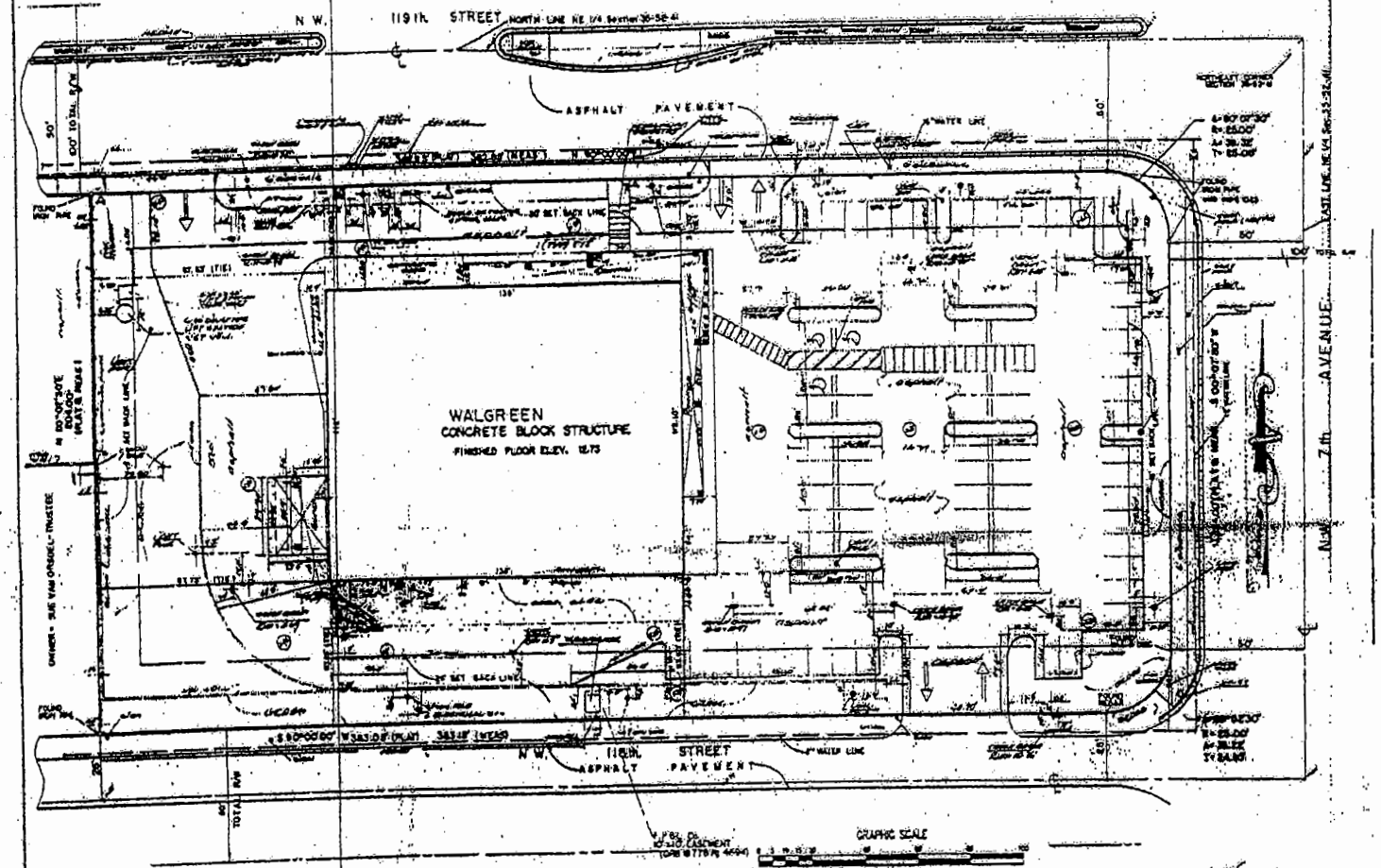
PROJECT: Walgreens
5'-4 1/2" X 16'-8" O.F. ILLUMINATED PYLON
WITH 2'-8 1/2" X 9'-2" Electronic Readerboard
(MIAMI, FLORIDA)

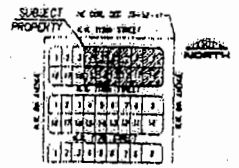
TITLE: SIGN CONSTRUCTION

JOB: #44915
MIAMI, FL
DRAWN: AJL
DATE: 03/08/0
SCALE: 3/8
FILE: WAL0457A

31

ALTA/ACSM LAND TITLE SURVEY (URBAN SURVEY)





VICINITY MAP

"GRATIGNY PLACE" (PLAT BOOK 45, PAGE 10)
SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

SPECIAL NOTES

LEGAL DESCRIPTION

FLORIDA INTERNATIONAL INC.
LAND SURVEYORS
7900 NW 27th AVENUE, BLVD. SUITE 1-2
MIAMI, FL. 33147
(305) 691-4301

SURVEYOR NOTES

RECEIVED
JUN 21 2005
205-176

RECEIVED
JUN 21 2005

ALTA/ACSM LAND TITLE SURVEY (URBAN SURVEY):
LOTS 4 THROUGH 15 IN BLOCK 1 OF "GRATIGNY PLACE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

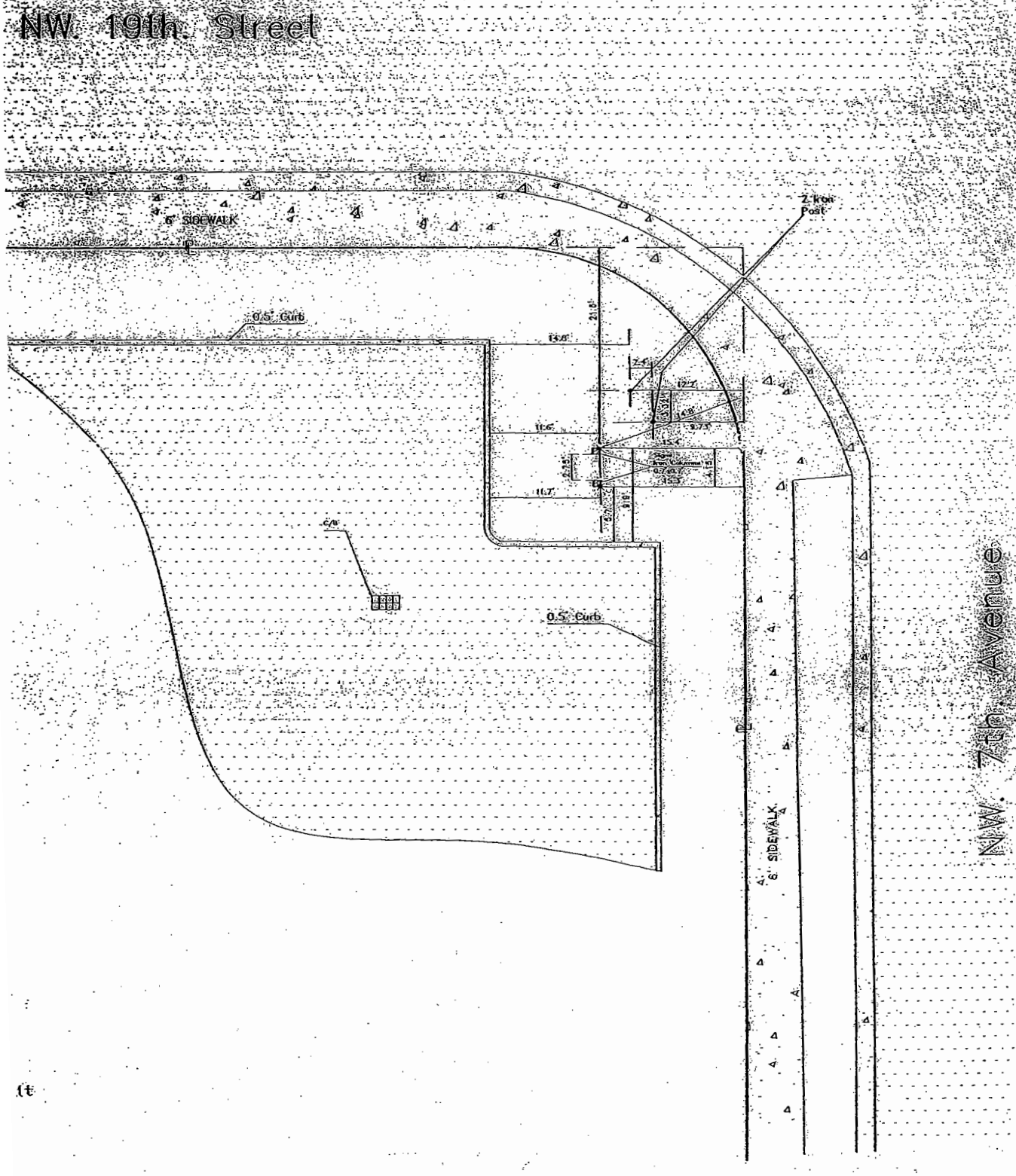
REVISIONS

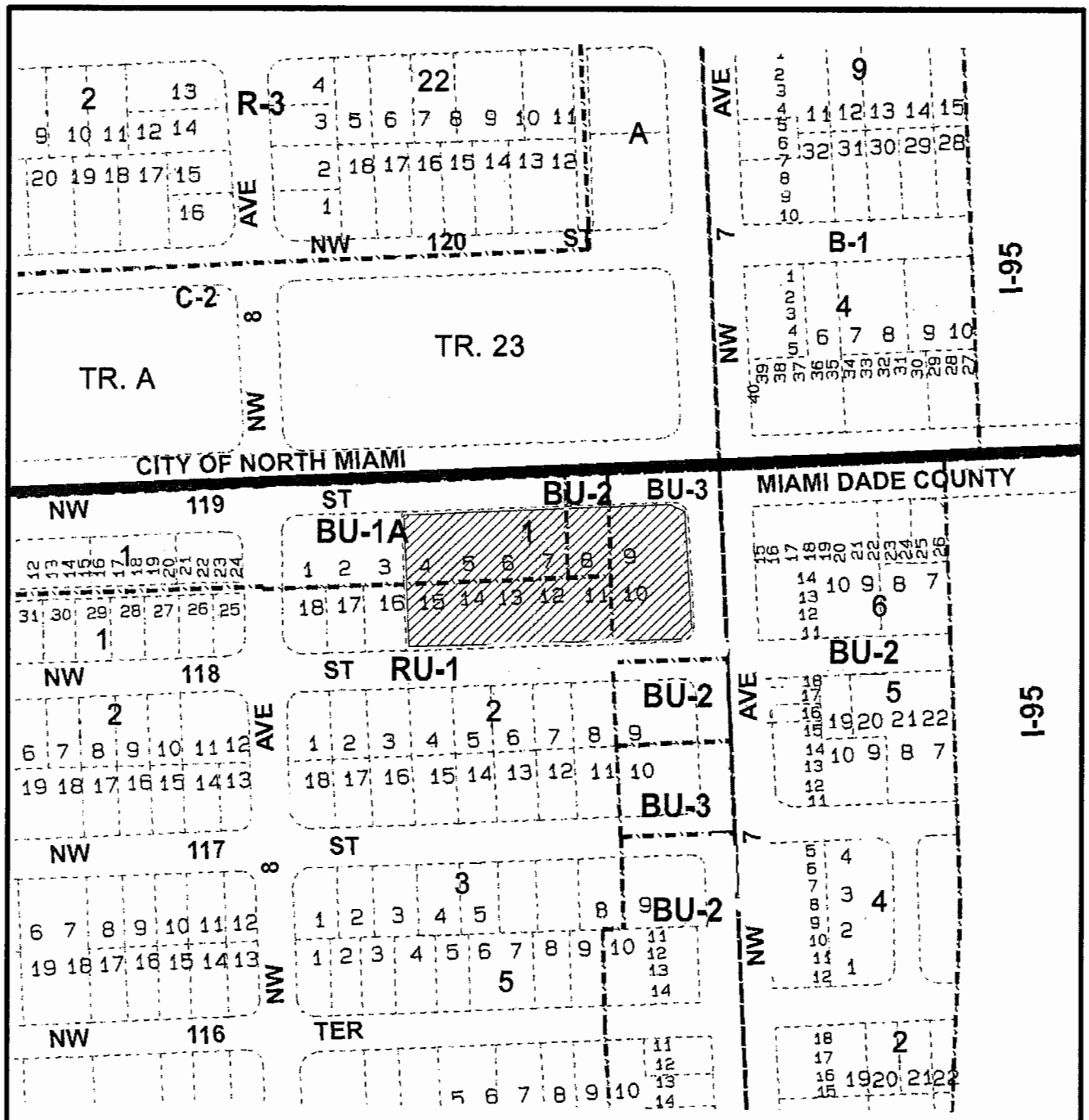
Date 10/07/1999
Drawn
Checked
Job 307-99
Sheet 1 of 1 Sheets

335

SPECIFIC PURPOSE SURVEY

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





MIAMI-DADE COUNTY
HEARING MAP

Process Number
05-380

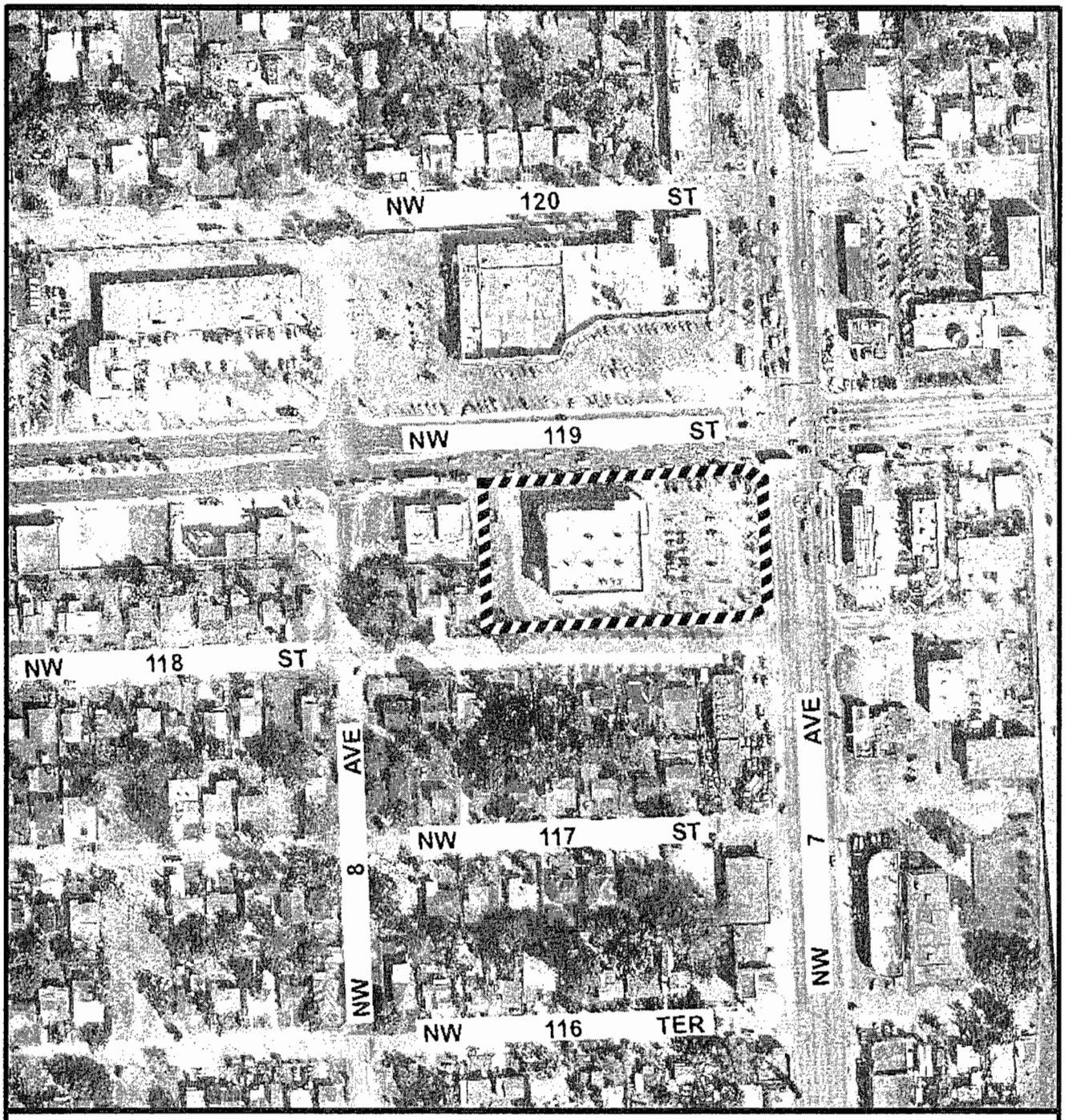
S C A L E
0 200'
N

SUBJECT PROPERTY

Section: 35 Township: 52 Range: 41
Process Number: 05-380
Applicant: WALGREENS CO.
Zoning Board: C08
District Number: 02
Drafter ID: JEFFER
Scale: 1:200'

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-380. 11/05.
REVISION 02/06
REVISION 11/06 JG
REVISED 12/04/06 JG
REVISED 10/22/08 JG



MIAMI-DADE COUNTY

AERIAL

Process Number

05-380

S C A L E 0 NTS

N

SUBJECT PROPERTY

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

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-380. 11X8.5.
REVISION 6/2/06
REVISION 11/06 JG
REVISED 12/04/06 JG
REVISED 10/22/08 JG

B. ROGER ALFONSO VAZQUEZ
(Applicant)

09-3-CZ8-1 (08-196)
Area 8/District 2
Hearing Date: 4/29/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1973	Seidle Hardware, Inc.	Variance setback requirements.	ZAB	Approved
1973	Seidle Hardware	Zone change from RU-3B to BU-1.	BCC	Approved
1991	Roy Souther	- Unusual Use junkyard. - Non-Use variance wall, wire fence, hedges, parking spaces, back out 2-way cross.	ZAB	Denied without prejudice

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

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

#1

APPLICANT'S NAME: **ROGER ALFONSO VAZQUEZ**

REPRESENTATIVE: Javier Vazquez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
09-3-CZ8-1 (08-196)	March 25, 2009	CZAB8		09

REC: Approval of BU-2, Special Business District in lieu of BU-3, Liberal Business District.

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

■ DEFER: ☐ INDEFINITELY ■ TO: April 29, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To allow the applicant to submit a covenant restricting use.

TITLE	M/S	NAME	YES	NO	ABSENT
VICE CHAIRMAN		Richard C. BROWN (C.A.)	X		
COUNCILMAN	M	Patrick CURE	X		
COUNCIL WOMAN DR.	S	Joy J. Davis	X		
COUNCILMAN		Arthemon JOHNSON			X
COUNCIL WOMAN		Voncarol Yvette KINCHEN			X
COUNCILMAN		Fredericke Alan MORLEY	X		
CHAIRMAN		Vernell EVERETT	X		
		VOTE:	5	0	

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

2

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

APPLICANT: Roger Alfonso Vazquez **PH:** Z08-196(09-3-CZ8-1)

SECTION: 16-53-41 **DATE:** April 29, 2009

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

==========

A. INTRODUCTION

- **REQUEST:**

  BU-1 to BU-3

- **SUMMARY OF REQUEST:** This application would allow the rezoning of the property from BU-1, Neighborhood Business District, to BU-3, Liberal Business District, in order to allow additional commercial uses on the subject property.

- **LOCATION:** The southeast corner of NW 32 Avenue and NW 68 Street, Miami-Dade County, Florida.

- **SIZE:** 77.68' x 209.87'

B. ZONING HEARINGS HISTORY:

In April 1973, the Zoning Appeals Board (ZAB) granted a use variance on a portion of the subject property to allow a hardware store in the RU-3b Bungalow Court District (Lot 13), and an unusual use to allow non-commercial parking in the RU-3b District (on a parcel of land across NW 68 Street). In May 1973, the Board of County Commissioners (BCC) granted the approval for a district boundary change from RU-3b, Bungalow Court District, to BU-1, Neighborhood Business District, on a portion of the subject property (Lot 13) and on a parcel of land across NW 68 Street. Subsequently, in March 1991, the Zoning Appeals Board (ZAB) denied a request to allow a junk yard and accompanying non-use variances on the subject property (Lots 13 and 14).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining

uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

2. 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:	
BU-1; Vacant	Business and Office
Surrounding Properties:	
NORTH: BU-1 & 3; parking lot	Business and Office
SOUTH: BU-1A; Retail	Business and Office
EAST: RU-1, Single Family Residence	Low Density Residential 2.5 to 6 dua
WEST: IU-1; parking lot	Industrial and Office

The subject property is comprised of two lots and is located at the southeast corner of NW 32 Avenue and NW 68 Street.

E. SITE AND BUILDINGS:

Site Plan Review:	(No site plan submitted)
Scale/Utilization of Site:	**N/A**
Location of Buildings:	**N/A**
Compatibility:	**N/A**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**

Access:	**N/A**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Signage:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) 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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred by the CZAB 8, on March 25, 2009, in order to allow the applicant to proffer a covenant restricting the uses on the subject property. The applicant is requesting a zone change from BU-1, Neighborhood Business District, to BU-3, Liberal Business District. The subject property fronts on a half section line right-of-way (NW 32 Avenue); to the west across NW 32 Avenue a parcel of land is being used for parking and storage of large commercial vehicles; to the north across NW 68 Street there is a commercial parking lot and to the east there is a single family residence.

The Department of Environmental Resources Management **(DERM) has no objections** to this application. Their memorandum indicates 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 conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the application meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and has indicated that the estimated response travel time to the site is **4:10** minutes.

Approval of this application would rezone the subject property from BU-1 to BU-3. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities including retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The interpretative text of the CDMP provides that, in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. The applicant is seeking to rezone the subject property to BU-3 in order to allow more intense business uses. Staff opines that the proposed zone change to BU-3 would be **consistent** with the allowable uses as listed in the Business and Office land use category of the CDMP. However, due to the proximity of the existing residential development immediately to the east of the subject property, staff opines that the requested BU-3 District, will allow uses which would be to intense and will cause a negative visual and aural impact on the residential area which lies to the east of the subject property. As such, staff opines that the requested BU-3 District, would be **incompatible** with the adjacent residential area to the east. Based on the aforementioned, staff opines that the although the proposed zone change to BU-3 is **consistent** with the Business and Office designation of the LUP map of the CDMP, it would be **incompatible** with the development trend in the adjacent residential area to the east. As such, staff opines, that BU-2, Special Business District which will allow less intense commercial uses on the subject property, would be more appropriate to the site, would be **consistent** with the Business and Office designation of the LUP map of the CDMP and would be **compatible** with the surrounding area and therefore should be approved.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. When evaluating this application for a district boundary change to BU-3, staff acknowledges that the request is consistent with the Business and Office designation of the LUP map of the Comprehensive Development Master Plan. Further staff acknowledges that NW 32 Avenue is a well developed arterial corridor with intensive industrial and commercial zones on either side, and that the property to the north, across NW 68 Street includes both BU-3 and BU-1 zoning districts. Staff also notes that DERM, the Public Works Department, and the Miami-Dade Fire Rescue Department do not object to the proposed zone change. However, as previously mentioned staff opines that approval of the requested zone change to BU-3 would allow intense commercial uses that could have a negative visual and aural impact on the existing residences located to the east of the subject site. As such, staff opines that BU-2, Special Business District in lieu of the requested zone change to BU-3 zoning is **consistent** with the CDMP's Business and Office Land Use Plan map designation and **compatible** with the area and will not negatively affect the existing development in the surrounding area. As such, staff recommends approval of the zone change to BU-2 in lieu of BU-3.

I. **RECOMMENDATION:** Approval of BU-2, Special Business District in lieu of BU-3, Liberal Business District.

J. **CONDITIONS**: None.

DATE INSPECTED: 02/18/09
DATE TYPED: 02/18/09
DATE REVISED: 02/18/09; 02/19/09; 03/26/09
DATE FINALIZED: 03/26/08
MCL:MTF:NN:NC:AA

for Maria I. Gojo

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: October 28, 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 #Z2008000196
Roger Alfonso Vazquez
3196 N.W. 68th Street
District Boundary Change from BU-1 to BU-3
(BU-1) (0.37 Acres)
16-53-41

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 and Wastewater Disposal

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

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

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

Stormwater Management

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

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

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

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

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

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

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

Wetlands
The subject property does not contain jurisdictional wetlands, as defined 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 subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution

approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

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

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

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

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

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

PH# Z2008000196
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ROGER ALFONSO VAZQUEZ

This Department has no objections to this application.

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.
28-NOV-08

Memorandum

MIAMI-DADE COUNTY

Date: 22-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000196

Fire Prevention Unit:

No objection to Letter of Intent.

Service Impact/Demand:

Development for the above Z2008000196
located at THE CORNER OF N.W. 32 AVENUE & N.W. 68 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0861 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: 4:10 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 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.

DATE: 03/09/09
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

ROGER ALFONSO VAZQUEZ

APPLICANT

THE Southeast CORNER OF N.W. 32 AVENUE & N.W. 68 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

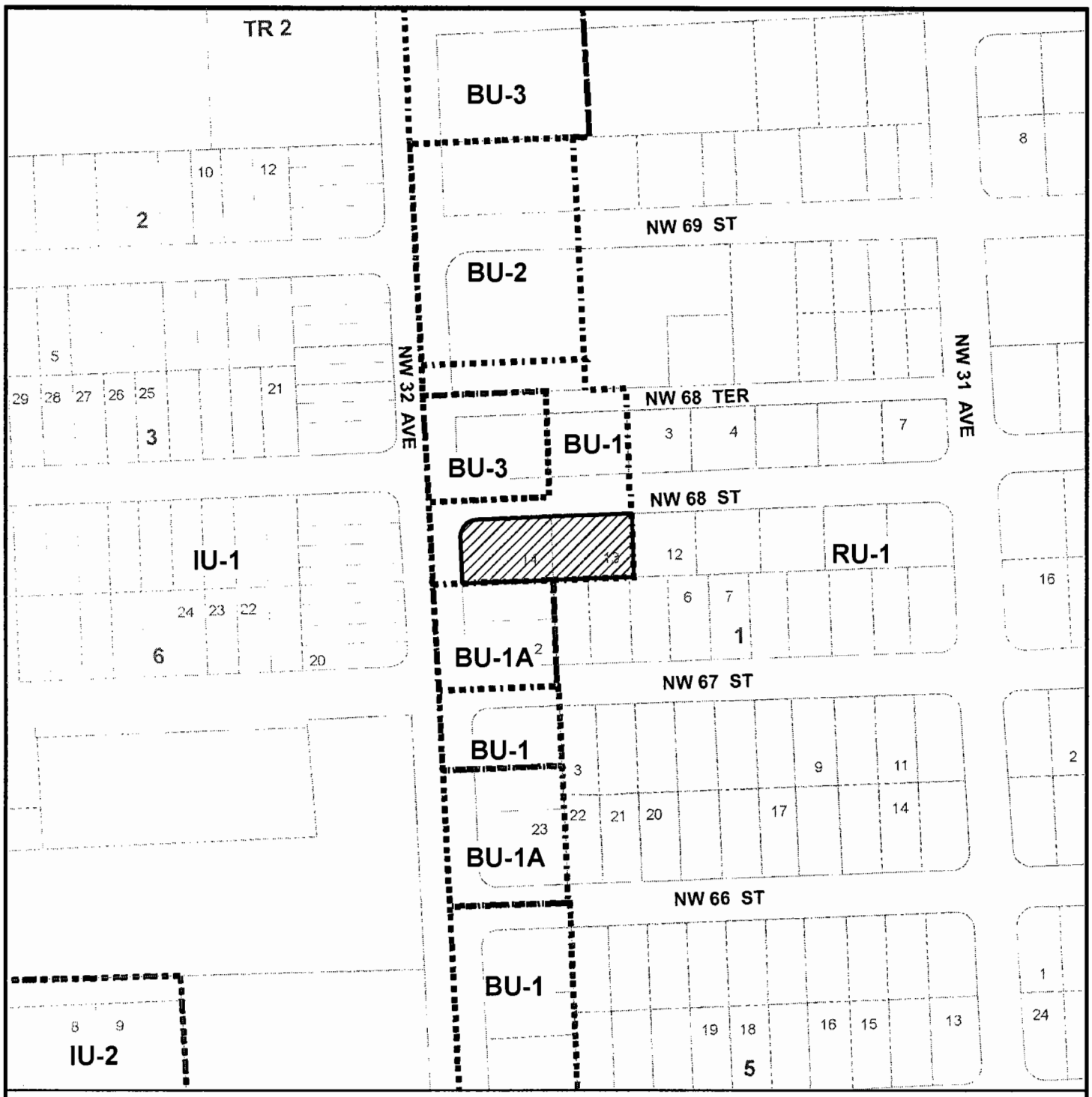
Z2008000196

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY: folio #30-3116-001-0120
Case #200904000176 was opened for unauthorized use storage of commercial equipment and trailers and inspected on 01/13/09. Warning Notice issued and case closed. Case #200904000175 was opened for junk and trash and inspected on 01/13/09. Warning notice issued and case closed.

Belinda Brown



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-196

Section: 16 Township: 53 Range: 41
Applicant: ROGER ALFONSO VAZQUEZ
Zoning Board: C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/06/09

REVISION	DATE	BY
		14

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-196

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SUBJECT PROPERTY

Section: 16 Township: 53 Range: 41
Applicant: ROGER ALFONSO VAZQUEZ
Zoning Board: C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/06/09

REVISION	DATE	BY

ITEM # B ROGER ALFONSO VAZQUEZ
HEARING # 08-196

This instrument was prepared by:

Name: Javier L. Vazquez, Esq.

Address: Javier L. Vazquez, P.A.
6500 Cow Pen Road, #302
Miami Lakes, Florida 33014

PLANNING AND ZONING AGENDA OFFICE
2009 APR 22 A 9: 20

Received by Zoning Agenda Coordinator
APR 2 2 2009

(Space reserved for Clerk of the Court)

Received by Zoning Agenda Coordinator
APR 2 2 2009

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the property in Miami-Dade County, Florida described in Exhibit "A," attached hereto, and hereafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that representations made by the Owner during consideration of Public Hearing No. 08-196 will be abided by the Owner freely, voluntarily and without duress, make the following Declaration of Restrictions covering and running with the property:

1.) **Use Restrictions.** Notwithstanding the BU-3 zoning of the subject property, the only permitted use from the BU-3 list of uses shall be "Contractor's plant and storage yard" as per Section 33-255(9) of the Miami-Dade Zoning Code. Nothing in the covenant shall modify or restrict owner's use of the property as it relates to the BU-1, BU-1A and BU-2 uses.

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.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost 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.

Acceptance of Declaration. The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.

Signed, sealed and acknowledged on this 3rd day of APRIL, 2009.

Witnesses:

Bonnie Heffernan
Print Name

Clara Martinez
CLARA MARTINEZ
Print Name

Roger Alfonso Vazquez

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 3rd day of APRIL, 2009 by Roger Alfonso Vazquez. He personally appeared before me, is personally known to me or produced FL DRIVER LICENSE as identification, and did not take an oath.

(NOTARIAL SEAL)

Notary: Clara Martinez
Print Name: CLARA MARTINEZ
Notary Public, State of Florida
My commission expires:

Notary Public State of Florida
Clara Martinez
My Commission DD784587
Expires 05/01/2012

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 13 and 14, **"FIRST ADDITION TO FERN PARK"**, according to the Plat therefore, as recorded in Plat Book 42, at Page 67, of the Public Records of Miami-Dade County, Florida.

Folio #:30-3116-001-0130
Folio #:30-3116-001-0120

1. VALENTIN PAZMINO
(Applicant)

09-4-CZ8-1 (07-96)
Area 8/District 2
Hearing Date: 4/29/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1973	Luis & Luz Pineda	Use Variance BU-1 use in RU-3B zone fruit store.	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

APPLICANTS: Valentin Pazmino | **PH:** Z07-096 (09-4-CZ8-1)

SECTION: 28-53-41 | **DATE:** April 29, 2009

COMMISSION DISTRICT: 2 | **ITEM NO.:** 1

==========

A. INTRODUCTION

- **REQUEST:**

  Applicant is requesting to permit a duplex residence with a lot coverage of 31.4% (30% permitted).

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Duplex for Mr. Valentin Pazmino," prepared by V. Pazmino, Sheet 2 dated stamped received 1/21/09 and the remaining 3/21/07 and consisting of 4 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:** The applicant is requesting to permit a duplex residence with greater lot coverage than that allowed by the Zoning Code.

- **LOCATION:** 2728 NW 28 Street, Miami-Dade County, Florida.

- **SIZE:** 45' x 140'

B. ZONING HEARINGS HISTORY: In September 1973, pursuant to Resolution #Z-299-73, the subject property was approved on appeal to the Board of County Commissioners (BCC) for a use variance to permit a BU-1, Neighborhood Business District use in an RU-3B, Bungalow Court District, to wit; a fruit and vegetable retail store and a variance of lot frontage to permit a lot with 45' frontage (50' required).

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-Medium Density Residential.** 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:		
RU-3B; Duplex		Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:		
NORTH:	RU-3B; multi-family apartments	Low-Medium Density Residential, 6 to 13 dua
SOUTH:	RU-3B; multi-family apartments	Low-Medium Density Residential, 6 to 13 dua
EAST:	BU-1A; retail store	Low-Medium Density Residential, 6 to 13 dua
WEST:	RU-3B; duplex	Low-Medium Density Residential, 6 to 13 dua

The subject property is an interior lot located at 2728 NW 28 Street in an area characterized by duplexes and apartments located to the north, west and south of the subject site and commercially zoned properties to the east, along NW 27 Avenue.

E. SITE AND BUILDINGS:

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

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

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

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

1. total lot coverage shall not be increased by more than twenty (20) percent of the lot coverage permitted by the underlying district regulations provided, however, that the proposed alternative development shall not result in total lot coverage exceeding 50% of the net lot area; 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; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional

common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is an interior lot located at 2728 NW 28 Street in an area characterized by duplexes and apartments located to the north, west and south of the subject site and commercially zoned properties to the east, along NW 27 Avenue. The applicant is requesting to permit a lot coverage of 31.4%. The maximum lot coverage allowed in the RU-3B, Bungalow Court zoning district for a duplex is 30%. Staff's review of the plans submitted by the applicant for this application reveals that the requested increase in lot coverage is due to the two structures on the subject property. The submitted plans depict the 2 separate buildings on the subject property which will each house only one family as permitted in the RU-3B zoning district regulations. Additionally, staff notes that the survey depicts a 5.3' roof overhang along the interior side (west) property line from the neighboring property to the west, which is not depicted on the site plan. The applicant has also submitted photographs with the application which

indicate 2 additional doors on the rear building that are also not shown on the submitted site plans. Staff is supportive of the application for reasons stated below. However, staff will recommend as conditions for approval that the aforementioned roof overhang and additional doors be removed prior to final inspection, and that the applicant submit a Declaration of Use restricting the subject property to a maximum of 2 residential units.

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 conditions as set forth in their memorandum. The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application and they indicate that the estimated response time is **7.19 minutes.** The Miami-Dade Aviation Department **(MDAD)** and the **Public Works Department (PWD)** also have **no objections** to this application.

The approval of the request would allow the applicant the maintenance and continued use of the duplex residence. The subject property is designated as **Low-Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Because the existing buildings will not add additional units to the property, the RU-3B zoned subject property is **consistent** with the LUP Map designation 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 the request would be **compatible** with the surrounding area, would not be out of character with or detrimental to the neighborhood, and would not, therefore, negatively affect the appearance of the community. The request to permit a lot coverage of 31.4% (30% permitted) for the two buildings on the subject property. It should be noted that said buildings comply with all setback requirements. Further, staff's research reveals that similar approvals for variances of lot coverage of greater intensity have been granted in the immediate vicinity of the subject property. For example, in April 1991, a property located at 2766 NW 27 Street, to the southeast of the subject property, was approved a request to permit a duplex residence with a lot coverage of 38%, pursuant to Resolution #4-ZAB-101-91. Similarly, in September 1995, a property located at 3011 NW 28 Street, approximately 1,240' to the west of the subject property, a request to permit a duplex residence with a lot coverage of 39%, was approved pursuant to Resolution #5-ZAB-377-95. Further, in 1999, pursuant to Resolution #CZAB8-1-99, a property located at 2970 NW 27 Street, approximately 960' to the southwest of the subject site, was approved for a request to permit a duplex residence with a lot coverage of 44%, (40% permitted). Therefore, staff opines that the approval of this request would not be out of character with the neighborhood and is **compatible** with the surrounding area. However, staff recommends as a condition for approval of the application that the roof overhang extending from the neighboring property to the west be removed. In addition, staff notes that the rear building is only 730 square feet in size but has 3 doors which is excessive for the size of the building and could lead to the creation of multiple units. Therefore, staff would also condition the approval of the application that 2 of the 3 doors of the rear building be removed leaving only 1 door entering the living room as shown on the submitted plans and that the applicant provide a Declaration of Use, restricting the property to a Two-family Duplex use only. As such, staff recommends approval with conditions of the request under the NUV Standards.

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the request is due to unnecessary hardship and that, should the request 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-3B zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

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

Based on all of the foregoing, it is staff's opinion that the application is **consistent** with the CDMP and **compatible** with similar approvals in the surrounding area. Accordingly, staff opines that the approval of same would not be out of character with or detrimental to the neighborhood and would not negatively affect the appearance of the community. Therefore, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV).

I. RECOMMENDATION:

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

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things 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, "Duplex for Mr. Valentin Pazmino," prepared by V. Pazmino, Sheet 2 dated stamped received 1/21/09 and the remaining 3/21/07 and consisting of 4 sheets, except as herein modified to show the removal of the two additional doors on the rear building. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the applicants apply for and secure building permits for all non-permitted additions and structures on the property from the Building Department within 120 days of the expiration of the appeal period for this public hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

5. That the existing roof overhang along the interior side (west) property line from the abutting property be removed prior to final inspection.

6. That 2 of the 3 doors of the rear building be removed leaving only 1 door entering the living room as shown on the submitted plans.

7. That the applicant submit a Declaration of Use Agreement in recordable form which is acceptable to the Director that restricts this property to a two-family duplex use only.

DATE INSPECTED: 11/02/07
DATE TYPED: 03/04/09
DATE REVISED: 03/04/09, 03/10/09
DATE FINALIZED: 03/30/09
MCL:MTF:NN:AA:CH

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: April 28th, 2005

RECEIVED
MAY 04 2005
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

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

From: John W. Renfrow, P.E., Director
Environmental Resources Management

Subject: Standard DERM Comments for public hearing applications involving zoning actions for modifications to existing-already-platted single-family residence, duplex, or individual townhouse unit.

The Department of Environmental Resources Management (DERM) has investigated your request to consider providing standard DERM comments for the specific applications identified above in order to enhance the efficiency of the review process. After review, DERM has determined that the standard comments listed below will meet the requirements of Chapter 24 of the Miami-Dade County Code for the purposes of these types of applications moving forward in the public hearing process, as long as they do not involve the addition of new units to the existing unit. The Department of Planning and Zoning (DP&Z) can provide the following DERM conditions to the county response memo for these applications to satisfy the DERM comments:

> Notwithstanding the foregoing, the applicant is advised that no formal review of the application has been conducted by the Department of Environmental Resources Management (DERM); therefore, compliance with the applicable requirements of Chapter 24 of the Miami-Dade County Code that may be applicable to subsequent development orders that might be required in connection therewith, have not been determined at this time. These requirements may include but are not limited to compliance with the following:
>
> - Connection to the potable water supply system
> - Connection to the public sanitary sewer system
> - Drainage and stormwater disposal requirements
> - Tree preservation requirements – Section 24-49 of the Miami-Dade County Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, and prohibits impacts to Natural Forest Communities as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to any landclearing activities, development of site, or the preparation of landscaping plans.
>
> The applicant is further advised that non-compliance with any of the above noted Code requirements, or any other applicable requirement may prevent DERM from approving any additional development orders that might be required in connection with this petition.

If you have any questions regarding this matter, please contact Enrique Cuellar at (305)-372-6764.

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

REVISION 1

Memorandum

Date: 27-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000096

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2007000096
located at 2728 N.W. 28 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1076 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: 7:19 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:

Not applicable to service impact analysis.

11

DATE: 03/10/09

TEAM METRO

ENFORCEMENT HISTORY

VALENTIN PAZMINO

APPLICANT

2728 N.W. 28 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2007000096

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

01/13/06 - Team Metro Melrose office issued Citation # 909757,for maintaining 5 living units within a Bungalow Court District.

06/27/06 - SMA Hearing found the property owner guilty. Was given 30 days to comply.

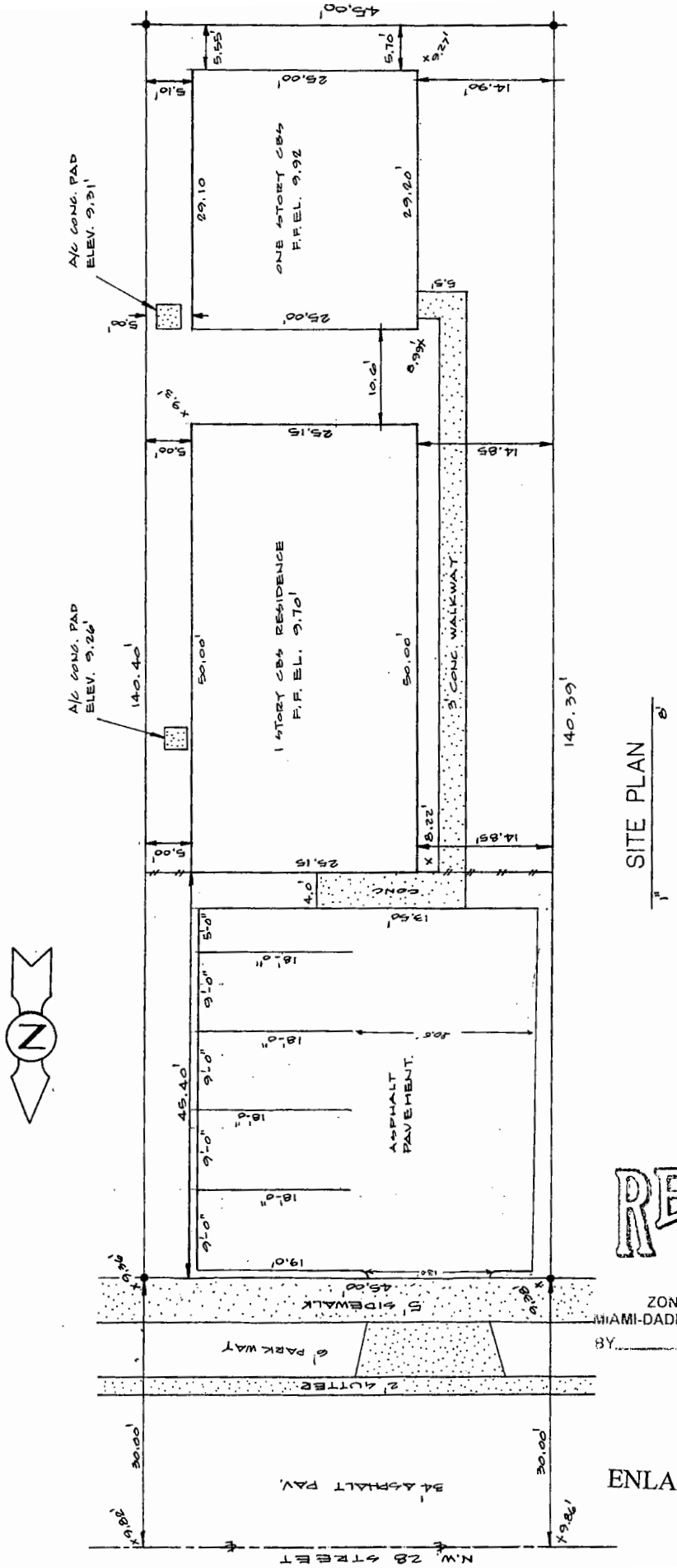
08/23/06 - Property Owner filed for Zoning Hearing,# Z-200700006.

03/27/07- Enforcement history completed.

03/06/09-200913000305 [No violations found other than setback which variance is being applied for.

Valentin Pazmino
2728 NW 28 ST
FOLIO-3031280020050

Snezana Cordoba



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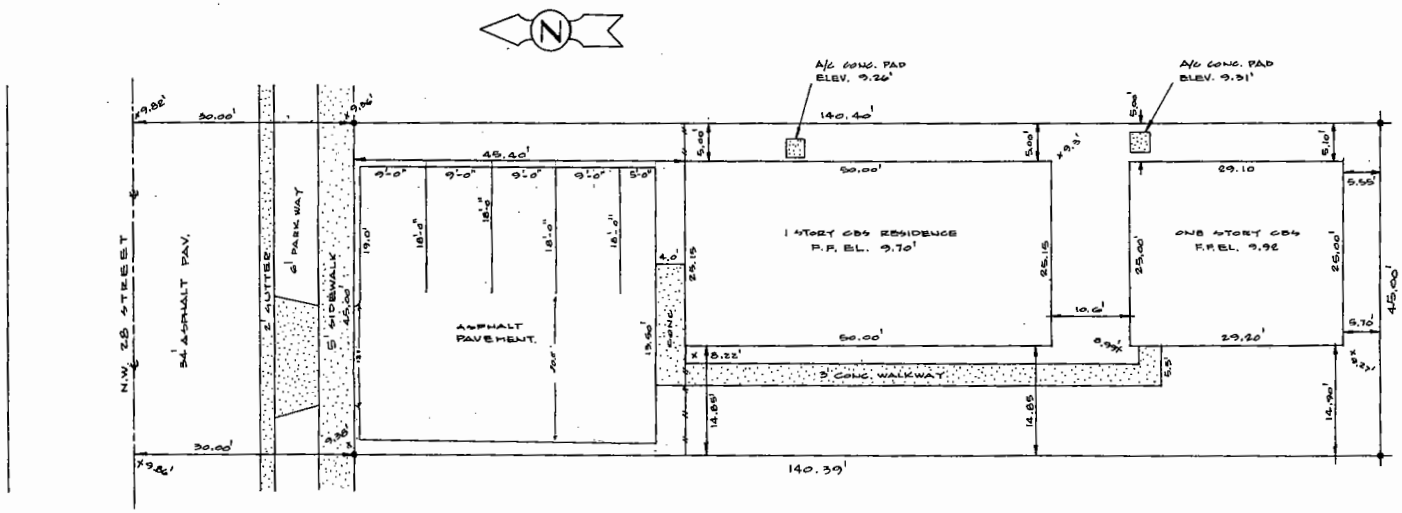
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

ENLARGED SITE PLAN

14



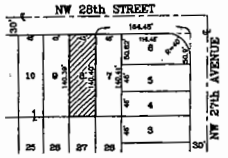
SITE PLAN

1" 8'

LOCATION SKETCH

SCALE: 1"=100'

LEGAL DESCRIPTION
LOT 8 BLOCK 1
SUBDIVISION AMENDED PLAT OF RADIO PARK
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22 AT PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



ADDRESS: 2728 NW 28th STREET,
MIAMI, FL 33142.
FOLIO: 30-3128-002-0060

ZONING LEGEND

HEIGHT (TO RIDGE OF ROOF)	
FRONT STRUCTURE	11.8'
REAR STRUCTURE (FLAT ROOF. T.O.B.)	9.0'
SETBACKS:	
FRONT	49.40'
SIDE	5.00'
SIDE STREET	N/A
REAR	5.70'
NET LAND AREA	
LOT COVERAGE (EVERYTHING UNDER ROOF)	2515 ☐
CONCRETE + ASPHAT AREA	1607 ☐
GREEN AREA.	1350 ☐

Lot frontage OK per ord 06-126 33-7(2)

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

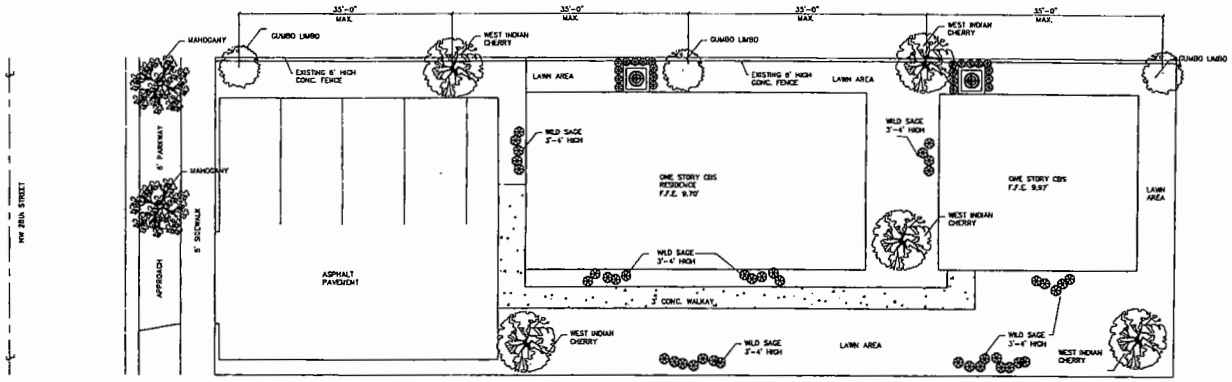
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

REVISIONS	BY

DUPLEX FOR MR VALENTIN PAZMINO
2728 NW 28 STREET MIAMI FL 33142

Date 9/9/06
Scale NOTED
Drawn
Job PAZMINO
Sheet 1
Of Sheets

15



LANDSCAPING PLAN
SCALE 1/8"=1'-0"

PLANTING NOTES

COMMERCIAL FERTILIZER

FERTILIZER SHALL BE UNIFORM IN COMPOSITION DRY AND FREE FLOWING AND SHALL BE DELIVERED IN THE ORIGINAL BAGS OR CONTAINERS BEARING THE GUARANTEE OF THE MANUFACTURER SHALL MEET THE FOLLOWING REQUIREMENTS: COMPLETE MIXTURE, ORGANIC, NITROGEN, PHOSPHORIC PENTOXIDE, POTASH, MINIMUM 50% ORGANIC NITROGEN TO ALL SHRUBS(7) LAWNS 5 GAL. PERCENT 1.5 SULFURS AND CHLORINE, 1% ALL ELEMENTS FERTILIZER MATERIAL SHALL BE 10-10-10 ANALYSIS AT A RATE OF 10 LBS PER 1000 SQ. FT. ACTUAL APPLICATION AS 1.1-1.2 LBS PER 1000 SQ. FT. ACTUAL APPLICATION AS 1.1-1.2 LBS PER 1000 SQ. FT. TREES AND SHRUBS ONE 2 IN DIAMETER CAN FOR 2 OF STRIPS.
ADDITIVE VARIETY WITH MINIMUM PERCENT NITROGEN 50% (1/2) PERCENT ORGANIC NITROGEN PHOSPHORIC PENTOXIDE POTASH. ADDITIVE SHALL BE IN ACCEPTABLE FORM FOR MIXING WITH OTHER FERTILIZER MATERIALS. ADDITIVE SHALL BE 1 LB. PER 1000 SQ. FT. LAWN & 1 OZ. PLANTS AND 5 TABLETS PER 1 IN. TREE. PRIME CHLORIDE MAGNESIUM SULFATE SHALL BE APPLIED AT THE RATE.

MULCH

MULCH MATERIAL SHALL BE SHREDDED AND MATTERING AT THE TIME OF APPLICATION TO PREVENT WIND DISPLACEMENT. MULCH SHALL BE APPLIED TO A MINIMUM 3" COMPRESSED DEPTH IN PLANTING BEDS.

SOD SHALL BE DOMESTIC TO MEET FLORIDA STATE PLANT BOARD SPECIFICATIONS ABSOLUTELY TRUE TO VARIETY TYPE AND FREE FROM WEEDS, DISEASES AND ENEMIES OF ANY KIND.

SUBSTITUTIONS

NO SUBSTITUTION OF PLANT MATERIAL TYPES OR SIZES WILL BE ALLOWED WITHOUT WRITTEN APPROVAL FROM THE OWNER. PLANTS DELIVERED AND NOT SPECIFIED ALL WILL NOT BE ACCEPTED AS SUBSTITUTE FOR SAID MATERIAL UNLESS PREVIOUSLY APPROVED. SUBSTITUTIONS SHALL BE SPELLED OUT IN BID.

MEASUREMENTS

SHRUB TREES HEIGHT SHALL BE MEASURED FROM GROUND TO TOP OF MAIN STEM OF TRUNK. SPREAD SHALL BE MEASURED TO THE END OF BRANCHES (SLANT AGAINST THE GROUND FROM THE CENTER OF THE TRUNK REPRESENTING THE HOT PLANTS AT TOPMOST GROWTH SPREAD OF TREES. SHALL BE MEASURED TO THE END OF BRANCHES THAT COULD BE POINTS OF BALL OR WHERE BRANCHES ARE TIED TOGETHER.
HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE HIGHEST POINT WHERE ONLY PLANT GROWTH EXISTS. SPREAD SHALL BE MEASURED TO THE END OF BRANCHES (SLANT AGAINST THE GROUND) HEIGHT NOT TO INCLUDE ANY TERMINAL GROWTH.

PALMS CLEAR WOOD (CROTCH) SHALL BE MEASURED FROM THE GROUND TO THE HIGHEST POINT OF THE TRUNK OR THE TOP OF WOOD (SLANT AGAINST THE GROUND) OR GREEN PORTION OF THE TRUNK OR HEAD.

CONTAINER HEIGHT (SLANTING) SHALL BE MEASURED FROM THE GROUND AT THE END OF HANDLE TO THE HIGHEST GROUND POINT.

PALMS WITH BURNED OR BURNED TRUNKS WILL NOT BE ACCEPTED.

PLANTING SOIL AND BACKFILL

PLANTING SOIL FOR USE IN PLANTING BACKFILL FOR PLANTS PITS SHALL BE FERTILE/FRIABLE AND MEDIUM TEXTURE OF LOAMY CHARACTER WITHOUT MOLLUSKY ELEMENTS. MATERIALS SHALL CONTAIN SUFFICIENT TO PROVIDE PROPERLY DRAINAGE CAPACITY, WATER AND NUTRIENTS TO PROVIDE PROPER GROWTH CONDITIONS FOR PLANTS. FORMER MANUFACTURER OR MEDIUM DISTRIBUTION AS SEMIDIA OR SUT SPECIES. IT SHALL NO COMMON TOXIC SUBSTANCES TRACE BUT BE HARMFUL TO PLANT GROWTH.

BACKFILL FOR SOD AREAS SHALL BE SURLIKE TO LESSER EXHEIGHT AT THE BEGINNING AND BEGINNING OF THE SHRUBS.

TOPSOIL SHALL BE ADDED AT A DEPTH OF SIXTY-FIVE (65) TO THIRTY (30) PERCENT POTASSIUM CHEMICAL SOIL IN ALL PLANTED AREAS. THE GRADE SHALL TREES WHERE THE SOIL SHALL CONSIST OF CLEAN SAND. PLANTING SOIL FOR USE IN PLANTING FOR PERENNIAL AND PERENNIALS SHALL CONTAIN ONE-THIRD (1/3) POTASH SOIL ON REQUIRED 10-20%. WITH A TIME-RELEASE FERTILIZER.

PLANTING MATERIALS

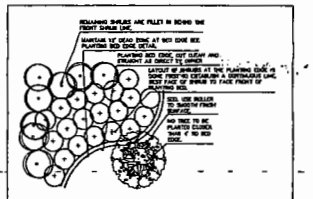
CHEMICALS, FUNGICIDES, AND WEED

PLANT GROWTH AND SOIL SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS. TECHNOLOGICAL SHALL CONFORM TO STANDARDIZED PLANT PRACTICE 1-4 EDITION. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS PARTS 1-4 LATEST EDITION PUBLISHED BY THE PLANT.
PLANTS SHALL BE FLORIDA GRADE NO. 1 OR BETTER. PLANTS SHALL BE VIGOROUS WELL BRANCHED AND FREE OF DISEASE AND INSECT EGGS AND LARVAE. AND SHALL HAVE ADEQUATE ROOT SYSTEMS. GRADES FOR PLANTING SEMI SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE OWNER. WHERE REQUIREMENTS ARE QUOTED FROM THE PLANT LIST, THE SIZE OF PLANTS SHALL BE MEASURED AS SHOWN ON THE PLANT LIST. PLANTS SHALL BE TAGGED PRIOR TO DELIVERY ONLY UPON THE APPROVAL OF THE OWNER.

CONTAINER GROWN STOCK

1. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS WELL ROOTED AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION.

2. AN CONTAINERIZED CONTAINER GROWN PLANT SHALL BE TRANSPLANTED INTO A CONTAINER AND GROWN THEY CONTAINER SUFFICIENTLY LONG ENOUGH FOR THE NEW FIBRES ROOTS TO HAVE DEVELOPED SO THAT THE ROOT MASS WILL HOLD ITS SHAPE AND WILL TOGETHER WHEN REMOVED FROM THE CONTAINER.



SHRUB AND GROUND COVER LAYOUT
SCALE: NTS

LANDSCAPE LEGEND

LANDSCAPE LEGEND

Zoning District: RU-38 USE AS RU-2 Net Lot Area: _____ acres 6,318 square feet

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 6,318 square feet x 30 % = 1,896 square feet	1,896SQ.FT.	
B. Square feet of parking lot open space required by Chapter 18A, As indicated on site plan: The number of parking spaces 2 x 10 square feet per parking space =	20 SQ.FT.	
C. Total square feet of landscaped open space required by Chapter 33 = A + B	1,916 SQ.FT.	

LAWN AREA CALCULATION

A. Total square feet of landscaped open space required by Chapter 33 =	30%	
B. Maximum lawn area (St. Agustine sod) permitted = 50 % x 6,318 square feet =	3,159 SQ.FT.	3,159 SQ.FT. MAX.

TREES

A. The number of trees required per net lot acre	3	
less the existing number of trees that meet minimun requirements (mimus)		
= trees x net lot acreage =		
B. 30% palm trees allowed (two palms = one tree) Palms provided =		
C. Percentaje of native trees required = the number of trees provided x 30% =	1	1
D. Street trees (max. average spacing of 35' o.c.): 45' linear feet along street / 35 =	2	2
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): linear feet along street / 35 =		
F. Total number of trees provided =	5	5

SHRUBS

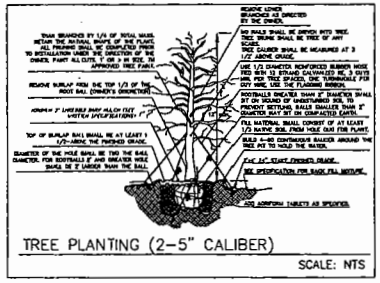
A. The total number of trees required x 10 = the number of shrubs required	50	50
B. The number of shrubs required x 30% = the number of native shrubs required	15	15

IRRIGATION PLAN: Required by Chapter 33. Auto Irrigation _____ or hose bib x provided.

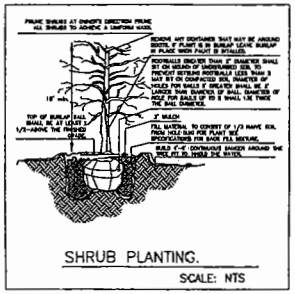
TABLE containing information as indicated in sample:

Symbol	New	Existing	Scientific Name	Common Name	Native Species	Min. Height	Canopy Diameter	Quantity
	YES	NO	LANTANA	WILD SAGE	YES	2'	18"	50
	YES	NO	[illegible]	MAHOGANY	YES	12'	8'	3
	YES	NO	PRUNUS MYRTIFOLIA	WEST INDIAN CHERRY	YES	12'	8'	5
	YES	NO	BURSERIA SIMARUBA	GUMBO LIMBO	YES	12'	8'	3

* Required for trees located underneath or adjacent to powerlines and palms used at 1:1 ratio



TREE PLANTING (2-5" CALIBER)
SCALE: NTS



SHRUB PLANTING.
SCALE: NTS

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JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

RECEIVED
JAN 21 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

REVISIONS:

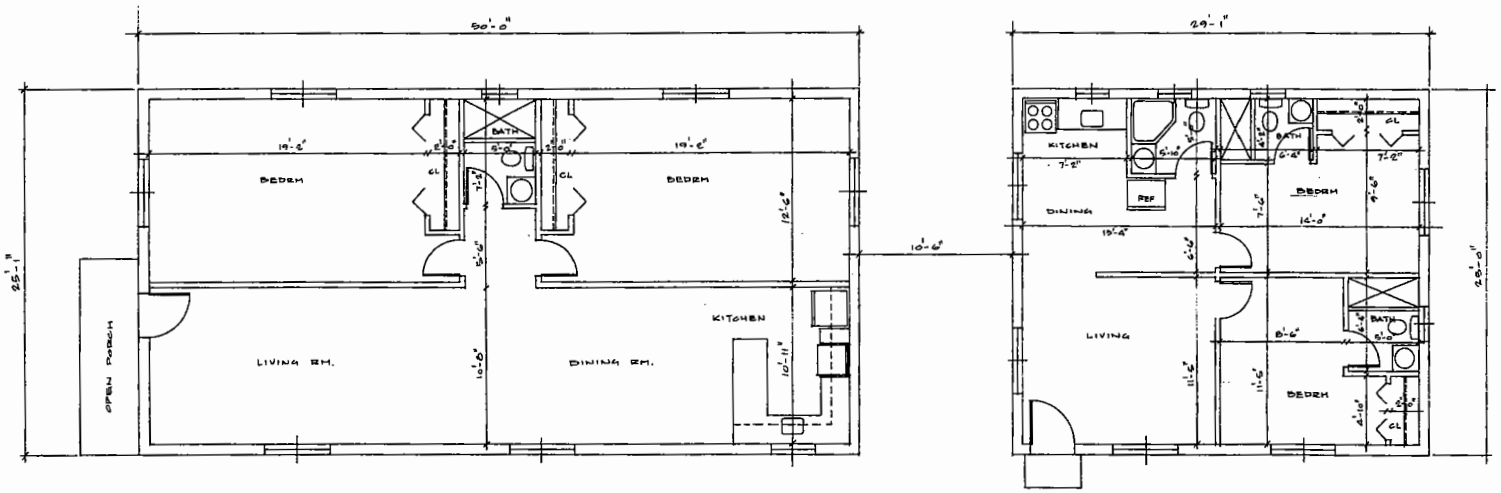
DUPLEX FOR MR. VALENTIN PAZMINO
2728 NW 28th STREET MIAMI FLORIDA 33142

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

DATE: 05-28-08

PAGE 2

16



FLOOR PLAN

1/4" 1'-0"

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MAR 2 1 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

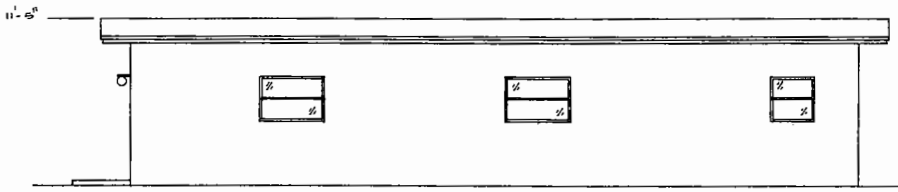
RECEIVED
MAR 2 1 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

REVISIONS	BY

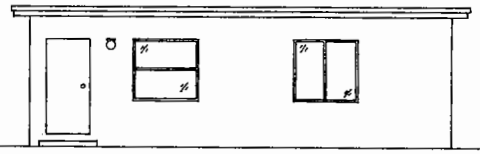
DUPLEX FOR MR. VALENTIN PAZMINO
2728 N.W. 28 STREET MIAMI, FL. 33142

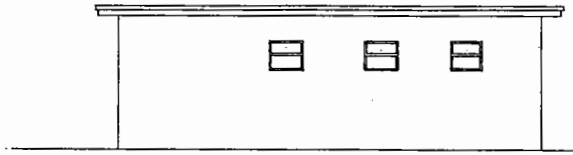
Date 9/11/06
Scale NOTED
Drawn
Job PAZMINO
Sheet 3 Of Sheets

17

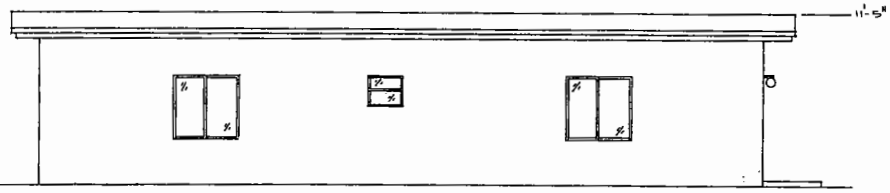


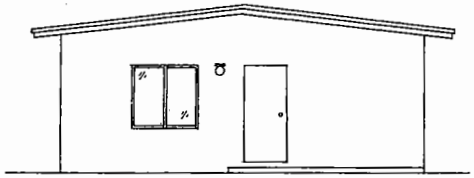
WEST ELEVATION
1/4" 1'-0"



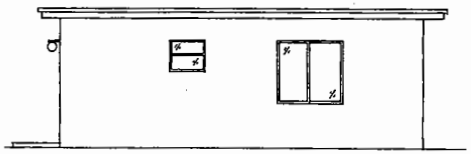


EAST ELEVATION
1/4" 1'-0"





NORTH ELEVATION
1/4" 1'-0"



SOUTH ELEVATION
1/4" 1'-0"

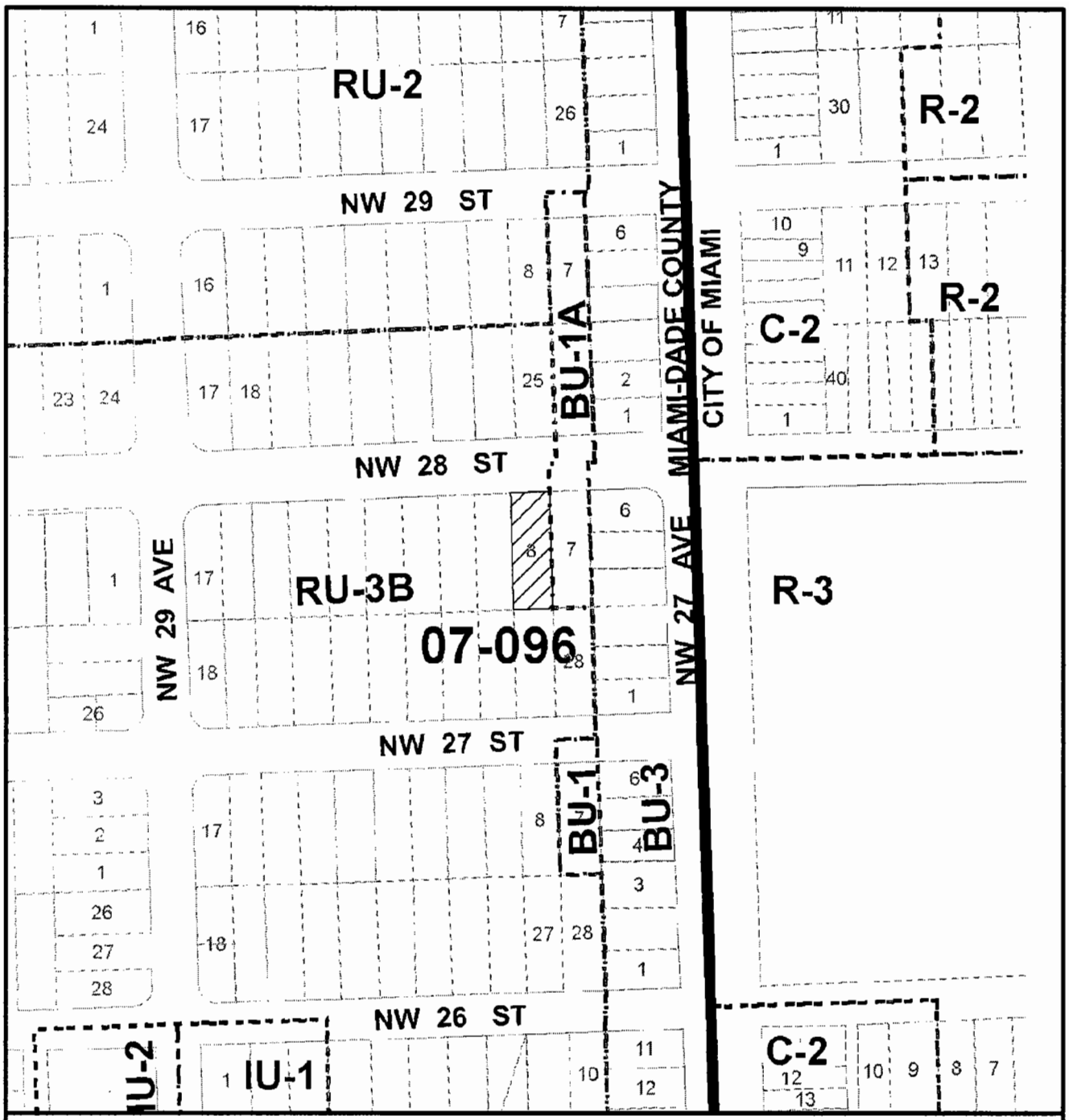
RECEIVED
MAR 21 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
2070-78
MAR 21 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

REVISIONS	BY

DUPLEX FOR MR. VALENTIN PAZMINO
2728 NW 28 STREET MIAMI, FL.33142

Date 9/11/06
Scale NOTED
Drawn
Job PAZMINO
Sheet 4
Of Sheets



MIAMI-DADE COUNTY
HEARING MAP

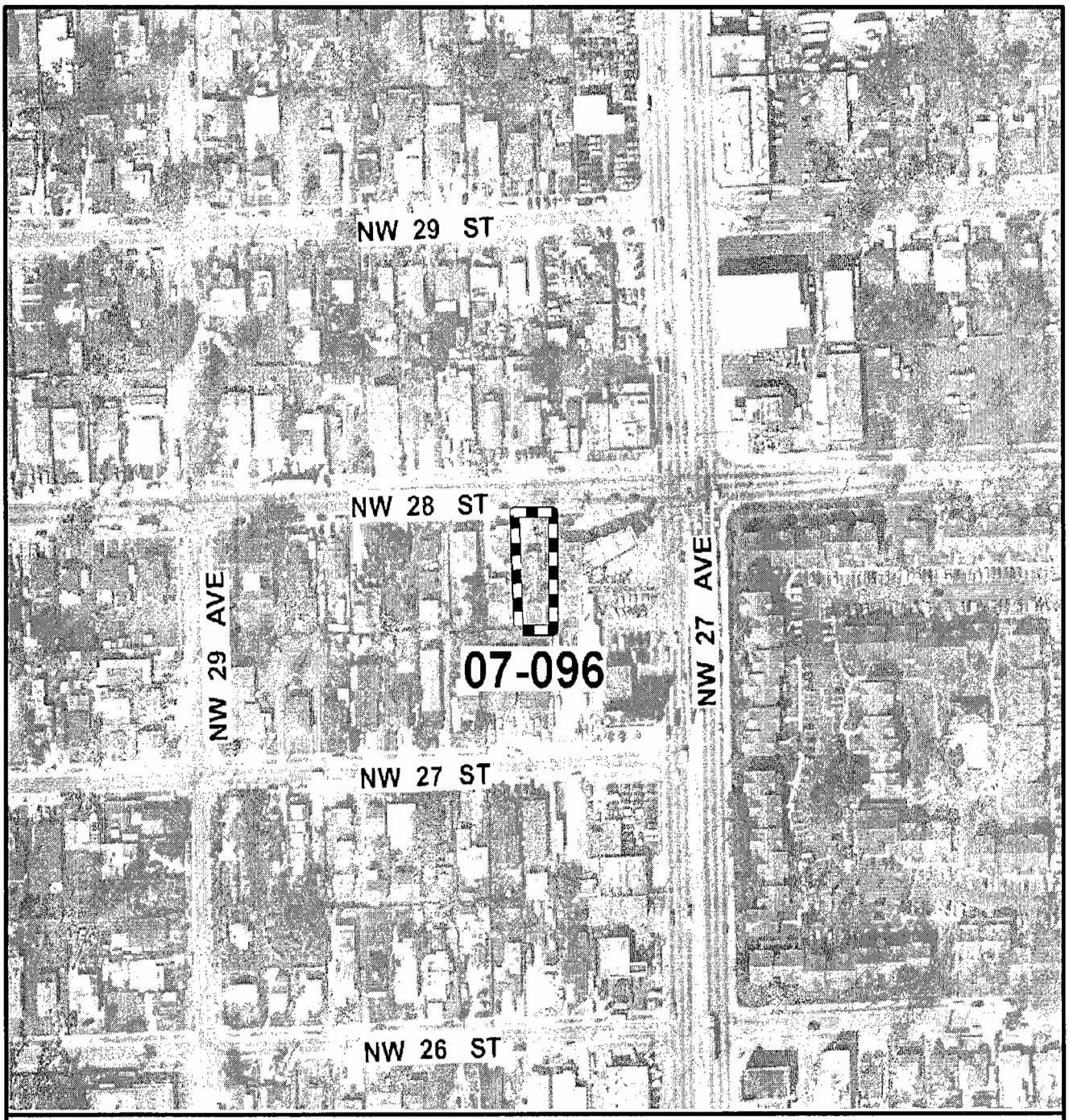
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 28 Township: 53 Range: 41
Process Number: 07-096
Applicant: VALENTIN PAZMINO
Zoning Board: C08
District Number: 02
Cadastral: KEELING
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-096 03/26/07



MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

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MIAMI-DADE COUNTY

GEOMATICS 07-096 03/26/07