KITS

9-17-2009 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Wednesday, October 21, 2009 at 7:00 p.m.

CURRENT

1.	09-10-CZ8-1	HERBERT BATTLE		09-24	27-52-41	N
2.	09-10-CZ8-2	HANTZ SAINTICE & GISLAINE SAIRAPHIN		09-50	02-53-41	N
3.	09-10-CZ8-3	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.		09-79	11-53-41	N
4.	09-10-CZ8-4	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.		09-81	11-53-41	N
5.	09-10-CZ8-5	WRC & TEACHER INSURANCE & MET LIFE	(DEVELOPMENTAL IMPACT COMMITTEE)	09-33	31-53-41	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, OCTOBER 21, 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

1. **HERBERT BATTLE (09-10-CZ8-1/09-024)** **27-52-41**
Area 8/District 2

Applicant is requesting to permit additions to a single-family residence setback varying from 6.57' to 6.9' (7.5' required) from the interior side (east) property line and setback varying from 6.13' to 15.8' (25' required/12.5' previously approved) from the rear (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning, 2 sheets entitled "Existing Addition to be Legalized Herbert Battle," dated stamped received 5/12/09 and 1 sheet entitled "Proposed Work for: Herbert Battle," all prepared by Rodrigo H. Cadavid, dated stamped received 4/10/09 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 2390 NW 133 STREET, Miami-Dade County, Florida.

SIZE OF PROPERTY: 99' x 104'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **HANTZ SAINTICE & GISLAINE SAIRAPHIN (09-10-CZ8-2/09-050)** **02-53-41**
Area 8/District 2

(1) Applicants are requesting to permit the front residence on a duplex lot setback 17.97' (25' required) from the front (north) property line and setback varying from 7.3' to 7.32' (7.5' required) from the interior side (east) property line.

(2) Applicants are requesting to permit the detached second single-family residence on the duplex lot setback varying from 7.25' to 7.31' (7.5' required) from the interior side (east) property line and setback 3.38' (5' required) from the rear (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. Hantz Santice & Ghislaine Seraphin As-Built Plans of Existing Residence," as prepared by Tony Sacerio, dated stamped received 4/6/09 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 1018 NW 102 STREET, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 106'

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. HABITAT FOR HUMANITY OF GREATER MIAMI, INC. **11-53-41**
(09-10-CZ8-3/09-079) **Area 8/District 2**

(1) Applicant is requesting to permit a parcel of land with a lot frontage of 50' (75' required) and lot area of 3,637 sq. ft. (7,500 sq. ft. required).

(2) Applicant is requesting to permit a single-family residence setback 15'10" (25' required) from the rear (south) property line.

(3) Applicant is requesting to permit the single-family residence with a lot coverage of 35.1% (35% permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. Plans may be modified at public hearing.

LOCATION: SOUTH OF NW 74 STREET AND 470' WEST OF NW 14 AVENUE; A/K/A: 1470 NW 74 STREET, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 72.74'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 through #3 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).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. HABITAT FOR HUMANITY OF GREATER MIAMI, INC. **11-53-41**
(09-10-CZ8-4/09-081) **Area 8/District 2**

(1) Applicant is requesting to permit a parcel of land with a lot frontage of 50' (75' required) and lot area of 3,637 sq. ft. (7,500 sq. ft. required).

(2) Applicant is requesting to permit a single-family residence setback 15'10" (25' required) from the rear (south) property line.

(3) Applicant is requesting to permit the single-family residence with a lot coverage of 35.1% (35% permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. Plans may be modified at public hearing.

LOCATION: SOUTH OF NW 74 STREET AND 420' WEST OF NW 14 AVENUE; A/K/A: 1460 NW 74 STREET, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 72.87'

Department of Planning and Zoning Recommendation: Approval with conditions of request #1 through #3 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).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. WRC & TEACHER INSURANCE & MET LIFE **31-53-41**
(09-10-CZ8-5/09-033) **Area 8/District 6**

(1) To make a Substantial Deviation Determination pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) MODIFICATION of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of

this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the request is to allow the applicant to modify the previously approved condition of the development order to extend the build-out date of the project.

Upon a demonstration that the applicable standards have been satisfied, approval of the Request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

LOCATION: SOUTH OF STATE ROAD 836 & LYING ON BOTH SIDES OF N.W. 57 AVENUE (RED ROAD), Miami-Dade County, Florida.

SIZE OF PROPERTY: 388.54 Acres

Department of Planning and Zoning Recommendation: Approval with conditions as set forth in the Department of Planning and Zoning's Recommendation.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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

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

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.

1. HERBERT BATTLE
(Applicant)

09-10-CZ8-1 (09-024)
Area 8/District 2
Hearing Date: 10/21/09

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
1999	Herbert Battle	- Non-Use Variance for setbacks and lot coverage	N/A	Approved

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

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

APPLICANT: Herbert Battle **PH:** Z09-024 (09-10-CZ8-1)

SECTION: 27-52-41 **DATE:** October 21, 2009

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

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A. INTRODUCTION

- **REQUEST:**

  Applicant is requesting to permit additions to a single-family residence setback varying from 6.57' to 6.9' (7.5' required) from the interior side (east) property line and setback varying from 6.13' to 15.8' (25' required/12.5' previously approved) from the rear (south) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning, 2 sheets entitled "Existing Addition to be Legalized Herbert Battle," dated stamped received 5/12/09 and 1 sheet entitled "Proposed Work for: Herbert Battle" dated stamped received 4/10/09 as prepared by Rodrigo H. Cadavid for a total of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:**

  The applicant is seeking to legalize existing additions to a single-family residence that encroach into the interior side and rear setback areas.

- **LOCATION:** 2390 NW 133 Street, Miami-Dade County, Florida.

- **SIZE:** 99' x 104'

B. ZONING HEARINGS HISTORY: In 1998, several requests to permit additions to setback closer than permitted from the front and rear property lines, along with a request to permit a greater lot coverage were granted, pursuant to Administrative Variance #V98000154.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

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

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. The character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

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

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

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

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

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

undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

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

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

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 2390 NW 133 Street in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

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. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:18**. The **Public Works Department (PWD)** also has **no objections** to this application.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this application would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the existing TV room, bedroom, bathroom and covered terrace additions provide additional amenities for the residents of the single-family residence by providing additional indoor spaces as well as outdoor space that are sheltered from the elements and are adorned with architectural fenestration. However, staff notes that the existing additions result in encroachments into the interior side and rear setback areas, which staff opines are excessive and out of character with the area. Specifically, staff's research revealed that no similar approvals as intense as the ones sought in this application have been granted in the surrounding area. Moreover, staff notes that the subject site has already been granted relief from the front and the rear setback requirements in 1998, when said site was granted approval of a request to permit a front setback of 15.74' and a rear setback of 12.5' (25' required), pursuant to Administrative Variance No. V98000154. As such, staff opines that the subject site has been overly developed in comparison with the surrounding single-family residences in the area and that approval of said request would set a negative precedent for similar requests in the area. Staff opines that the approval of the request would be **incompatible** with the area and would adversely affect the aesthetic character of the surrounding properties. Therefore, staff recommends denial without prejudice of this application under the NUV 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 ASDO 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).

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 an 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 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 06/22/09
DATE TYPED: 07/31/09
DATE REVISED: 08/03/09, 8/18/09; 09/10/09; 09/15/09
DATE FINALIZED: 09/21/09
MCL:NN:AA:JV

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: March 5, 2009

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

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

Subject: C-08 #Z2009000024
Herbert Battle
2390 N.W. 133 Street
Request to Permit an Addition to a Single-Family Residence Setback Less than Required from Property Lines
(RU-1) (0.24 Acres)
27-52-41

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

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

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

Wastewater Disposal
Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

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

Wetlands
The subject property does not contain jurisdictional wetlands as defined by Chapter 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 with this zoning application, the proposal to permit additions to a single family residence will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24.

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

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

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

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

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

Memorandum

Date: November 26, 2008

To: Marc C. LaFerrier, AICP, 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 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: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 23-MAR-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000024

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000024
located at 2390 N.W. 133 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0536 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: 6:18 minutes

Existing services:

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

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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 08/14/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

HERBERT BATTLE	2390 N.W. 133 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

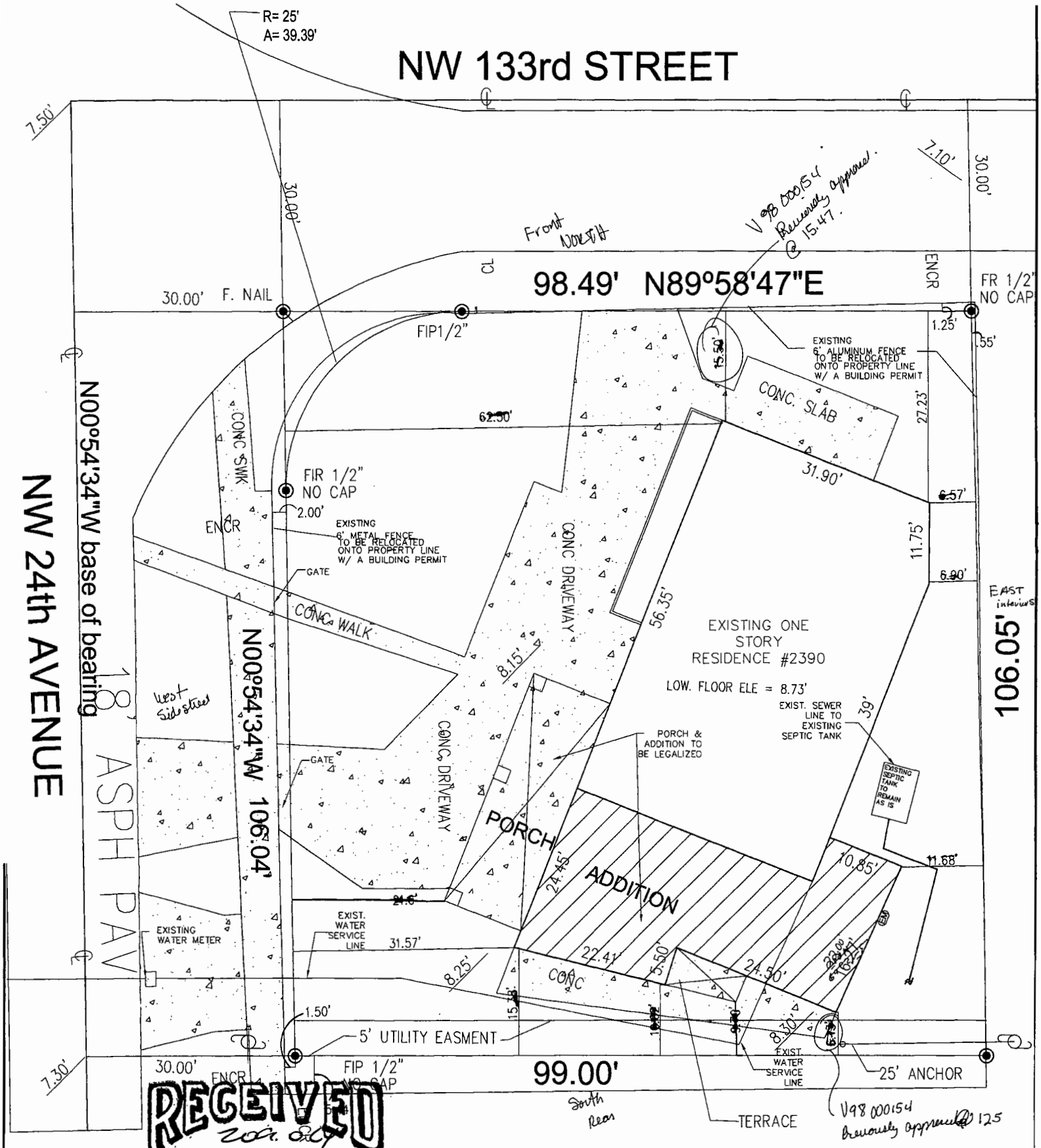
Z2009000024

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No ONC violations observed. 8/3/09

D. Berthold-Moise



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BY_____

ENLARGE SITE PLAN

209.024/15

PROPOSED AREA OF WORK
2390 NW 133 STREET
MIAMI,FL 33107

1 LOCATION PLAN

1. WORK PERFORMED SHALL COMPLY WITH THE FLORIDA BUILDING CODE 2004, (INCLUDING SECTION 515: ACCESSIBILITY BY HANDICAPPED PERSONS), ALL APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS, NATIONAL

2. THE GENERAL NOTES AND SPECIFICATIONS SHALL TAKE PRECEDENCE OVER THE GENERAL CONDITIONS IN CASE OF CONFLICT.

3 ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NOTED DIMENSIONS SHALL TAKE PRECEDENT OVER SCALED DIMENSIONS.

4. THE GENERAL NOTES AND DETAILS APPLY THROUGHOUT THE JOB UNLESS OTHERWISE NOTED OR SHOWN. ALL WORK THAT IS EITHER IMPLIED OR REASONABLY INFERABLE FROM THE CONTRACT DOCUMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH EXISTING CONDITIONS.

5. TURNKEY FINISHED SPACE TO THE OWNER. ANY AND ALL DISCREPANCIES AND/OR OMISSIONS SHALL BE REPORTED TO THE OWNER'S ARCHITECT PRIOR TO COMMENCEMENT. ANY WORK THAT PROCEEDS OTHERWISE SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR.

6. ALL PERMITS, INSPECTIONS, AND APPROVALS, SHALL BE APPLIED FOR AND PAID BY THE CONTRACTOR FOR ALL DISCIPLINES OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR ALL COORDINATION OF INSPECTIONS.

7. ALL COMPLETED WORK SHALL BE PROTECTED AT ALL TIMES AS THE CONTRACTOR IS RESPONSIBLE FOR THE FULL REPLACEMENT COST OF ALL DAMAGED WORK CAUSED BY HIS OPERATIONS. CONTRACTOR SHALL FOLLOW ALL ACCEPTED METHODS OF SAFETY PRACTICE AS MAY BE NEEDED TO PROTECT LIFE AND PROPERTY.

8. BEFORE COMMENCEMENT OF THE WORK, THE CONTRACTOR SHALL FILE WITH THE OWNER'S CURRENT INSURANCE CERTIFICATION FOR WORKMANS COMPENSATION, COMPREHENSIVE GENERAL LIABILITY BODILY INJURY AND PROPERTY DAMAGE. THE CONTRACTOR SHALL INDEMNIFY THE LANDLORD, OWNER, AND ARCHITECT FOR ANY AND ALL COSTS, CLAIMS, SUITS AND JUDGMENTS FOR PROPERTY DAMAGE AND PERSONAL INJURY, ARISING OUT OF WORK OF THE CONTRACTOR.

9. ALL MATERIALS USED SHALL BE NEW AND DELIVERED TO THE JOB IN ORIGINAL SEALED CONTAINERS BEARING ORIGINAL MANUFACTURER'S LABELS. ALL WORK SHALL BE PERFORMED IN A FIRST CLASS WORKMANLIKE MANNER, MATCHING AND ALIGNING ALL SURFACED WHERE APPLICABLE TO AFFORD A FINISHED, NEAT APPEARANCE. CONTRACTOR SHALL CLEAN ALL SURFACES FREE OF ALL DIRT OR REFUSE CAUSED BY DEBRIS FROM ALL INSTALLATION TECHNIQUES OF THE TRADES. ALL ADJACENT SURFACES SHALL BE LEFT AS THEY APPEAR PRIOR TO COMMENCEMENT OR REFINISHED AS REQUIRED TO LIKE-NEW CONDITION.

10. THE CONTRACTOR SHALL GUARANTEE IN WRITING, IN FORM ACCEPTABLE TO THE OWNER, ALL LABOR AND MATERIALS INSTALLED BY HIM FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER DATE OF FINAL ACCEPTANCE. SHOULD DEFECTS OCCUR, ALL WORK SHALL BE REPLACED OR PROPERLY REPAIRED AT NO ADDITIONAL COSTS TO THE OWNER. SUBSTANTIAL COMPLETION SHALL BE ATTAINED WHEN ALL PHASES OF THE WORK ARE COMPLETED AND THE SPACE CAN BE USED FOR WHAT IS INTENDED (EXCLUDING PUNCH LIST ITEMS).

11. ALL WORK AND/OR MATERIALS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S OR INDUSTRY'S RECOMMENDATIONS OR STANDARDS.

12. CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE COORDINATION OF ALL THE WORK OF HIS TRADES PLUS THE COORDINATION, REPAIR AND PREPARATION FOR THE WORK OF ANY OTHER TRADES THAT WILL BE SUBSEQUENTLY LET UNDER SEPARATE CONTRACT BY THE OWNER.

13. SURVEYOR TO LAY OUT ADDITION TO CONFIRM CONFORMANCE WITH SETBACKS BEFORE CONSTRUCTION STARTS.

2 GENERAL NOTES

1) THE WORK SHALL INCLUDE THE FURNISHING OF ALL MATERIALS, CUTTING, EXTENDING, CONNECTING, REPAIRING, ADAPTING, AND OTHER WORK COINCIDENTAL HERETO, TOGETHER WITH SUCH TEMPORARY INSTALLATIONS AS MAY BE NECESSARY TO SATISFY THE DEMOLITION PROGRAM. APPROVAL SHALL BE SECURED FROM THE OWNER/ PRIOR TO CUTTING/DRILLING OF ANY STRUCTURAL SUPPORT.

2) ALL BUILDING CONSTRUCTION AFFECTED BY THE REMOVAL, RELOCATION, INSTALLATION OF ANY PIECE OF EQUIPMENT SHALL BE REPAIRED AND FINISHED AS REQUIRED TO MATCH EXISTING CONDITION OR AS DIRECTED BY THE ARCHITECTURAL DRAWINGS, SPECIFICATIONS, OR OWNER'S REPRESENTATIVE.

3)CONTRACTOR SHALL DEMOLISH ANY INTERIOR FINISHES TO COMPLETE THE NECESSARY AND PROPOSED WORK AS DIRECTED BY THE ARCHITECTURAL DRAWINGS, INTERIOR DESIGN DRAWINGS, SPECIFICATIONS, OR BY OWNER REPRESENTATIVES.

4) EXISTING FIXTURES, EQUIPMENT, AND ALL DEBRIS WHICH ARE REQUIRED TO BE REMOVED SHALL BE REMOVED BY THE CONTRACTOR. CONTRACTOR TO COORDINATE WITH OWNER REPRESENTATIVES PRIOR TO REMOVAL OF SUCH.

5) ALL ELECTRICAL AND PLUMBING LINES WHICH REQUIRE REMOVAL OR ALTERATION ARE TO BE DONE SO BY THE CONTRACTOR. LINES TO BE CAPPED AND PREPARED FOR REMOVAL OR REROUTING AS SPECIFIED ON THE PLANS.

6) REMOVE ALL UTILITIES IN DEMOLITION AREAS AND CONSTRUCTION AREAS IN A MANNER, AND IN THE TIME, SATISFACTORY TO THE UTILITY COMPANY DESIRED TO EFFECT THE REMOVAL OF THE MATERIALS, THEY SHALL BE PERMITTED TO DO SO.

7) COVER ITEMS AS SPECIFIED BY OWNER REPRESENTATIVE TO PROTECT FROM DUST AND DEBRIS.

8) SALVAGED MATERIALS SHALL BE REMOVED, CLEANED, AND PREPARED FOR RE-INSTALLATION. OWNER MAINTAINS OWNERSHIP OF ALL MATERIALS UNLESS OTHERWISE SPECIFIED.

9) WHERE EXISTING WALLS, CEILINGS, AND FIXTURES HAVE BEEN REMOVED, AREAS SHALL BE PATCHED TO MATCH EXISTING FINISHES, OR FINISHES TO BE ADDED AS PER PLANS,OR AS PER OWNER'S REP.

10) WHERE EXISTING WORK IS DAMAGED IN THE EXECUTION OF THIS CONTRACT, OR WHERE OPENINGS ARE LEFT DUE TO THE REMOVAL OF PIPES, EQUIPMENT OR APPARATUS, THE SAME SHALL BE REPAIRED OR CLOSED UP TO CORRESPOND IN MATERIAL, QUALITY, SHAPE AND FINISH WITH THAT OF SIMILAR AND ADJOINING WORK, UNLESS OTHERWISE CALLED FOR. WHERE DAMAGE IS UNREPAIRABLE, NEW ITEMS OR EQUIPMENT SHALL BE PROVIDED. CONTRACTOR SHALL PROVIDE ALL NECESSARY WATERPROOFING, FIRE STOPPING AND SEALING OF PENETRATIONS LEFT FROM REMOVED EQUIPMENT OR PRODUCED BY THIS WORK.

11) INTERRUPTION OF EXISTING SERVICES AND/OR OPERATION OF FACILITIES SHALL BE KEPT TO A MINIMUM. CONTRACTOR SHALL FURNISH ALL MATERIALS REQUIRED WHENEVER TEMPORARY CONNECTIONS ARE NECESSARY TO MAINTAIN CONTINUITY OF SERVICE. INTERRUPTION OF EXISTING SERVICES, THE INSTALLATION OF TEMPORARY FACILITIES, AND THE WORK OF MAKING FINAL CONNECTIONS TO THE NEW WORK SHALL BE DONE ONLY AT SUCH TIMES PERMITTED AND SCHEDULED IN ADVANCE BY THE ARCHITECT/OWNER WITHOUT ADDITIONAL COST. CARE MUST BE USED IN REMOVING SERVICES TO AREAS BEING DEMOLISHED SO THAT SERVICES TO OTHER AREAS WHICH MIGHT BE SERVED THROUGH THESE AREAS WILL NOT BE INTERRUPTED.

3 DEMOLITION NOTES

LOT17,BLOCK 5 OF "GOLF ESTATES" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50,PAGE95 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY,FLORIDA.

4 LEGAL DESCRIPTION

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

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BY__________

ZONING LEGEND
SINGLE FAMILY & DUPLEX

ZONING:
HEIGHT (TO RIDGE OF ROOF) -------------WEST +13.10,EAST+13.7',NORTH +12.10'
NET LAND AREA--10472.4 S.F.
LOT COVERAGE---3498.1 S.F.

SET BACKS:	REQUIRED	PROVIDED
FRONT		30.0'
SIDE		6.57' & 6.90'
SIDE STREET		30.0'
REAR		6.13',9.70',10.02',15.38'

AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO LAKE OR CANAL

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

ANY APPLICABLE RESOLUTIONS:.....................

NOTICE:

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

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

A SEPARPERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES ONTO PUBLIC RIGHT-OF-WAY. CONTACT PUBLIC WORKS DEPARTMENT AT (305) 375-2142.

THE HEIGHT OF FENCES,WALLS AND HEDGES SHALL NOT EXCEED 2.5 FEET WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY LEADING TO A RIGHT-OF-WAY. THE HEIGHT OF FENCES IS MEASURED FROM GRADE. GRADE=ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD.

6 EXISTING ZONING LEGEND

FLOOD LEGEND
Residential Addition Construction

ADDRESS: 2390 NW 133 STREET.MIAMI, FL. 33107

LOT: 17 BLOCK: 5 PLAT BOOK: 50 PAGE: 95

HIGHEST CROWN OF ROAD ELEV: 7.54FT. NGVD, HIGHEST CROWN OF ROAD ELEVATION WAS TAKEN FROM THE ATTACHED CERTIFIED SURVEY, OR A CERTIFIED SURVEY PREPARED BY: GOLF ESTATES
ARTURO R. TOIRAC PLS LIC.# 3102
SURVEYOR'S NAME

	LOWEST FLOOR ELEVATION	GARAGE/STORAGE FLOOR ELEVATION	ADJACENT GRADE ELEVATION	SWALE AREA ELEVATION
EXISTING	FT. NGVD	FT. NGVD	FT. NGVD	FT. NGVD
8.73'	8.27'	N/A	9.18'	N/A

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

ALL EXIST. AREAS BELOW B.F.E. SHALL BE PROVIDED WITH A MINIMUM OF TWO (2) OPENINGS HAVING A TOTAL NET AREA OF NO LESS THAN ONE SQUARE INCH OF OPENING FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING. THE BOTTOM OF THE OPENING WILL BE NO HIGHER THAN ONE (1) FOOT ABOVE GRADE AND LOCATED ON DIFFERENT SIDES OF THE ENCLOSED AREA. OPENINGS WILL BE EQUIPPED WITH SCREENS OR LOUVERS. FLOOD RESISTANT MATERIALS WILL BE USED BELOW B.F.E.

ALTERNATIVELY, SEE A CERTIFICATION BY WILLIAM R. GROOVER ON THE PLAN NOTES INDICATING THAT THE DESIGN WILL ALLOWED FOR THE AUTOMATIC EQUALIZATION OF HYDROSTATIC FLOOD FORCES ON EXTERIOR WALLS.

THE EXIST. SITE WILL BE GRADED IN A MANNER TO PREVENT THE FLOODING OF ADJACENT PROPERTIES. WHERE NECESSARY INTERCEPTOR SWALES WILL BE CONSTRUCTED ON-SITE WITH NO ENCROACHMENT OVER ADJACENT PROPERTIES.

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7 EXISTING FLOOD LEGEND

REVISION:	BY:

EXISTING ADDITION
TO BE LEGALIZED
HEBERT BATTLE
2390 NW 133 STREET.MIAMI,FL. 33107

RODRIGO H. CADAVID
CIVIL & STRUCTURAL ENGINEER
13285 S.W 124th STREET
MIAMI,FLORIDA 33186

SEAL: P.E. 0039415
RODRIGO H. CADAVID
5-11-2009

DRAWN	
CHECKED	
DATE	12-10-2008
SCALE	
JOB NO.	
SHEET	A-1 RW

16

WINDOW SCHEDULE

MARK	QTY.	SIZE	TYPE	FRAME MATERIAL	FRAME FINISH	GLAZING GLASS	GLAZING FINISH	REMARKS	ROUGH OPENING	NEG. PRESS.	POS. PRESS.	HEAD HEIGHT A.F.F.
A	1	37" x 50 5/8"	S.H./D.A.	ALUM.	ALUM.	CLEAR		EGRESS	38"X51 5/8"	-	-	-
B	1	37" x 50 5/8"	S.H.	ALUM.	ALUM.	CLEAR		-	38"X51 3/8"	-	-	-

NOTE:
1. ALL WINDOWS TO BE SINGLE HUNG TRACO SECURITY WINDOWS
2. REFER TO ELEVATIONS SHEET FOR WINDOWS

6. MIAMI DADE COUNTY PRODUCT APPROVAL #08-0527.15 SINGLE HUNG WINDOWS

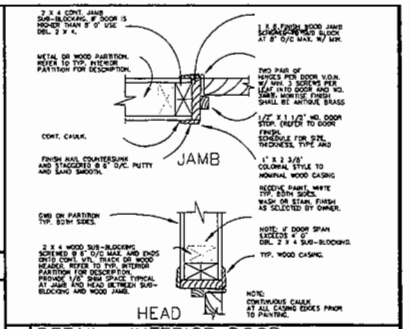
DOOR SCHEDULE

MARK	QTY.	SIZE	TYPE	MATERIAL	JAMB	HDWR.	REMARKS	ROUGH OPENING	(-) PRESS	(+) PRESS
1	-	3'-0" x 6'-8"	SWING	STEEL	-	-	EXTERIOR	-	-	-
2	-	2'-8" X 6'-8"	SWING	WOOD	-	-	INTERIOR	-	-	-
3	-	2'-8" X 6'-8"	SLDG	WOOD	-	-	INTERIOR	-	-	-
4	-	3'-0" x 6'-8"	SWING	WOOD	-	-	INTERIOR	-	-	-
5	-	6'-0" X 6'-8"	SLDG.	STEEL	-	-	EXTERIOR	-	-	-

1) ALL SWINGING GLASS DOORS, SLIDING GLASS DOORS, SIDELITES & SHOWER ENCLOSURES
2). EVERY CLOSET DOOR LATCH SHALL BE SUCH THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE THE CLOSET AS PER 21-2.4.3
3). EVERY BATHROOM DOOR SHALL BE DESIGNED TO ALLOW OPENING FROM THE OUTSIDE DURING AN EMERGENCY WHEN LOCKED.
4). CONTRACTOR TO FIELD VERIFY ALL INTERIOR DOOR OPENINGS AND DIMENSIONS PRIOR TO INSTALLATION OF DOORS
WITHIN 60" A.F.F. OF TUBS & SHOWERS SHALL HAVE CATEGORY 2 SAFETY GLAZING. AS PER F.B.C. 2411.3 & 2405.2.1 (1) & (2).
5) MIAMI DADE PRODUCT APPROVAL # 02-1211.13 FOR THE EXTERIOR DOORS

1 EXISTING WINDOWS TO BE LEGALIZED

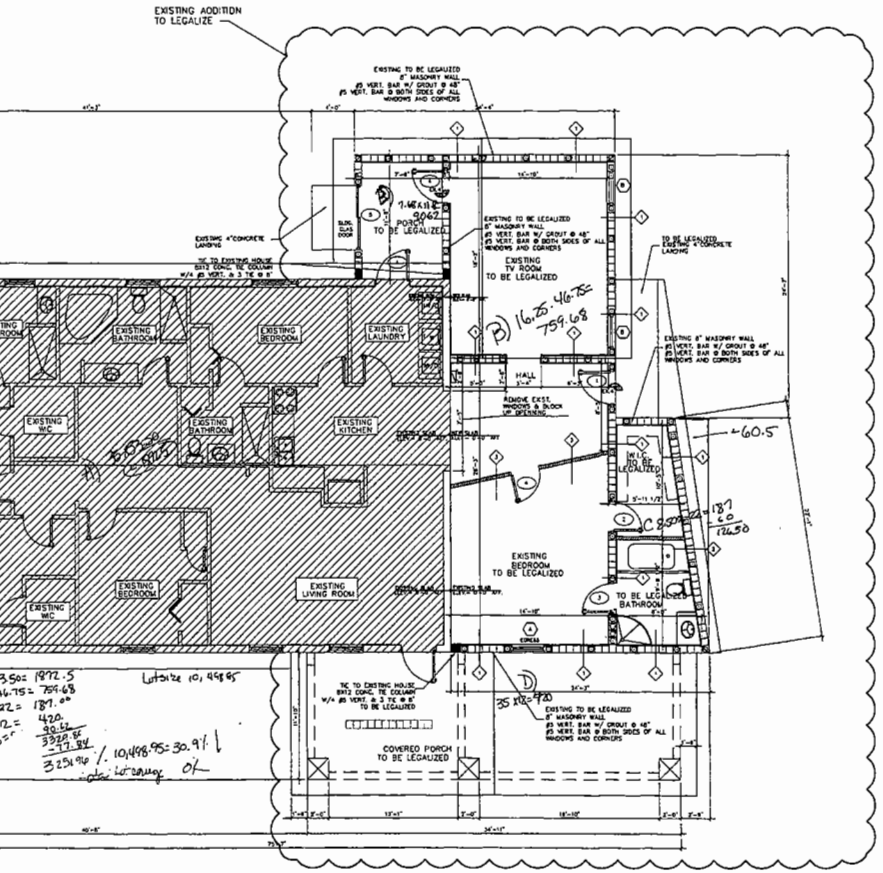
4 EXISTING DOORS TO BE LEGALIZED



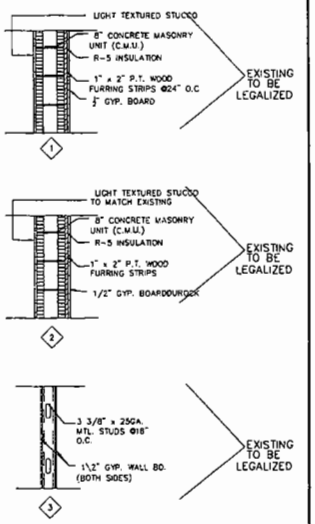
6 DETAIL– INTERIOR DOOR
SCALE: N.T.S.– TO BE LEGALIZED

GENERAL REPAIR SCOPE EXISTING TO BE LEGALIZED

- ADDITION OF ONE BEDROOM, ONE BATHROOM AND ONE TV ROOM
-8" CMU WALL #5 VERT. BAR W/GROUT @ 48" #5 VERT BAR @ BOTH SIDES OF ALL WINDOWS AND DOORS TO BE LEGALIZED
-WINDOWS AND DOORS TO BE LEGALIZED
-EXISTING ELECTRICAL,MECHANICAL,PLUMBING AND STRUCTURE TO BE LEGALIZED

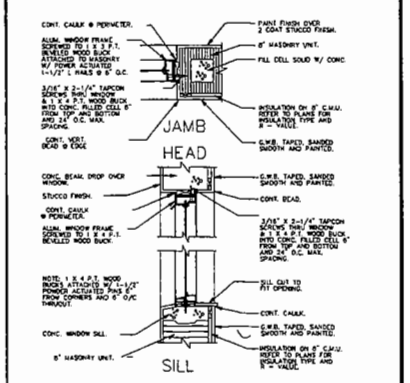


2 SCOPE TO BE LEGALIZED

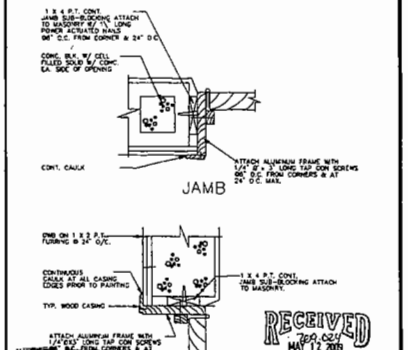


3 WALLS TO BE LEGALIZED

5 EXISTING ADDITION TO BE LEGALIZED
SCALE: 3/16"= 1'-0"



7 DET.– WIND. ATTACHEMENT
SCALE: N.T.S.– TO BE LEGALIZED



8 DETAIL– EXTERIOR DOOR
SCALE: N.T.S.– TO BE LEGALIZED

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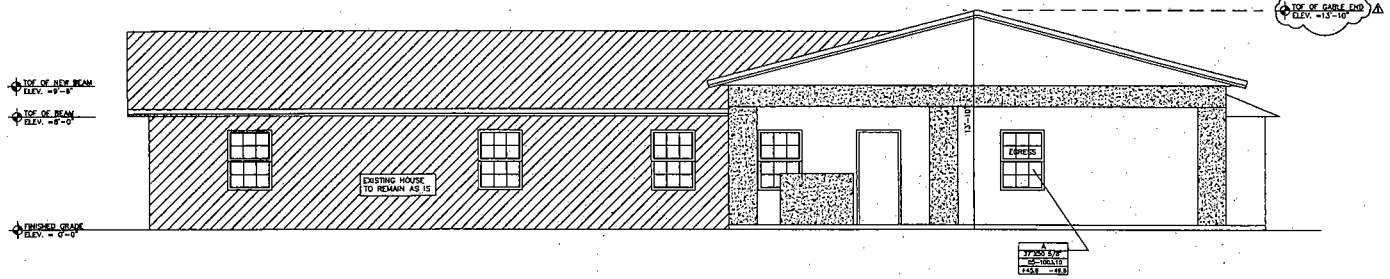
1 01-27-09	
OPENG. TO EXISTING HOUSE	
ADDITION AND HOUSE SAME ELEVATION	
NEW WINDOWS IN TV ROOM	

EXISTING ADDITION TO BE LEGALIZED
HERBERT BATTLE
2350 NW 133 STREET,MIAMI,FL. 33167

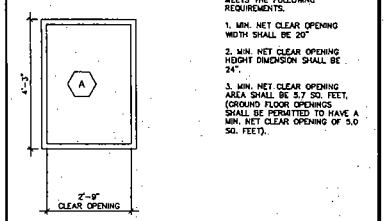
RODRIGO H. CADAVID
CIVIL & STRUCTURAL ENGINEER
13285 S.W 124th STREET
MIAMI,FLORIDA 33186

SEAL: P.E. 0039415
RODRIGO H. CADAVID
5-7-09

DRAWN	
CHECKED	
DATE	12-10-2008
SCALE	
JOB. NO.	
SHEET	A-2
	RW



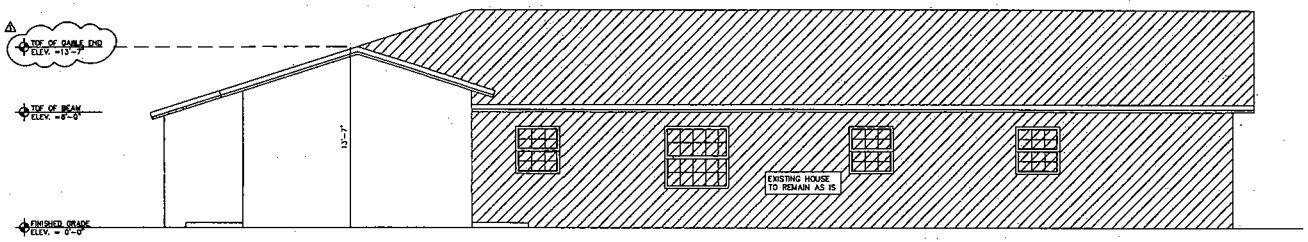
1 EXISING FRONT ELEVATION
SCALE: 1/4"=1'-0"



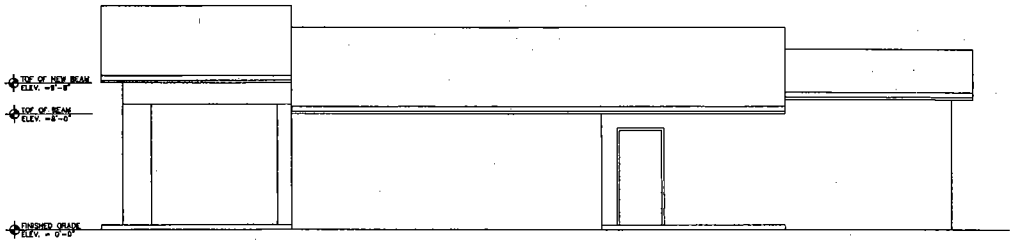
NOTE:
EMERGENCY ESCAPE WINDOW MEETS THE FOLLOWING REQUIREMENTS.

1. MIN. NET CLEAR OPENING WIDTH SHALL BE 20"
2. MIN. NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24".
3. MIN. NET CLEAR OPENING AREA SHALL BE 5.7 SQ. FEET, (GROUND FLOOR OPENINGS SHALL BE PERMITTED TO HAVE A MIN. NET CLEAR OPENING OF 5.0 SQ. FEET).

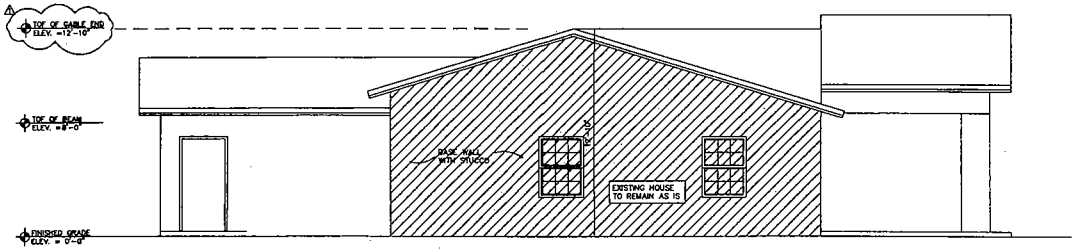
2 EGRESS WINDOW



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



4 EXISTING SIDE ELEVATION
SCALE: 1/4"=1'-0"



5 EXISTING SIDE ELEVATION
SCALE: 1/4"=1'-0"

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Z09.07Y
APR 10 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED
Z09.07Y
APR 10 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY_____

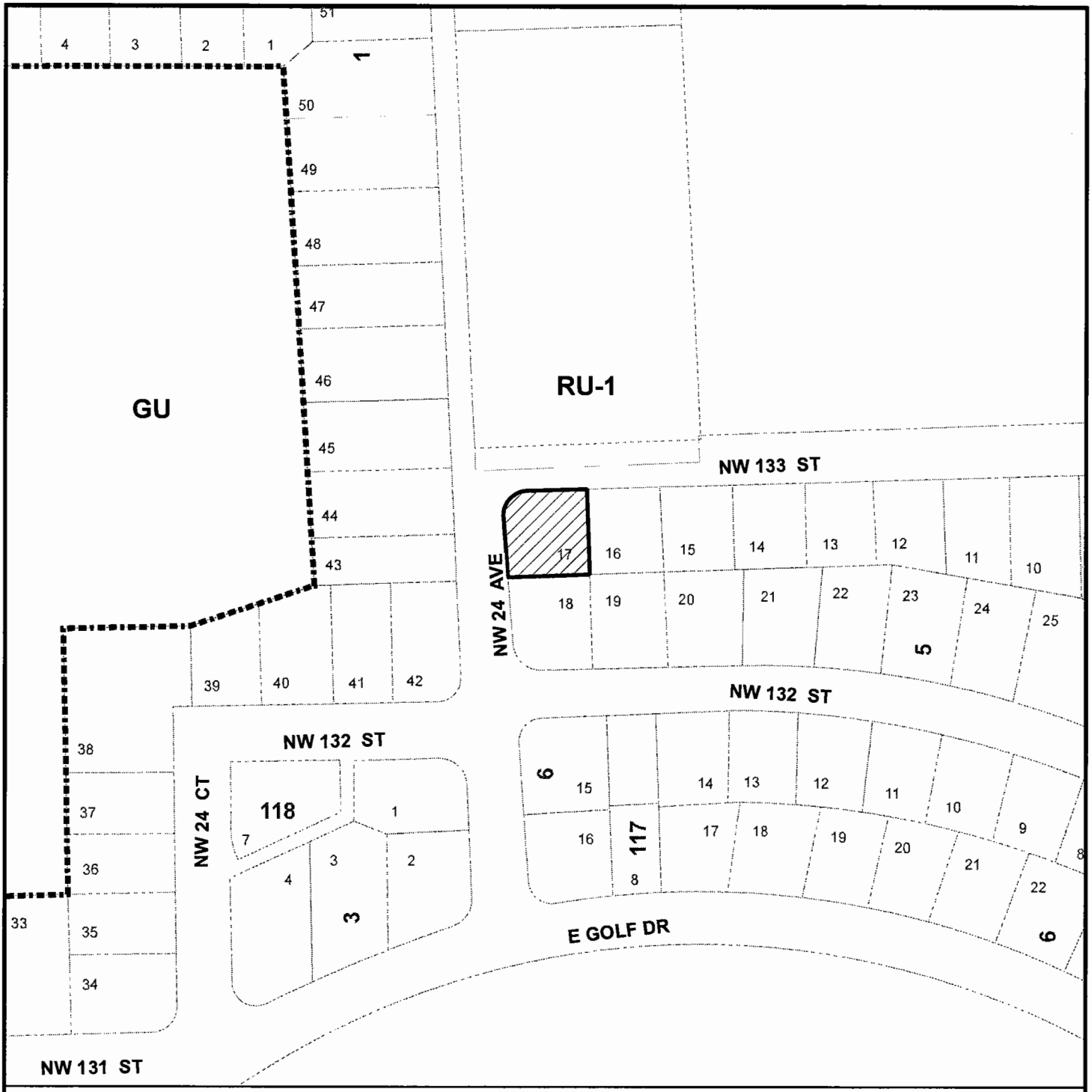
REVISION:	BY:
⚠ 03-30-2009	

PROPOSED WORK FOR:
HERBERT BATTLE
2390 NW 133 STREET
MIAMI,FL 33167

RODRIGO H. CADAVID
CIVIL & STRUCTURAL ENGINEER
13285 S.W 124th STREET
MIAMI,FLORIDA 33186

SEAL: P.E. 0036415
RODRIGO H. CADAVID

DRAWN	
CHECKED	
DATE	12-10-2008
SCALE	
JOB. NO.	
SHEET	A-3



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-024

Section: 27 Township: 52 Range: 41
Applicant: HERBERT BATTLE
Zoning Board:C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY
		19

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 27 Township: 52 Range: 41
Applicant: HERBERT BATTLE
Zoning Board:C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number

09-024

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY

2. HANTZ SAINTICE & GISLAINE SAIRAPH **09-10-CZ8-2 (09-050)**
(Applicant) **Area 8/District 2**
Hearing Date: 10/21/09

Property Owner (if different from applicant) **GISLANINE SAIRAPHIN & HANTZ SAINTI.**

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
1954	Michael Bruckler	- Zone Change to RU-2	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: Hantz Saintice and Gislaine Sairaphin **PH:** Z09-050 (09-10-CZ8-2)

SECTION: 2-53-41 **DATE:** October 21, 2009

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

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) Applicants are requesting to permit the front residence on a duplex lot setback 17.97' (25' required) from the front (north) property line and setback varying from 7.3' to 7.32' (7.5' required) from the interior side (east) property line.

  (2) Applicants are requesting to permit the detached second single-family residence on the duplex lot setback varying from 7.25' to 7.31' (7.5' required) from the interior side (east) property line and setback 3.38' (5' required) from the rear (south) property line.

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

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. Hantz Santice & Ghislaine Seraphin As-Built Plans of Existing Residence," as prepared by Tony Sacerio, dated stamped received 4/6/09 consisting of 2 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicants are seeking approval to allow the continued use of an existing detached two-family residence setback less than required from the front, rear and interior side property lines.

- **LOCATION:**

  1018 NW 102 Street, Miami-Dade County, Florida..

- **SIZE:** 75' x 106'.

B. ZONING HEARINGS HISTORY: None

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** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING:	LAND USE PLAN DESIGNATION:
Subject Property:		
	RU-2; two-family residence	Low Medium Density Residential, 6 to 13 dua
Surrounding Properties:		
NORTH:	RU-2; two-family residence	Low Medium Density Residential, 6 to 13 dua
SOUTH:	RU-2; two-family residence	Low Medium Density Residential, 6 to 13 dua
EAST:	RU-2; two-family residence	Low Medium Density Residential, 6 to 13 dua
WEST:	RU-2; two-family residence	Low Medium Density Residential, 6 to 13 dua

The subject property is located at 1018 NW 102 Street, and is developed with a detached two-family residence. The surrounding area is predominantly developed with two-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those

listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

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

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

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

to the underlying district regulations; or

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

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

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

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

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

Section 33-311(A)(4)(c) Alternative Non-use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the

regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 1018 NW 102 Street, in an area characterized by two-family homes. The applicants are seeking to permit the maintenance and continued use of an existing detached two-family residence setback less than the required distance from the front, interior side and rear property lines. The applicants have submitted plans for this application depicting the aforementioned detached two-family residence. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Medium Density Residential** use, permitting from 6 to 13 dwelling units per gross acre. The existing detached two-family residence will not add any additional dwelling units to the site. Therefore, the existing detached two-family residence on this RU-2 zoned, 7,950 sq. ft. lot is **consistent** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department **(MDFRD)** also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **6:10** minutes.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that Request #1, to permit the existing front unit setback 17.97' (25' required) from the front (north) property line, and setback varying from 7.3' to 7.32' (7.5' required) from the interior side (east) property line would not negatively affect the appearance of the surrounding community. Staff notes, that the 7.03' encroachment of the existing front unit into the front (north) 25' setback area occurs on the living room portion of the 711 square feet, 2 bedroom and one bath front unit, and that the 0.18' to 0.20' encroachment into the interior side (east) property line of said front unit is minor and is probably due to an inadvertent construction error when the structure was originally built. However, in order to mitigate the impact to the neighboring property to the east, staff will recommend that a 6' high wood fence or hedge be provided along the interior side (east) property line. Additionally, the applicants are requesting to allow the maintenance and

continued use of a second unit located on the rear portion of the subject property and detached from the front unit setback varying from 7.25' to 7.31' (7.5' required) from the interior side (east) property line and setback 3.38' (5' required) from the rear (south) property line (Request #2). Staff notes that the existing 550 square feet; one bedroom and one bath unit, is located directly behind the front unit and that the 0.19' to 0.25' encroachment into the interior side (east) setback area is minor. As previously mentioned staff recommends that a 6' high wood fence or hedge be provided along the interior side (east) property line and along the rear (south) property line in order to mitigate the visual impact on the abutting properties to the east and south. In addition, staff recommends that the applicants obtain building permits for the proposed alterations to the existing detached two-family residence. As such, staff recommends approval of Requests #1 and #2 with conditions under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that this property can be developed under the RU-2 applicable zoning regulations; therefore, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

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

Based on all of the foregoing, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

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 no 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 "Mr. Hantz Santice & Ghislaine Seraphin As-Built Plans of Existing Residence," as prepared by Tony Sacerio, dated stamped received 4/6/09. 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 required further public hearing action.

3. That buffering be provided along the interior side (east0 and the rear (south) property lines either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection.

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

5. That the applicants secure a building permit for the existing non-permitted alterations to the existing detached two-family structure from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

DATE INSPECTED: 08/24/09
DATE TYPED: 09/02/09
DATE REVISED: 09/27/09
DATE FINALIZED: 09/27/09
MCL:NN:CH:TA

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

Memorandum

MIAMI-DADE COUNTY

Date: April 22, 2009

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

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

Subject: C-08 #Z2009000050
Hantz Saintice and Gislaine Sairaph
1018 N.W. 102 Street
To Permit a Detached Existing Structure Setback less than Required from Property Lines
(RU-2) (0.18 Acres)
02-53-41

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

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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.

Memorandum

Date: November 26, 2008

To: Marc C. LaFerrier, AICP, 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 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: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 16-APR-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000050

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000050
located at 1018 N.W. 102 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0683 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: 6:10 minutes

Existing services:

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

Station 30 - Miami Shores - 9500 NE 2 Avenue
Rescue, BLS Engine

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: 08/24/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

HANTZ SAINTICE & GISLAINE SAIRAPH	1018 N.W. 102 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000050

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

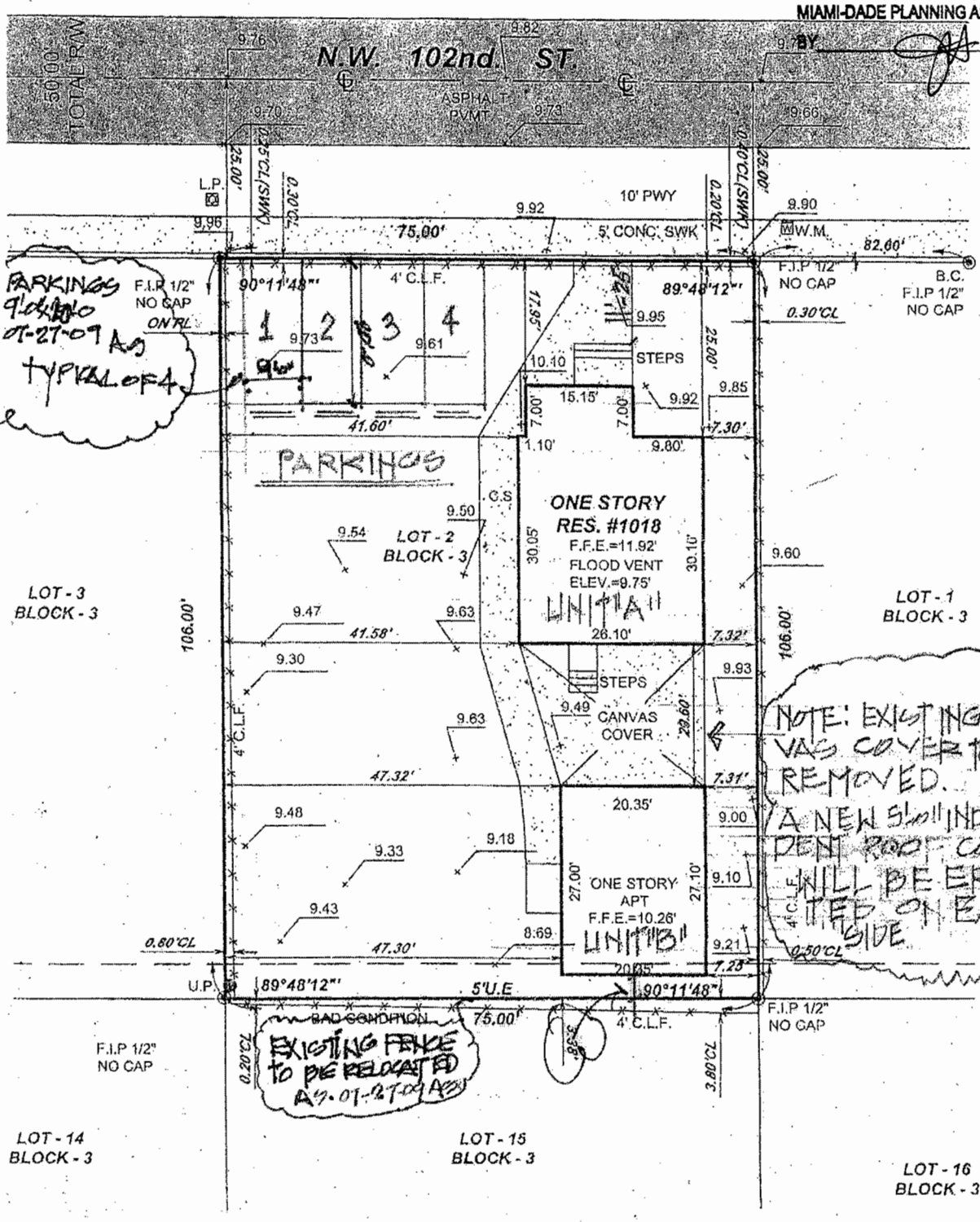
No violations observed

L Orozco

BOUNDARY SURVEY

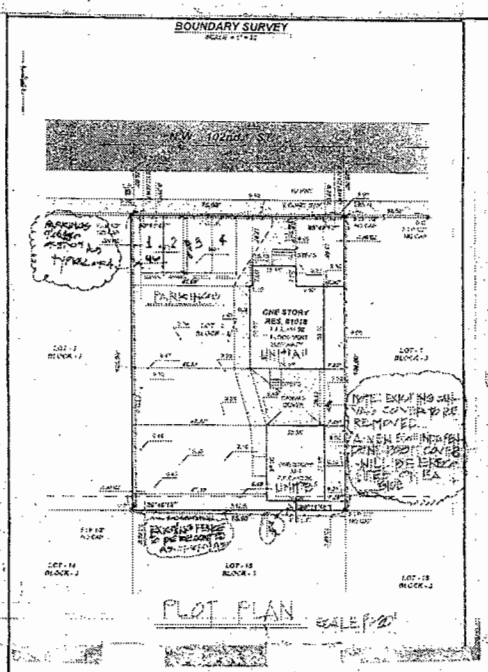
SCALE = 1" = 20'

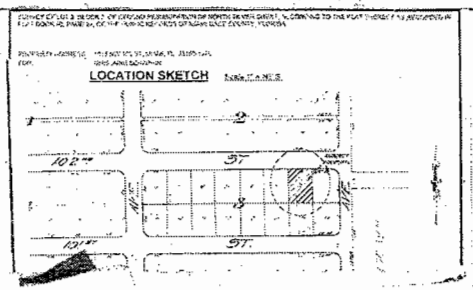
RECEIVED
709-050
APR 06 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



ENLARGED SITE PLAN

PLOT PLAN SCALE 1" = 20'



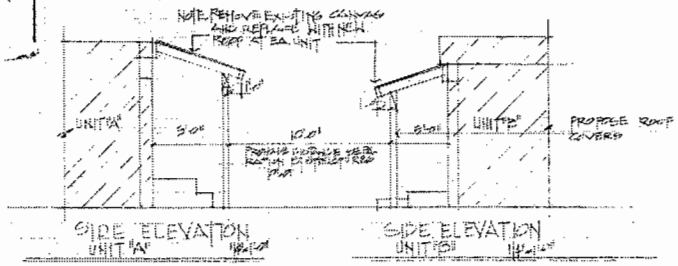


Ayer
33-201.1(7)
Setback for 2 sup family
Structure

106 X 75 = 7,950 (lot size)

Unit A 7955
Unit B 5834
Total 1444.41 X 7,950 = 18.1% ok
30% permitted

ZONING R-2
TOTAL LOT AREA 7950 ✓
TOTAL DEVELOPED AREA 1444 = 18% ✓
TOTAL # OF PARKING PROVIDED 4
FRONT SET BACK REQUIRED 25'-0" — Variance Req.
EXISTING FRONT SET BACK 11'-0"
REAR SET BACK REQUIRED 25'-0"
EXISTING REAR SET BACK - 8'-0"



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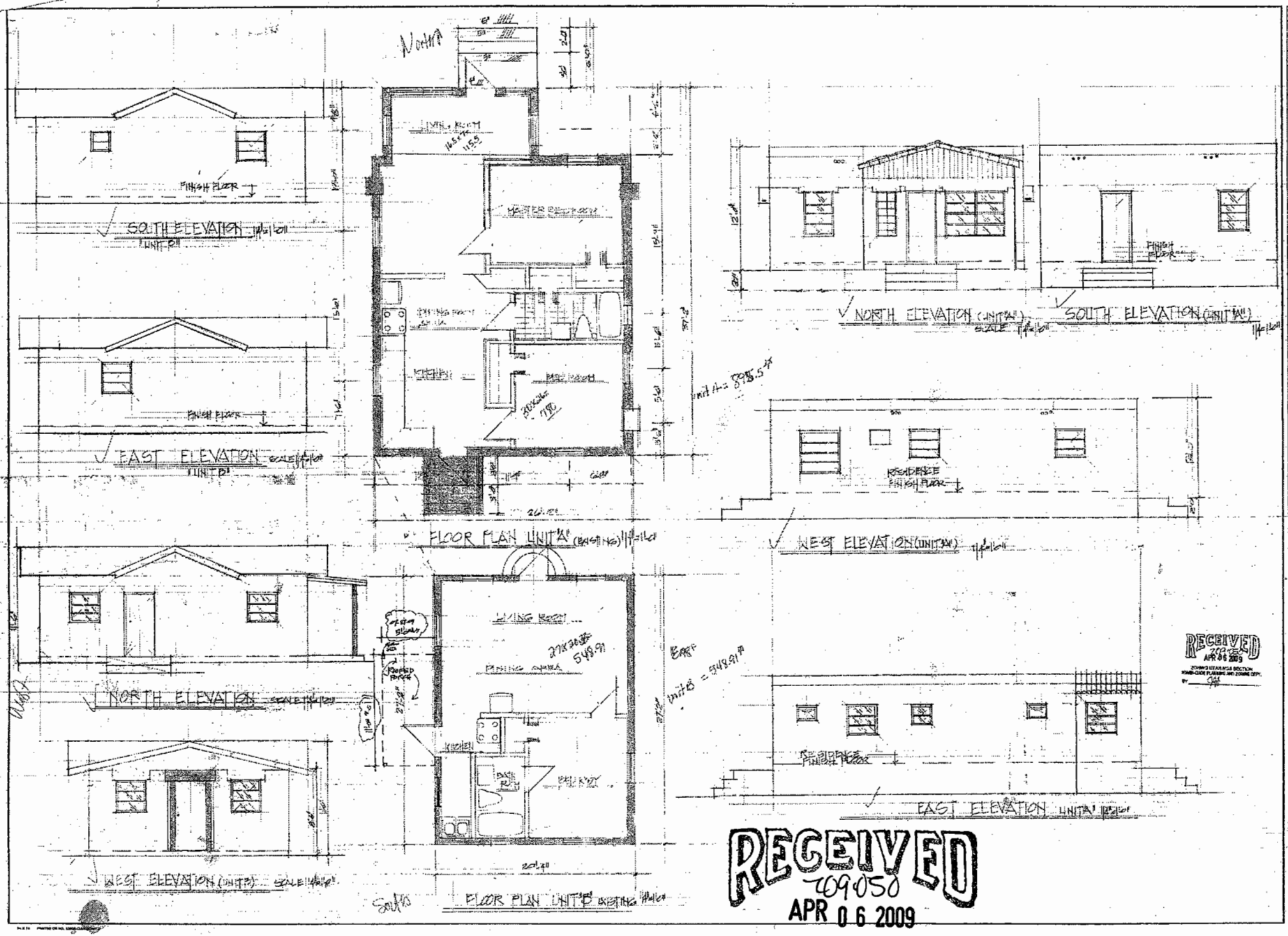
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

REVISIONS	BY

MR HANTZ SANTICE & CHOLAINE SERAPHIN
AS BUILT PLANS OF EXISTING RESIDENCE
(NONE) 102nd ST MIAMI, FL 33150

Date 04.05.09
Scale 1"=20'
Drawn
Job #117
Sheet
Of Sheets

16



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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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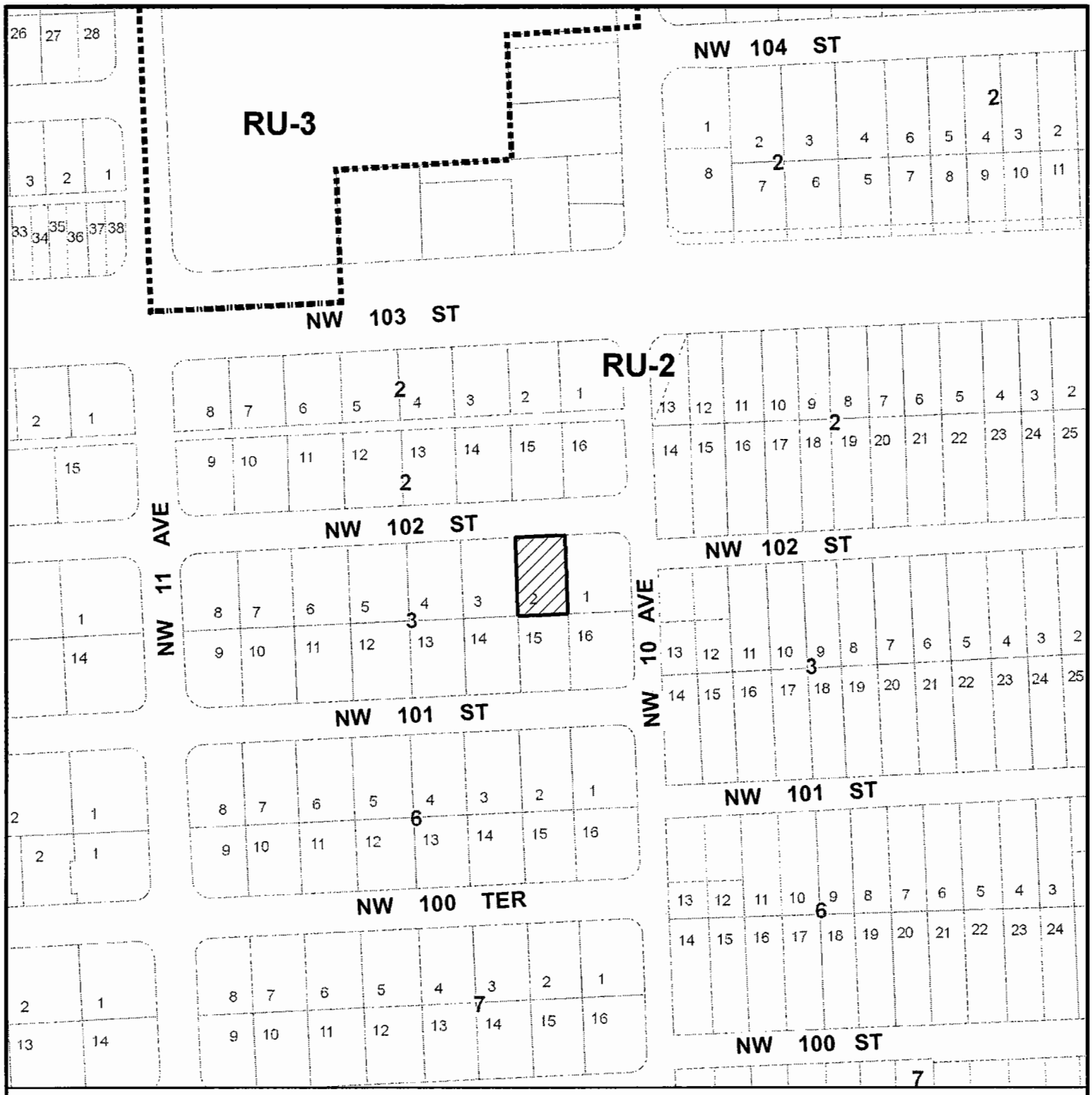


MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-050

Section: 02 Township: 53 Range: 41
Applicant: HANTZ SAINTICE & GISLANE SAIRAPH
Zoning Board: C08
Commission District: 2
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/13/09

REVISION	DATE	BY

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

09-050

Section: 02 Township: 53 Range: 41
Applicant: HANTZ SAINTICE & GISLANE SAIRAPH
Zoning Board: C08
Commission District: 2
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/13/09

REVISION	DATE	BY

3. HABITAT FOR HUMANITY OF GRTR MIA **09-10-CZ8-3 (09-079)**
(Applicant) **Area 8/District 2**
Hearing Date: 10/21/09

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
1947	J. Gerald Lewis, Inc.	- Multiple zone changes	BCC	Resolution Rescinded (Revoked)
1947	J. Gerald Lewis, Inc.	- Multiple zone changes	BCC	Approved

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

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

APPLICANT: Habitat for Humanity of Greater Miami **PH:** Z09-079 (09-10-CZ8-3)

SECTION: 11-53-41 **DATE:** October 21, 2009

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

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) Applicant is requesting to permit a parcel of land with a lot frontage of 50' (75' required) and lot area of 3,637 sq. ft. (7,500 sq. ft. required).

  (2) Applicant is requesting to permit a single-family residence setback 15'10" (25' required) on the rear (south) property line.

  (3) Applicant is requesting to permit the single-family residence with a lot coverage of 35.1% (35% allowed).

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

  Plans are on file and may be examined in the Zoning Department entitled "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required. Additionally, approval of the application will permit a reduced rear setback and more lot coverage than allowed.

- **LOCATION:** South of N.W. 74 Street and 470' west of N.W. 14 Avenue; a/k/a: 1470 N.W. 74 Street, Miami-Dade County, Florida.

- **SIZE:** 50' X 72.74'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
   Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
   Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-1; vacant land	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low-Medium Density Residential, 6 to 13 dua
SOUTH:	RU-1; vacant lot and a single-family residence	Low-Medium Density Residential, 6 to 13 dua
EAST:	RU-1; vacant lot	Low-Medium Density Residential, 6 to 13 dua
WEST:	RU-1; single-family residence	Low-Medium Density Residential, 6 to 13 dua

E. SITE AND BUILDINGS:

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

* Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

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

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

18. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

19. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the underlying district regulations; or

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

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

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

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

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit

the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

Approval of this application would allow the construction of a single-family residence with a reduced lot area and lot frontage, and setback less than permitted from the rear property line. Additionally, the application also seeks to permit the single-family residence with increased lot coverage. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1.05 dwelling units on the 3,637 sq. ft. (50' x 72.74') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. Department of Environmental Resources Management 's (DERM) memorandum indicates that public water and sewer can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff recommends that, as a condition for approval, the development of the subject property be restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-1 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works** and **Miami-Dade Fire**

Rescue (MDFR) Departments also have **no objections** to this application. The MDFR memorandum indicates that the estimated average travel response time is **7:04** minutes.

When requests #1 through #3 are analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. Staff notes that similar requests for variances of lot frontage and area have been approved in the immediate vicinity of the building site. For example, a property located at 1437 NW 73 Street, located southeast of the subject property, was approved pursuant to Resolution #Z-19-07, in July 2007, to permit a parcel with a lot frontage of 50' (75' required) and a lot area of 3,500 sq. ft. Staff's research of other properties in the surrounding area also found that a property at 7521 NW 15 Avenue, was approved for a variance to the setback requirements, to allow additions to a single-family residence setback 9.25' (25' required) from the rear (east) property line and a lot coverage of 48% (35% permitted), pursuant to Resolution #4-ZAB-54-87, in February 1987. More recently, a property located southwest of the subject parcel, along NW 16 Avenue, was also approved for a variance to allow a lot coverage of 46.98%, among other things, pursuant to Resolution #CZAB8-6-07, in March 2007. Therefore, staff opines that the requests to approve the single-family residence on a substandard sized parcel of land with reduced frontage, setback and lot coverage is similar to, or less intensive than previous approvals in the surrounding area and will not, in staff's opinion, be incompatible with the surrounding properties. Therefore, the request to permit a single-family residence on the substandard-sized lot with reduced frontage, an increased lot coverage and reduced rear setback is **compatible** with the surrounding single-family residences.

Staff is supportive of this application subject to conditions and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). However, staff notes that although the applicant has provided adequate landscaping primarily around the front (north) of the proposed residence, there is a need for a hedge or opaque fence along the rear (south) property line to mitigate the negative visual impact of the encroachment into the rear (south) setback area. As such, staff recommends approval with conditions of the requests #1 through #3 under Section 33-311(A)(4)(b) (NUV).

When requests #1 through #3 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship. As such, this application cannot be approved under this section. Therefore, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(c) (ANUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not

//

contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff recommends approval with conditions of the applicant's requests under Section 33-311(A)(4)(b) (NUV), 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 request #1 through #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice 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, 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 "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. 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 applicant install a 6' tall opaque fence or hedge along the rear (south) property line; said hedge shall be 3' high at the time of planting, which shall grow to and be maintained at a height of 6'

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

5. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 07/21/09
DATE TYPED: 09/02/09
DATE REVISED: 09/02/09
DATE FINALIZED: 09/22/09
MCL:NN:CI:CH

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

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2009

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

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

Subject: C-08 #Z2009000079
Habitat For Humanity of Greater Miami, Inc.
1470 N.W. 74 Street
Request to Permit a Single Family Residence that Exceeds Lot Coverage and Setback Requirements
(RU-1) (0.08 Acres)
53-41-11

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 structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

Tree Preservation
There are no tree resources issues on the subject property.

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

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

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

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

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

Memorandum

Date: November 26, 2008

To: Marc C. LaFerrier, AICP, 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 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: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 10-JUN-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000079

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped May 20, 2009.

Service Impact/Demand

Development for the above Z2009000079
located at S of NW 74 St & 470' WEST of NW 14 AVE/ A.K.A 1470 N.W. 74 STREET
in Police Grid 0797 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: 0.27 alarms-annually.
The estimated average travel time is: 7:04 minutes

Existing services

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

Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped May 20, 2009. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 08/21/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	S of NW 74 St & approx. 150' EAST of NW 15 AVE/ A.K.A 1470 N.W. 74 STREET
APPLICANT	**ADDRESS**

Z2009000079

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT CASE HISTORY:

Folio #3031110380120 Case 200904006572 was opened based on enforcement history request and inspected on 08/21/09. No violations were observed and case was closed.

PREVIOUS CASE HISTORY:

Case 200504002331 was opened 05/27/05 for overgrowth and case was closed for change in ownership. Case 200804005286 case was opened 07/31/08 for overgrowth and referred to GSA and closed 09/02/08. Case 200904004255 was opened 05/29/09 based on enforcement history request, no violations were observed and case was closed.

CURRENT CASE HISTORY:

Folio #3031110380130 Case 200904006571 was opened on 08/21/09 based on enforcement history request and no violations were observed and case was closed.

PREVIOUS CASE HISTORY:

Case 200404005109 was opened 11/10/04 for overgrowth and corrected by owner and case was closed. Case 200404002329 was opened 05/27/05 for overgrowth and was closed for changed in ownership. Case 200904004347 was opened 06/02/09 based on enforcement history request and no violations were observed and case was closed.

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Habitat for Humanity

NAME AND ADDRESS	Percentage of Stock
Michael Battle, President	∅
Paul Jones, V-President	∅
Timothy Plummer 2nd V-President	∅
Arlena Williams, Secretary	∅

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

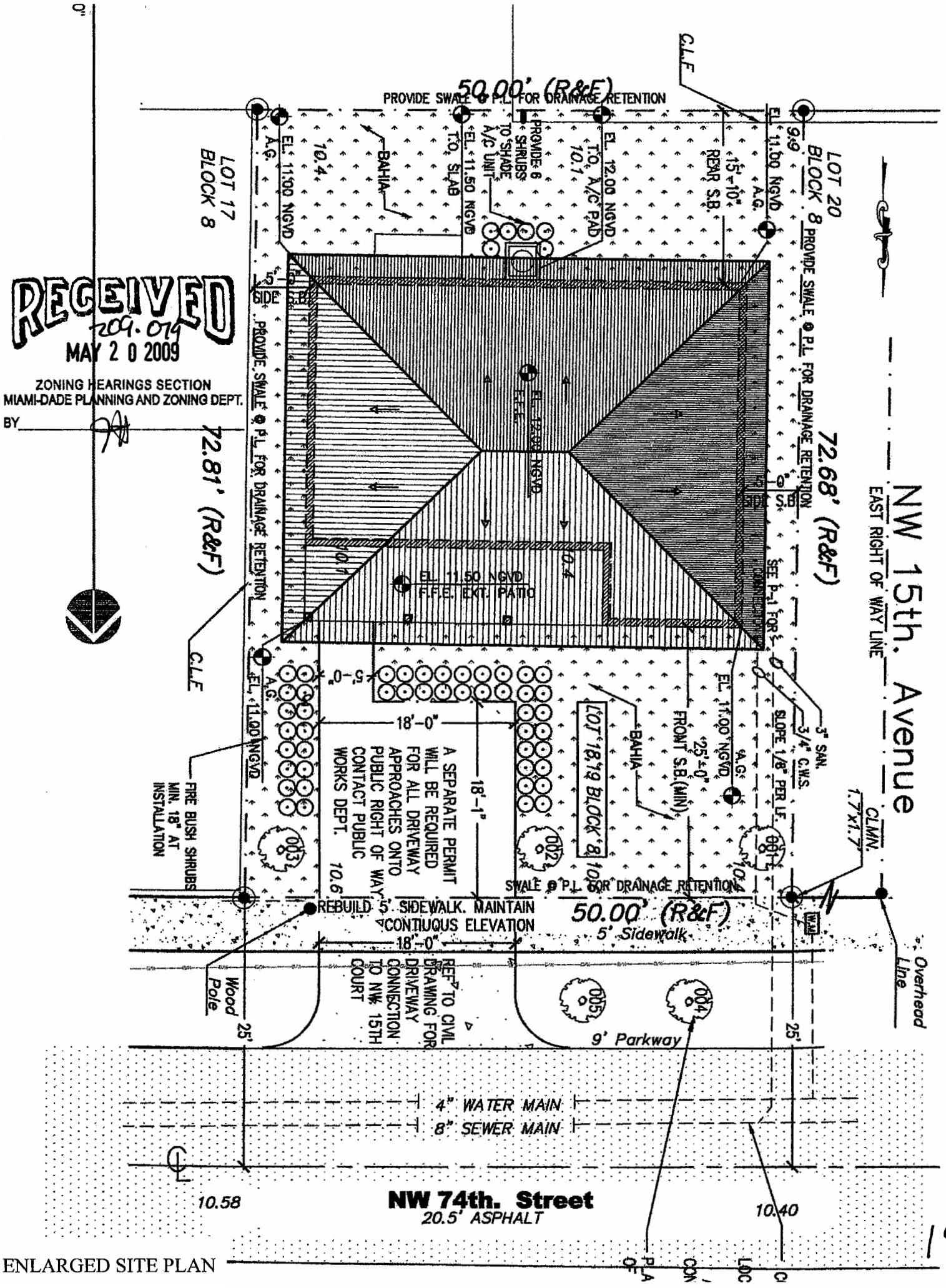
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

RECEIVED
209079
MAY 20 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
209079
MAY 20 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar



ENLARGED SITE PLAN

1 **SITE PLAN**
SCALE 1"=10'-0"

SOIL STATEMENT

UPON VISUAL OBSERVATION THE SOIL CONSISTS OF UNDISTURBED SAND AND ROCK WITH ALLOWABLE SOIL BEARING CAPACITY OF 2000 PSF. IF UPON EXCAVATION IT BECOMES EVIDENT THAT THIS PRESSURE CANNOT BE OBTAINED, THE GENERAL CONTRACTOR WILL NOTIFY THE ARCHITECT IMMEDIATELY. FOR CONSTRUCTION OF NEW GROUND FLOOR SLAB,CLEAR, REMOVE AND DISPOSE OF ALL VEGETATION, ORGANIC SOILS AND DEBRIS. FILL AND BACKFILL IN LAYERS NOT GREATER THAN 12 IN. LOOSE THICKNESS WITH STRUCTURAL FILL MATERIAL AND COMPACT TO 95% MINIMUM DENSITY (MODIFIED PROCTOR TEST).
AT THE TIME OF CONSTRUCTION, A LICENSED ARCHITECT OR REGISTERED PROFESSIONAL ENGINEER SHALL SUBMIT TO THE BUILDING OFFICIAL A LETTER ATTESTING THAT THE SITE HAS BEEN OBSERVED AND THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON WHICH THE DESIGN IS BASED.

GENERAL LANDSCAPE INSTALLATION DETAILS - N.T.S.

NEW SHRUB LIST

QTY.	SCIENTIFIC NAME	COMMON NAME	SPECIFICATION
50	HAMELIA PATENS COMPACTA	FIRE BUSH	3 GAL. 24" X 18" SP., OC, FULL

NOTE: ALL SHRUBS SHALL BE MIN. OF 18" IN HEIGHT WHEN MEASURED IMMEDIATELY AFTER PLANTING.

LANDSCAPING NOTES

STANDARDS FOR TREES, PALMS AND SHRUBS.
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

1. GRADES AND STANDARDS FOR NURSERY PLANS PART I AND GRADES AND STANDARDS FOR NURSERY PLANTS II PALMS AND TREES, GRADE: FLORIDA NUMBER I OR BETTER.
2. ALL PLANT MATERIAL IN GENERAL SHALL HAVE A HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES AND SHALL BE SOUND, HEALTHY, VIGOROUS, WELL-ROUTED AND FREE OF INSECT PESTS, PLANT DISEASES, WEEDS AND INJURIES.
3. DETERMINE LOCATIONS OF ANY UNDERGROUND AND ABOVE GROUND UTILITIES. PROTECT UTILITIES TO AVOID POSSIBLE DAMAGE.
4. PROTECT EXISTING VEGETATION TO REFRAIN FROM DAMAGE DURING CONSTRUCTION.
5. PROVIDE IF NECESSARY TEMPORARY GUARDS TO PROTECT VEGETATION.
6. REMOVE VEGETATION AS INDICATED TO BE REMOVED. REMOVE STUMPS AND ROOTS.
7. BACK FILL DEPRESSIONS IN PLANTED OR SODDED AREAS WITH MATERIAL SIMILAR TO ADJACENT GROUND, COMPACT MATERIALS IN HORIZONTAL LAYERS TO A DENSITY EQUAL TO ADJACENT GROUND.
8. NEW TOP SOIL TO BE BLACK, FINELY DIVIDED, NON-FIBROUS SURFACE LAYER, EVERGLADES PEAT DERIVED FROM DECOMPOSED SAWGRASS WITH A PH RANGE SUITABLE FOR ITS INTENDED USE: FREE OF NEMATODES, REASONABLY FREE OF SUBSOIL, BRUSH, WEEDS AND OTHER LITTER, AND FREE ROOTS, STUMPS, STONES GREATER THAN 2' IN ANY DIMENSION, AND ANY OTHER EXTRANEOUS OR TOXIC MATERIAL HARMFUL TO PLANT GROWTH.
9. ANY SAND MUST BE CLEANED, WASHED AND TOXIC FREE.
10. IRRIGATE BY HAND USING PORTABLE WATER IMMEDIATELY AFTER PLANTING AND CONTINUE UNTIL PLANTS ESTABLISHED BUT NOT LESS THAN 120 DAYS.

RAINWATER OR OTHER LIQUID WASTES FROM ANY PREMISES SHALL BE DISPOSED OF WHERE SAME ORIGINATES AND/OR FALLS IN SUCH MANNER AS HEREIN PROVIDED, THE DISPOSAL OF ANY RAINWATER OR OTHER LIQUID WASTES BY CAUSING OR ALLOWING SAME TO BE DISPOSED OF OR FLOW ON OR ACROSS ANY ADJOINING PUBLIC PROPERTY OR SIDEWALK SHALL BE DEEMED A NUISANCE, AND SHALL BE CORRECTED BY PROPERLY DISPOSING OF SAME IN ACCORDANCE WITH PROVISIONS OF CHAPTER 24 OF THE CODE OF METRO DADE COUNTY AND ORD. NO. 95-27.

LANDSCAPE LEGEND

ZONING DISTRICT: RU-1 NET LOT AREA: .018 ACRES (3,640 SF)

		REQUIRED	PROVIDED
OPEN SPACE			
A.	Square feet of open space required by Ch 33 as indicated on site plan	N/A	N/A
B.	Square feet of parking lot open space req. by Ch18A, as indicated on site plan:	N/A	N/A
LAWN AREA CALCULATION			
A.	Total open space required by Ch 33	N/A	N/A
B.	Max. lawn area (St. Augustine sod) permitted 50% X 5,000 SF =	N/A	3,300sf (Bahia)
TREES			
	The number of trees required per lot	3	3
	existing number of trees that meet min. requirements =	-	1
	30% palm trees allowed(two palms = one tree) Palms provided	-	-
A.	Percentage of native trees req.=number of trees provided X 30%=	1	3
B.	Street trees (max. avg. spacing of 35' o.c.) 50 LF along street/35=	2	2
	Palm as street trees (max. avg. spacing of 25' o.c.)		
C.	71 linear feet along street/25=	N/A	N/A
D.	Street trees located directly beneath power lines (max. avg. spacing of 25' o.c.)	N/A	N/A
E.	Total number of trees provided		5
SHRUBS			
A.	The total number of trees required X 10 = the number of shrubs req.	50	50
B.	The number of shrubs req. x 30% = the number of native shrubs req.	10	50

NEW TREE LEGEND

SYMBOL (#) ON PLAN	PLANT NAME SCIENTIFIC	PLANT NAME COMMON	NATIVE SPECIES YES	NATIVE SPECIES NO	CALIPER (INCH)	HEIGHT	CANOPY DIA. (FEET)
001	CORDIA SEBESTENA	ORANGE GEIGER	✓		[illegible]	[illegible]	3' MIN.
002	CORDIA SEBESTENA	ORANGE GEIGER	✓		[illegible]	[illegible]	3' MIN.
003	CORDIA SEBESTENA	ORANGE GEIGER	✓		[illegible]	[illegible]	[illegible]
004	CONOCARPUS ERECTUS	SILVER BUTTONWOOD	✓		[illegible]	[illegible]	[illegible]
005	CONOCARPUS ERECTUS	SILVER BUTTONWOOD	✓		[illegible]	[illegible]	3' MIN.

PROJECT LOCATION

LEGAL DESCRIPTION

LOTS 18 & 19 BLOCK 8 OF, "SECOND SECTION COMMERCIAL LIBERTY CITY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 55, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

PROJECT AREA

TOTAL ENCLOSED AREA 1,088 SQ. FT.

PROJECT INDEX

- A-1 ABBREVIATION, NOTES & DEMO/SITE PLAN
- A-2 FLOOR PLANS,ELEVATIONS AND SCHEDULES
- A-3 LANSCAPE NOTES, SCHED. & WALL SECTIONS
- S-1 FRAMING, FOUNDATION PLANS, & DETAILS
- S-2 NOA SHEETS
- P-1 PLUMBING PLAN, DETAILS AND SCHEDULES
- M-1 MECH. PLAN, NOTES, DETAILS AND SCHEDULES
- E-1 ELECT. PLAN, NOTES, DETAILS AND SCHEDULES

CONSTRUCTION NOTES

THE CONTRACTOR BY AND THROUGH SUBMISSION OF A BID, AGREE THAT THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR HAVING EXAMINED THE SITE, THE LOCATION OF ALL PROPOSED WORK AND HAVING SATISFIED FOR THEMSELVES FROM PERSONAL KNOWLEDGE AND EXPERIENCE OF PROFESSIONAL ADVICE AS TO THE CHARACTER AND LOCATION OF THE SITE, THE NATURE OF THE EXISTING CONDITIONS SURROUNDING AND AFFECTING THE WORK, ANY OBSTRUCTIONS,THE NATURE OF ANY EXISTING CONSTRUCTION, AND ALL OTHER PHYSICAL CHARACTERISTICS OF THE JOB, IN ORDER THAT THEY MAY INCLUDE IN THEIR BID ALL COSTS PERTAINING TO THE WORK AND OR REPLACEMENT OF ANY OBJECT OR OBSTRUCTIONS WHICH MAY BE ENCOUNTERED IN DOING THE WORK.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE THE THE 2004 FLORIDA BUILDING CODE, LATEST EDITION AND ANY OTHER APPLICABLE FEDERAL, STATE & LOCAL CODES.

ANY CONFLICTS OR OMISSIONS IN THESE CONSTRUCTION DOCUMENTS SHALL NECESSITATE NOTIFICATION OF THE ARCHITECT OF RECORD FOR ANY CORRECTIONS, INTERPRETATIONS OR CLARIFICATIONS BEFORE SUBMITTING A BID OR PROCEEDING WITH THE WORK IN QUESTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK, THE PAYMENT FOR ALL APPLICABLE FEES, THE COORDINATION OF ALL INSPECTIONS AND THE DOCUMENTATION OF THE CERTIFICATE OF COMPETITION, WARRANTIES AND RELEASE OF LIENS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK, THE PAYMENT FOR ALL APPLICABLE FEES, THE COORDINATION OF ALL INSPECTIONS AND THE DOCUMENTATION OF THE CERTIFICATE OF COMPETITION, WARRANTIES AND RELEASE OF LIENS.

THE CONTRACTOR SHALL RESTORE TO SATISFACTORY CONDITION ALL NEW AND EXISTING CONSTRUCTION WORK AND/OR OTHER IMPROVEMENTS DAMAGED AS A RESULT OF WORK PERFORMED UNDER THIS CONTRACT

ALL CONTRACTORS SHALL BE LICENSED TO OPERATE IN MIAMI-DADE COUNTY, FLORIDA.

ALL CONTRACTORS SHALL PRODUCE EVIDENCE OF LIABILITY INSURANCE AND WORKMAN'S COMPENSATION. THE GENERAL CONTRACTOR SHALL INDEMNIFY THE OWNER AND/OR ARCHITECT FOR ANY AND ALL COSTS,CLAIMS,SUITS AND JUDGEMENTS FOR PROPERTY DAMAGE OR PERSONAL INJURY AS THE RESULT OF WORK PERFORMED UNDER THIS TASK.

FOR THE DURATION OF THE CONSTRUCTION PROCESS THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE JOB SITE AS REQUIRED TO SATISFY THE REQUIREMENTS OF OSHA. THIS EXTENDS TO ALL SUBCONTRACTORS, WORKMEN AS VISITORS TO THE SITE.

WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE DIMENSIONS. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND NOTIFY THE ARCHITECT OF ANY VARIATIONS OF THE DIMENSIONS AND/OR CONDITIONS REPRESENTED

ABBREVIATIONS

A	ALUM.	ALUMINUM
	ARCH.	ARCHITECT (URAL)
B	BM.	BEAM
	BOT.	BOTTOM
C	C.M.U.	CONCRETE MASONRY UNIT
	CAB.	CABINET
	CLG.	CEILING
	C.D.	CEILING DIFFUSER
	COMP.	COMPRESSOR (A/C)
	COL.	COLUMN
	CONC.	CONCRETE
	CTR.	CENTER
D	DN.	DOWN
	DW.	DISHWASHER
E	E.P.	ELECTRICAL PANELBOARD
	ELEC.	ELECTRIC (AL)
	ELEV.	ELEVATION
F	F.F.	FINISH FLOOR
	FXT.	FIXTURE
G	G.C.	GENERAL CONTRACTOR
	GYP.	GYPSUM BOARD
H	H.V.A.C.	HEATING/VENTILATION/ AIR CONDITIONING
I	INT.	INTERIOR
L	LAV.	LAVATORY
	LT.	LIGHT
M	MIN.	MINIMUM
	MISC.	MISCELLANEOUS
	MT.	METAL
O	O.C.	ON CENTER
	O.H.	OPPOSITE HAND
P	P.L.	PROPERTY LINE
	PLYWD.	PLYWOOD
	PLUM.	PLUMBING
	PTD.	PAINTED
R	R.C.P.	REFLECTED CEILING PLAN
	RECPT.	RECEPTACLE
	REF.	REFRIGERATOR
	RM.	ROOM
S	STOR.	STORAGE
	S.S.	STAINLESS STEEL
	S.R.	SUPPLY REGISTER
T	T.B.C.	TO BE CHOSEN
	T.B.D.	TO BE DETERMINED
	T&G	TONGUE & GROOVE
	TYP.	TYPICAL
V	V.I.F.	VERIFY IN FIELD
	VNR.	VENEER
W	W.H.	WATER HEATER
	WD.	WOOD
	WIN.	WINDOW

SYMBOLS

- DRAWING NAME / SCALE — DRAWING IDENTIFICATION
- 1/A1 — BUILDING SECTION
- 1/A1.1 — WALL SECTION
- 1/A4 — DRAWING NUMBER / SHEET NUMBER
- DETAIL OR WALL SECTION KEY
- 1/A6 — SECTION DETAIL KEY
- 1/A9 — INTERIOR ELEVATION KEY
- ROOM NAME 101 — ROOM IDENTIFICATION
- 001 — DOOR NUMBER
- ELEVATION LINE
- SPOT ELEVATION
- REVISION
- PROJECT NORTH

PROJECT NOTES

IMPACT RESISTANT DEVICES WITH CURRENT DADE COUNTY PRODUCT APPROVAL SHALL BE PROVIDED FOR ALL NEW AND EXISTING WINDOWS AND DOORS. COMPLY WITH NOTED WIND PRESSURES. PROVIDE SHOP DRAWINGS AND CALCULATIONS SIGNED & SEALED BY REG. FLORIDA P.E. COMPLY WITH FBC. SECTION 341.8.2.3.1.1

ALL DIMENSIONS ARE TO FACE OF BLOCK OR FACE OF STUD UNLESS OTHERWISE NOTED."

TERMITE TREATMENT CERTIFICATES (FBC 105.10)
CONTRACTOR TO PROVIDE AND POST CERTIFICATE OF PROTECTIVE TREATMENT FOR THE PREVENTION OF TERMITES PRIOR TO SLAB INSPECTION IN ACCORDANCE WITH FBC 105.10

TERMITE PROTECTION STATEMENT (FBC 1816.1.7)
"THE BUILDING SHALL RECEIVE A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES."

BURGLARY INTRUSION NOTES:

1. ALL LOCKS ON EXTERIOR DOORS SHALL BE CAPABLE OF RESISTING A FORCE OF 300 LBS. APPLIED IN ANY MOVABLE DIRECTION.
2. GLASS AND EXTERIOR DOORS SHALL BE TEMPERED SAFETY GLASS AND COMPLY WITH THE AMERICAN NATIONAL STANDARD INSTITUTES- STANDARD 297.1
3. EXTERIOR DOORS TO LIVING AREAS SHALL BE SECURED WITH A LATCH AND SINGLE DEAD BOLT WITH 1" MINIMUM THROW, OR A COMBINATION AND LATCH AND DEAD BOLT SET AS FOLLOWS. SWINGING ENTRANCE DOORS TO INDIVIDUAL UNITS SHOULD COMPLY WITH F.B.C. HEREIN AND SHALL BE SECURED AS SET FORTH BY F.B.C.. OR BY COMBINATION DEAD LATCH AND HARDENED DEAD BOLT SETS OR DEAD BOLT WHICH CONTAINS AN INSERT. EACH WITH 1" MINIMUM THROW. AT LEAST ONE SUCH ENTRANCE DOOR SHALL BE PROVIDED WITH A DOOR SCOPE OR VISION PANEL COMPLYING WITH N.O.A.
4. SWINGING DOORS SHALL BE OF SOLID CORE, FLUSH CONSTRUCTION, AND SHALL BE NOT LESS THAN 1 3/8" IN THICKNESS. SWINGING DOORS OF STILE, RAIL AND PANEL CONSTRUCTION SHALL HAVE
5. SWINGING DOORS OF STILE, RAIL AND PANEL CONSTRUCTION SHALL HAVE RAILS AND STILE NOT LESS THAN 1 3/4" INCHES IN THICKNESS WITH RETAINING TONGUES OR SPLINES NOT LESS THAN 3/8" IN LEAST DIMENSION.
6. LOCKS ON EXTERIOR DOORS SHALL BE A MIN. OF 6,000 POSSIBLE KEY CHANGES OR LOCKING COMBINATIONS.

SOIL STATEMENT:
BASED ON FIELD OBSERVATIONS THE EXISTING SOIL CONDITIONS ARE BELIEVED TO CONSIST OF UNDISTURBED SAND, SOIL & ROCK WITH A MAXIMUM PRESUMPTIVE BEARING CAPACITY OF 2000 psf. IF UPON EXCAVATION OTHER MATERIALS OR CONDITIONS ARE ENCOUNTERED; STOP WORK (IN THIS AREA) AND NOTIFY ARCHITECT IMMEDIATELY.

THE ASSUMED SOIL BEARING PRESSURE IS TO BE VERIFIED BY A CERTIFIED SOIL TESTING LAB AND REPORT ISSUED VERIFYING SOIL BEARING PRESSURE.

PROJECT ZONING INFORMATION

NEW CONSTRUCTIONS OF SINGLE FAMILY RESIDENTIAL
BUILDING TYPE II CONSTRUCTION
OCCUPANCY CLASSIFICATION :RESIDENTIAL 1

ZONING DISTRICT: ZONED RU- 1

NET LOT AREA: 50' X 72.81' =3,640 SF

MAX SITE COVERAGE =.30 X N.L.A. =.30 X 3,640 SF = 1,497 SF
PROPOSED SITE COVERAGE = 1317 SF (ALL UNDER ROOF)

MAX BUILDING HEIGHT (RU-2): 35'-0"
PROPOSED BLDG. HEIGHT : 17'-4"

NUMBER OF SHADE/FLOWERING TREES: REF. TO LANDSCAPE DWGS.
LINEAR FEET OF SHRUBS PROPOSED: REF. TO LANDSCAPE DWGS.

SETBACKS:	ALLOWED	PROPOSED
FRONT	25'-0"	25'-0"
REAR	25'-0"	15'-10" (VARIANCE REQ.)
SIDE	5'-0"	5'-0"

PARKING
REQUIRED: 2 SPACES — PROPOSED: 2 SPACES PROVIDED

CODES

FLORIDA BUILD CODE (FBC) 2004

1. a) RESIDENTIAL 2004
   b) MECHANICAL 2004
   c) PLUMBING 2004
2. NEC LATEST EDITION

RECEIVED 209-079 MAY 20 2009 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY

HABITAT FOR HUMANITY

1470 NW 74th St.,Miami, Fl.

Habitat for Humanity
3800 NW 22ND AVE.
MIAMI, FL 33142
305-634-3628
EXEC.DIRECTOR/ANNE MANNING

Registration
8 May 2009
Peter W. Thomas AR 008754

REVISIONS

HABITAT FOR HUMANITY
1470 N.W. 74TH ST., MIAMI, FLORIDA

THOMAS & CAZABILLA

INDEX, SYMBOLS, ABBREVIATION, NOTES & DEMO/SITE PLAN

Date: 02/25/09
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209-079
MAY 20 2009

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

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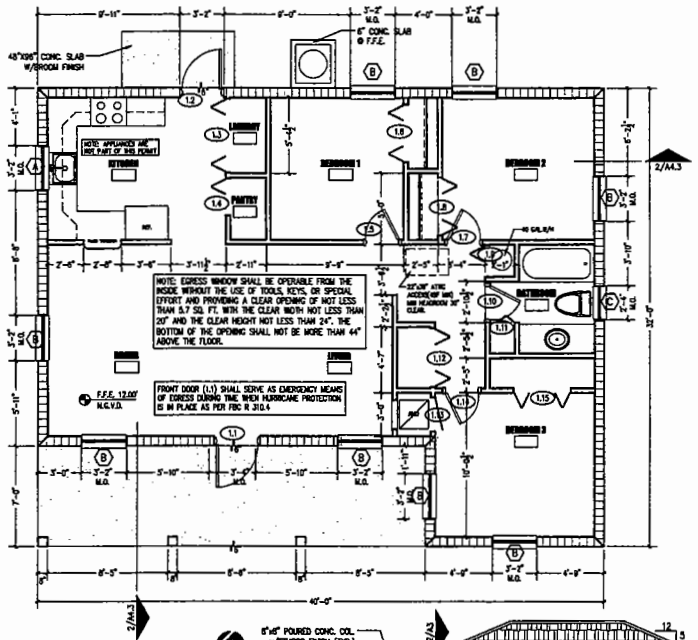
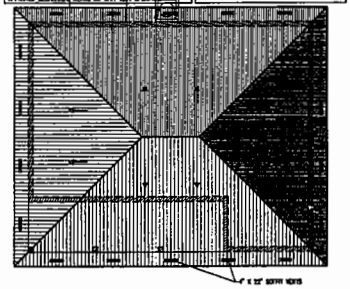
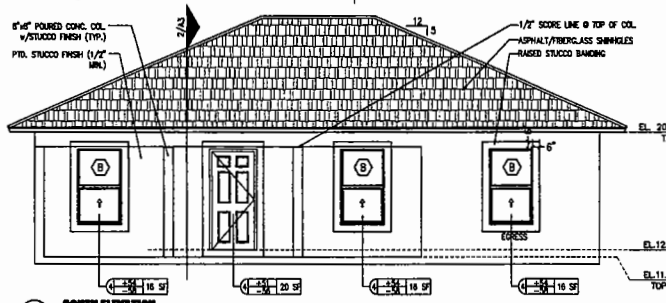


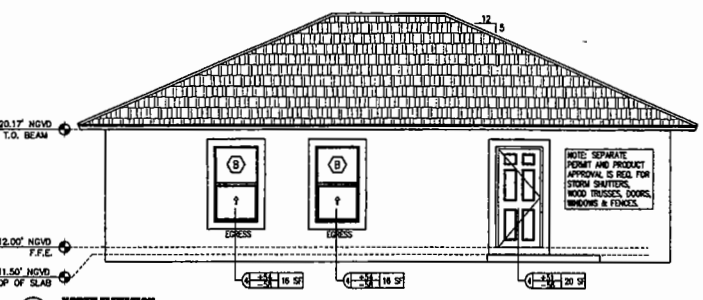
1 **FLOOR PLAN**
SCALE 1/4"=1'-0"



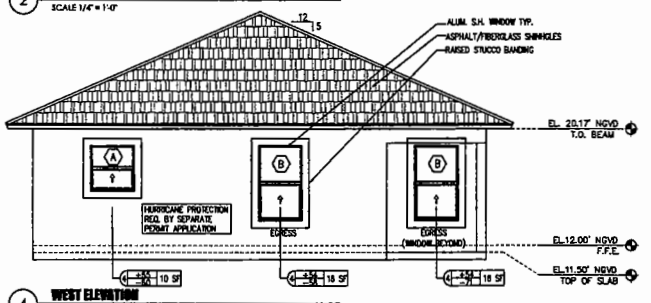
6 **ROOF PLAN**
SCALE 1/8"=1'-0"



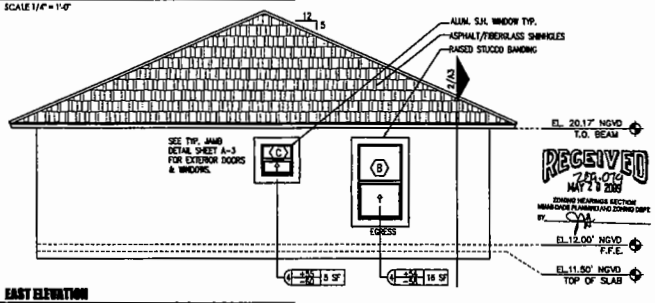
2 **SOUTH ELEVATION**
SCALE 1/4" = 1'-0"



3 **NORTH ELEVATION**
SCALE 1/4" = 1'-0"



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



5 **EAST ELEVATION**
SCALE 1/4" = 1'-0"

GENERAL DOOR & WINDOW NOTES

ALL EXTERIOR DOOR AND WINDOWS TO HAVE MIAMI-DADE COUNTY PRODUCT APPROVAL "RO" TO SCHEDULES.

ALL EXTERIOR OPENINGS/DOORS AND WINDOWS TO CONFORM TO INTRUSION REQUIREMENTS. ALL NEW EXTERIOR DOORS AND WINDOWS SHALL MEET MINIMUM REQUIREMENTS OF THE 2004 FLORIDA BUILDING CODE SECT 2411 INCLUDING BUT NOT LIMITED TO THE FOLLOWING ITEMS:
ALL SINGLE EXTERIOR SWINGING DOORS SHALL HAVE A LOCK TO BE KEY OPERATED FROM THE EXTERIOR WITH A MINIMUM OF 8,000 POSSIBLE KEY CHANGES OR LOCKING AUXILLARY DEAD BOLT WITH HARDENED STEEL BOLT INSERTS.
ALL LOCKS ON EXTERIOR DOORS SHALL BE CAPABLE OF RESISTING A FORCE OF 300LBS APPLIED IN ANY MOVEABLE DIRECTION AND IN ACCORDANCE OF THE RESISTANCE STADARDS SET FORTH IN THE CURRENT BUILDING CODE.
HINGES ON EXTERIOR OUT SWINGING DOORS SHALL HAVE NON-REMOVABLE PINS.

ALL EXTERIOR OPENINGS/DOORS AND WINDOWS TO HAVE HURRICANE PROTECTION PANELS(FBC 2410) OR IMPACT RESISTANT GLASS.

ALL INTERIOR DOORS AND FRAMES TO BE PAINT GRADE FINISH

ALL WINDOWS TO BE LAWSON INDUSTRIES ALUMINUM/LIGHT GREY TINT GLASS OR EQUAL

ALL BEDROOMS SHALL HAVE SECONDARY MEANS OF EGRESS.

ALL CLOSET AND BATHRROM DOORS TO BE OPERABLE FROM THE INTERIOR SIDE.

SHOWER COMPARTMENTS AND WALLS ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS SHALL BE FINISHED WITH A SMOOTH, NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 70 INCHES ABOVE THE DRAIN INLET. FBC 1210.3

ANY GLAZING MATERIAL ADJACENT TO A DOOR WITHIN 48 INCHES OF THE DOOR IN THE CLOSED POSITION SHALL BE OF SAFETY GLAZING

WINDOW SCHEDULE

MARK	DIMENSIONS W.	H.	THK.	TYPE	MATERIALS GLASS TNT.	FRAME	NOTES
A	3'-1"	3'-2 3/8"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07
B	3'-1"	5'-3"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07
C	2'-2 1/2"	2'-2"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07 (OBSCURE GLASS PER FBC R308.4 HAZ/LOC)

DOOR AND FRAME SCHEDULE

MARK	SIZE WD	HGT	THK	MATL	HARDWARE	REMARKS
MODEL TYPE A-7						
1.1 FRONT	3'-0"	6'-8"	2"	MTL.	SNGL. DB/KEYED	THERMA-TRU CS-210. (NOA 01-0626.10)
1.2 BACK	3'-0"	6'-8"	2"	MTL.	SNGL. DB/KEYED	THERMA-TRU CS-210. (NOA 01-0626.10)
1.3 LAUNDRY	2(2'-6")	6'-8"	2"	WD.	PASSAGE	PTD.HOLLOW CORE BI FOLD
1.4 PANTRY	2'-6"	6'-8"	2"	WD.	PASSAGE	PTD.HOLLOW CORE BI FOLD
1.5 BEDROOM 1	2'-10"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.6 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.7 BEDROOM 2	2'-10"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.8 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.9 WH CLOSET	2'-0"	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.10 BATH	2'-6"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.11 CLOSET	1'-8"	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.12 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.13 A/C CLOSET	2'-6"	6'-8"	2"	WD.	N/A	PTD.HOLLOW CORE
1.14 MSTR. BED	2'-8"	6'-8"	2"	WD.	PRIVACY	PTD. HOLLOW CORE
1.15 CLOSET	2 (2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR

ROOM FINISH SCHEDULE

ROOM NAME	FLOOR	WALLS	CEILING TYPE	CEILING HEIGHT	REMARKS
LIVING	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
DINING	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
KITCHEN	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
LAUNDRY	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. M.R.B	8'-3"	
BATHROOM	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. M.R.B.	8'-3"	
BEDROOM 1	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
BEDROOM 2	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
BEDROOM 3	VINYL TILE	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	
HW/AC	CONC.	PTD. GYP. BD	SMOOTH PTD. GYP	8'-3"	

RECEIVED
209.079
MAY 2 0 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
209.079
MAY 2 0 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Habitat for Humanity
Registration
Date Self-Certified 8 May 2009
Parker W. Thomas AR 0013754
REVISIONS
HABITAT FOR HUMANITY
1470 N.W. 76TH ST., MIAMI FLORIDA
FLOOR PLANS, ELEVATIONS AND SCHEDULES
Date: 02/25/09
Drawn by: EJE/EFS
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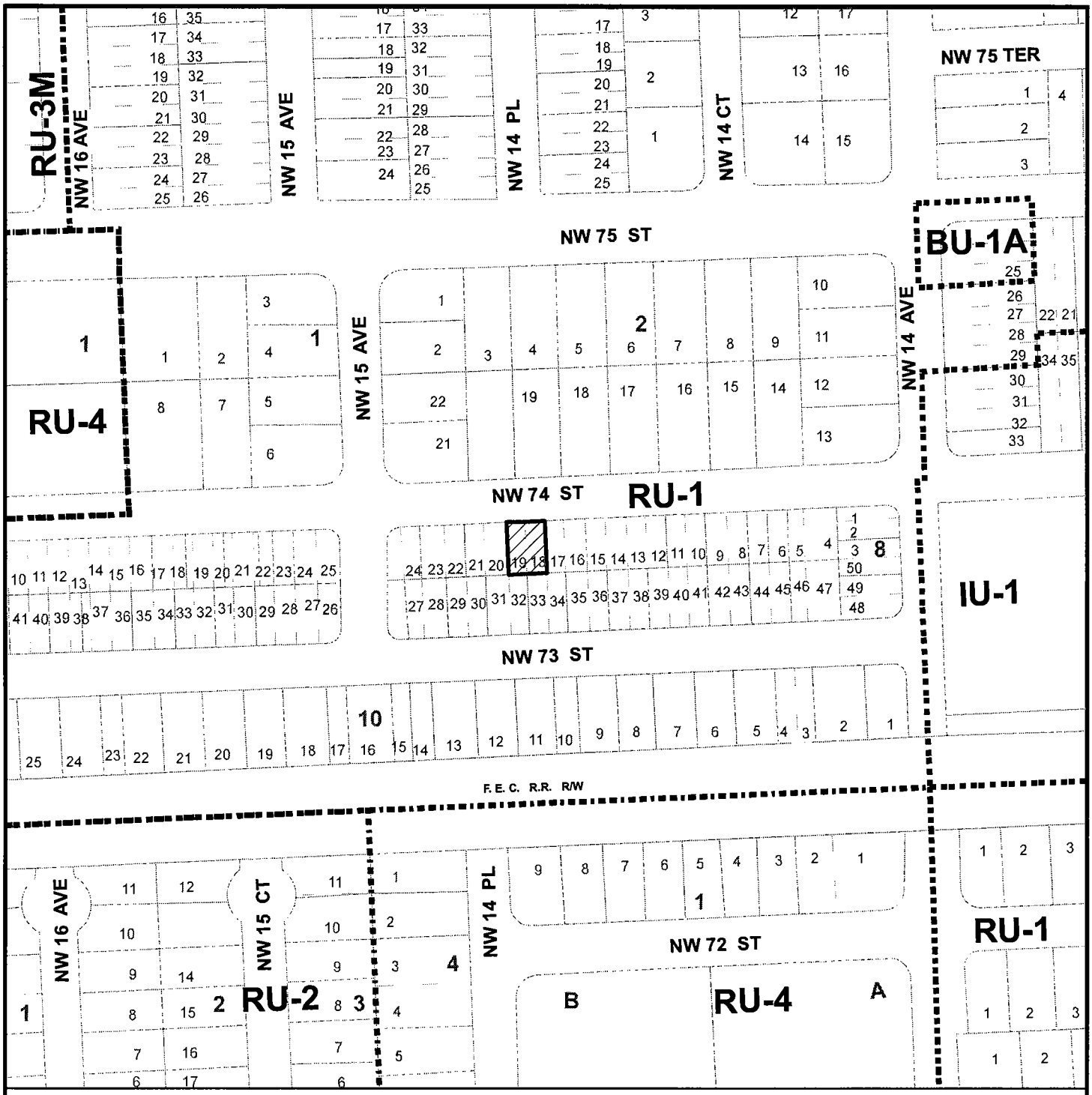

MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-079

Section: 11 Township: 53 Range: 41
Applicant: HABITAT FOR HUMANITY OF GRTR MIA
Zoning Board: C08
Commission District: 02
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 05/28/09

REVISION	DATE	BY
		22

MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-079

Section: 11 Township: 53 Range: 41
Applicant: HABITAT FOR HUMANITY OF GRTR MIA
Zoning Board: C08
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SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 05/28/09

REVISION	DATE	BY

4. HABITAT FOR HUMANITY OF GRTR MIA
(Applicant)

09-10-CZ8-4 (09-081)
Area 8/District 2
Hearing Date: 10/21/09

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
1947	J. Gerald Lewis, Inc.	- Multiple zone changes	BCC	Resolution Rescinded (Revoked)
1947	J. Gerald Lewis, Inc.	- Multiple zone changes	BCC	Approved

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

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

APPLICANT: Habitat for Humanity of Greater Miami **PH:** Z09-081 (09-10-CZ8-4)

SECTION: 11-53-41 **DATE:** October 21, 2009

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

==========

A. INTRODUCTION:

- **REQUESTS:**

  (1) Applicant is requesting to permit a parcel of land with a lot frontage of 50' (75' required) and lot area of 3,637 sq. ft. (7,500 sq. ft. required).

  (2) Applicant is requesting to permit a single-family residence setback 15'10" (25' required) from the rear (south) property line.

  (3) Applicant is requesting to permit the single-family residence with a lot coverage of 35.1% (35% allowed).

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

  Plans are on file and may be examined in the Zoning Department entitled "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:** This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required. Additionally, approval of the application will permit a reduced rear setback and more lot coverage than allowed.

- **LOCATION:** South of N.W. 74 Street and 420' west of N.W. 14 Avenue; a/k/a: 1460 N.W. 74 Street, Miami-Dade County, Florida.

- **SIZE:** 50' X 72.87'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
   Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
   Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-1; vacant land	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residences	Low-Medium Density Residential, 6 to 13 dua
SOUTH:	RU-1; vacant lot and a single-family residence	Low-Medium Density Residential, 6 to 13 dua
EAST:	RU-1; single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST:	RU-1; vacant lot	Low-Medium Density Residential, 6 to 13 dua

E. SITE AND BUILDINGS:

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

* Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

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

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

    b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

18. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

19. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the underlying district regulations; or

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

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

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

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

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit

the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

Approval of this application would allow the construction of a single-family residence with a reduced lot area and lot frontage, and setback less than permitted from the rear property line. Additionally, the application also seeks to permit the single-family residence with increased lot coverage. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1.05 dwelling units on the 3,637 sq. ft. (50' x 72.87') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. Department of Environmental Resources Management 's (DERM) memorandum indicates that public water and sewer can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff recommends that, as a condition for approval, the development of the subject property be restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-1 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works** and **Miami-Dade Fire**

Rescue (MDFR) Departments also have **no objections** to this application. The MDFR memorandum indicates that the estimated average travel response time is **7:04** minutes.

When requests #1 through #3 are analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. Staff notes that similar requests for variances of lot frontage and area have been approved in the immediate vicinity of the building site. For example, a property located at 1437 NW 73 Street, located southeast of the subject property, was approved pursuant to Resolution #Z-19-07, in July 2007, to permit a parcel with a lot frontage of 50' (75' required) and a lot area of 3,500 sq. ft. Staff's research of other properties in the surrounding area also found that a property at 7521 NW 15 Avenue, was approved for a variance to the setback requirements, to allow additions to a single-family residence setback 9.25' (25' required) from the rear (east) property line and a lot coverage of 48% (35% permitted), pursuant to Resolution #4-ZAB-54-87, in February 1987. More recently, a property located southwest of the subject parcel, along NW 16 Avenue, was also approved for a variance to allow a lot coverage of 46.98%, among other things, pursuant to Resolution #CZAB8-6-07, in March 2007. Therefore, staff opines that the requests to approve the single-family residence on a substandard sized parcel of land with reduced frontage, setback and lot coverage is similar to, or less intensive than previous approvals in the surrounding area and will not, in staff's opinion, be incompatible with the surrounding properties. Therefore, the request to permit a single-family residence on the substandard-sized lot with reduced frontage, an increased lot coverage and reduced rear setback is **compatible** with the surrounding single-family residences.

Staff is supportive of this application subject to conditions and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). However, staff notes that although the applicant has provided adequate landscaping primarily around the front (north) of the proposed residence, there is a need for a hedge or opaque fence along the rear (south) property line to mitigate the negative visual impact of the encroachment into the rear (south) setback area. As such, staff recommends approval with conditions of the requests #1 through #3 under Section 33-311(A)(4)(b) (NUV).

When requests #1 through #3 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship. As such, this application cannot be approved under this section. Therefore, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(c) (ANUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not

contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff recommends approval with conditions of the applicant's requests under Section 33-311(A)(4)(b) (NUV), 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 request #1 through #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice 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, 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 "Habitat for Humanity," as prepared by Thomas & Calzadilla, dated stamped received 5/20/09 and consisting of 2 pages. 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 applicant install a 6' tall opaque fence or hedge along the rear (south) property line; said hedge shall be 3' high at the time of planting, which shall grow to and be maintained at a height of 6'

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

5. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 09/03/09
DATE TYPED: 09/03/09
DATE REVISED: 09/04/09
DATE FINALIZED: 09/22/09
MCL:NN:CH:TA

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

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2009

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

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

Subject: C-08 #Z2009000081
Habitat For Humanity of Greater Miami, Inc.
1460 N.W. 74 Street
Request to Permit a Single Family Residence with Less Setbacks, Frontage and Area Than Required from Property Lines
(RU-1) (0.08 Acres)
53-41-11

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 structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

Tree Preservation
There are no tree resources issues on the subject property.

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

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

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

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

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

Memorandum

Date: November 26, 2008

To: Marc C. LaFerrier, AICP, 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 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: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 10-JUN-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000081

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped May 20,2009.

Service Impact/Demand

Development for the above Z2009000081
located at S of NW 74 ST and 420' WEST of NW 14 AVE/ A.K.A 1460 N.W. 74 STREET
in Police Grid 0797 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: 0.27 alarms-annually.
The estimated average travel time is: 7:04 minutes

Existing services

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

Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on plans date stamped May 20, 2009. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 08/21/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	S of NW 74 ST & approx 200' EAST of NW 15 AVE/ A.K.A 1460 N.W. 74 STREET
APPLICANT	**ADDRESS**

Z2009000081

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT CASE HISTORY:
Folio #3031110380120 Case 200904006572 was opened based on enforcement history request and inspected on 08/21/09. No violations were observed and case was closed.

PREVIOUS CASE HISTORY:

Case 200504002331 was opened 05/27/05 for overgrowth and case was closed for change in ownership. Case 200804005286 case was opened on 07/31/08 for overgrowth and referred to GSA and closed 09/02/08. Case 200904004255 was opened 05/29/09 based on enforcement history request, no violations were observed and case was closed.

CURRENT CASE HISTORY:

Folio #3031110380130 Case 200904006571 was opened on 08/21/09 based on enforcement history request and no violations were observed and case was closed.

PREVIOUS CASE HISTORY:

Case 200404005109 was opened 11/10/04 for overgrowth and corrected by owner and case was closed. Case 200404002329 was opened 05/17/05 for overgrowth and was closed for changed in ownership. Case 200904004347 was opened 06/02/09 based on enforcement history request and no violations were observed and case was closed.

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Habitat for Humanity

NAME AND ADDRESS	Percentage of Stock
Michael Battle, President	0
Paul Jones, Vice President	0
Timothy Plummer, 2nd V-President	0
Arlena Williams, Secretary	0

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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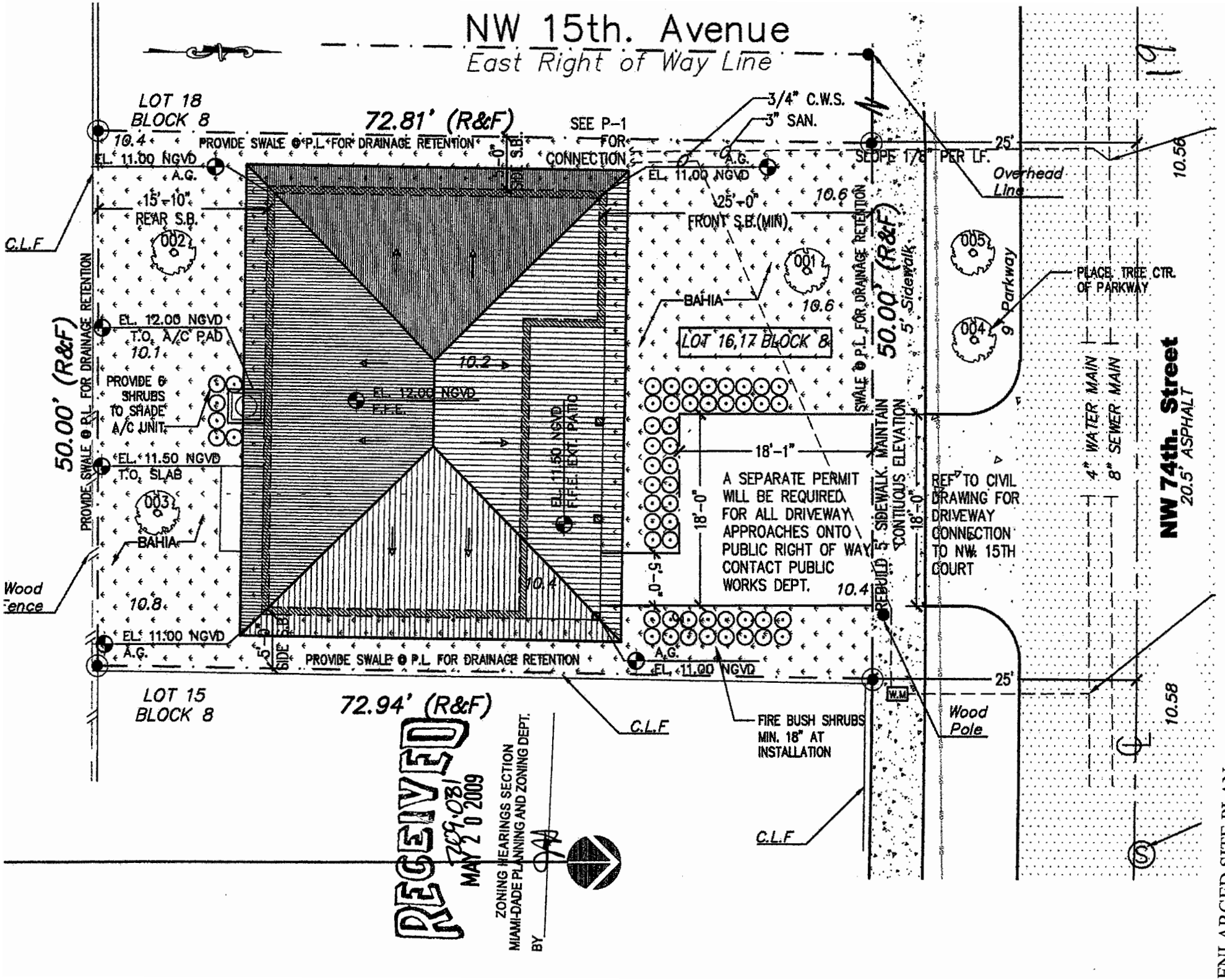
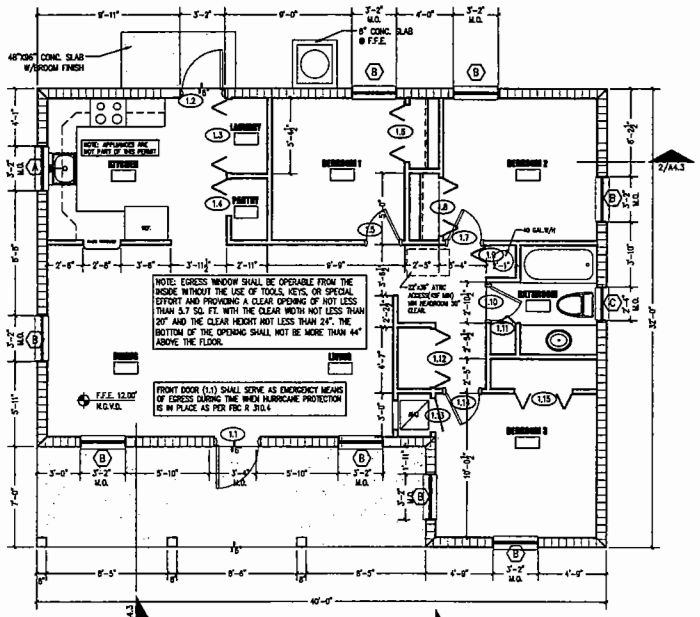
BY

If there is a ~~CONTRACT FOR PURCHASE~~, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

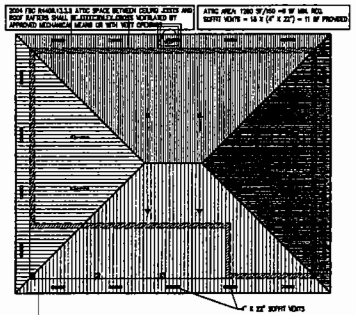


ENLARGED SITE PLAN

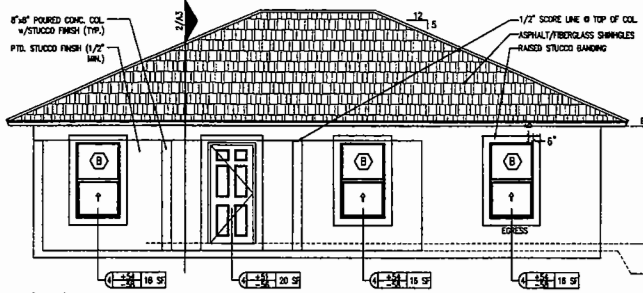
20



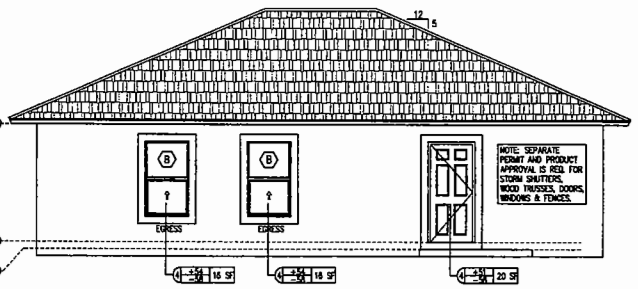
1 **FLOOR PLAN**
SCALE 1/4"=1'-0"



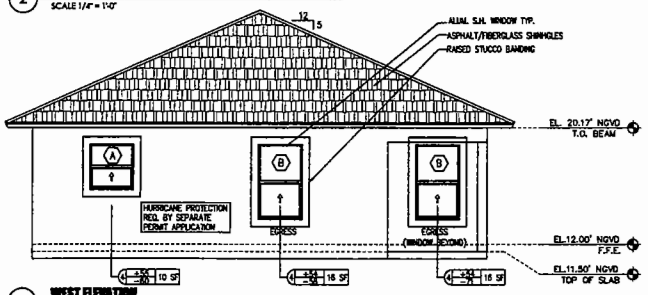
6 **ROOF PLAN**
SCALE 1/8"=1'-0"



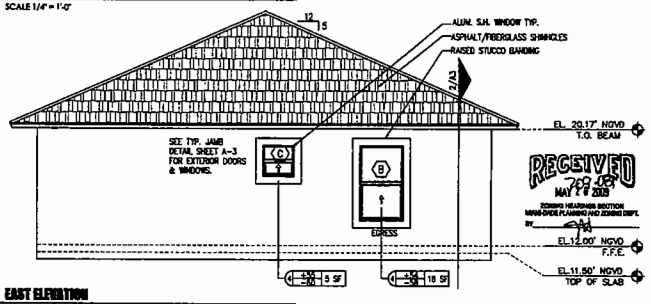
2 **SOUTH ELEVATION**
SCALE 1/4" = 1'-0"



3 **NORTH ELEVATION**
SCALE 1/4" = 1'-0"



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



5 **EAST ELEVATION**
SCALE 1/4" = 1'-0"

GENERAL DOOR & WINDOW NOTES

ALL EXTERIOR DOOR AND WINDOWS TO HAVE MIAMI-DADE COUNTY PRODUCT APPROVAL. REF TO SCHEDULES.

ALL EXTERIOR OPENINGS/DOORS AND WINDOWS TO CONFORM TO INTRUSION REQUIREMENTS. ALL NEW EXTERIOR DOORS AND WINDOWS SHALL MEET MINIMUM REQUIREMENTS OF THE 2004 FLORIDA BUILDING CODE SECT 2411 INCLUDING BUT NOT LIMITED TO THE FOLLOWING ITEMS:
ALL SINGLE EXTERIOR SWINGING DOORS SHALL HAVE A LOCK TO BE KEY OPERATED FROM THE EXTERIOR WITH A MINIMUM OF 6,000 POSSIBLE KEY CHANGES OR LOCKING AUXILIARY DEAD BOLT WITH HARDENED STEEL BOLT INSERTS.
ALL LOCKS ON EXTERIOR DOORS SHALL BE CAPABLE OF RESISTING A FORCE OF 300LBS APPLIED IN ANY MOVEABLE DIRECTION AND IN ACCORDANCE OF THE RESISTANCE STADARDS SET FORTH IN THE CURRENT BUILDING CODE.
HINGES ON EXTERIOR OUT SWINGING DOORS SHALL HAVE NON-REMOVABLE PINS.

ALL EXTERIOR OPENINGS/DOORS AND WINDOWS TO HAVE HURRICANE PROTECTION PANELS(FBC 2410) OR IMPACT RESISTANT GLASS.

ALL INTERIOR DOORS AND FRAMES TO BE PAINT GRADE FINISH

ALL WINDOWS TO BE LAWSON INDUSTRIES ALUMINUM/LIGHT GREY TINT GLASS OR EQUAL

ALL BEDROOMS SHALL HAVE SECONDARY MEANS OF EGRESS.

ALL CLOSET AND BATHROOM DOORS TO BE OPERABLE FROM THE INTERIOR SIDE.

SHOWER COMPARTMENTS AND WALLS ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS SHALL BE FINISHED WITH A SMOOTH, NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 70 INCHES ABOVE THE DRAIN INLET. FBC 1210.3

ANY GLAZING MATERIAL ADJACENT TO A DOOR WITHIN 48 INCHES OF THE DOOR IN THE CLOSED POSITION SHALL BE OF SAFETY GLAZING

WINDOW SCHEDULE

MARK	DIMENSIONS W.	H.	THK.	TYPE	MATERIALS GLASS TK.	FRAME	NOTES
A	3'-1"	3'-2 3/8"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07
B	3'-1"	5'-3"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07
C	2'-2 1/2"	2'-2"		SINGLE HUNG	TINTED	ALUMINUM	LAWSON SH-7500 NOA 05-0324.07 (OBSCURE GLASS PER FBC R308.4 HAZ/LOC)

DOOR AND FRAME SCHEDULE

MARK	SIZE WD	HGT	THK	MATL	HARDWARE	REMARKS
MODEL TYPE A-7						
1.1 FRONT	3'-0"	6'-8"	2"	MTL.	SNGL. DB/KEYED	THERMA-TRU CS-210. (NOA 01-0828.10)
1.2 BACK	3'-0"	6'-8"	2"	MTL.	SNGL. DB/KEYED	THERMA-TRU CS-210. (NOA 01-0828.10)
1.3 LAUNDRY	2(2'-8")	6'-8"	2"	WD.	PASSAGE	PTD.HOLLOW CORE BI FOLD
1.4 PANTRY	2'-6"	6'-8"	2"	WD.	PASSAGE	PTD.HOLLOW CORE BI FOLD
1.5 BEDROOM 1	2'-10"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.6 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.7 BEDROOM 2	2'-10"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.8 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.9 WH CLOSET	2'-0"	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.10 BATH	2'-8"	6'-8"	2"	WD.	PRIVACY	PTD.HOLLOW CORE
1.11 CLOSET	1'-6"	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.12 CLOSET	2(2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR
1.13 A/C CLOSET	2'-6"	6'-8"	2"	WD.	N/A	PTD.HOLLOW CORE
1.14 MSTR. BED	2'-8"	6'-8"	2"	WD.	PRIVACY	PTD. HOLLOW CORE
1.15 CLOSET	2 (2'-0")	6'-8"	1"	WD.	N/A	PTD. VENTED BI-FOLD DOOR

ROOM FINISH SCHEDULE

ROOM NAME	FLOOR	WALLS	CEILING TYPE	CEILING HEIGHT	REMARKS
LIVING	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
DINING	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
KITCHEN	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
LAUNDRY	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. M.R.B.	8'-3"	
BATHROOM	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. M.R.B.	8'-3"	
BEDROOM 1	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
BEDROOM 2	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
BEDROOM 3	VINYL TILE	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	
HW/AC	CONC.	PTD. GYP. BD.	SMOOTH PTD. GYP	8'-3"	

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

Habitat for Humanity
Registration
Peter W. Thomas AR 0087154
8 May 2009
REVISIONS
HABITAT FOR HUMANITY
1460 N.W. 74TH ST., MIAMI, FLORIDA
FLOOR PLANS, ELEVATIONS AND SCHEDULES
Date: 02/24/09
Drawn by: M.E/E.B
File: H:\Thomas\Cabo Bello\MASTA.DWG
A2

1 SITE PLAN
SCALE 1"=10'-0"

SOIL STATEMENT

UPON VISUAL OBSERVATION THE SOIL CONSISTS OF UNDISTURBED SAND AND ROCK WITH ALLOWABLE SOIL BEARING CAPACITY OF 2000 PSF. IF UPON EXCAVATION IT BECOMES EVIDENT THAT THIS PRESSURE CANNOT BE OBTAINED, THE GENERAL CONTRACTOR WILL NOTIFY THE ARCHITECT IMMEDIATELY. FOR CONSTRUCTION OF NEW GROUND FLOOR SLAB,CLEAR, REMOVE AND DISPOSE OF ALL VEGETATION, ORGANIC SOILS AND DEBRIS. FILL AND BACKFILL IN LAYERS NOT GREATER THAN 12 IN. LOOSE THICKNESS WITH STRUCTURAL FILL MATERIAL AND COMPACT TO 95% MINIMUM DENSITY (MODIFIED PROCTOR TEST).
AT THE TIME OF CONSTRUCTION, A LICENSED ARCHITECT OR REGISTERED PROFESSIONAL ENGINEER SHALL SUBMIT TO THE BUILDING OFFICIAL A LETTER ATTESTING THAT THE SITE HAS BEEN OBSERVED AND THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON WHICH THE DESIGN IS BASED.

GENERAL LANDSCAPE INSTALLATION DETAILS - N.T.S.

NEW SHRUB LIST

QTY.	SCIENTIFIC NAME	COMMON NAME	SPECIFICATION
50	HAMELIA PATENS COMPACTA	FIRE BUSH	3 GAL. 24" X 18" SP. OC. FULL

NOTE: ALL SHRUBS SHALL BE MIN. OF 18" IN HEIGHT WHEN MEASURED IMMEDIATELY AFTER PLANTING.

LANDSCAPING NOTES

STANDARDS FOR TREES, PALMS AND SHRUBS.
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

1. GRADES AND STANDARDS FOR NURSERY PLANS PART I AND GRADES AND STANDARDS FOR NURSERY PLANTS # PALMS AND TREES, GRADE: FLORIDA NUMBER I OR BETTER.
2. ALL PLANT MATERIAL IN GENERAL SHALL HAVE A HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES AND SHALL BE SOUND, HEALTHY, VIGOROUS, WELL-ROOTED AND FREE OF INSECT PESTS, PLANT DISEASES, WEEDS AND INJURIES.
3. DETERMINE LOCATIONS OF ANY UNDERGROUND AND ABOVE GROUND UTILITIES. PROTECT UTILITIES TO AVOID POSSIBLE DAMAGE.
4. PROTECT EXISTING VEGETATION TO REFRAIN FROM DAMAGE DURING CONSTRUCTION.
5. PROVIDE IF NECESSARY TEMPORARY GUARDS TO PROTECT VEGETATION.
6. REMOVE VEGETATION AS INDICATED TO BE REMOVED. REMOVE STUMPS AND ROOTS.
7. BACK FILL DEPRESSIONS IN PLANTED OR SODDED AREAS WITH MATERIAL SIMILAR TO ADJACENT GROUND. COMPACT MATERIALS IN HORIZONTAL LAYERS TO A DENSITY EQUAL TO ADJACENT GROUND.
8. NEW TOP SOIL TO BE BLACK, FINELY DIVIDED, NON-FIBROUS SURFACE LAYER, EVERGLADES PEAT DERIVED FROM DECOMPOSED SAWGRASS WITH A PH RANGE SUITABLE FOR ITS INTENDED USE. FREE OF NEMATODES, REASONABLY FREE OF SUBSOIL, BRUSH, WEEDS AND OTHER LITTER, AND FREE ROOTS, STUMPS, STONES GREATER THAN 2" IN ANY DIMENSION, AND ANY OTHER EXTRANEOUS OR TOXIC MATERIAL HARMFUL TO PLANT GROWTH.
9. ANY SAND MUST BE CLEANED, WASHED AND TOXIC FREE.
10. IRRIGATE BY HAND USING PORTABLE WATER IMMEDIATELY AFTER PLANTING AND CONTINUE UNTIL PLANTS ESTABLISHED BUT NOT LESS THAN 120 DAYS.

LANDSCAPE LEGEND

ZONING DISTRICT: RU-1 NET LOT AREA: .083ACRES (3,640 SF)

		REQUIRED	PROVIDED
OPEN SPACE			
A.	Square feet of open space required by Ch 33 as indicated on site plan	N/A	N/A
B.	Square feet of parking lot open space req. by Ch18A, as indicated on site plan:	N/A	N/A
LAWN AREA CALCULATION			
A.	Total open space required by Ch 33	N/A	N/A
B.	Max. lawn area (St. Augustine sod) permitted 50% X 5,000 SF =	N/A	3,300sf (Bahia)
TREES			
	The number of trees required per lot	3	3
	existing number of trees that meet min. requirements =	-	1
	30% palm trees allowed(two palms = one tree) Palms provided	-	-
A.	Percentage of native trees req.=number of trees provided X 30%=	1	3
B.	Street trees (max. avg. spacing of 35' o.c.) 50 LF along street/35=	2	2
	Palm as street trees (max. avg. spacing of 25' o.c.)		
C.	71 linear feet along street/25=	N/A	N/A
D.	Street trees located directly beneath power lines (max. avg. spacing of 25' o.c.)	N/A	N/A
E.	Total number of trees provided		5
SHRUBS			
A.	The total number of trees required X 10 = the number of shrubs req.	50	50
B.	The number of shrubs req. x 30% = the number of native shrubs req.	10	50

NEW TREE LEGEND

SYMBOL (#) ON PLAN	PLANT NAME SCIENTIFIC	PLANT NAME COMMON	NATIVE SPECIES YES	NATIVE SPECIES NO	CALIPER (INCHES)	HEIGHT (FEET)	CANOPY DIA. (FEET)
001	CORDIA SEBESTENA	ORANGE GEIGER	✓			8'-10' O.A.	3' MIN.
002	CORDIA SEBESTENA	ORANGE GEIGER	✓			8'-10' O.A.	3' MIN.
003	CORDIA SEBESTENA	ORANGE GEIGER	✓			8'-10' O.A.	3' MIN.
004	CONOCARPUS ERECTUS	SILVER BUTTONWOOD	✓			8'-10' O.A.	3' MIN.
005	CONOCARPUS ERECTUS	SILVER BUTTONWOOD	✓			8'-10' O.A.	3' MIN.

PROJECT LOCATION

LEGAL DESCRIPTION

LOTS 16 & 17 BLOCK 8 OF, "SECOND SECTION COMMERCIAL LIBERTY CITY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 35, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

PROJECT AREA

TOTAL ENCLOSED AREA 1,088 SQ. FT.

PROJECT INDEX

- A-1 ABBREVIATION, NOTES & DEMO/SITE PLAN
- A-2 FLOOR PLANS,ELEVATIONS AND SCHEDULES
- A-3 LANSCAPE NOTES, SCHED. & WALL SECTIONS
- S-1 FRAMING, FOUNDATION PLANS, & DETAILS
- S-2 NOA SHEETS
- P-1 PLUMBING PLAN, DETAILS AND SCHEDULES
- M-1 MECH. PLAN, NOTES, DETAILS AND SCHEDULES
- E-1 ELECT. PLAN, NOTES, DETAILS AND SCHEDULES

CONSTRUCTION NOTES

THE CONTRACTOR BY AND THROUGH SUBMISSION OF A BID, AGREE THAT THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR HAVING EXAMINED THE SITE, THE LOCATION OF ALL PROPOSED WORK AND HAVING SATISFIED FOR THEMSELVES FROM PERSONAL KNOWLEDGE AND EXPERIENCE OF PROFESSIONAL ADVICE AS TO THE CHARACTER AND LOCATION OF THE SITE, THE NATURE OF THE EXISTING CONDITIONS SURROUNDING AND AFFECTING THE WORK, ANY OBSTRUCTIONS,THE NATURE OF ANY EXISTING CONSTRUCTION, AND ALL OTHER PHYSICAL CHARACTERISTICS OF THE JOB, IN ORDER THAT THEY MAY INCLUDE IN THEIR BID ALL COSTS PERTAINING TO THE WORK AND OR REPLACEMENT OF ANY OBJECT OR OBSTRUCTIONS WHICH MAY BE ENCOUNTERED IN DOING THE WORK.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE THE THE 2004 FLORIDA BUILDING CODE, LATEST EDITION AND ANY OTHER APPLICABLE FEDERAL, STATE & LOCAL CODES.

ANY CONFLICTS OR OMISSIONS IN THESE CONSTRUCTION DOCUMENTS SHALL NECESSITATE NOTIFICATION OF THE ARCHITECT OF RECORD FOR ANY CORRECTIONS, INTERPRETATIONS OR CLARIFICATIONS BEFORE SUBMITTING A BID OR PROCEEDING WITH THE WORK IN QUESTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK. THE PAYMENT FOR ALL APPLICABLE FEES, THE COORDINATION OF ALL INSPECTIONS AND THE DOCUMENTATION OF THE CERTIFICATE OF COMPETITION, WARRANTIES AND RELEASE OF LIENS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK. THE PAYMENT FOR ALL APPLICABLE FEES, THE COORDINATION OF ALL INSPECTIONS AND THE DOCUMENTATION OF THE CERTIFICATE OF COMPETITION, WARRANTIES AND RELEASE OF LIENS.

THE CONTRACTOR SHALL RESTORE TO SATISFACTORY CONDITION ALL NEW AND EXISTING CONSTRUCTION WORK AND/OR OTHER IMPROVEMENTS DAMAGED AS A RESULT OF WORK PERFORMED UNDER THIS CONTRACT

ALL CONTRACTORS SHALL BE LICENSED TO OPERATE IN MIAMI-DADE COUNTY, FLORIDA.

ALL CONTRACTORS SHALL PRODUCE EVIDENCE OF LIABILITY INSURANCE AND WORKMAN'S COMPENSATION. THE GENERAL CONTRACTOR SHALL INDEMNIFY THE OWNER AND/OR ARCHITECT FOR ANY AND ALL COSTS,CLAIMS,SUITS AND JUDGEMENTS FOR PROPERTY DAMAGE OR PERSONAL INJURY AS THE RESULT OF WORK PERFORMED UNDER THIS TASK.

FOR THE DURATION OF THE CONSTRUCTION PROCESS THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE JOB SITE AS REQUIRED TO SATISFY THE REQUIREMENTS OF OSHA. THIS EXTENDS TO ALL SUBCONTRACTORS, WORKMEN AS VISITORS TO THE SITE.

WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE DIMENSIONS. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND NOTIFY THE ARCHITECT OF ANY VARIATIONS OF THE [illegible] CONDITIONS [illegible]

ABBREVIATIONS

- A ALUM. ALUMINUM; ARCH. ARCHITECT (URAL)
- B BM. BEAM; BOT. BOTTOM
- C C.M.U. CONCRETE MASONRY UNIT; CAB. CABINET; CLG. CEILING; C.D. CEILING DIFFUSER; COMP. COMPRESSOR (A/C); COL. COLUMN; CONC. CONCRETE; CTR. CENTER
- D DN. DOWN; DW. DISHWASHER
- E E.P. ELECTRICAL PANELBOARD; ELEC. ELECTRIC (AL); ELEV. ELEVATION
- F F.F. FINISH FLOOR; FIXT. FIXTURE
- G G.C. GENERAL CONTRACTOR; GYP. GYPSUM BOARD
- H H.V.A.C. HEATING/VENTILATION/ AIR CONDITIONING
- I INT. INTERIOR
- L LAV. LAVATORY; LT. LIGHT
- M MIN. MINIMUM; MISC. MISCELLANEOUS; MTL. METAL
- O O.C. ON CENTER; O.H. OPPOSITE HAND
- P P.L. PROPERTY LINE; PLYWD. PLYWOOD; PLUM. PLUMBING; PTD. PAINTED
- R R.C.P. REFLECTED CEILING PLAN; RECPT. RECEPTACLE; REF. REFRIGERATOR; RM. ROOM
- S STOR. STORAGE; S.S. STAINLESS STEEL; S.R. SUPPLY REGISTER
- T T.B.C. TO BE CHOSEN; T.B.D. TO BE DETERMINED; T&G TONGUE & GROOVE; TYP. TYPICAL
- V V.I.F. VERIFY IN FIELD; VNR. VENEER
- W W.H. WATER HEATER; WD. WOOD; WIN. WINDOW

SYMBOLS

- DRAWING NAME / SCALE — DRAWING IDENTIFICATION
- 1/A1 — BUILDING SECTION
- 1/A1.1 — WALL SECTION
- DRAWING NUMBER / SHEET NUMBER — DETAIL OR WALL SECTION KEY
- 1/A5 — SECTION DETAIL KEY
- 1/A3 — INTERIOR ELEVATION KEY
- ROOM NAME 101 — ROOM IDENTIFICATION
- 001 — DOOR NUMBER
- ELEVATION LINE
- SPOT ELEVATION
- REVISION
- PROJECT NORTH

PROJECT NOTES

IMPACT RESISTANT DEVICES WITH CURRENT DADE COUNTY PRODUCT APPROVAL SHALL BE PROVIDED FOR ALL NEW AND EXISTING WINDOWS AND DOORS. COMPLY WITH NOTED WIND PRESSURES. PROVIDE SHOP DRAWINGS AND CALCULATIONS SIGNED & SEALED BY REG. FLORIDA P.E. COMPLY WITH FBC. SECTION 341.B.2.3.1.1

ALL DIMENSIONS ARE TO FACE OF BLOCK OR FACE OF STUD UNLESS OTHERWISE NOTED."

TERMITE TREATMENT CERTIFICATES (FBC 105.10)
CONTRACTOR TO PROVIDE AND POST CERTIFICATE OF PROTECTIVE TREATMENT FOR THE PREVENTION OF TERMITES PRIOR TO SLAB INSPECTION IN ACCORDANCE WITH FBC 105.10

TERMITE PROTECTION STATEMENT (FBC 1816.1.7)
"THE BUILDING SHALL RECEIVE A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES."

BURGLARY INTRUSION NOTES:

1. ALL LOCKS ON EXTERIOR DOORS SHALL BE CAPABLE OF RESISTING A FORCE OF 300 LBS. APPLIED IN ANY MOVABLE DIRECTION.
2. GLASS AND EXTERIOR DOORS SHALL BE TEMPERED SAFETY GLASS AND COMPLY WITH THE AMERICAN NATIONAL STANDARD INSTITUTES- STANDARD 297.1
3. EXTERIOR DOORS TO LIVING AREAS SHALL BE SECURED WITH A LATCH AND SINGLE DEAD BOLT WITH 1" MINIMUM THROW, OR A COMBINATION AND LATCH AND DEAD BOLT SET AS FOLLOWS. SWINGING ENTRANCE DOORS TO INDIVIDUAL UNITS SHOULD COMPLY WITH F.B.C. HEREIN AND SHALL BE SECURED AS SET FORTH BY F.B.C., OR BY COMBINATION DEAD LATCH AND HARDENED DEAD BOLT SETS OR DEAD BOLT WHICH CONTAINS AN INSERT, EACH WITH 1" MINIMUM THROW. AT LEAST ONE SUCH ENTRANCE DOOR SHALL BE PROVIDED WITH A DOOR SCOPE OR VISION PANEL COMPLYING WITH N.O.A.
4. SWINGING DOORS SHALL BE OF SOLID CORE. FLUSH CONSTRUCTION, AND SHALL BE NOT LESS THAN 1 3/8" IN THICKNESS. SWINGING DOORS OF STILE, RAIL AND PANEL CONSTRUCTION SHALL HAVE
5. SWINGING DOORS OF STILE, RAIL AND PANEL CONSTRUCTION SHALL HAVE RAILS AND STILE NOT LESS THAN 1 3/4" INCHES IN THICKNESS WITH RETAINING TONGUES OR SPLINES NOT LESS THAN 3/8" IN LEAST DIMENSION.
6. LOCKS ON EXTERIOR DOORS SHALL BE A MIN. OF 6,000 POSSIBLE KEY CHANGES OR LOCKING COMBINATIONS.

SOIL STATEMENT:
BASED ON FIELD OBSERVATIONS THE EXISTING SOIL CONDITIONS ARE BELIEVED TO CONSIST OF UNDISTURBED SAND, SOIL & ROCK WITH A MAXIMUM PRESUMPTIVE BEARING CAPACITY OF 2000 psf. IF UPON EXCAVATION OTHER MATERIALS OR CONDITIONS ARE ENCOUNTERED: STOP WORK (IN THIS AREA) AND NOTIFY ARCHITECT IMMEDIATELY.

THE ASSUMED SOIL BEARING PRESSURE IS TO BE VERIFIED BY A CERTIFIED SOIL TESTING LAB AND REPORT ISSUED VERIFYING SOIL BEARING PRESSURE.

PROJECT ZONING INFORMATION

NEW CONSTRUCTIONS OF SINGLE FAMILY RESIDENTIAL
BUILDING TYPE II CONSTRUCTION
OCCUPANCY CLASSIFICATION :RESIDENTIAL I

ZONING DISTRICT: ZONED RU- 1

NET LOT AREA: 60' X 72.81' =3,640 SF

MAX SITE COVERAGE = .30 X N.L.A. =.30 X 4,972 SF = 1,092 SF
PROPOSED SITE COVERAGE = 1317 SF (ALL UNDER ROOF)

MAX BUILDING HEIGHT (RU-2): 35'-0"
PROPOSED BLDG. HEIGHT : 17'-4"

NUMBER OF SHADE/FLOWERING TREES: REF. TO LANDSCAPE DWGS.
LINEAR FEET OF SHRUBS PROPOSED: REF. TO LANDSCAPE DWGS.

SETBACKS:	ALLOWED	PROPOSED
FRONT	25'-0"	25'-0"
REAR	25'-0"	15'-10" (VARIANCE REQ.)
SIDE	5'-0"	5'-0"

PARKING
REQUIRED 2 SPACES — PROPOSED 2 SPACES PROVIDED

CODES

FLORIDA BUILD CODE (FBC) 2004

1. a) RESIDENTIAL 2004
   b) MECHANICAL 2004
   c) PLUMBING 2004
2. NEC LATEST EDITION

RECEIVED 209-08 MAY 20 2009 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY ____

HABITAT FOR HUMANITY
1460 NW 74th St.,Miami, Fl.

RECEIVED 209-08 MAY 20 2009

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

Habitat for Humanity
3800 NW 22ND AVE.
MIAMI, FL 33142
305-634-3628
EXEC.DIRECTOR:ANNE MANNINO

Registration
8 May 2009
Peter W. Thomas AR 008754

REVISIONS

HABITAT FOR HUMANITY
1460 N.W. 74TH ST., MIAMI, FLORIDA

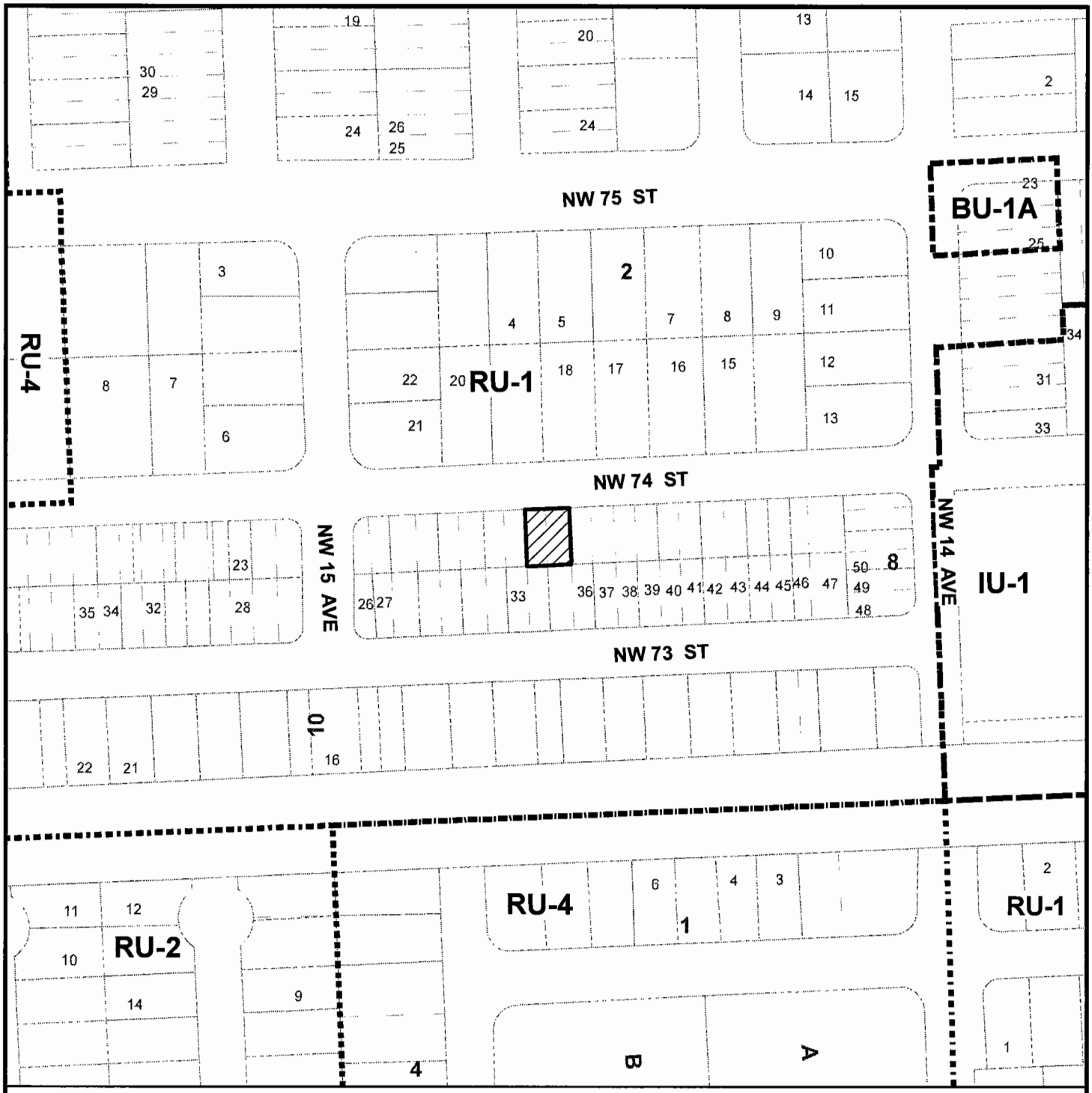
THOMAS & CALTAGLIA

INDEX, SYMBOLS, ABBREVIATION, NOTES & DEMO/SITE PLAN

Date: 02/25/09
Drawn by: RJE/EFB
File: N:Thomas&Caltaglia\HABITAT\c2

A1

21



MIAMI-DADE COUNTY

HEARING MAP

Process Number
09-081

Section: 11 Township: 53 Range: 41
Applicant: HABITAT FOR HUMANITY OF GRTR MIA.
Zoning Board: C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 05/22/09

REVISION	DATE	BY
		22

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number
09-081

Section: 11 Township: 53 Range: 41
Applicant: HABITAT FOR HUMANITY OF GRTR MIA.
Zoning Board: C08
Commission District: 02
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 05/22/09

REVISION	DATE	BY

5. WRC & TEACHER INSURANCE & MET LIFE (Applicant)

09-10-CZ8-5 (09-033)
Area 8/District 6
Hearing Date: 10/21/09

Property Owner (if different from applicant) **WRC, Teacher Ins., Met Life, FSP Blue Lagoon DR LLC, MM Regional Est. LLC, Blue Lagoon Ownerco LLC. Blue Lagoon Investment LLC, Waterford Centre LTD, Visa International Service Assoc., Marian G Fewell Tr.**

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
1948	Seminole Rock & Sand Company	- Zone change from GU, AU, RU-3B, BU-2A, IU-1, IU-2 to IU-2	BCC	Approved w/conds.
1985	Rhomberg Realty Holding	- D.R.I.	BCC	Approved w/conds.
1988	Rhomberg Realty Holding Inc. ET AL	- Modification of DRI. - Deletion of Condition resolution. - Zone Change from GU, IU-2 to IU-2	BCC	Approved w/conds.
1988	Rhomberg Realty Holding Inc. ET AL	- Modification of Condition #22 of Z-153-85.	BCC	Approved
1989	WRC Properties, Inc.	- Modification of condition #6 & #8 S.A.O.R. 428-86.	BCC	Approved
1990	WRC Properties, Inc.	- D.R.I.	BCC	Approved w/conds.
1992	WRC Properties, Inc.	- Modification of Condition #25 of resolution Z-32-90.	BCC	Approved
1996	WRC Properties Co.	- Make a substantial deviation determination. - Modification of conditions #29 & #47 of resolution.	BCC	Approved w/conds.

1998	WRC Properties, Inc.	- Make a substantial deviation determination. - Modification of conditions #29 & #47 of resolution.	BCC	Approved w/conds.

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

Memorandum

MIAMI-DADE COUNTY

Date: October 21, 2009

To: The Community Zoning Appeals Board - 8

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: WRC & Teacher Insurance & Met Life (Z09-033)

SUMMARY OF REQUESTS:

The applicants are seeking a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes in connection with a modification of Resolution #Z-32-90, last modified by Resolution #Z-24-98, that would extend the build-out date of the DRI from December 30, 2009 to December 29, 2014.

LOCATION: Lying south of State Road #836 and lying on both sides of NW 57 Avenue (Red Road), Miami Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting a modification of a condition of a previously approved DRI. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions as set forth in the Department of Planning and Zoning's recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application, with conditions, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z09-33
WRC & TEACHER INSURANCE & MET LIFE

Respectfully Submited,

DIC Executive Council
September 02, 2009

Ysela Llort Assistant County Manager	Absent
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat	AYE
Subrata Basu, Assistant Director of Planning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	AYE
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENTAL IMPACT COMMITTEE

APPLICANT: WRC & Teacher Insurance & Met Life **PH:** 09-033

SECTION: 31-53-41 **DIC DATE:** September 2, 2009

COMMISSION DISTRICT: 8

==========

A. INTRODUCTION

o REQUESTS:

(1) To make a Substantial Deviation Determination pursuant to 380.06(19) of the Florida Statutes with respect to the following amendment and request:

(2) MODIFICATION of Condition #47 of Resolution Z-32-90 passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98 passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period ~~(December 30, 2009)~~ sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County (Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (Dec. 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the Issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the request is to allow the applicants to modify the previously approved condition of the development order to extend the build-out date of the project.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under Section 33-311(A)(7) (Generalized Modification Standards) or Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

- **SUMMARY OF REQUEST:**

The applicants are requesting to modify a previously approved Development Order in order to extend the buildout date from December 30, 2009 to December 29, 2014.

- **LOCATION:** South of State Road #836 and lying on both sides of NW 57 Avenue (Red Road), Miami Dade County, Florida.

- **SIZE:** 388.54 acres

B. ZONING HEARING HISTORY:

In 1948, this site was part of a larger parcel that was rezoned by the Board of County Commissioners (BCC) from GU, Interim District, AU, Agricultural District, RU-3B, Bungalow Court District, BU-2A, Special Business District, IU-1, Light Industrial Manufacturing District, and IU-2, Heavy Industrial Manufacturing District to IU-2 and permitted the excavation of rock. Resolution No. 4-ZAB-406-84 approved several variances of setback requirements, signage, and the location of two restaurants in a hotel lobby. In addition, unusual use requests to permit a marina, outdoor patio dining, and an entrance feature and special exceptions to increase the hotel height and to permit night lighting were granted. In 1985, the BCC granted a Development of Regional Impact (DRI) Development Order that permitted 407 acres ± of land, of which this site was a part, that allowed the development of offices, support commercial uses, restaurants, a health club and two hotels. In 1988, there were three substantial deviations approved for the site which modified various conditions and rezoned a portion of the DRI property from GU and IU-2 to IU-2. In 1990, the BCC granted an approval on the aforementioned DRI site that allowed an additional hotel and additional office space. In 1996, pursuant to Resolution No. Z-46-96, the BCC granted a substantial deviation and modification of Resolution Z-32-90 that allowed the modifications of conditions of Development Order that increased the square footage of office space, decreased the square footage of retail floor area, the number of restaurants seats for restaurant use, and also allowed for the extension of the build out date for the project by five years to 2004. In 1998, the BCC made a no substantial deviation determination and granted the modification of conditions of Resolution Z-24-98 that permitted the applicant to extend the build out date of the project to December 30, 2009, decreased the square footage for office space, and increased the number of hotel buildings and rooms. From 2000 to 2008 the site received various approvals from the Community Zoning Appeals Board-8 which granted sign variances, a Burger King headquarters building and the partial filling of a lake.

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 **Office/Residential**. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

Residential uses are also allowed in the Office/Residential category. In these locations, residential density may be approved up to one density category higher than that allowed in

the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site. When residential uses are mixed with office uses, the overall scale and intensity, including height and floor area ratio of the mixed-use development shall be no greater than that which would be approved if the parcel was developed in either office use only or residential use only, whichever is higher. Within the Office/Residential category, business uses ancillary and to serve the on-site use(s) may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential category does not authorize other business or commercial uses.

2. **Objective LU-1.** The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

3. **Policy LU-1B.** Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

4. **Policy LU-1G.** Business developments shall preferably be placed in cluster or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

5. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

6. **Policy LU-8B**. Distribution of neighborhood or community-serving retail sales uses and

personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-2; Office complex, parking garage lake	Office/Residential
Surrounding Properties:	
NORTH: GU; Expressway	Terminals
SOUTH: R-1, C-1, G/1, R-3 (City of Miami) BU-2, RU-4A (Miami-Dade); SR 836, single-family residences; shopping center	High Density 50-125 dua Business and Office, Low Density 2.5-6 dua
EAST: R-4(City of Miami); lake	Transportation
WEST: RU-4, RU-4M, IU-2; park	Parks and Industrial and Office

E. SITE AND BUILDINGS:

Site Plan Review: (No plans submitted)

F. PERTINENT REQUIREMENTS/STANDARDS:

Florida Statutes §380.06(19) Developments of Regional Impact-Substantial Deviation
The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including

changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and

shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to the development permits. Any extension of the buildout date of the project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review

Senate Bill 360, 2009 Florida Legislative Session, Section 14 Community Renewal Act (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06 (19) (c), Florida Statutes. This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

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

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

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No comment

MDT	No objection
Fire Rescue	No objection
Police	No objection
Water and Sewer	No objection
Solid Waste	No objection
Aviation	No objection

H. ANALYSIS

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) Development Order as it pertains to Resolution #Z-24-98. The purpose of this application is to allow the applicants to modify Condition #47 of Resolution No. Z-24-98 in order to extend the build-out date of the project from December 30, 2009 to December 29, 2014. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for Office/Residential use. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Staff notes that this application is not changing the current use or density and is only seeking a new build-out date. Therefore, staff opines that the application is **consistent** with the LUP map of the CDMP.

The Development Orders for this project were originally approved in 1985. In 1990, the Development Orders were amended and its development thresholds were increased. In 1992, the County approved a one year extension of the buildout date for a day care center pursuant to Resolution Z-80-92. The buildout date was again amended pursuant to Resolution Z-46-96 in 1996 from 1999 to 2004 along with changing other development thresholds. Resolution Z-24-98 extended the buildout date from 2004 to 2009 and changed the development thresholds to its current authorization.

The applicants have submitted building permit receipts, cancelled checks and other evidence that is contained in the record, indicating that the DRI was under active construction on July 1, 2007. Under the 2008 amendment to Section 380.06 (19) projects under active construction on July 1, 2007 are eligible for a three year extension without further DRI review. Staff opines that the application is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension would not create a substantial deviation requiring further development of regional impact review.

In addition to the three year extension requested pursuant to Section 380.06(19), the applicants have requested an additional two years pursuant to the recently passed Senate Bill 360. Senate Bill 360, from 2009, provides an additional 2-year extension for such projects that are eligible without further DRI review. The bill states that in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s.380.06 (19) (c), Florida Statutes. As previously noted, the build-out date for the DRI is December 31, 2009 which meets the criteria stated in Senate Bill 360. Additionally, as previously noted, the extension of the build-

out date does not change the land use or intensity of the DRI and will have minimal additional impacts to the surrounding community. Based on the aforementioned, staff recommends approval of request #1, which would allow the buildout extension for three years under Section 380.06(19) and an additional two years under Senate Bill 360 for a total of five years until December 29, 2014.

The Department of Environmental Resources Management **(DERM**) **does not object** to this application. Additionally, the Miami-Dade County Aviation Department **(MDAD) does not object** to this application and states in their memorandum that the site is compatible with operations from Miami International Airport. Further, the Miami-Dade Fire and Rescue Department **(MDFR),** the Department of Solid Waste Management **(SWM),** the Miami-Dade Police Department **(MDPD),** and the Miami-Dade Water and Sewer Department **(WASD) do not object** to this project. The Public Works Department **(PWD) does not object** to this application, and indicates that the applicant must meet existing conditions and required improvements. Miami Dade Transit **(MDT) does not object** to this application and their memorandum indicates that the application is concurrent with the Level of Service (LOS) standards established for Miami-Dade County.

When request #2, to modify Condition #47 of Resolution Z-32-90, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area and will be **compatible** with same. The purpose of this request is to allow the applicants to modify the previously approved condition of the development order to extend the buildout date to December 29, 2014. Staff notes that modifying Condition #47 of Resolution #Z-32-90 does not increase the already approved entitlements and, as such, would have a minimal impact the surrounding area, generate excessive traffic, tend to create or to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the modification will not have an unfavorable effect on same and will not be contrary to the public interest. Staff notes that there have been no significant changes in the area and the impacts have not changed. Therefore, staff recommends approval with conditions of the modification of Condition #47 of Resolution #Z-32-90 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicants have not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to analyze the request under said standards and, as such, request #2 should be denied without prejudice under same.

Accordingly, staff recommends approval of request #1; approval of request #2 with conditions under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice the request under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

I. **RECOMMENDATION:**

Approval of request #1; approval of request #2 with conditions under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

J. **CONDITIONS**: For request #2 only

1. That all conditions of Resolution No. Z-24-98 remain in full force and effect except as herein modified.

2. That the Applicant comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

DATE TYPED: 5/15/09
DATE REVISED: 8/3/09, 8/4/09, 8/10/09, 8/11/09, 8/13/09, 8/26/09
DATE FINALIZED: 8/26/09
MCL:NN:JV:CI

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning.0

Memorandum

MIAMI-DADE COUNTY

Date: April 30, 2009

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

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

Subject: #Z2009000033
WRC & Teacher Insurance & Met Life
South of SR 836 & Lying on Both Sides of 57 Avenue
Request to Extend the Build-Out Date for a Previous Approved Development Regional Impact
(IU-2) (362.05 Acres)
31-53-41

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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.

Memorandum

MIAMI-DADE COUNTY

Date: August 6 , 2009

To: Marc C. Leferrier
Interim Director
Planning & Zoning Department

From: Esther L. Calas, P.E.
Director
Public Works Department

Subject: DIC09-033
Name: WRC Properties, Inc.
Location: East and West of NW 57th Avenue N&S of Blue Lagoon Road
Sec.31, 51, 36 Twp. 53 Rge. 41 & 20

This application is seeking amendments to the Development Order (DO) to extend the built out date from the current December 30th, 2009 to December 30th, 2014.

The Public Works Department has no objection to the new built date of December 30th, 2014. The existing conditions and required improvements will need to be met by the new expiration date.

cc: Jorge Vital, Development Impact Coordinator.
Planning and Zoning Department

Joan Shen, P.E., PhD
Manager, Traffic Engineering Division

Jeff Cohen, P.E.
Assistant Chief, Traffic Engineering Division

Armando E. Hernandez
Special Administrator for Concurrency, Traffic Engineering Division

Memorandum

MIAMI-DADE COUNTY

Date: May 18, 2009

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

From: Herminio Lorenzo, Director A. ENAPEZ (ACTING)
Miami-Dade Fire Rescue Department

Subject: DIC # 2009000033 - WRC Properties, Inc. et al (Revision No. 1)
Lying east and west of Red Road on the north and south side of Blue Lagoon Drive, Miami-Dade County, Florida

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According to the application, the applicant is seeking amendments to the Development Order to extend the build out date from its current December 30, 2009 deadline to December 30, 2012.

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to DIC application # 2009000033. The request will have no impacts to capacity or levels of service that MDFR provides to that area of the County.

Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact the Planning Section at 786-331-4540.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: May 15, 2009

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #09-033
WRC & Teacher Insurance & MET Life
DN-09-05-130

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #09-033, WRC & Teacher Insurance & MET Life. The applicants are requesting to extend the build out date for a previously approved DRI. The subject property is 362.05 acres and is located south of SR 836 and lying on both sides of 57 Avenue (Red Road), Miami-Dade County, Florida.

Based on the available information, MDAD has determined that an extended build out date for a previously approved DRI is compatible with operations from Miami International Airport. It should be noted, however, that any development plans associated with this application must be reviewed by MDAD and determined to be in compliance with Miami International Airport Zoning.

JR/RB/cf

C: M. Fajardo
S. Harman
Jorge Vital, Acting DIC Coordinator, Department of Planning & Zoning

Memorandum

MIAMI-DADE COUNTY

Date: May 12, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 09-033 (WRC Properties, Inc. Et Al)

Project Description

The applicant is requesting a modification of the Development Order in order to extend the build out date of the project for three additional years. The subject property is 388.54 acres and is located south of State Road 836 (Dolphin Expressway) and lying on both sides of NW 57th Avenue (Red Road), Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes 57 and 238/East-West Connection along NW 57th Avenue and along Blue Lagoon Drive by Route 238/East-West Connection. Route 7 also provides service along NW 7th Street which is within walking distance of the application sites. The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
WRC Properties, Inc. Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
7	30	40	60	N/A	40	40	0.3	F
57	40	60	N/A	N/A	N/A	N/A	0.0	F
238/East-West Connection	30	60	70	N/A	N/A	N/A	0.0	F

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Program (TIP) shows under the Primary State Highways and Intermodal section an intermodal hub capacity project on Perimeter Road from 57th to 72nd Avenues. Under the MDX section a SR-836 Express Bus Service study is listed and in the PTP project section, resurfacing and traffic operational improvements along NW 7th Street from 37th to 72nd Avenues are listed. The 2030 Long Range Transportation Plan (LRTP) identifies as a Highway and Transit Priority 1 improvement extending the Metrorail alignment from the Miami Intermodal Center to Florida International University campus.

The 2008 ten-year Transit Development Plan (TDP) identifies in its 2018 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route 7:	No planned improvements
Route 57:	Extend route to service the future Miami Intermodal Center
Route 238:	Adjust peak headway from 30 to 45 minutes

No new service is proposed in the immediate vicinity of this project within the 2018 Recommended Service Plan.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application sites. No impact is expected to be generated by the request to extend the build out date from the Development Order. Based on the information presented, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From: Christopher Rose
Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC#09-033
WRC Properties, Inc, Et Al

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs at 305-514-6661.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #09-033
WRC Properties, Inc, Et Al

Application: WRC Properties, Inc, ET Al are requesting a modification of the Development Order in order to extend the build out date of the project for an additional 3 years.

Size: The subject property is 388.54 acres.

Location: The subject property is located South of State Road 836 and lying on both sides of N.W. 57 Avenue (Red Road), Miami-Dade County, Fl.

Analysis:
1. Solid Waste Disposal
The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 17, 2008, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services
This project falls within the DSWM **solid waste collection service area.** A number of the residences proposed for inclusion in this project meet the County Code definition of **residential unit.** Per the code, residential units located within the project shall, therefore, receive DSWM garbage and trash collection service. Twice weekly individual curbside garbage and trash collection, scheduled bulky waste collections service, and unlimited use of the Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

In addition the project proposes multifamily uses. Chapter 15-2 of the Miami-Dade County Code requires the following of multi-family and commercial uses located in unincorporated Miami-Dade County:

Section 15-2 - "every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department."

3. Recycling

Currently, DSWM provides curbside recycling services to **residential units** located in the unincorporated Dade County. Residential units shall, therefore, utilize DSWM weekly curbside

recycling services, provided for the County by World Waste Services, Inc. The recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Participation in the residential program is mandatory in accordance with Chapter 15, Section 15-2.6 of the County Code. Further information may be obtained by calling the Department's Service Development Division at 594-1500 or 514-6714.

As it relates to the multi-family uses, **Section 15-2.2** requires that "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family
(1) Newspaper
(2) Glass (flint, emerald, amber)
(3) Aluminum cans
(4) Steel cans
(5) Plastics (PETE, NDPE-natural, HDPE colored)"

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code".

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
b. "T" shaped turnaround 60 feet long by 10 feet wide.
c. Paved throughway of adequate width (minimum 15 feet).

In addition any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accord with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally there should be no "dead-end" alleyways developed. Also, a sufficient waste setout zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: May 11, 2009

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: WRC & Teacher Insurance & MET Life - DIC Application # - Z2009000033

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: WRC & Teacher Insurance & MET Life

Proposed Development: The applicant is requesting an extension of the build-out date to be first modified from December 30, 2009 to 2012 and then to December 20, 2020.

Project Location: The subject property is 309.05 acres and is located East & West of Red Road (N.W. 57th Avenue) on the North and South sides of Blue Lagoon Drive, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. Public water mains exist throughout the area. The source of water for this project is the Hialeah Preston Water Treatment Plant. The plant is operating under a 20-year Water Use Permit issued by South Florida Water Management District on November 15, 2007. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. Public sanitary sewers exist throughout the area. The Central District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

RECEIVED
2009-053
MAR 04 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
By

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 WRC Properties, Inc.		
NAME AND ADDRESS		Percentage of Stock
730 Third Avenue New York, NY 11017		A wholly owned subsidiary of Teachers Insurance and Annuity Association of America which is a not-for-profit corporation, chartered as a life insurance company under the laws of the State of New York; and has no shareholders

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.

WRC PROPERTIES, INC.

By: _____

Title: Vice President

Sworn to and subscribed before me this 6th day of ~~December~~ January, 2009. Affiant is personally known to me or has produced _____ as identification.

_____ KETTY M. AMORES
(Notary Public) Notary Public, State of New York
No. 01AM6030238
Qualified in Kings County
My commission expires _____ Commission Expires September 7, 2009
Certificate filed in NY County

* 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 percent (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.

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 Teachers Insurance and Annuity Association of America		
NAME AND ADDRESS		Percentage of Stock
730 Third Avenue New York, NY 11017		N/A – Teachers Insurance and Annuity Association of America is a not-for-profit corporation, chartered as a life insurance company under the laws of the State of New York, and has no shareholders

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.

TEACHERS INSURANCE & ANNUITY ASSOC OF AMERICA

By: _____

Title: VICE PRESIDENT + CORPORATE SECRETARY

Sworn to and subscribed before me this 5th day of ~~December~~ January, 2009. Affiant is personally known to me or has produced _____ as identification.

_____ (Notary Public)

KETTY M. AMORES
Notary Public, State of New York
No. 01AM6030238
Qualified in Kings County
Commission Expires September 7, 2009
Certificate filed in NY County

My commission expires _____

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RECEIVED
2009-033
MAR 04 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

{M2755342;1}

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 Metropolitan Life Insurance Company		
NAME AND ADDRESS		Percentage of Stock
Attn: Director 101 East Kennedy Blvd. Suite 2330, Tampa, FL 33602.		Metropolitan Life Insurance Company is a corporation under the laws of the State of New York wholly owned by MetLife, Inc. MetLife, Inc. is a corporation under the laws of the State of Delaware equity interests in which are regularly traded on the NYSE

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.

RECEIVED
209-83
MAR 04 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

METROPOLITAN LIFE INSURANCE COMPANY

By: Charles Davis, Jr.

Title: Director

Sworn to and subscribed before me this 3rd day of ~~January~~ March, 2009. Affiant is personally known to me or has produced _____ as identification.

Jean O. Cooper
(Notary Public)

JEAN D. COOPER
MY COMMISSION # DD 519933
EXPIRES: February 26, 2010
Bonded Thru Notary Public Underwriters

My commission expires _____

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

OFFICE OF NEIGHBORHOOD COMPLIANCE
TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:
WRC & TEACHER INSURANCE &
MET LIFE

ADDRESS:
SOUTH OF STATE ROAD 836 &
LYING ON BOTH SIDES OF N.W.
57 AVENUE (RED ROAD), MIAMI-
DADE COUNTY, FLORIDA.
FOLIO NUMBER 3031310250020
FOLIO NUMBER 3031310250030
FOLIO NUMBER 3031310250050

DATE: 10/13/09

ZONING HEARING#:
09-33

CURRENT ENFORCEMENT HISTORY:

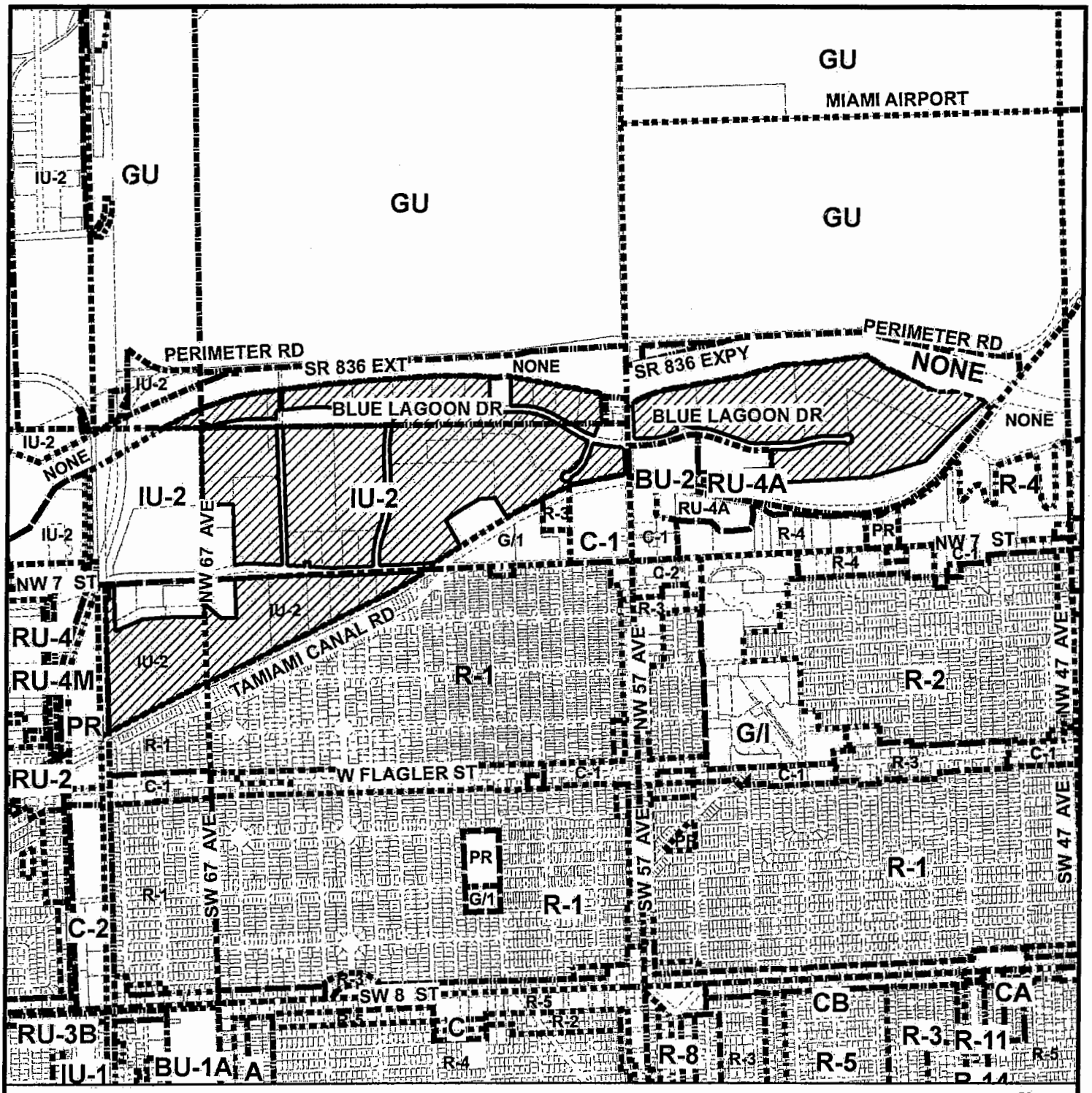
CMS # 200903009049. House Number Not Displayed. Notice of violation was posted on property and mailed to current property owner. Re-inspection scheduled for 10/29/09.

PRIOR CASES:

CMS# 200903008535. Junk/Trash and Overgrowth. Case found not in violation at time of inspection. Case Closed.

CMS# 200903008537. Junk/Trash and Overgrowth. Case found not in violation at time of inspection. Case Closed.

CMS # 200903008538. Junk/Trash and Overgrowth. Case found not in violation at time of inspection. Case Closed.



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-033

Section: 31 Township: 53 Range: 41
Section: 35,36,51 Township: 53 Range: 40
Section: 01,02 Township: 54 Range: 40
Applicant: WRC & TEACHER INSURANCE & MET LIF
Zoning Board: C08
Commission District: 06
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

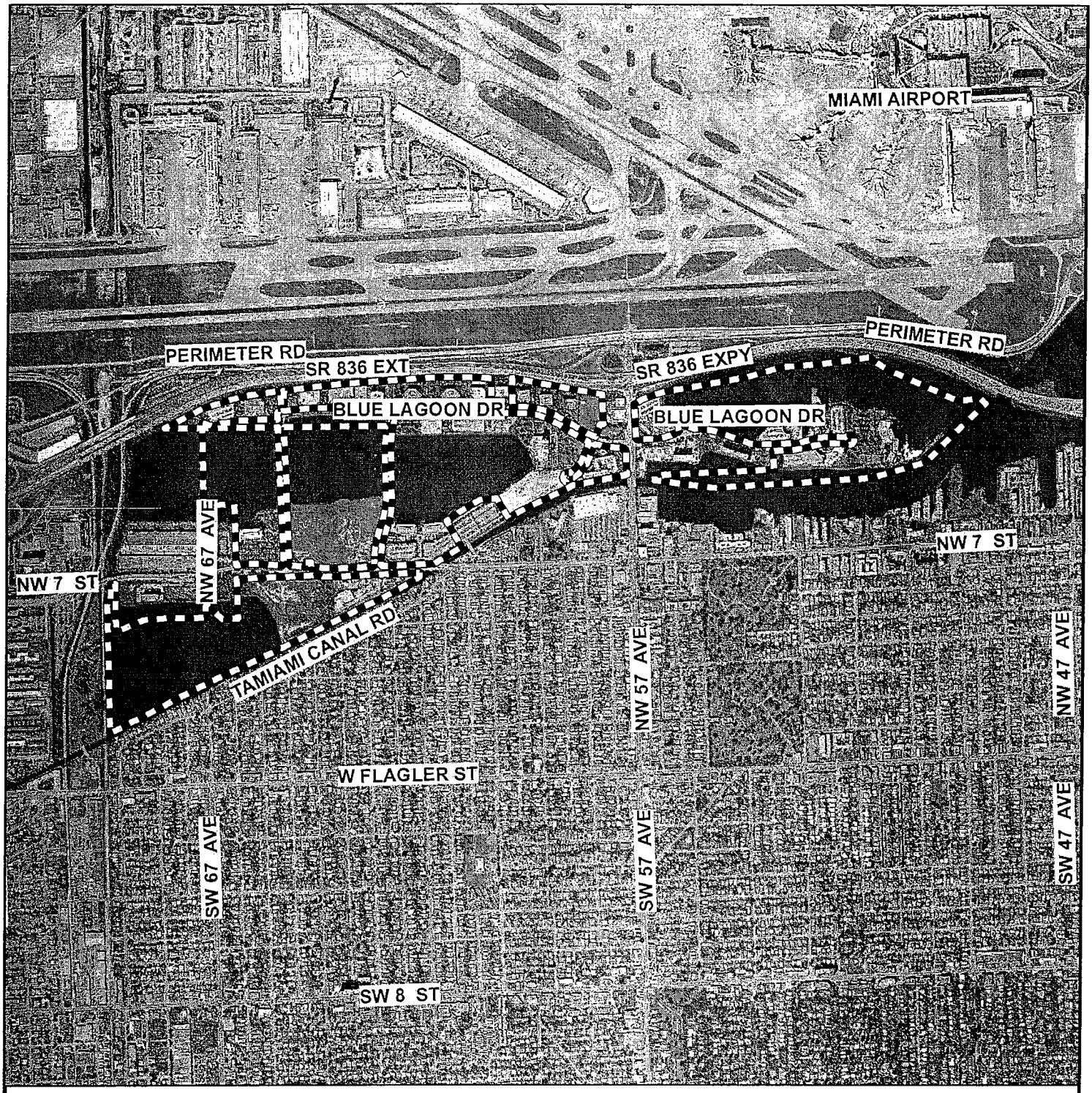
SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/02/09

REVISION	DATE	BY
		30



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

09-033

Section: 31 Township: 53 Range: 41
Section: 35,36,51 Township: 53 Range: 40
Section: 01,02 Township: 54 Range: 40
Applicant: WRC & TEACHER INSURANCE & MET LIF
Zoning Board: C08
Commission District: 06
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/02/09

REVISION	DATE	BY