

**FINAL AGENDA**

COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, January 11, 2012 at 6:30 p.m.

 MIAMI-DADE  
COUNTY
**CURRENT**

- |    |             |   |               |          |   |
|----|-------------|---|---------------|----------|---|
| 1. | 12-1-CZ10-1 | <u>1097 LEJEUNE INVESTMENT INC.</u>       | <u>09-84</u>  | 08-54-41 | N |
| 2. | 12-1-CZ10-2 | <u>ARTURO &amp; LAURA CHIONG</u>          | <u>11-22</u>  | 20-54-40 | N |
| 3. | 12-1-CZ10-3 | <u>LGV, L.L.C. &amp; GIL AT BIRD, INC</u> | <u>11-65</u>  | 14-54-40 | N |
| 4. | 12-1-CZ10-4 | <u>MARIE QUATTROCCHI</u>                  | <u>11-69</u>  | 13-54-40 | N |
| 5. | 12-1-CZ10-5 | <u>RAMIRO PEREZ</u>                       | <u>11-82</u>  | 18-54-40 | N |
| 6. | 12-1-CZ10-6 | <u>ISABIANCA INVESTMENTS, LLC</u>         | <u>11-107</u> | 15-54-39 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, JANUARY 11, 2012

RUBEN DARIO MIDDLE SCHOOL

350 SW 97 AVENUE, MIAMI-DADE COUNTY, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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I. ELECTION OF CHAIR AND VICE-CHAIR

II. APPLICATIONS:

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1. 1097 LEJEUNE INVESTMENT, INC. (12-1-CZ10-1/09-084)

08-54-41  
Area 10/District 06

- (1) DISTRICT BOUNDARY CHANGE from RU-3 (Four Unit Apartment) to RU-5A (Semi-Professional Offices).

OR IN THE ALTERNATIVE, THE FOLLOWING:

- (2) USE VARIANCE to permit RU-5A (Semi-Professional Offices) uses in the RU-3 (Four Unit Apartment) zoning district.
- (3) DELETION of an Agreement as recorded in Official Record Book 9583, Pages 276-278.

The purpose of request #3 is to delete an agreement limiting the uses allowed on the site to a "One Man Real Estate Office" only.

REQUESTS #1 - #3 ON:

Lot 1 less the east 35', Block 1, LEJEUNE ADDITION, SECTION 1, Plat book 9, Page 107.

- (4) MODIFICATION of a previously approved site plan pursuant to Resolution No. Z-124-83, passed and adopted by the Zoning Appeals Board and last modified by Resolution No. Z-104-94, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "Plans consisting of two pages entitled 'Proposed Additional Parking Layout to: Existing Building at 1097 LeJeune Rd.,' and Page Two entitled 'Proposed Ground Floor Plan,' as prepared by R. T. Partners/Ruben Travieso Architects and dated 12/6/93."

TO: "That the plans be substantially in accordance with that plan submitted entitled 'Proposed Renovations for: Aran Eye Associates,' as prepared by Form Group, Inc., dated stamped received 9/30/11, and consisting of 7 sheets."

- (5) MODIFICATION of Conditions #2 and #9 of Resolution Z-104-94, reading as follows:

FROM: "2. That a minimum 10' landscape strip with trees planted 20' on center with a minimum height of 8' to 10' at time of planting be placed outside the wall along the south property line."

TO: "2. That a minimum 5' landscape strip with trees planted 20' on center with a minimum height of 8' to 10' at time of planting be placed outside the iron work fence along the south property line."

FROM: "9. That the applicant submit a Declaration of Restrictions, suitable for recording and meeting with the approval of the Zoning Director, that provides for a roving security guard for the entire area of Little Gables (not just the building), garbage pick-up to be conducted after 7:00 A.M., limited hours for the adjacent parking lot from 8:00 A.M. to 6:00 P.M. and said parking lot should not be lighted, the

discontinuance of the additional floor area in the event the applicant ceases his occupancy, and attendance and participation in the Little Gables Homeowners Association."

TO: "9. That the applicant submit a Declaration of Restrictions, suitable for recording and meeting with the approval of the Department Director, that provides for garbage pick-up to be conducted after 7:00 A.M., limited hours for the adjacent parking lot from 8:00 A.M. to 6:00 P.M. and said parking lot should not be lighted.

(6) Deletion of paragraphs #2 & #3 & #5 of Declaration of Restrictions, Record in Official Record Book 17072 pages 1451 - 1459, reading as follows:

"(2) Demolition of Additional Floor Area.

If at any time the owner shall cease to own the medical office building, the use of the Additional Floor Area discontinued and the additional floor area shall be demolished within ninety (90) days following the discontinuation of the Owner's ownership of the medical office building. For purposes of this paragraph of the Declaration, the term "Owner" shall also include a corporation, partnership or other similar entity which may from time to time occupy the Property and which is controlled by the owner."

"(3) Security Service for Property and Little Gables.

The property is located within that area of unincorporated Dade County which is generally know as the Little Gables, and which is located bounded by S.W. 8th Street on the north, S.W. 16th Street on the south, theoretical S.W. 40th Avenue on the east, and S.W. 47th Avenue on the west ("Little Gables"). For as long as the Adjacent Parking Area remains in use in connection with the medical office building, the owner shall hire, at his own expense, roving security to patrol the Property and Little Gables from dusk to dawn."

"(5) Membership in Association.

The owner shall apply for membership to the Little Gables Homeowners Association (the "Association"). Upon acceptance of the Owner's membership application by the Association, and for as long as the use of the Property for a medical office building and surface continues, the Owner shall remain a member of the Association."

The purpose of request #3 - #6 is to allow the applicant to submit a new site plan to include a new office building on additional property to the south, show a smaller landscape strip along the south property line, delete certain restrictions for ownership of the medical office building, security patrol requirement association membership and to permit a fence in lieu of the wall for the previously approved office site.

(7) NON-USE VARIANCE to permit a landscape open space of 19.72% (20.3% previously approved, 25% required).

(8) NON-USE VARIANCE to waive the zoning regulations requiring a 5' wide dissimilar landscape strip along portions of the interior side (south & west) and rear (east) property lines.

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

LOCATION: 1097 and 1099 SW 42 Avenue and 4155 and 4173 SW 11 Street,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 39,250 Sq. Ft.

Department of Sustainability, Planning  
and Economic Enhancement  
Recommendation:

Approval with conditions of requests #1, and  
#3 through #7, denial without prejudice of  
request #2.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

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

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

**2. ARTURO AND LAURA CHIONG (12-1-CZ10-2/11-022)**

**20-54-40  
Area 10/District 10**

- (1) NON-USE-VARIANCE to permit an existing addition to a single family residence setback 13.85' (25' required) from the rear (south) property line.
- (2) NON-USE-VARIANCE to waive the zoning regulations requiring the height of a fence not to exceed 2.5' in height within 10' of the edge of driveway leading to a public right-of-way; to permit a 6' high chain link, wood fence and gates within 10' of the edge of driveway.

Plans are on file and may be examined in the Department Sustainability, Planning and Economic Enhancement entitled "Hearing Process for Rear Setback", as prepared by Julio Pulido. Sheet S-P dated stamped received 3/22/11, last handwritten revision 5/5/11, and the remaining 2 sheets dated stamped received 2/22/11, for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 9950 SW 42 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 118.75'

Department of Sustainability, Planning  
and Economic Enhancement  
Recommendation:

Approval with conditions of requests #1 and  
modified approval with conditions of requests  
#2.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

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

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

3. LGV, LLC AND GIL AT BIRD, INC. (12-1-CZ10-3/11-065)

14-54-40  
Area 10/District 06

- (1) USE VARIANCE to permit a carwash in the RU-2 zone as would be permitted in the BU-2 zoning district.
- (2) MODIFICATION of Paragraph #1 of a Declaration of Restrictions, Recorded in Official Record Book 21747 pages 2672 - 2683, reading as follows:

FROM:

"1. Use Restrictions

Notwithstanding the request IU-1 (Industry-Light) zoning classification for portions of the IU-1 (Industry-Light) zoned portions of the Property, the use of the IU-1 (Industry-Light) zoned portions of the Property shall be restricted such that none of the following uses shall be permitted:

- Adult entertainment uses as defined in Section 33-253.1 of the Code of Miami-Dade County;
- Aircraft hangers and repair shops, aircraft assembling and manufacturing, armories, arsenals;
- Auto painting and body work;
- Automotive repairs;
- Boat or yacht repairing or overhauling, or boatbuilding;
- Canning factories;
- Commercial chicken hatcheries;
- Dry cleaning and dyeing plants;
- Engine sales and service;
- Furniture manufacturing;
- Insecticide mixing, packaging and storage;
- Livery stables for riding clubs or a stable for sheltering horses;
- Lumber yards;
- Sign painting shops;
- Steel fabrication;
- Taxidermy;
- Vulcanizing;
- Wood and coal yards.

Moreover, prior to the issuance of a certificate of use and occupancy for any improvements within the IU-1 (Industry-Light) district, the owner shall establish and thereafter maintain a landscape buffer along the northern boundary of the IU-1 (Industry-Light) zoned portions of the property, which buffer shall consist of the following: a 6 foot high CBS wall; a hedge of such species as may be acceptable the Department of Planning & Zoning, which hedge shall be planted at a height of 3 feet and maintained at 6 feet; and trees of such species as may be acceptable to the Department of Planning & Zoning, which trees shall be planted twenty feet on center at a height of 16-18 feet."

TO:

"1. Use Restrictions

Notwithstanding the request IU-1 (Industry-Light) zoning classification for portions of the IU-1 (Industry-Light) zoned portions of the Property, the use of the IU-1 (Industry-Light) zoned portions of the Property shall be restricted such that none of the following uses shall be permitted:

- Adult entertainment uses as defined in Section 33-253.1 of the Code of Miami-Dade County;
- Aircraft hangers and repair shops, aircraft assembling and manufacturing, armories, arsenals;

- Auto painting and body work;
- Automotive repairs;
- Boat or yacht repairing or overhauling, or boatbuilding;
- Canning factories;
- Commercial chicken hatcheries;
- Dry cleaning and dyeing plants;
- Engine sales and service;
- Furniture manufacturing;
- Insecticide mixing, packaging and storage;
- Livery stables for riding clubs or a stable for sheltering horses;
- Lumber yards;
- Sign painting shops;
- Steel fabrication;
- Taxidermy;
- Vulcanizing;
- Wood and coal yards.

Moreover, prior to the issuance of a certificate of use and occupancy for any improvements within the IU-1 (Industry-Light) district & RU-2 (Two Family Residential) district, the owner shall establish and thereafter maintain a landscape buffer along the northern boundary of the RU-2 (Two Family Residential) zoned portions of the property, which buffer shall consist of the following: a 6 foot high CBS wall; a hedge of such species as may be acceptable the Department of Permitting, Environment and Regulatory Affairs, which hedge shall be planted at a height of 3 feet and maintained at 6 feet; and trees of such species as may be acceptable to the Department of Permitting, Environment and Regulatory Affairs, which trees shall be planted twenty feet on center at a height of 16-18 feet."

The purpose of request #2 is to allow the applicant to expand the use onto additional property to the North and to relocate the required landscape buffer along the expansion of the northern boundary of the RU-2 zoned portions of the property for the existing carwash.

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "El Car Wash" as prepared by Lan Mar Design Group, dated stamped received 8/25/11, with sheet LP-1.1 last handwritten revision dated 9/9/11 and consisting of 5 sheets.

LOCATION: 6901 SW 40 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.43 Acre

Department of Sustainability, Planning  
and Economic Enhancement

Recommendation:

Denial without prejudice.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

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

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

**4. MARIE QUATTROCCHI (12-1-CZ10-4/11-069)**

**13-54-40  
Area 10/District 06**

- (1) NON-USE VARIANCE to permit vehicles to back out into the right-of-way (not permitted).
- (2) NON-USE VARIANCE to waive the required 7' parking buffer along the right-of-way.
- (3) NON-USE VARIANCE to permit 13.7% (18% required) of landscape open space.
- (4) NON-USE VARIANCE to permit a two-way-drive with a width of 14'-6" (20' minimum required).
- (5) NON-USE VARIANCE to permit (0) street trees (3 street trees required).
- (6) NON-USE VARIANCE to permit 2 lot trees (5 lot trees required).

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Parking Plan For Variance Request," as prepared by Tony Fernandez Architect consisting of four (4) sheets dated stamped received 6/8/11. Plans may be modified at public hearing.

LOCATION: 6600 SW 24<sup>th</sup> Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100'X100'

Department of Sustainability, Planning  
and Economic Enhancement

Recommendation:

Approval with conditions.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 4 \_\_\_\_\_

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

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

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

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

**5. RAMIRO PEREZ (12-1-CZ10-5/11-082)**

**18-54-40  
Area 10/District 10**

- (1) NON-USE VARIANCE to permit a exercise room/studio addition to a single family residence setback 5.50' (25' required) from the rear (west) property line.
- (2) NON-USE VARIANCE to permit an existing covered terrace setback 24.2' (25' required) from the rear (west) property line.
- (3) NON-USE VARIANCE to permit the existing single family residence a minimum of 7' (7.5' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit a single family residence with a lot coverage of 44.6% (35% maximum permitted).



Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Garage Conversion & As Built Legalization" as prepared by IAA Design Associates PA, Ismael Allendes R.A. and dated stamped received 7/18/11, consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 2810 SW 108 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 100'

Department of Sustainability, Planning and Economic Enhancement  
Recommendation:

Denial without prejudice of request #1, approval of requests #2 and #3, and modified approval of request #4..

Protests: 0

Waivers: 0

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

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

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

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

**6. ISABIANCA INVESTMENTS, LLC (12-1-CZ10-6/11-107)**

**15-54-39  
Area 10/District 11**

DISTRICT BOUNDARY CHANGE from AU (Agricultural) to RU-1Ma (Modified Single Family).

LOCATION: Lying Approximately 165' South of SW 32 Street between SW 144 Avenue and SW 145 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.3 Acres

Department of Sustainability, Planning and Economic Enhancement  
Recommendation:

Approval, subject to the Board's acceptance of the proffered covenant.

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 Sustainability, Planning and Economic Enhancement (DSPEE) within 14 days after the DSPEE 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 DSPEE's posting will be made on a bulletin board located in the office of the DSPEE). 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](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

PH: Z09-084 (12-1-CZ10-1)

January 11, 2012

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	6
<b>Applicant</b>	1097 LeJeune Investment, Inc.
<b>Summary of Requests</b>	The applicant is seeking a district boundary change or use variance to permit semi-professional offices in the RU-3 zone, deletion of an agreement and modification of a previously approved resolution and declaration of restrictions
<b>Location</b>	1097 and 1099 SW 42 Avenue and 4155 and 4173 SW 11 Street, Miami-Dade County, Florida.
<b>Property Size</b>	39,250 sq. ft.
<b>Existing Zoning</b>	RU-2, RU-3 and RU-5A
<b>Existing Land Use</b>	Medical office, Single-family residence and parking lot
<b>2015-2025 CDMP Land Use Designation</b>	Low-Medium Density Residential
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311 District Boundary Change Section 33-311 (A)(4)(a) Use Variances from other than airport regulations Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations Section 33-311 (A)(7) General Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions of requests #1, and #3 through #7, denial without prejudice of request #2</b>

**REQUESTS:**

(1) DISTRICT BOUNDARY CHANGE from RU-3 (Four Unit Apartment) to RU-5A (Semi-Professional Offices).

OR IN THE ALTERNATIVE THE FOLLOWING:

(2) USE VARIANCE to permit RU-5A (Semi-Professional Offices) uses in the RU-3 (Four Unit Apartment) zoning district.

(3) DELETION of an Agreement as recorded in Official Record Book 9583, Pages 276-278.

The purpose of request #3 is to delete an agreement limiting the uses allowed on the site to a "one-man real estate office" only.

REQUESTS #1 - #3 ON: Lot 1 less the east 53', Block 1, LEJEUNE ADDITION, SECTION 1, Plat book 9, Page 107.

(4) MODIFICATION of a previously approved site plan and Condition #2 of Resolution No. 4-ZAB-148-83 (corrected by Resolution No. Z-124-83) passed and adopted by the Zoning Appeals Board and last modified by Resolution No. Z-104-94, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "Plans consisting of two pages entitled 'Proposed Additional Parking Layout to: Existing Building at 1097 LeJeune Rd.,' and Page Two entitled 'Proposed Ground Floor Plan,' as prepared by R. T. Partners/Ruben Travieso Architects and dated 12/6/93."

TO: "That the plans be substantially in accordance with that plan submitted entitled 'Proposed Renovations for: Aran Eye Associates,' as prepared by Form Group, Inc., dated stamped received 9/30/11, and consisting of 7 sheets."

(5) MODIFICATION of Condition #2 and #9 of Resolution Z-104-94, reading as follows:

FROM: "2. That a minimum 10' landscape strip with trees planted 20' on center with a minimum height of 8' to 10' at time of planting be placed outside the wall along the south property line."

TO: "2. That a minimum 5' landscape strip with trees planted 20' on center with a minimum height of 8' to 10' at time of planting be placed outside the iron work fence along the south property line."

FROM: "9. That the applicant submit a Declaration of Restrictions, suitable for recording and meeting with the approval of the Zoning Director, that provides for a roving security guard for the entire area of Little Gables (not just the building), garbage pick-up to be conducted after 7:00 A.M., limited hours for the adjacent parking lot from 8:00 A.M. to 6:00 P.M. and said parking lot should not be lighted, the discontinuance of the additional floor area in the event the applicant ceases occupancy, and attendance and participation in the Little Gables Homeowners Association."

TO: "9. That the applicant submit a Declaration of Restrictions, suitable for recording and meeting with the approval of the Department Director, garbage pick-up to be conducted after 7:00 A.M., limited hours for the adjacent parking lot from 8:00 A.M. to 6:00 P.M. and said parking lot should not be lighted."

(6) DELETION of paragraphs #2, #3 and #5 of Declaration of Restrictions, Recorded in Official Record Book 17072 pages 1451-1459, reading as follows:

"(2) Demolition of Additional Floor Area.

If at any time the owner shall cease to own the medical office building, the use of the Additional Floor Area shall be discontinued and the Additional Floor Area shall be demolished within ninety (90) days following the discontinuation of the Owner's ownership of the medical office building. For purposes of this paragraph of the Declaration, the "Owner" shall also include a corporation, partnership or other similar entity which may from time to time occupy the Property and which is controlled by the Owner.

"(3) Security Service for Property and Little Gables.

The Property is located within that area of unincorporated Dade County which is generally known as Little Gables, and which is located bounded by S.W. 8th Street on the north, S.W. 16th Street on the south, theoretical S.W. 40th Avenue on the east, and S.W. 47th Avenue on the west ("Little Gables"). For as long as the Adjacent Parking Area remains in use in connection with the medical office building, the owner shall hire, at his own expense, roving security to patrol the Property and Little Gables from dusk to dawn."

“(5) Membership in Association.

The owner shall apply for membership to the Little Gables Homeowners Association (the “Application”). Upon acceptance of the Owner’s membership by the Association, and for as long as the use of the Property for a medical office building and surface parking continues, the Owner shall remain a member of the Association.”

The purpose of requests #3 through #6 is to allow the applicant to submit a new site plan to include a new office building on additional property to the south and a smaller landscape strip along the south property line, delete certain restrictions for ownership of the medical office building, security patrol requirements, association membership and to permit a fence in lieu of the wall for the previously approved office site.

(7) NON-USE VARIANCE to permit a landscape open space of 19.72% (20.3% previously approved, 25% required).

(8) NON-USE VARIANCE to waive the zoning regulations requiring a 5’ wide dissimilar landscape strip along portions of the interior side (south & west) and rear (east) property lines.

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

**PROJECT DESCRIPTION:**

The site plan depicts an existing 3-story medical office (1097 SW 42 Avenue) and an existing 1-story single family residence (1099 SW 42 Avenue) to be converted into medical office use and a 59-space surface parking lot (4155 and 4173 SW 11 Street).

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-2, RU-3, RU-5A; parking lot, medical office building and single-family residence	Low Medium Density Residential 6 to 13 dua
<b>North</b>	RU-2 and RU-5A; duplex residences and apartment building	Low Medium Density Residential 6 to 13 dua
<b>South</b>	RU-3 and RU-4M; condo building and duplex residences	Low Medium Density Residential 6 to 13 dua
<b>East</b>	RU-3; single-family residence	Low Density Residential 2.5 to 6 dua
<b>West</b>	RU-3; day care center and office building	Low Medium Density Residential 6 to 13 dua

**NEIGHBORHOOD COMPATIBILITY:**

The subject property consists of several parcels located at 1097 and 1099 SW 42 Avenue and 4155 and 4173 SW 11 Street. The surrounding area is characterized by single-family residential, multi-family residential and office uses.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the expansion of the previously approved medical office use onto an additional parcel which could potentially generate additional traffic in the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The approximately 39,000 sq ft subject property consists of several contiguous parcels and is designated as ***Low Medium Density Residential*** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. Staff notes that the parcel located at 1097 SW 42 Avenue is zoned RU-5A and is an existing medical office. The applicant is seeking a district boundary change or in the alternative a use variance to convert the existing single-family residential structure to a medical office use on the corner parcel located at 1099 SW 42 Avenue.

Staff notes that the parcel located at 1099 SW 42 Avenue has been granted several approvals to permit office uses in the RU-3 zone as would be permitted in the RU-5A zone, the most recent being pursuant to Resolution No. Z-5-85, to permit a lawyer's office. The CDMP Land Use Element interpretative text, Residential Communities, under Office Uses, indicates that *office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office uses which are not inconsistent already lawfully exist on the same block face.*

The parcel located to the north along the same block face at 1097 SW 42 Avenue was approved for a district boundary change to RU-5A pursuant to Resolution No. Z-124-83. In staff's opinion, the southward expansion of the medical office use to the corner parcel located at 1099 SW 42 Avenue meets the above listed criteria for Office Uses in Residential Communities, in the CDMP Land Use Element interpretative text and will not have an unfavorable effect on the surrounding neighborhood by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire rescue, and police. Therefore staff opines that the proposed expansion of the medical office use southward along the same block face is consistent with the CDMP Land Use Element interpretative text for Office Uses in Residential Communities and would be **compatible** with the surrounding area.

Further, the CDMP interpretative text, under the same section referenced above, states that *office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor*

*does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.*

Staff notes that the proposed district boundary change from RU-3 to RU-5A for the parcel located at 1099 SW 42 Avenue meets the above Land Use Element interpretative text criteria for Office Uses in Residential Communities because the existing residential structure is located along a major roadway, the lot size is less than one acre, the residential area is not zoned, developed are designated on the LUP map for Estate Density Residential nor does the frontage face an Estate Density area. Additionally, adequate parking is being provided for the expansion of the medical use as the applicant is not requesting relief from the parking requirements of the Zoning Code for the use. In staff's opinion the proposed medical use expansion is **consistent** with the CDMP Land Use Element interpretative text and **compatible** with the surrounding area.

### **ZONING ANALYSIS:**

When analyzing request #1 (only pertains to 1099 SW 42 Avenue), District Boundary Change from RU-3 to RU-5A, is analyzed under Section 33-311, of the Code, staff opines that the approval of this request would be **consistent** with the interpretative text of the CDMP. Section 33-311 of the Code states that the purpose of zoning and regulations is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. As such, staff opines that the applicant's request for a zone change in order to expand the medical use onto the parcel located at 1099 SW 42 Avenue will not have a negative impact on the surrounding area. However when request #2 (only pertains to 1099 SW 42 Avenue), a use variance to permit RU-5A uses in the RU-3 zoning district is analyzed under Section 33-311(A)(4)(a), staff opines the request should be denied without prejudice. While staff notes that the parcel located at 1099 SW 42 Avenue was previously approved pursuant to Resolution No. Z-3-85 to allow a lawyer's office in the RU-3 zone as would be permitted in the RU-5A zone, staff is of the opinion that the rezoning of the parcel to RU-5A (request #1) brings the parcel into harmony with the surrounding area as the adjacent parcel to the north located along the same block face was granted approval for a rezoning to RU5-A pursuant to Resolution No. Z-124-83. Staff opines that rezoning the corner parcel will unify the zoning of the parcels that face SW 42 Avenue. **As such, staff**

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**recommends approval with conditions of request #1 under Section 33-311 Standards for District Boundary Change and denial without prejudice of request #2 under Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.**

When request #3 (only pertains to 1099 SW 42 Avenue) is analyzed under the General Modification Standards, Section 33-311(A)(7), the proposed deletion of an agreement, in staff's opinion, is germane to request #1 and will not generate excessive traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. The applicant is requesting to delete an agreement which restricts the use of the parcel to a real estate office. Deleting the agreement will permit the expansion of the medical office use onto the corner parcel. Staff opines that the approval of the applicants' request would not have a negative impact on the surrounding office and residential uses and would be **compatible** with the area concerned, when considering the necessity and reasonableness of the deletion or in relation to the present and future development of the area. **As such, staff recommends approval of request #3 under Section 33-311(A)(7), Generalized Modification Standards.**

Staff opines that when requests #4 (modification of previously approved plans) and #5 (modification of conditions of a resolution) are analyzed under the General Modification Standards, Section 33-311(A)(7), said requests would also be **compatible** with the surrounding area and be consistent with the CDMP. Staff notes that pursuant to Resolution Z-104-94 the applicant was approved for parking on two parcels located at 4155 and 4173 SW 11 Street. The site plan submitted for the public hearing depicted a 3-story medical office building located at 1097 SW 42 Avenue and surface parking on two interior parcels along SW 11 Street. The plans submitted in conjunction with this application will replace those previously submitted and depict the single-family residence to be converted into a medical office. Staff notes that the request to modify Condition #4 of Resolution Z-124-83, last modified by Resolution Z-104-94 will allow the applicant to submit new plans that depict the 3-story medical office at 1097 SW 42 Avenue, parking lots at 4155 and 4173 SW 11 Street and the expansion of the medical office use to the parcel located at 1099 SW 42 Avenue. Staff opines that approval of the request to modify Conditions #2 and #9 of Resolution Z-104-94 (request #5) would not have a negative impact on the surrounding area and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area.

Staff notes, that requests #4 and #5 are germane to request #1 (district boundary change to RU-5A) or the alternative #2 (use variance). Staff opines that the approval of the applicants' request would not have a negative visual or impact on the surrounding area and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. **Therefore, staff recommends approval of requests #4 and #5 under Section 33-311(A)(7) Generalized Modification Standards.**

When request #6 is analyzed under the General Modification Standards, Section 33-311(A)(7), the proposed deletion of an agreement, in staff's opinion, is germane to request #1 and will not generate excessive traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area and be consistent with the CDMP. The applicant is requesting to delete an agreement which restricts the use of the parcel to a real estate office. Deleting the agreement will permit the expansion of the medical office use onto the corner parcel. Staff opines that the approval of the applicants' request would not have a negative impact on the surrounding office and residential uses to the north and south and would



be **compatible** with the area concerned, when considering the necessity and reasonableness of the deletion or in relation to the present and future development of the area. **As such, staff recommends approval of request #6 under Section 33-311(A)(7), Generalized Modification Standards.**

Additionally, staff notes that requests #7 (non-use variance to permit a landscape open space of 19.72%) and #8 (non-use variance to waive the zoning regulations requiring a 5' wide dissimilar landscape strip) are contingent upon approval of request #4 (modification of previously approved site plan). When requests #7 and #8 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that requested non-use variances represent the existing conditions on the subject site. However, staff notes that while the proposed expansion of the medical office use to the corner parcel located at 1099 SW 42 Avenue will be accommodated in the existing structure, in order to bring the entire subject property into conformation with today's regulation, the applicant has requested to permit 19.72% landscape open space and to waive zoning regulations requiring a 5' dissimilar land use buffer. Staff notes that the applicant was previously approved for 20.3% landscape open space and opines that the .58% reduction in the previously approved landscaped open space is minimal and will not have a negative visual impact on the surrounding area. Staff opines that the request to waive the 5' dissimilar land use buffer will not negatively impact the property that is surrounded on three (3) sides by the subject property. To mitigate any impact from the medical office use, the site plan depicts a 6' masonry wall along the interior side (south and west) and rear (east) property lines. Staff opines the requested non-use variances will have minimal impact on the surrounding area. Staff further opines that the applicant is not proposing any new development, rather only interior remodeling on the subject site, as such, staff opines that approval of the requests would not have a negative visual or aural impact and the existing facility would continue to be **compatible** with the surrounding area. **As such, staff recommends approval with conditions of requests #7 and #8 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:**

The submitted site plan depicts an existing 3-story medical office (1097 SW 42 Avenue) one story single-family residence (1099 SW 42 Avenue) and parking lots (4155 and 4173 SW 11 Street). There is one ingress point and one egress point along SW 42 Avenue for the subject property. The existing parking lot consists of 59 parking spaces.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

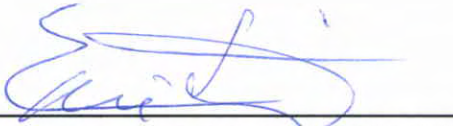
**Approval with conditions of requests #1, and #3 through #7, denial without prejudice of request #2.**

**CONDITIONS FOR APPROVAL:** (for requests #1 and #3 through #7 only)

1. That all the conditions of Resolutions 4-ZAB-148-83 and Z-104-94 remain in full force and effect, except as herein modified.

2. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Permitting, Environment and Regulatory Affairs upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:MW:GR:NN:CH:AN



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning, and Economic Enhancement

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

PLANNING AND ZONING  
AGENDA OFFICE

2011 DEC 30 A 10:18

2011 DEC 30 A 10:19

PLANNING AND ZONING  
AGENDA OFFICE

# ZONING RECOMMENDATION ADDENDUM

1097 Le Jeune Investment Inc.  
Z09-084

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Permitting, <b>Environment &amp; Regulatory Affairs</b>	No objection
<b>Public Works &amp; Solid Waste</b>	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in the Department's attached memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Low-Medium Density Residential</b> (Pg. I-31)</p>	<p>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low-Medium Density Residential</b>. 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.</p>
<p><b>Residential Communities, Office Uses</b> (Pg. I-35)</p>	<p>Office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other <b>office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face</b>. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with I-36 the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.</p> <p>In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office</p>

# ZONING RECOMMENDATION ADDENDUM

1097 Le Jeune Investment Inc.  
Z09-084

building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311 District Boundary Change</b></p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"><li>(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i></li><li>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></li><li>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></li><li>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></li><li>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></li></ol>
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# ZONING RECOMMENDATION ADDENDUM

1097 Le Jeune Investment Inc.  
Z09-084

<b>33-311(A)(4)(a) Use Variances from other than airport regulations</b>	<i>Upon appeal or direct application in specific cases to hear and grant applications for use variances from the terms of the zoning regulations as 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 use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises; and further provided, no variance from any airport zoning regulation shall be granted under this subsection; provided, however, no use variance shall be granted permitting a BU or IU use in any residential, AU or GU District, unless the premises immediately abuts a BU or IU District. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
<b>33-311(A)(4)(b) Non-Use Variances from other than airport regulations</b>	<i>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.</i>
<b>33-311(A)(7) Generalized Modification Standards</b>	<i>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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>

**1. 1097 LEJEUNE INVESMENT INC.**  
**(Applicant)**

**12-1-CZ10-1 (09-084)**  
**Area 10/District 06**  
**Hearing Date: 01/11/12**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Romano A. Socorro	- Use Variance for real estate office. - Non-Use Variance of frontage and area. - Non-Use Variance of setback. - Non-Use Variance of zoning regulations.	BCC	Appeal Approved, Application Approved
1976	Doris H. Socorro	- Use Variance to permit office.	BCC	Approved w/conds.
1976	Romano A. Socorro	- Use Variance for real estate office. - Non-Use Variance of frontage and area. - Non-Use Variance of setback. - Non-Use Variance of zoning regulations.	ZAB	Denied without prejudice
1983	William I. & Angelica Sabates	- Zone change fromRU-3to RU-5A. - Special Exception building height. - Variance of parking.	BCC	Approved
1993	Maria Moure	- Non-Use Variance of lot frontage area required. - Non-Use Variance of lot coverage.	ZAB	Approved w/conds.
1994	William Sabates, ET AL	- Unusual Use to permit parking. - Deletion of resolution. - Modification of Resolution. - Non-Use Variance of parking within 25' of Right-Of-Way. - Multiple Non-Use Variances.	BCC	Approved in Part

1994	William Sabates, ET AL	- Unusual Use to permit parking. - Deletion of resolution. - Modification of Resolution. - Non-Use Variance of parking within 25' of Right-Of-Way. - Multiple Non-Use Variances.	ZAB	Denied without prejudice
1997	William Sabates, ET AL	- Reformation of Resolution for legal description.	BCC	Approved
1997	William Sabates, ET AL	- Reformation of Resolution for legal description.	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.



# Memorandum

**Date:** October 13, 2011  
**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs



**Subject:** C-10 #Z2009000084-3<sup>rd</sup> Revision  
1097 LeJeune Investment, Inc.  
1097 and 1099 S.W. 42 Avenue  
District Boundary Change from RU-3 to RU-5A  
(RU-3) (0.90 Acres)  
08-54-41

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The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application 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 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.

Pursuant to Section 24-43.1(4) of the Code, the interim use of a septic tank and drainfield system is allowed provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Notwithstanding the foregoing, the applicant is advised that certain land uses such as medical offices utilizing x-ray equipment and others that generate liquid waste other than domestic sewage, cannot be permitted since it would violate the aforesaid Code Section and would also violate the covenant. Approval of land uses that are not compatible with the usage of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste would require a variance, from the Environmental Quality Control Board (EQCB), from the aforesaid Code Section.

#### Stormwater Management

According to the information found on this project, the proposed modifications will not affect the existing stormwater management system.

#### Wetlands

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

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

#### Tree Preservation

The subject properties contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The applicant is aware of tree preservation requirements and has submitted a landscape plan of record entitled "Proposed Renovation for Aran Eye Associates", sheet L-1, prepared by Form Group Inc, and dated May 19, 2009 (revised September 7, 2011), that depicts the trees on site to remain. Please be advised that the proposed medical building and demolition must avoid adverse impacts to the existing trees root systems. The impacts to the root systems would cause the effective destruction of the trees and constitute a violation of Section 24-49 of the Code.

A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

#### Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

#### Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

REVISION 2  
PH# Z2009000084  
CZAB - C10

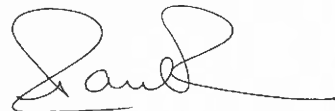
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: 1097 LEJEUNE INVESTMENT INC.

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required will be accomplished thru the recording of a plat.

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



Raul A Pino, P.L.S.

03-OCT-11

# Memorandum



**Date:** October 26, 2011

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2009000084: 1097 LeJeune Investment, Inc.  
Review includes revised plans dated stamped received 09/30/11

---

**Application Name:** 1097 LeJeune Investment, Inc.

**Project Location:** The site is located at 1097 and 1099 SW 42 Avenue and 4155 and 5173 SW 11 Street, Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from RU-3 to RU-5A to permit a medical office.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2



# Memorandum

**Date:** 06-OCT-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** William W. Bryson, Fire Chief.  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000084

**Fire Prevention Unit:**

This memo supersedes MDRR memorandum dated February 25, 2010.

**APPROVAL:**

No objection to site plan date stamped received September 30, 2011.

**Service Impact/Demand**

Development for the above Z2009000084 located at 1097 and 1099 SW 42 AVE and 4155 and 4173 SW 11 St, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1404 is proposed as the following:

N/A	dwelling units	N/A	square feet
<u>residential</u>		<u>industrial</u>	
1,378	square feet	N/A	square feet
<u>Office</u>		<u>institutional</u>	
N/A	square feet	N/A	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 0.30 alarms-annually. The estimated average travel time is: 7:24 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 40 - West Miami - 975 SW 62 Avenue  
 Rescue ALS Engine.

**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 received September 30, 2011. 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.

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

1097 LEJEUNE INVESTMENT INC.

1097 and 1099 SW 42 AVE and 4155  
and 4173 SW 11 St, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2009000084

---

**HEARING NUMBER**

**HISTORY:**

OPEN CASES:

Neighborhood Compliance  
None

Building  
None

PREVIOUS CASES:

Neighborhood Compliance  
None

Building  
None

N/A

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

N/A

**REPORTER NAME**

L. Cuellar

DISCLOSURE OF INTEREST\*

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

CORPORATION NAME: 1097 Lejeune Investment Inc

<u>NAME, ADDRESS AND OFFICE</u>	<u>Percentage of Stock</u>
<u>Alberto Aran.</u>	<u>50%</u>
<u>Luci Aran</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST NAME  

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME

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209,084  
MAY 20 2009

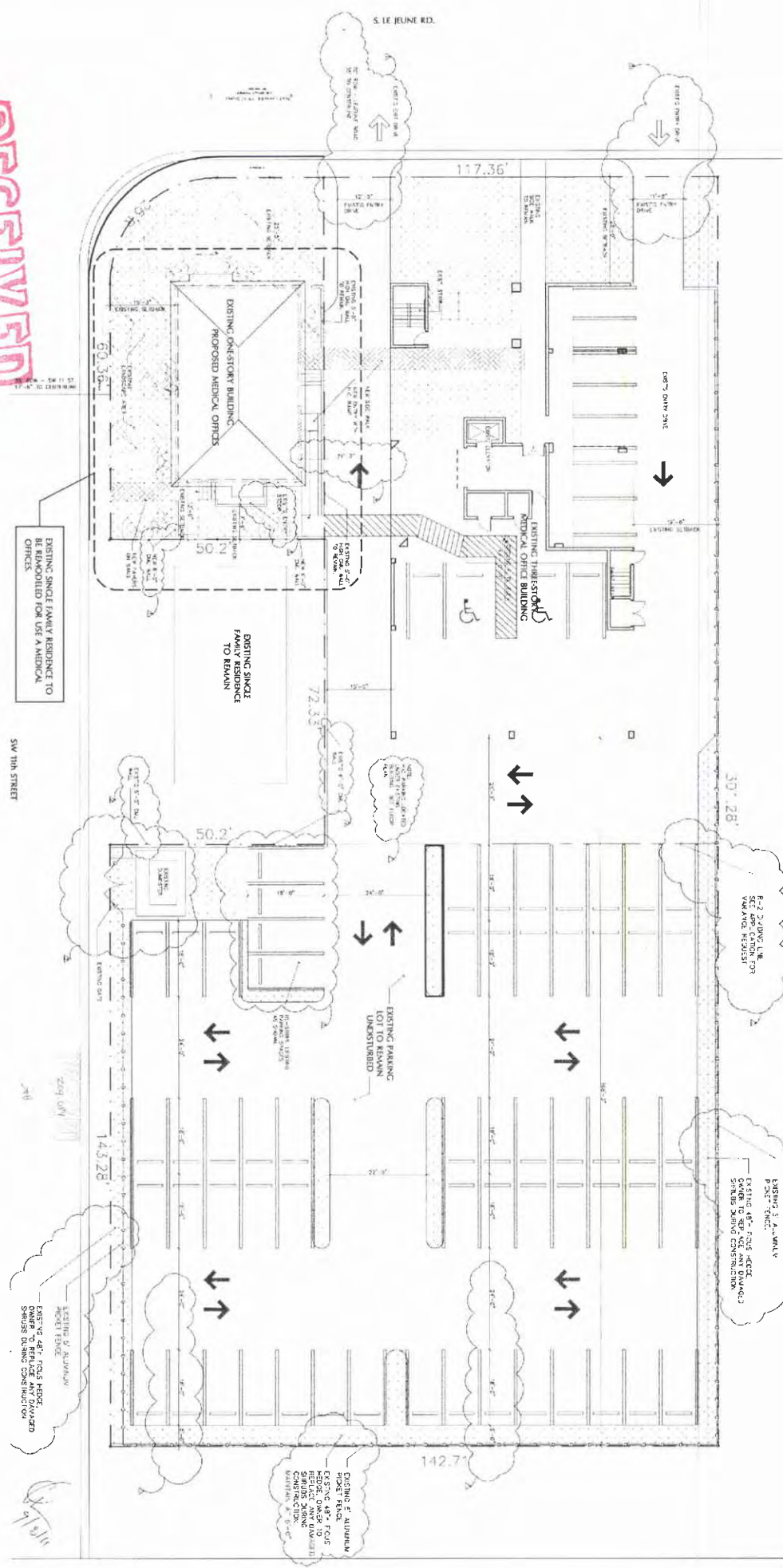
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY



ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AK  
 ENLARGED SITE PLAN

**RECEIVED**  
 2010-09-09  
 SEP 30 2011



EXISTING SINGLE FAMILY RESIDENCE TO BE REBUILT FOR USE AS A MEDICAL OFFICES

SW 11th STREET

EXISTING 48" TALLS FENCE TO BE REBUILT AND DIVIDED INTO TWO SECTIONS

EXISTING 8' ALUMINUM ROLL UP DOOR TO BE REBUILT AND DIVIDED INTO TWO SECTIONS

PARKING 5' A-WALKWAY TO BE REBUILT AND DIVIDED INTO TWO SECTIONS

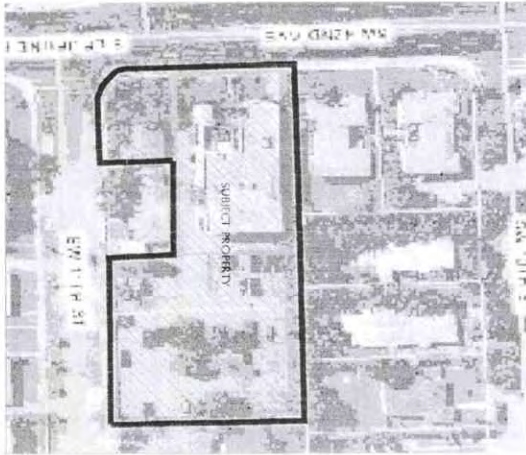
# ARAN EYE ASSOCIATES

1099 S.W. LEJUNE ROAD MIAMI, FL

APPLICATION FOR:

MODIFICATION OF PREVIOUSLY APPROVED  
 SPECIAL EXEMPTION

## PROJECT DATA



A LOCATION MAP



LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 25 SOUTH, RANGE 28 WEST, MIAMI DADE COUNTY, FLORIDA

**DRAWING LEGEND**

- 1. SITE BOUNDARIES
- 2. EXISTING BUILDING FOOTPRINT
- 3. PROPOSED BUILDING FOOTPRINT
- 4. EXISTING DRIVEWAYS
- 5. PROPOSED DRIVEWAYS
- 6. EXISTING PAVEMENT
- 7. PROPOSED PAVEMENT
- 8. EXISTING UTILITIES
- 9. PROPOSED UTILITIES
- 10. EXISTING TREES
- 11. PROPOSED TREES
- 12. EXISTING LANDSCAPING
- 13. PROPOSED LANDSCAPING

**RECEIVED**  
 209-OR-4  
 SEP 30 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AK

RECEIVED  
 209-OR-4

ITEM NO.	DESCRIPTION	AMOUNT	TOTAL
1	1. TOTAL AC OF LAND AND IMP	1.00	1.00
2	2. TOTAL AC OF IMP	0.00	0.00
3	3. TOTAL AC OF LAND AND IMP	1.00	1.00
4	4. TOTAL AC OF LAND AND IMP	1.00	1.00
5	5. TOTAL AC OF LAND AND IMP	1.00	1.00
6	6. TOTAL AC OF LAND AND IMP	1.00	1.00
7	7. TOTAL AC OF LAND AND IMP	1.00	1.00
8	8. TOTAL AC OF LAND AND IMP	1.00	1.00
9	9. TOTAL AC OF LAND AND IMP	1.00	1.00
10	10. TOTAL AC OF LAND AND IMP	1.00	1.00
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12	12. TOTAL AC OF LAND AND IMP	1.00	1.00
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49	49. TOTAL AC OF LAND AND IMP	1.00	1.00
50	50. TOTAL AC OF LAND AND IMP	1.00	1.00

**D. BLOOD ZONE INFORMATION**

THE PROPERTY IS NOT IN A BLOOD ZONE.

ZONE	AREA	PERCENTAGE
RESIDENTIAL	1.00	100%

NOTIFIED RENOVATION FOR:

**ARAN EYE ASSOCIATES**  
 7399 SW 42ND AVENUE, SUITE 200, MIAMI, FL 33155

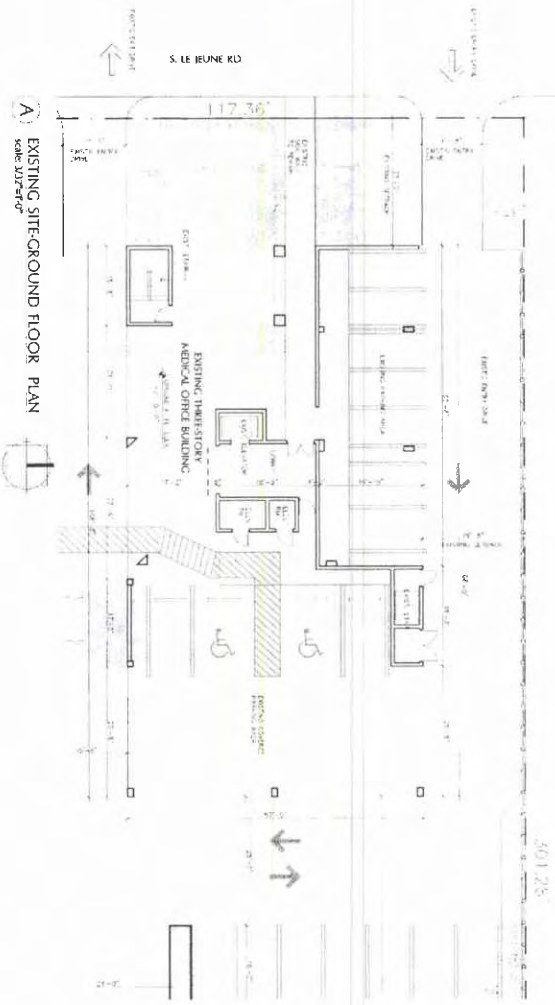
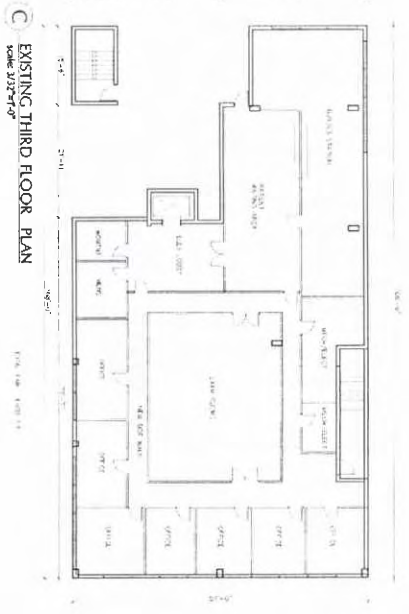
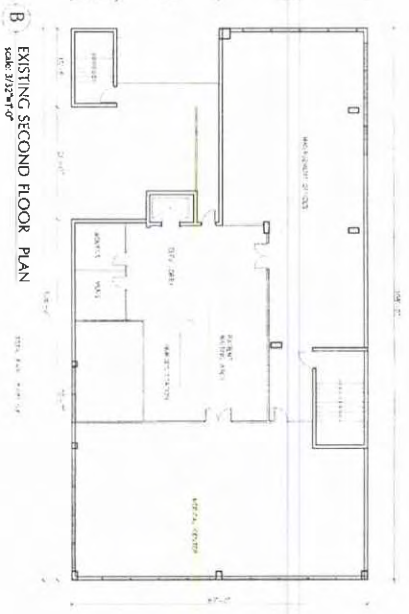
**FORNIGROUP**  
 architectural/planning

**FORNIGROUP, INC.**  
 200 S.W. 11TH AVENUE, SUITE 200, MIAMI, FL 33130

DATE: 09/27/2011  
 TIME: 10:00 AM  
 COVER







ZONING HEARING SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY XIF

**RECEIVED**  
 209-084  
 SEP 30 2011

Zone 084  
 XIF

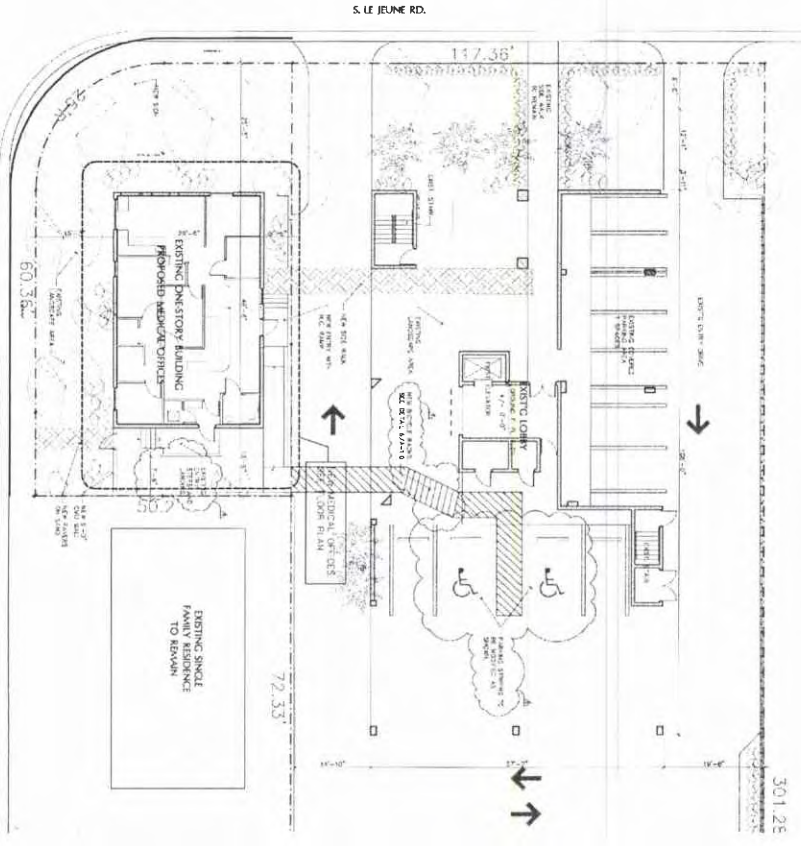
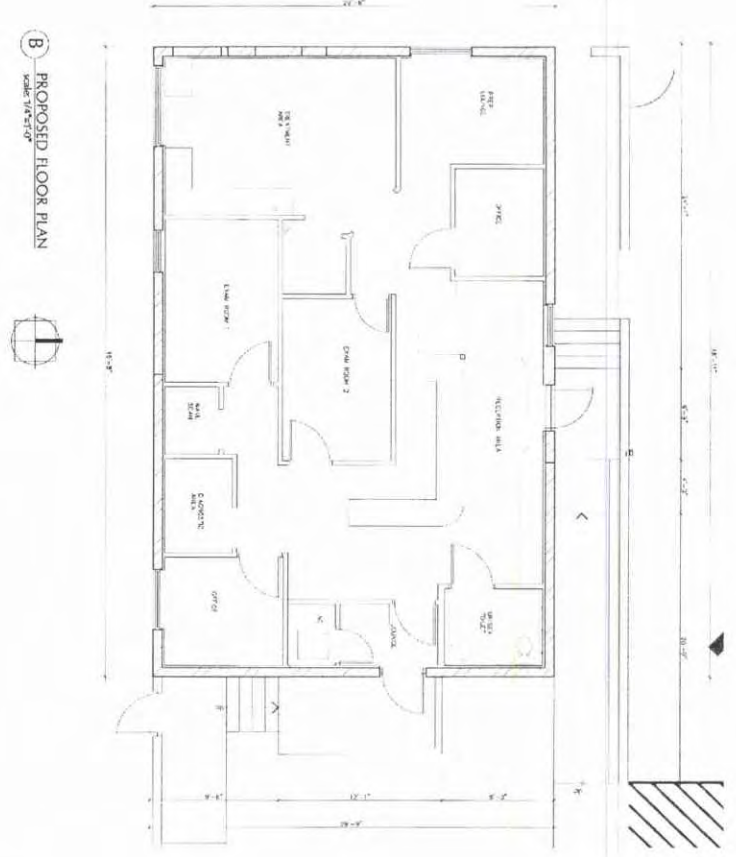
DATE: 09/20/11  
 TIME: 10:00 AM  
 BY: XIF

PROPOSED RENOVATION FOR:  
**ARAN EYE ASSOCIATES**  
 7095 SW 24th Avenue • Coral Gables, FL 33134

**FORMGROUP**  
 ARCHITECTURE-PLANNING

DATE: 09/20/11  
 TIME: 10:00 AM  
 BY: XIF

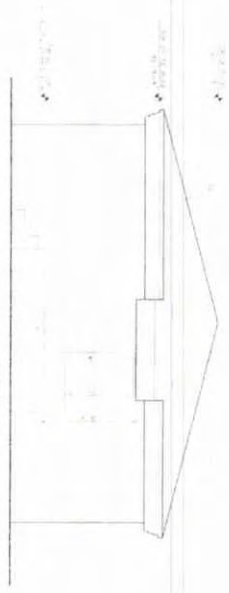
11/11



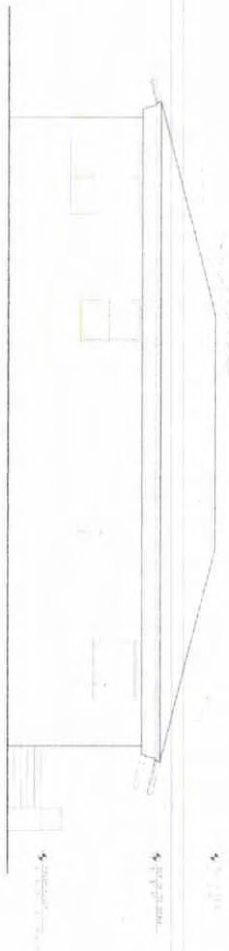
**RECEIVED**  
 209-084  
 SEP 30 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: [Signature]

**FORINGROUP**  
 ARCHITECTURE  
 209-084  
 301.28

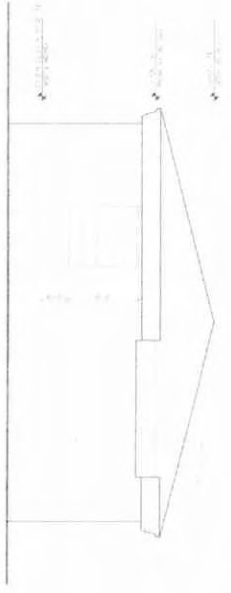
PROPOSED RENOVATION FOR:  
**ARAN PE ASSOCIATES**  
 3099 SW 42th Avenue • Coral Gables, FL 33134



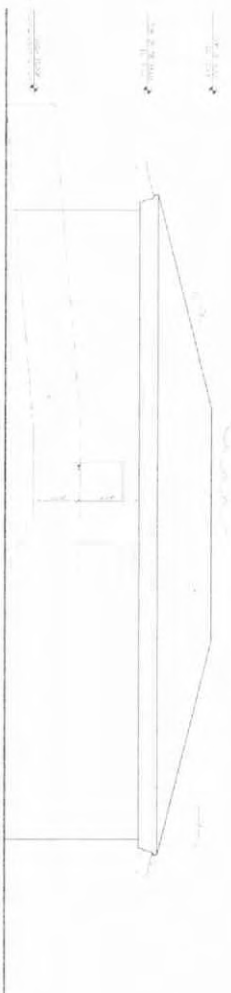
D - PROPOSED ELEVATION (EAST)  
 1/8" = 1'-0"



C - PROPOSED ELEVATION (NORTH)  
 1/8" = 1'-0"



B - PROPOSED ELEVATION (WEST)  
 1/8" = 1'-0"



A - PROPOSED ELEVATION (SOUTH)  
 1/8" = 1'-0"

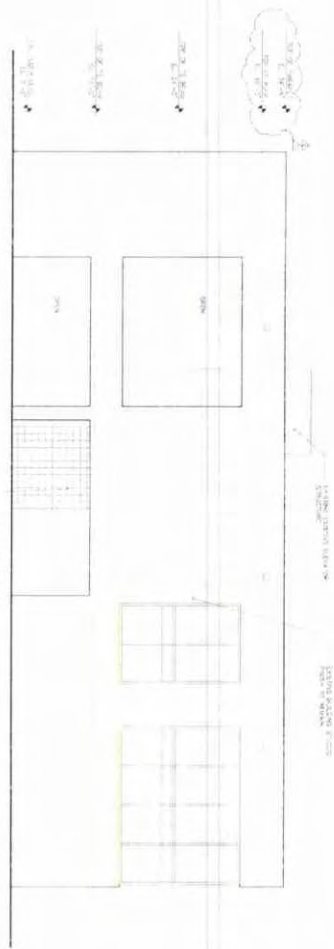
PROPOSED RENOVATION FOR  
**ARAN DE ASSOCIATES**  
 1805 SW 43RD AVENUE, CORAL GABLES, FL 33134

**RECEIVED**  
 2011-09-30  
 SEP 30 2011

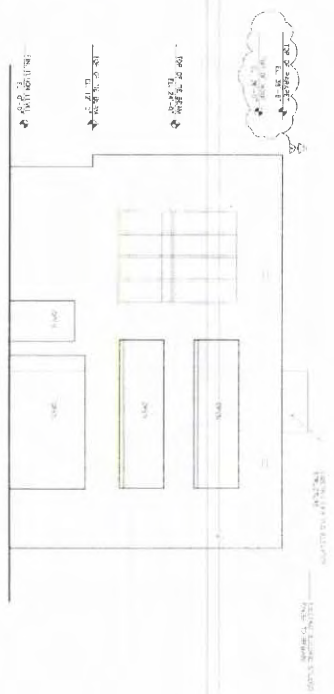
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: [Signature]



C. SOUTH ELEVATION - 3-STORY BUILDING  
 1/8" = 1'-0"



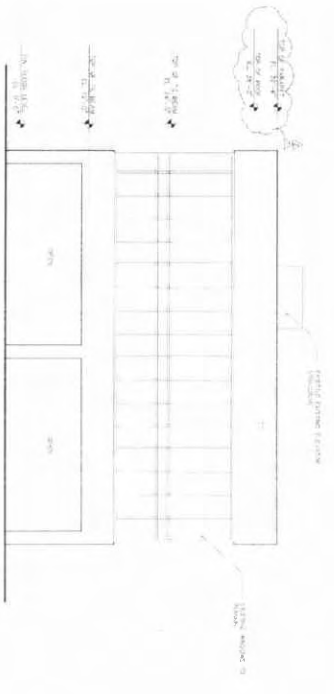
A. WEST ELEVATION - 3-STORY BUILDING  
 1/8" = 1'-0"



D. NORTH ELEVATION - 3-STORY BUILDING  
 1/8" = 1'-0"



B. EAST ELEVATION - 3-STORY BUILDING  
 1/8" = 1'-0"

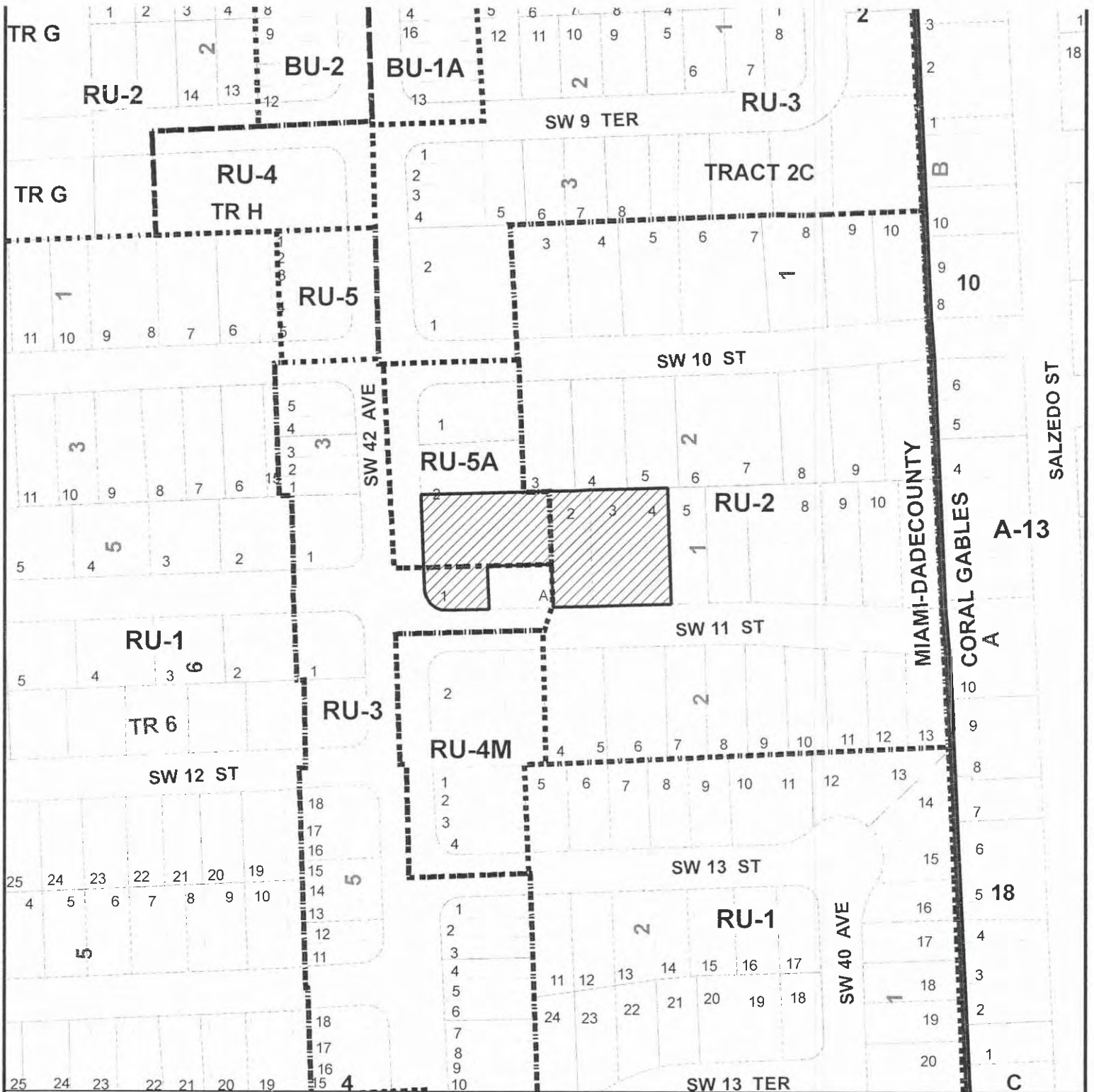


**RECEIVED**  
 2011-09-30  
 SEP 30 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AL

PROPOSED PROJECT FOR  
**ARAN PYS**  
 1099 SW 43rd Avenue, Coral Gables, FL 33134

**FORINGROUP**  
 ARCHITECTURAL PLANNING  
 1099 SW 43rd Avenue, Coral Gables, FL 33134  
 TEL: 305.444.4444  
 FAX: 305.444.4444  
 WWW.FORINGROUP.COM





**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number

**09-084**

Section: 08 Township: 54 Range: 41  
 Applicant: 1097 LEJEUNE INVESTMENTS INC.  
 Zoning Board: C10  
 Commission District: 06  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 05/29/09

REVISION	DATE	BY
		31



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2008**

Process Number  
**09-084**

Section: 08 Township: 54 Range: 41  
 Applicant: 1097 LEJEUNE INVESTMENTS INC.  
 Zoning Board: C10  
 Commission District: 06  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

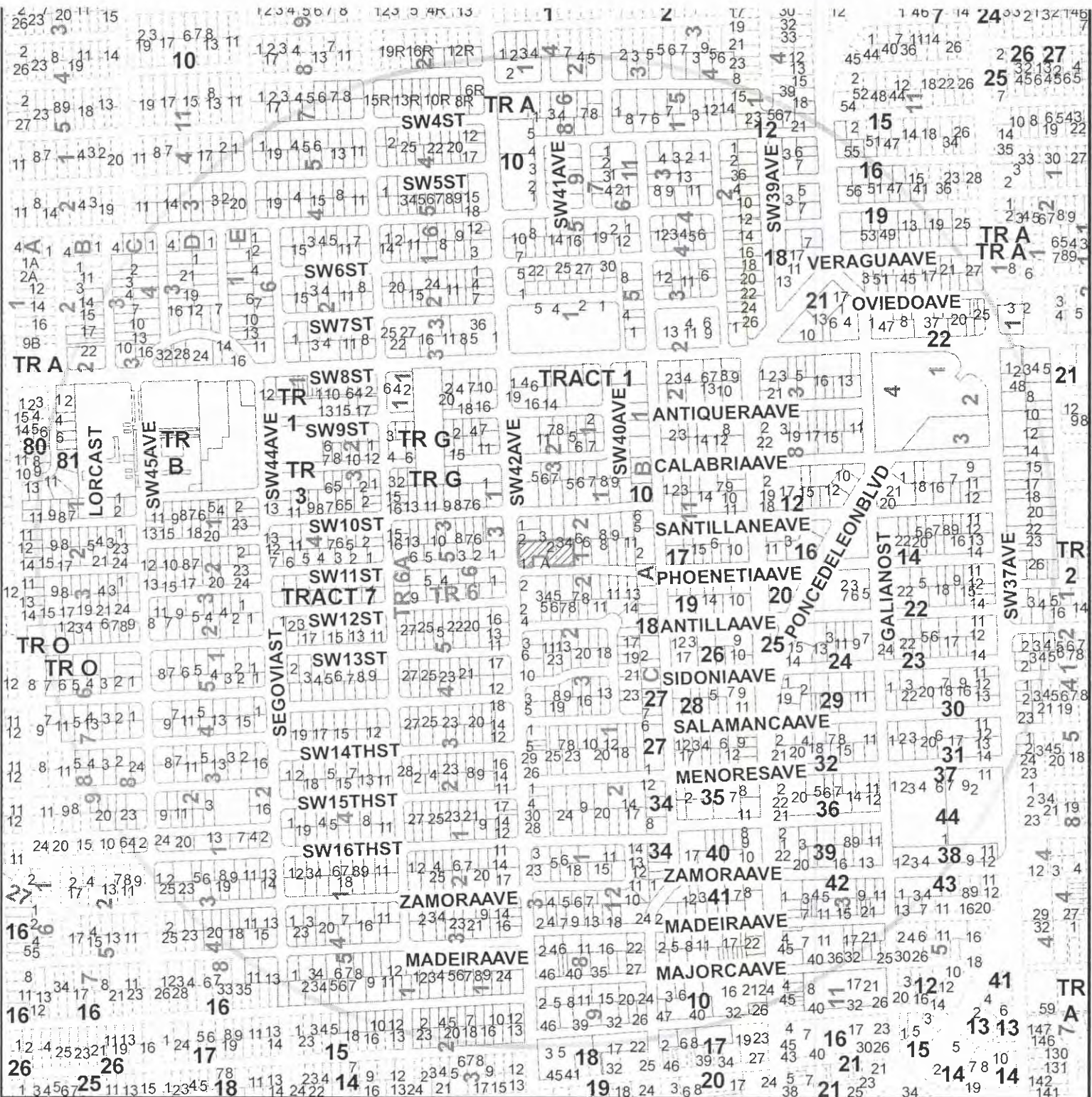


**SUBJECT PROPERTY**



SKETCH CREATED ON: 05/29/09

REVISION	DATE	BY
		32



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number

**09-084**

Section: 08 Township: 54 Range: 41  
 Applicant: 1097 LEJEUNE INVESTMENTS INC.  
 Zoning Board: C10  
 Commission District: 06  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY  
AND  
CONTIGUOUS IF APPLICABLE**

**RADIUS: 2640'**



REVISION	DATE	BY

Draft  
Item #1 ← 09-084

1097 Lejeune  
Investment Inc.

January 11, 2012

This instrument was prepared by:

Simon Ferro, Esq.  
Genovese Joblove & Battista  
100 SE 2<sup>nd</sup> Street  
Miami, Florida 33131

(Space reserved for Clerk)

---

DECLARATION OF RESTRICTIONS

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

WHEREAS, the undersigned owner, 1097 Lejeune Investment Inc., a Florida corporation (the "Owner"), holds the fee simple title to those certain parcels of land in Miami-Dade County, Florida (the "County"), located at 1097 SW 42 Avenue (hereinafter called Parcel A), and 1099 SW 42<sup>nd</sup> Avenue, (hereinafter called Parcel B) both of which are legally described in Exhibit "A," attached hereto (jointly referred to as the "Property"); and

WHEREAS, a portion of Parcel A was originally approved for a district boundary change from RU-3 (4-unit apartment) to RU-5A (Semi Professional Office), together with a Special Exception and several Non-Use Variances of, in 1983 pursuant to Resolution Z-124-83 (the "1983 Approval"); and

WHEREAS, in 1993, pursuant to Resolution 4-ZAB-379-93, the County approved various Non-Use Variances for lot frontage, lot area and lot coverage requirements to permit a duplex on a portion of Parcel A (the "1993 Approval"); and

WHEREAS, in 1994, pursuant to Resolution Z-104-94, the County approved the deletion of the 1993 Approval and further approved an Unusual Use relating to parking, modification of a prior plan, and various Non-Use Variances of parking requirements and other zoning regulations a portion of Parcel A, with conditions (the "1994 Approval"); and

WHEREAS, the purpose of the 1994 Approval was to modify a prior site plan, include additional floor area and parking area on adjacent lots which were incorporated to Parcel A; and

WHEREAS, in connection with the 1994 Approval the County required submission and recording of that certain Declaration of Restrictions dated May 22<sup>nd</sup> 1995 and recorded in Official Records Book 17072, at Page 1451 of the Public Records of Miami-Dade County Florida (the "1994 Declaration"), which provided as follows:

1. Hours of Operation. The Adjacent Parking Area shall only be used for parking between the hours of 8:00 A.M. and 6:00 P.M. The Adjacent Parking Area shall not be lighted.
2. Demolition of Additional Floor Area. If at any time the Owner shall cease to own the medical office building, the use of the Additional Floor Area shall be demolished within ninety (90) days following the discontinuation of the Owner's ownership of the medical office building. For purposes of this paragraph of the Declaration, the term "Owner" shall also include a corporation, partnership or other similar entity which may from time to time occupy the Property and which is controlled by the Owner.
3. Security Service for Property and Little Gables. The Property is located within that area of unincorporated Miami-Dade County which is generally known as the Little Gables, and which is located bounded by S.W. 8<sup>th</sup> Street on the north, S.W. 16<sup>th</sup> Street on the south, theoretical S.W. 40<sup>th</sup> Avenue on the east, and S.W. 47<sup>th</sup> Avenue on the west ("Little Gables"). For as long as the Adjacent Parking Area remains in use in connection with the medical office building, the Owner shall hire, at his own expense, roving security to patrol the Property and Little Gables from dusk to dawn.
4. Garbage Pickup. In no event shall garbage or refuse be collected from the Adjacent parking Area earlier than 7:00 a.m.
5. Membership in Association. The Owner shall apply for membership to the Little Gables Homeowners Association (the "Association"). Upon acceptance of the Owner's membership application by the Association, and for as long as the use of the Property for a medical office building and surface parking continues, the Owner shall remain a member of the Association.

WHEREAS, Owner has filed Public Hearing Application No. Z09-084 (the "Application") which seeks to incorporate Parcel A and Parcel B under one integrated development site plan; and

WHEREAS, the Application further seeks deletion of conditions No. 2, No. 3 and No. 5 of the 1994 declaration.

WHEREAS, the Owner and the County desire that the covenants herein amend, restate, and supersede those in the 1994 Declaration, and control the development and operation of the Property;

NOW, THEREFORE, IN ORDER TO ASSURE the County that the representations made during consideration of Public Hearing No. Z09-084 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. Subdivision Plan. That the Property shall be developed substantially in accordance with the plans submitted entitled "Proposed Renovations for ARAN EYE ASSOCIATES," as prepared by Form Group, Inc., sheets L.1 & A1.0 date stamped received 2/12/2010, and sheet A2.1 dated

stamped received 9/2/09, the remaining sheets dated stamped received 7/28/09, for a total of 6 sheets.

2. Hours of Operation. The Adjacent Parking Area shall only be used for parking between the hours of 8:00 A.M. and 6:00 P.M. The Adjacent Parking Area shall not be lighted.
3. Garbage Pick-Up. In no event shall garbage or refuse be collected from the Adjacent parking Area earlier than 7:00 a.m.
4. Miscellaneous:
  - A. County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
  - B. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
  - C. Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
  - D. Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

- E. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- F. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.
- G. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- H. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- I. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion
- J. **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

L. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

IN WITNESS WHEREOF, the foregoing have executed this Declaration of Restrictive Covenants, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
\_\_\_\_\_

1097 LeJeune Investment Inc., a Florida Corporation

By: \_\_\_\_\_  
Name:  
Title:

STATE OF FLORIDA     )  
                                  )SS:  
COUNTY OF DADE     )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_, as \_\_\_\_\_ of 1097 LeJeune Investment, a Florida corporation on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:



**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

**PH: Z11-022 (12-01-CZ10-2)**

**January 11, 2012**

**Item No. 2**

<b>Recommendation Summary</b>	
<b>Commission District</b>	10
<b>Applicant</b>	Arturo and Laura Chiong
<b>Summary of Requests</b>	The applicant is seeking to legalize an addition to a residence with less setback than required and to waive fence height requirements within ten (10) feet of the edge of a driveway.
<b>Location</b>	9950 SW 42 <sup>nd</sup> Terrace, Miami-Dade County, Florida.
<b>Property Size</b>	75' x 118.75'
<b>Existing Zoning</b>	RU-1
<b>Existing Land Use</b>	Single-Family Residence
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions of request #1 and modified approval with conditions of request #2.</b>

**REQUESTS:**

- (1) NON-USE-VARIANCE to permit an existing addition to a single family residence setback 13.85' (25' required) from the rear (south) property line.
- (2) NON-USE-VARIANCE to waive the zoning regulations requiring the height of a fence not to exceed 2.5' in height within 10' of the edge of driveway leading to a public right-of-way; to permit a 6' high chain link, wood fence and gates within 10' of the edge of driveway.

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Hearing Process for Rear Setback", as prepared by Julio Pulido. Sheet S-P dated stamped received 3/22/11, last handwritten revision 5/5/11, and the remaining 2 sheets dated stamped received 2/22/11, for a total of 3 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Existing single-family residence.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>North</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>South</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)

<b>West</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
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**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a corner lot, located at 9950 SW 42 Terrace. Single-family residences characterize the surrounding area where the subject property lies.

**SUMMARY OF IMPACTS:**

The approval of the requests will allow the applicants to maintain the existing additional living area in the single-family residence. However, approval of the requested encroachments could have a negative visual impact on the abutting property located to the south. Additionally, the approval of the fence heights within the safe-sight triangle could maintain the existing safety risks to pedestrians and vehicular traffic on the abutting roadway.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as *Low Density Residential* (see attached Zoning Recommendation Addendum) on the CDMP Adopted 2015-2025 Land Use Plan (LUP) map. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the CDMP Land Use Map and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units to the site above that allowed, nor change the single-family detached use, approval with conditions of the application is **consistent** with the density threshold of the CDMP LUP map.

**ZONING ANALYSIS:**

When requests #1 and #2 are 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 the same would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. Furthermore, approval of the requests would not result in an obvious departure from the aesthetic character of the surrounding area.

Staff notes that the existing additions provide the property owners and their family with additional living space. The existing additions to be legalized consist of a bedroom, closet, walk in closet and dining room, as indicated in the submitted site plan. As shown on the submitted elevations, the existing additions have been architecturally designed to match the scale and character of the existing residence. Additionally, staff notes that the survey and photographs submitted by the applicant show an existing 6' high wood fence along the rear (south) property line of the subject property, which in staff's opinion, diminishes any negative visual impact of the setback encroachment on the adjacent single-family residence located to the south of the subject site.

The submitted plans depict an existing 6' high wood fence, (request #2), which exceeds the 2.5' height requirement within the safe sight distance triangle. Staff opines that the 6' high wood fence, located within 10' of the edge of driveway leading to the right-of-way, would obstruct

cross-visibility and may create a hazardous situation when backing out of the driveway. Therefore, staff recommends a modified approval to allow a chain link fence in lieu of the existing wood fence within 10' of the edge of driveway leading to the right-of-way.

However, based on the configuration of the floor plans, staff opines that future owners could easily convert the residence into two residential units. Therefore, staff recommends as a condition for approval, that the applicant submits a Declaration of Use agreement which restricts the use of the subject property only to a single-family use. In addition, staff recommends that the carport canopy and the bird cage located in the rear setback area be removed. **As such, staff recommends approval with conditions of request #1 and a modified approval with conditions of request #2, to allow a chain link fence in lieu of the existing wood fence, under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions of request #1 and modified approval with conditions of request #2.

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Hearing Process for Rear Setback", as prepared by Julio Pulido. Sheet S-P dated stamped received 3/22/11, last handwritten revision 5/5/11, and the remaining 2 sheets dated stamped received 2/22/11, for a total of 3 sheets, except as herein amended to show a chain link fence within ten (10) feet of the edge of driveway, leading to the public right-of-way along SW 99 Court. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants apply for and secure a permit for the existing bedroom, closet, walk in closet, and dining room additions to the interior side (southern) portion of the residence from the Permitting, Environment and Regulatory Affairs Department within 90 days after final public hearing approval of this application.
5. That the applicant submits a Declaration of Use Agreement restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

6. That the carport canopy in the front of the property and the bird cage in the rear of the property be removed as depicted on the site plan submitted.
7. That all fences be cut down to six (6) feet in height and that the wood fence within ten (10) feet of the edge of driveway, leading to a public right-of-way along SW 99<sup>th</sup> Court, be replaced with chain link fence.

ES:MW:GR:NN:CH:JC



Eric Silva, AICP, Interim Assistant Director *GMK*  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning and Economic Enhancement

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Applicant: *Arturo and Laura Chiong*  
PH: Z11-022

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Environment (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No comment
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Low Density Residential</b> (Pg. I-31)</p>	<p><i>This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>33-311(A)(4)(b)</b></p>	<p><b><i>Non-Use Variances From Other Than Airport Regulations.</i></b> 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.</p>
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**2. ARTURO & LAURA CHIONG**  
**(Applicant)**

**12-1-CZ10-2 (11-022)**  
**Area 10/District 10**  
**Hearing Date: 01/11/12**

Property Owner (if different from applicant) **Arturo Chiong & Laura L Chiong.**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1952	Mackie Company, Inc.	- Zone change from AU and EU-1 to RU-1.	BCC	Approved w/conds.

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

# Memorandum

**Date:** March 9, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-10 #Z2011000022  
Arturo Chiong and Laura Chiong  
9950 S.W. 42<sup>nd</sup> Terrace  
To Permit a Bedroom Addition to a Single-Family Residence Setback  
Less than Required from Property Lines  
(RU-1) (0.20 Acres)  
20-54-40

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

#### Potable Water 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 wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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.

Natural Forest Communities

The subject property is not a designated Natural Forest Community by Miami-Dade County.

Tree Preservation

According to the site plan submitted with this zoning application, the existing bedroom addition will not impact tree resources. Therefore, DERM 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 the Code.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

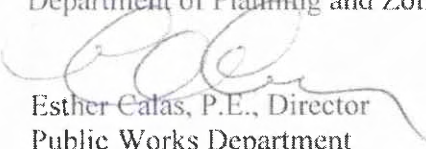


# Memorandum



**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

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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:** 15-MAR-11  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000022

**Fire Prevention Unit:**

Not applicable to MDRF site requirements.

**Service Impact/Demand:**

Development for the above Z2011000022  
located at 9950 SW 42 TERRACE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1589 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 6:18 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
Station 3 - Tropical Park - 3911 SW 82 Avenue  
Rescue, ALS 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.

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

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

ARTURO & LAURA CHIONG

9950 SW 42 TERRACE, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

---

ADDRESS

---

Z2011000022

---

HEARING NUMBER

**HISTORY:**

OPEN CASES:

Neighborhood Compliance

None

Building

20100139158 ¿ WORK WITHOUT PERMIT ON SOUTH HOUSE WALL, WINDOWS, AND ATTIC VENT PLUS ADDITIONS OF ROOMS AND STRUCTURES.

PREVIOUS CASES:

Neighborhood Compliance

201103000545 ¿NOV issued in 2/2011 for junk & trash. Case closed as complied.

201103000546 ¿Complaint received in 2/2011 for wood fence without permit. Case referred to Building Section (BSS #20110142730) for enforcement.

201103000547 ¿Complaint received for Multi-family use. Property owner denied interior access to Neighborhood Compliance Officer. Case closed.

Building

None

//

ARTURO & LAURA CHIONG

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

N/A

**REPORTER NAME:**

L. Cuellar

# ZONING INSPECTION REPORT

**Inspector:** MARTINEZ, RAMIRO  
**Evaluator:** JACQUELINE CARRANZA

**Inspection Date:**  
08/16/11

**Process #:** Z2011000022      **Applicant's Name:** ARTURO & LAURA CHIONG  
**Locations:** 9950 SW 42 TERRACE, MIAMI-DADE COUNTY, FLORIDA.  
**Size:** 75 X 118.75      **Folio #:** 3040200041710

**Request:**

1 Applicants are requesting to permit an existing addition to a single family residence setback 13.85' (25' required) from the rear (south) property line.

**EXISTING ZONING**

**Subject Property** RU-1,

**EXISTING USE** RESIDENTIAL

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

ONE STORY SINGLE-FAMILY RESIDENCE.

**USE(S) OF PROPERTY:**

RU-1, SINGLE FAMILY DISTRICT.

**FENCES/WALLS:**

6 FT CHAIN LINK FENCE ALONG THE PERIMETER OF THE FRONT YARD AND A 6 FT WOOD FENCE ALONG THE PERIMETER OF THE BACKYARD.

**LANDSCAPING:**

THEY CURRENTLY 3 LOT TREES.

**BUFFERING:**

THE ONLY BUFFERING ELEMENT BETWEEN THE REAR ADDITION & THE PROPERTY TO THE SOUTH IS A 6 FT WOOD FENCE.

**VIOLATIONS OBSERVED:**

APPLICANT IS TRYING TO LEGALIZE AN EXISTING ADDITION WITH A 13.85 SETBACK FROM THE REAR PROPERTY LINE. THERE ARE CURRENTLY NO OPEN CITATIONS ON THE PROPERTY AS PER COC RESEARCH. BNC ENFORCEMENT MEMO IS NOT ON FILE AS OF YET.

**OTHER:**

**Process #**      **Applicant's Name**  
Z2011000022      ARTURO & LAURA CHIONG

**SURROUNDING PROPERTY**

## ZONING INSPECTION REPORT

**NORTH:**

RU-1; ONE STORY SINGLE-FAMILY RESIDENCES.

**SOUTH:**

RU-1; ONE STORY SINGLE FAMILY RESIDENCES.

**EAST:**

RU-1; ONE STORY SINGLE FAMILY RESIDENCES.

**WEST:**

RU-1; ONE STORY SINGLE FAMILY RESIDENCES.

**SURROUNDING AREA**

THE PROPERTY IS A CORNER LOT IN A RU-1 RESIDENTIAL DISTRICT AND ALL SURROUNDING PROPERTIES ARE DEVELOPED AS ONE STORY SINGLE FAMILY RESIDENCES.

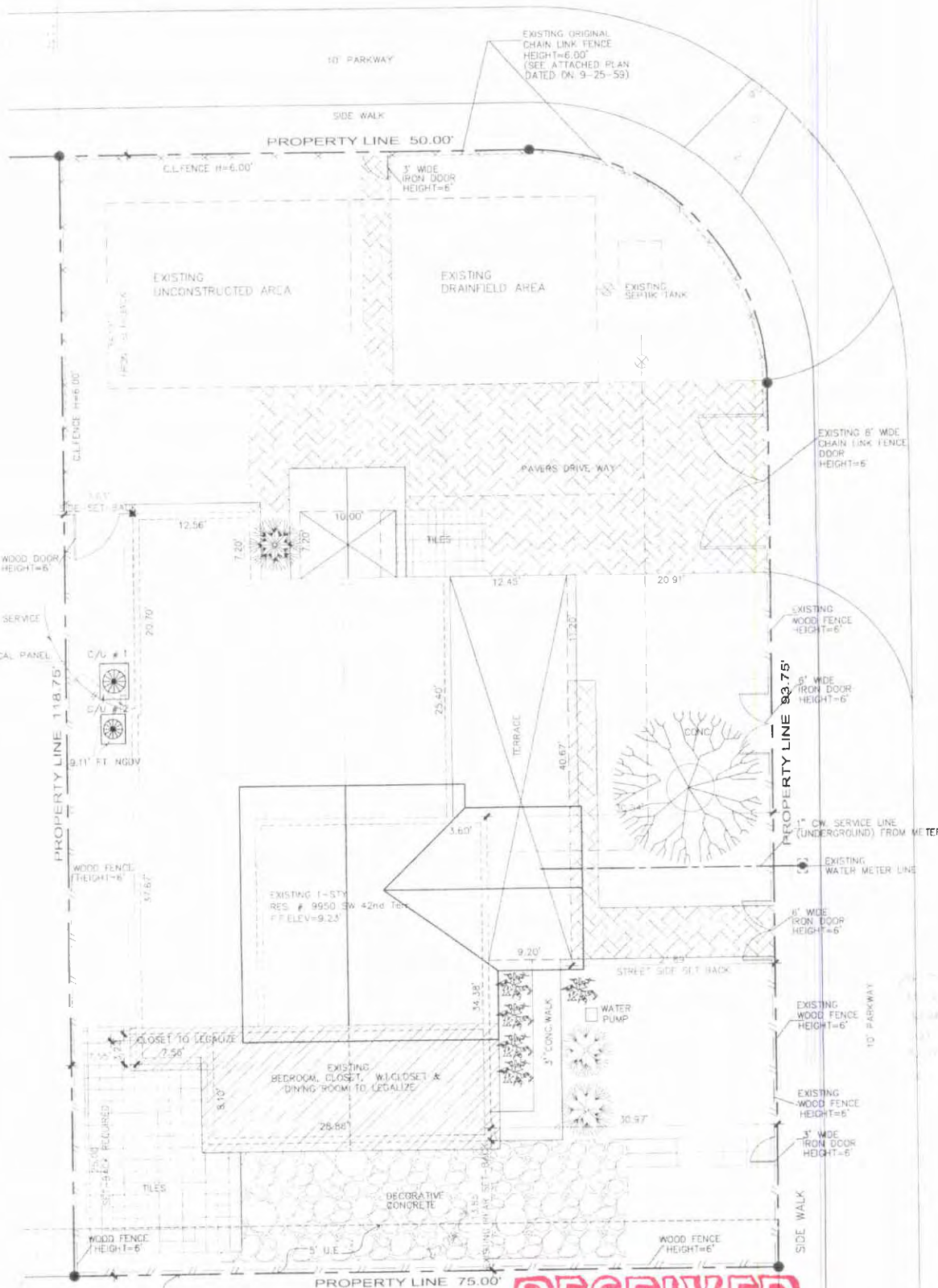
**NEIGHBORHOOD CHARACTERISTICS:**

THE NEIGHBORHOOD AREA IS ALL RESIDENTIAL.

**COMMENTS:**

C.R.E.= 8.59'

### SW 42nd TERR



SW 99th CT

## SITE PLAN 1/8"=1'

### ENLARGED SITE PLAN



**RECEIVED**  
 211-022  
 MAR 22 2011

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY

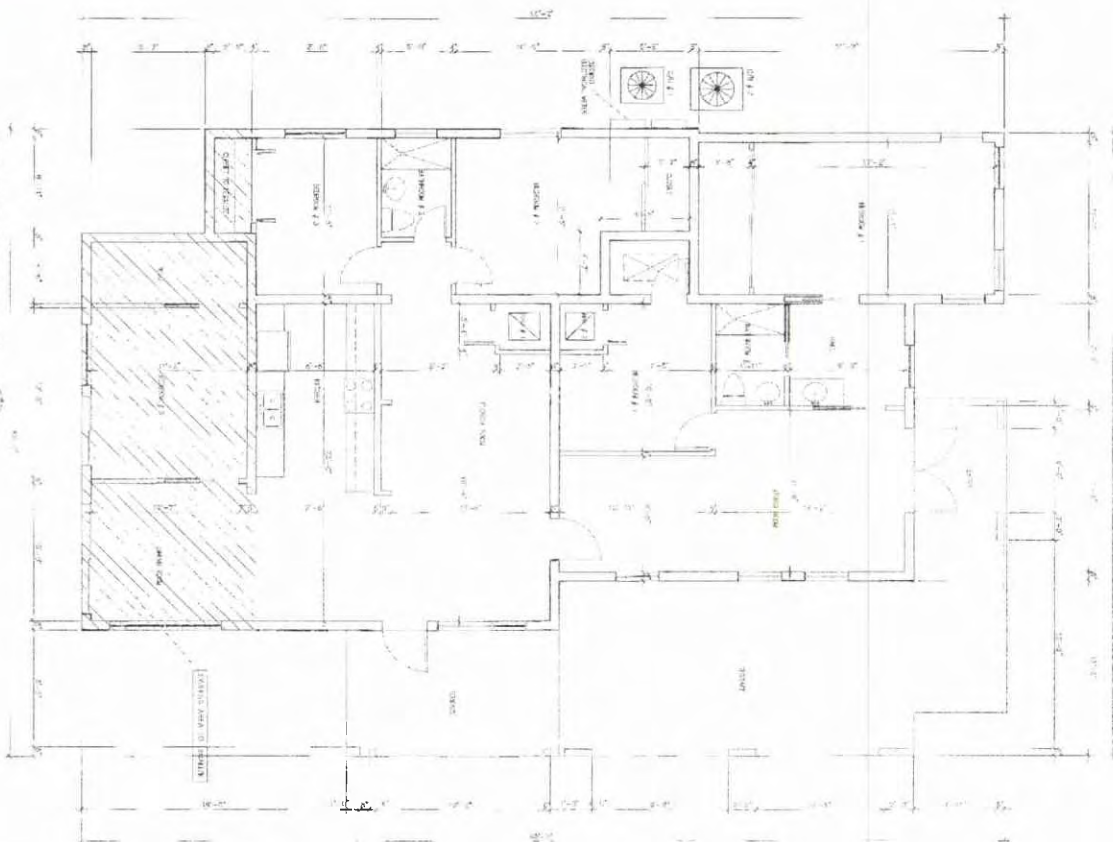
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 MAR 22 2011

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**RECEIVED**  
 21-022  
 FEB 22 2011

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

EXISTING FLOOR PLAN  
 1/4"



**WALL LEGEND:**

- EXTERIOR WALL TO EXTERIOR - 12" CMU OR 8" CMU
- INTERIOR WALL - 5/8" GYP BOARD
- EXTERIOR DOOR
- INTERIOR DOOR

<p><b>A-1</b></p>	<p><b>HEARING PROCESS FOR          REAR SET-BACK:</b></p> <p>ARTURO &amp; LAURA CHIONG          Address: 9950 SW 42 TERRACE          MIAMI, FL 33165</p>	<div style="text-align: right;"> <p><b>JULIO PULIDO, AIA</b>          ARCHITECTURAL PLANNING</p> <p>12701 SW 30TH AVENUE, SUITE 100          MIAMI, FL 33175          TEL: 305.444.1111          FAX: 305.444.1112          WWW.JULIOPULIDO.COM</p> </div>
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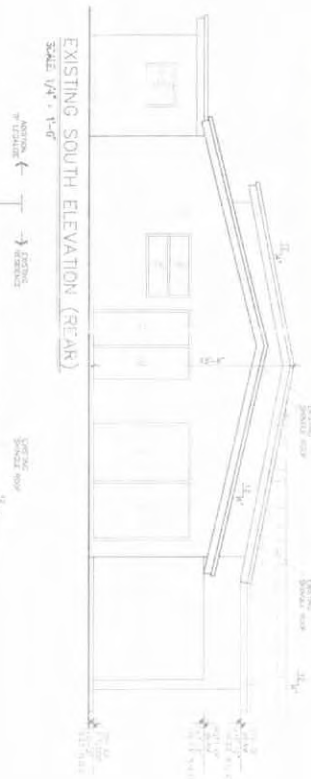
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 21-022  
 FEB 22 2011

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: [initials]

EXISTING NORTH ELEVATION (FRONT)  
 SCALE 1/4" = 1'-0"



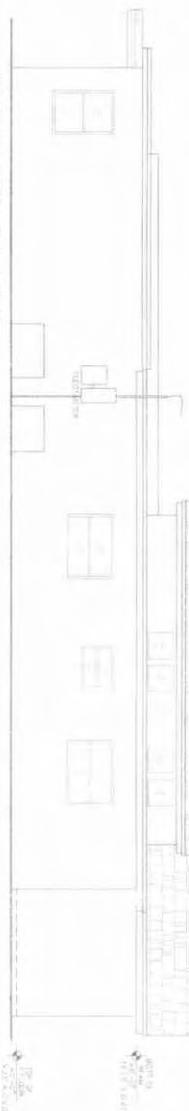
EXISTING SOUTH ELEVATION (REAR)  
 SCALE 1/4" = 1'-0"



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



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



HEARING PROCESS FOR  
 REAR SET-BACK:

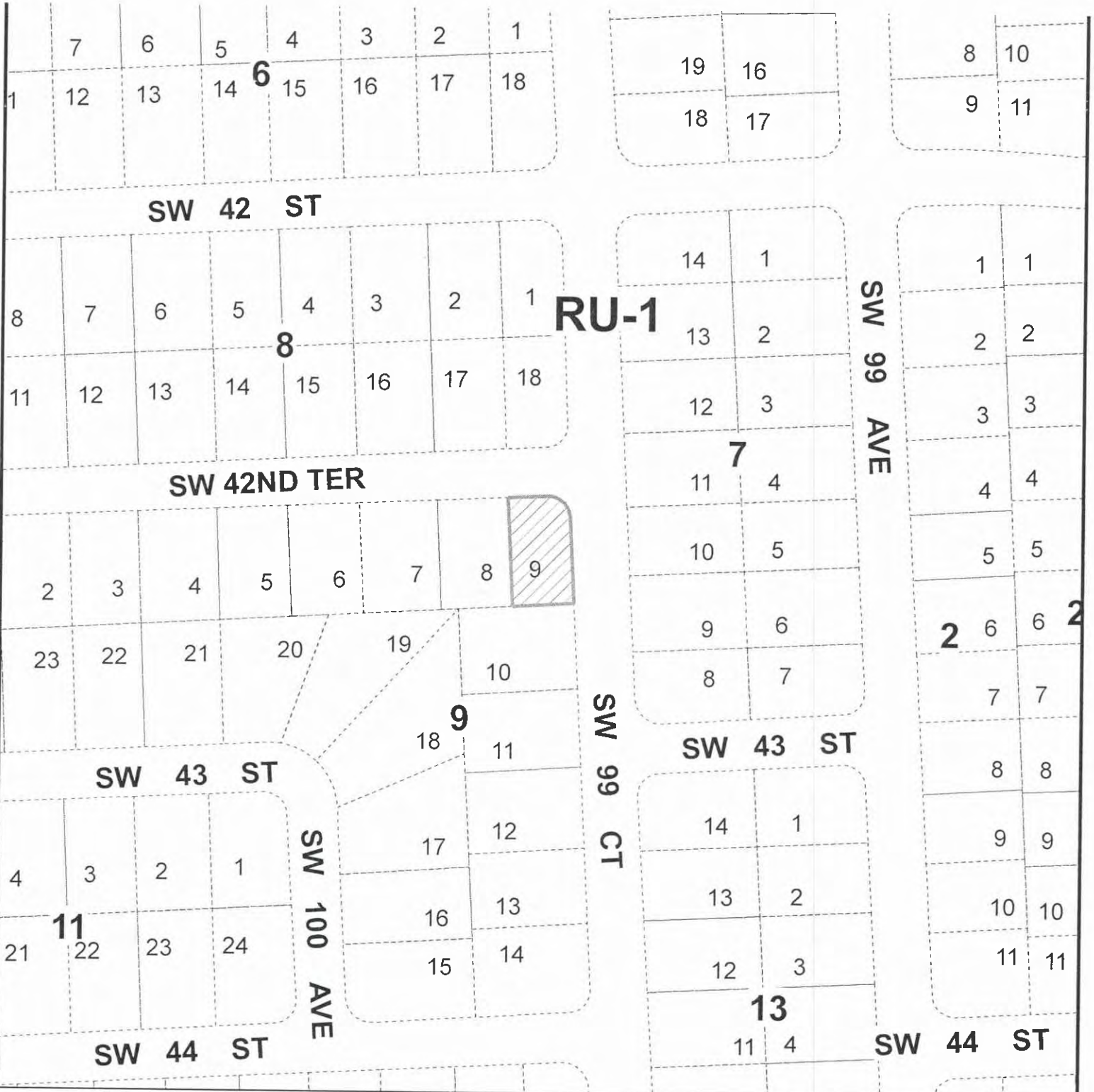
ARTURO & LAURA CHIONG  
 Address: 9950 SW 42 TERRACE  
 MIAMI, FL 33165

JULIO PUJIDO, AIA  
 ARCHITECTURE - PLANNING

7535 SW 86 ST, MIAMI, FL 33156  
 PHONE: (305) 551-1111  
 FAX: (305) 551-1112

A-2

18



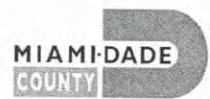
**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2011000022**

Section: 20 Township: 54 Range: 40  
 Applicant: ARTURO CHIONG & LAURA L CHIONG  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

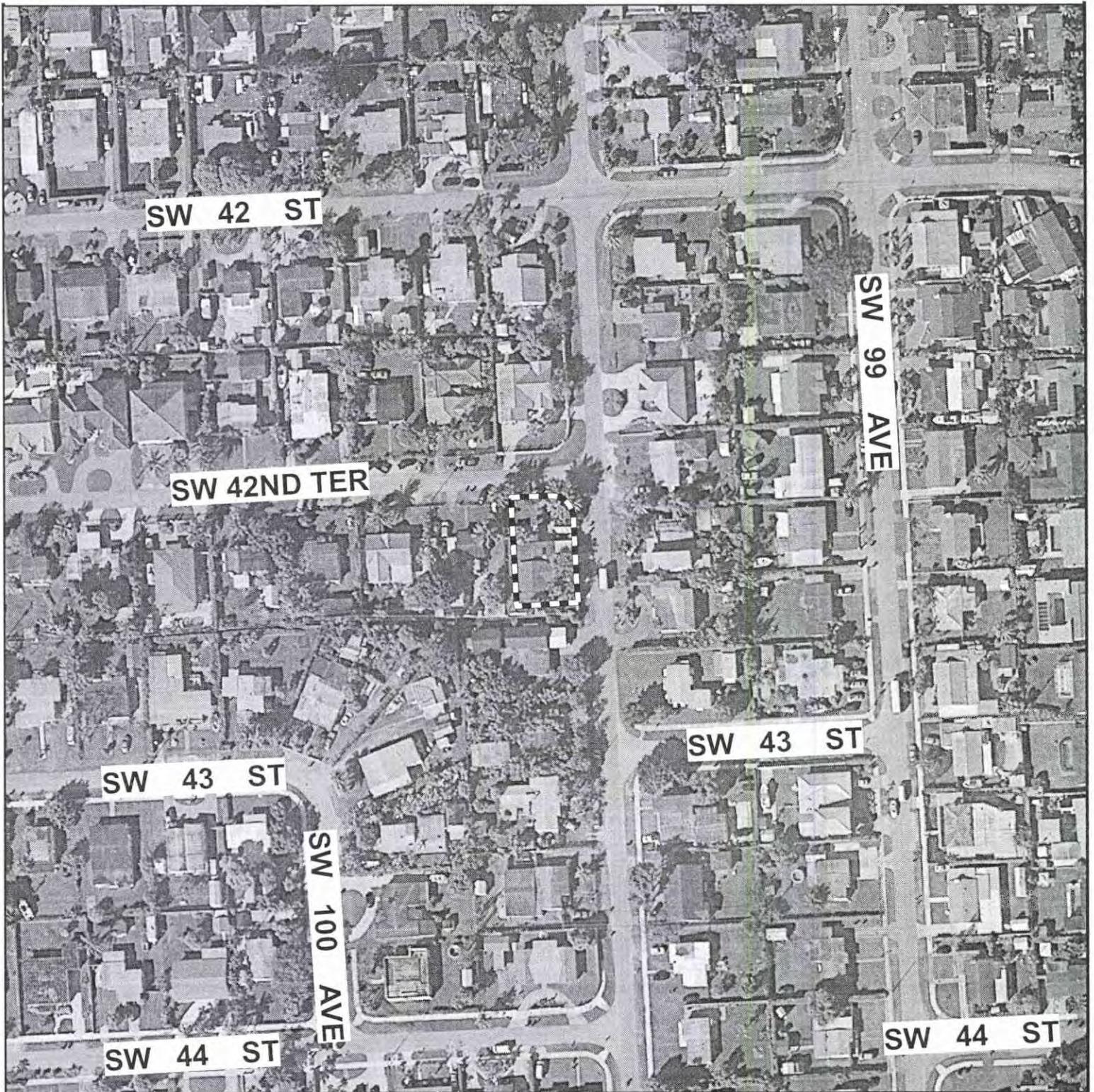
**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, March 7, 2011

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY  
AERIAL YEAR 2009

Process Number

**Z2011000022**

Legend

 Subject Property

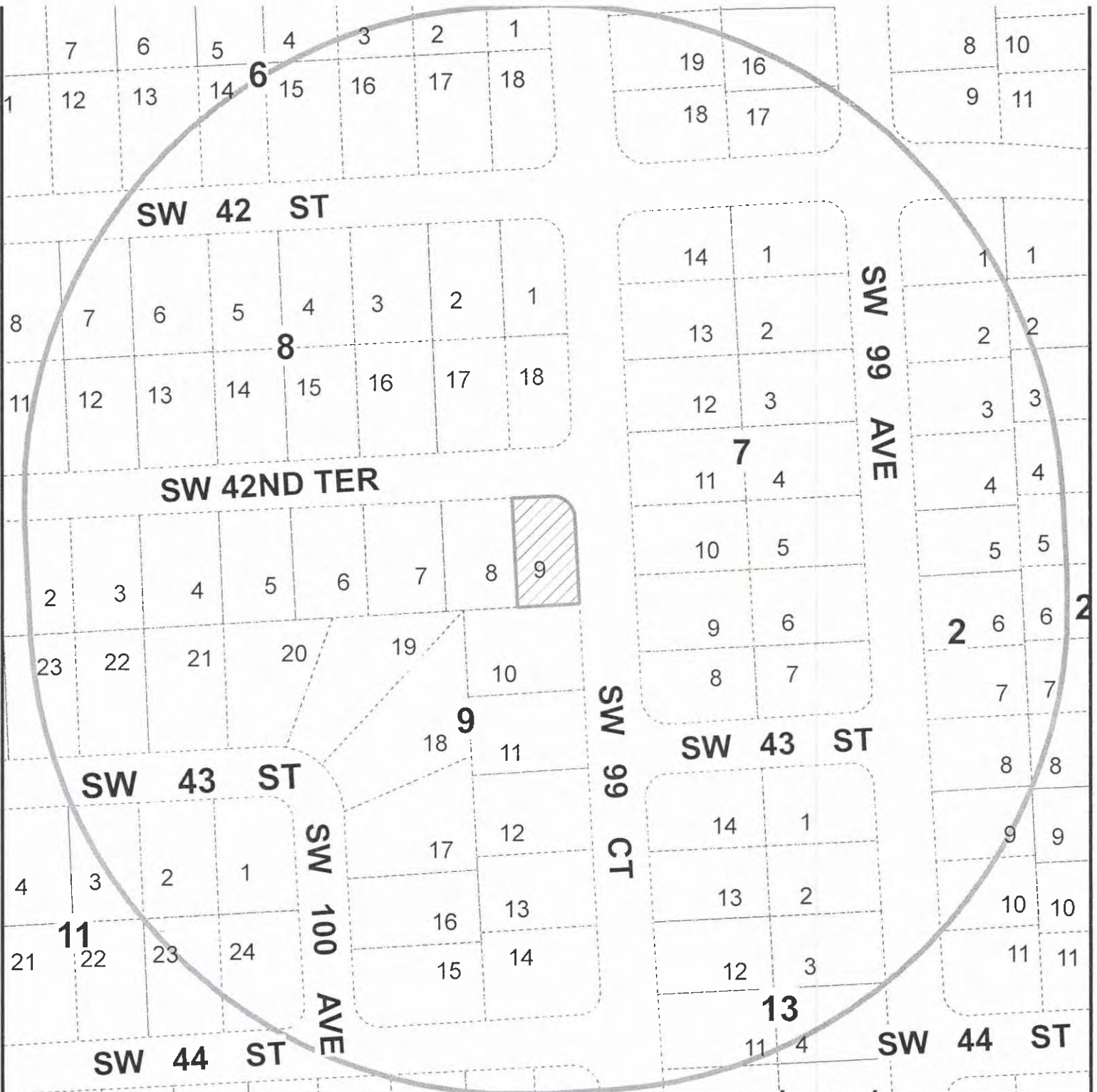


Section: 20 Township: 54 Range: 40  
 Applicant: ARTURO CHIONG & LAURA L CHIONG  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS



SKETCH CREATED ON: Monday, March 7, 2011

REVISION	DATE	BY
		20








**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 20 Township: 54 Range: 40  
 Applicant: ARTURO CHIONG & LAURA L CHIONG  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2011000022**  
 RADIUS: 500

**Legend**

-  Subject Property w
-  Contiguous Properties
-  Buffer
-  Street (Centerline)
-  Property Boundaries



REVISION	DATE	BY

**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

**PH: Z11-065 (12-1-CZ10-3)**

**January 11, 2012**

Item No. 3

<b>Recommendation Summary</b>	
<b>Commission District</b>	6
<b>Applicant</b>	LGV, LLC & Gil at Bird, Inc.
<b>Summary of Requests</b>	The applicant is seeking a use variance to permit a carwash in a residentially zoned district as would be permitted in a commercial zone. Additionally, the applicant seeks to modify a paragraph of a previously accepted covenant to relocate the landscaping buffer to the residential portion of the site.
<b>Location</b>	6901 SW 40 Street Miami-Dade County, Florida.
<b>Property Size</b>	0.43 acre
<b>Existing Zoning</b>	IU-1 & RU-2
<b>Existing Land Use</b>	Carwash and vacant land
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office and Low Density Residential, 2.5 - 6 dua, (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(7), Generalized Modification Standards, Section 33-311(A)(4)(a), Use Variance standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Denial without prejudice</b>

**REQUESTS:**

- (1) USE VARIANCE to permit a carwash in the RU-2 zone as would be permitted in the BU-2 zoning district.
- (2) Modification of paragraph #1 of a Declaration of Restrictions, Recorded in Official Record Book 21747 pages 2672 - 2683, reading as follows:

FROM: "1. Use Restrictions

Notwithstanding the requested IU-1 zoning classification for portions of the IU-1 zoned portions of the Property, the use of the IU-1 zoned portions of the Property shall be restricted such that none of the following uses shall be permitted:

- Adult entertainment uses as defined in Section 33-253.1 of the Code of Miami-Dade County;
- Aircraft hangers and repair shops, aircraft assembling and manufacturing, armories, arsenals;
- Auto painting and body work;
- Automotive repairs;
- Boat or yacht repairing or overhauling, or boatbuilding;
- Canning factories;
- Commercial chicken hatcheries;

- Dry cleaning and dyeing plants;
- Engine sales and service;
- Furniture manufacturing;
- Insecticide mixing, packaging and storage;
- Livery stables for riding clubs or a stable for sheltering horses;
- Lumber yards;
- Sign painting shops;
- Steel fabrication;
- Taxidermy;
- Vulcanizing;
- Wood and coal yards.

Moreover, prior to the issuance of a certificate of use and occupancy for any improvements within the IU-1 (Industry-Light) district, the owner shall establish and thereafter maintain a landscape buffer along the northern boundary of the IU-1 (Industry-Light) zoned portions of the property, which buffer shall consist of the following: a 6 foot high Concrete Block Structure wall; a hedge of such species as may be acceptable the Department of Planning and Zoning, which hedge shall be planted at a height of 3 feet and maintained at 6 feet; and trees of such species as may be acceptable to the Department of Planning and Zoning, which trees shall be planted twenty feet on center at a height of 16-18 feet.

TO: 1. Use Restrictions

Notwithstanding the requested IU-1 zoning classification for portions of the IU-1 zoned portions of the Property, the use of the IU-1 (Industry-Light) zoned portions of the Property shall be restricted such that none of the following uses shall be permitted:

- Adult entertainment uses as defined in Section 33-253.1 of the Code of Miami-Dade County;
- Aircraft hangers and repair shops, aircraft assembling and manufacturing, armories, arsenals;
- Auto painting and body work;
- Automotive repairs;
- Boat or yacht repairing or overhauling, or boatbuilding;
- Canning factories;
- Commercial chicken hatcheries;
- Dry cleaning and dyeing plants;
- Engine sales and service;
- Furniture manufacturing;
- Insecticide mixing, packaging and storage;
- Livery stables for riding clubs or a stable for sheltering horses;
- Lumber yards;

- Sign painting shops;
- Steel fabrication;
- Taxidermy;
- Vulcanizing;
- Wood and coal yards.

Moreover, prior to the issuance of a certificate of use and occupancy for any improvements within the IU-1 (Industry-Light) district & RU-2 (Two Family Residential) district, the owner shall establish and thereafter maintain a landscape buffer along the northern boundary of the RU-2 zoned portions of the property, which buffer shall consist of the following: a 6 foot high Concrete Block Structure wall; a hedge of such species as may be acceptable the Department of Permitting, Environment and Regulatory Affairs, which hedge shall be planted at a height of 3 feet and maintained at 6 feet; and trees of such species as may be acceptable to the Department of Permitting, Environment and Regulatory Affairs, which trees shall be planted twenty feet on center at a height of 16-18 feet.

The purpose of request #2 is to allow the applicant to expand the use onto additional property to the north and to relocate the required landscape buffer along the northern boundary of the RU-2 zoned portions of the property for the existing carwash.

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "El Car Wash" as prepared by Lan Mar Design Group, dated stamped received 8/25/11, with sheet LP-1.1 last handwritten revision dated 9/19/11 and consisting of 5 sheets.

**PROJECT DESCRIPTION:**

The plans submitted depict the existing carwash facility and the proposed additions to include the expansion of the drives onto the RU-2 zoned property to the north.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	IU-1 and RU-2; carwash and vacant land	Business and Office and Low Density Residential (2.5 to 6 dua)
<b>North</b>	RU-2; duplex residences	Low Density Residential (2.5 to 6 dua)
<b>South</b>	BU-2; warehouse	Business and Office
<b>East</b>	RU-1: single-family residence	Low Density Residential (2.5 to 6 dua)
	BU-2: auto repair facility	Business and Office
<b>West</b>	BU-2 & GU; F.E.C. rail right-of-way	Transportation

### NEIGHBORHOOD COMPATIBILITY:

The 0.43-acre subject property abuts a rail line right-of-way to the west and both single-family and duplex residences as well as commercial uses to the north and east. To the south of the subject property is the section line roadway, SW 40 Street and other commercial uses.

### SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to expand the existing carwash facility thereby allowing them to increase the availability of their services to the community. However, the expansion could result in additional traffic impacts on the surrounding residential neighborhood.

### COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property consists of two parcels which contain different zoning categories and land use designations on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The entire south parcel, on which the existing carwash is located at 6901 SW 40 Street, is currently zoned IU-1, Light Industrial Manufacturing District. The abutting vacant parcel to the north, located at 3940 SW 69 Avenue, is zoned RU-2, Two-Family Residential District. Both of these parcels were included in the rezoning of a larger parcel of land to IU-1 and RU-2, pursuant to a Resolution #CZAB10-45-02. The approval of the entire rezoning was contingent on a covenant that restricted the IU-1 uses on the subject property.

The IU-1 zoned parcel and the south, approximately 39' of the abutting RU-2 zoned parcel to the north, are designated for **Business and Office** use on the CDMP the LUP map. The CDMP Land Use Element interpretative text for the, Business and Office land use category, *accommodates the full range of sales and service activities.* The remaining northern portion, approximately 30' of the RU-2, zoned portion of the subject property is designated **Low Density Residential** on the CDMP LUP map. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.*

The applicant is seeking to expand the existing carwash use onto the RU-2 portion of the property to allow the relocation of the entrance drives for the existing carwash facility on this north parcel. The CDMP Land Use Element interpretative text under the Business and Office land use category allows for the expansion of the depth of the ribbon for commercial development as is being requested herein, to *accommodate vehicular parking to serve an adjacent use, provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies.*

Plans submitted by the applicant indicate adequate liberal permanent buffering along the northern property line consisting of a 30' wide landscaped area including a continuous double row of hedges and trees along with the relocation of the existing 6' high wall to be located along the rear (north) property line of the property. Said buffering is entirely located on the portion of the RU-2, parcel that is designated Low-Density Residential on the CDMP LUP map. Further, staff notes that the proposed drives on the RU-2 portion of the subject parcel are located on the portion that is designated for Business and Office use and does not encroach into the portion of the parcel that is designated Low-Density Residential. Therefore, staff opines that the proposed



expansion of the existing carwash use onto the RU-2 portion of the subject property would be **consistent** with the CDMP Land Use Element interpretative text for the Business and Office land Low-Density residential categories and the CDMP LUP map designations for the entire subject property.

### **ZONING ANALYSIS:**

When the applicant's request for a Use Variance to permit a carwash in the RU-2 zone as would be permitted in the BU-2 zoning district is analyzed under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations (request #1), staff opines that the request would not be consistent with the general purpose and intent of the regulations. A **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than which is prescribed by the zoning regulations. Among other things, the applicant must demonstrate how the literal enforcement of the provisions of the zoning district regulations would result in an unnecessary hardship and that the use variance would be in harmony with the general purpose and intent of the zoning regulations. Staff notes that the plat for the Andriela Subdivision (Plat Book 165, Page 17) depicts the RU-2 zoned portion of the subject site as approximately 6,567 sq. ft. in size and the abutting parcels to the north with varying sizes, with an average size of approximately 6,007 sq. ft. Additionally, staff notes that several abutting parcels to the north have been improved with two-family residential units. As such, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of the RU-2 zoning district provisions would result in unnecessary hardship.

The submitted plans indicate a relocated ingress point for the existing carwash. Staff notes that the new location for the ingress point is located on the southern portion of the RU-2 zoned property and the remainder of the RU-2 portion is depicted as a 30' landscape buffer. While the applicant is demonstrating sensitivity to the residential units abutting the property, the new location of the driveway onto a portion of the RU-2 zoned parcel could increase the number of cars that travel through the neighborhood to reach the carwash entrance on SW 69 Avenue. As such, staff opines that the proposed driveway could negatively impact the abutting residential properties located to the north and east and would therefore be **incompatible** with same. Staff opines that the applicant has not demonstrated unnecessary hardship as it relates to use of the parcel that is zoned RU-2. **Therefore, staff recommends denial without prejudice of request #1 under Section 33-311(A)(4), Use Variances From other Than Airport Regulation Standards.**

When request #2 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval would be **compatible** with the surrounding area. Staff opines that request #2 is germane to the applicant's request for a Use Variance to expand the carwash use onto the RU-2 zoned property to the north (request #1). Staff notes that the existing covenant restrictions only pertain to the IU-1 zoned portion of the property and was proffered in relation to Resolution #CZAB10-45-02. As such, since the applicant is requesting to expand the use onto additional property, the covenant must also be revised to reflect the additional property and the zoning of said property. The submitted plans indicate that the proposed expansion will allow the applicant to use the additional property to provide an expanded access drive for the existing carwash. Staff opines that the relocated driveways will send traffic further into the residential neighborhood and could have a negative visual and aural impact on the residential properties located immediately to the north and east of the subject property. Staff acknowledges the applicant's sensitivity to the abutting parcels to the north through the design and location of a landscape buffer on the RU-2 zoned portion of the property, which includes a grassed area,

hedges and trees, a 6' high wall, and is an approximately 30' wide landscaped area located to the north of the drives and abutting the north property line of the RU-2 zoned portion of the property. However, the applicant has not demonstrated how the literal enforcement of the RU-2 zoning district regulations would create an unnecessary hardship as must be demonstrated for the approval of a use variance (request #1). Therefore, staff opines that approval of request #2 is **incompatible** with the surrounding area. **As such, staff recommends denial without prejudice of request #2, under Section 33-311(A)(7), Generalized Modification Standards.**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate an adequate number of parking spaces for the carwash use. Additionally, the plans indicate that there are two access drives along SW 69 Avenue. However, the only egress drive is located on the southern parcel closer to Bird Road and away from the residential properties located to the north and northeast.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

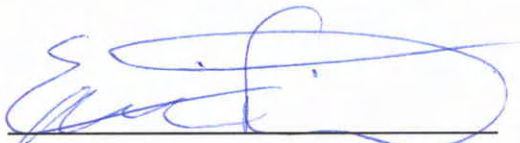
**OTHER:** Not applicable.

**RECOMMENDATION:**

**Denial without prejudice.**

**CONDITIONS FOR APPROVAL:** None.

ES:MW:GR:NN:JC:CH



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning and Economic Enhancement

*GMR*

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

LGV, LLC & Gill at Bird, Inc.  
Z11-065

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
DERM	No objection*
Public Works and Waste Management	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Business and Office</b> (Page I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>The depth of the ribbon for commercial development and other uses permitted under the Business and Office land use category is more generalized. <b>In general, the depth should be limited to the norm for the strip, but may be approved at such other depth that will provide a logical transition to adjacent commercial and residential uses or accommodate vehicular parking to serve an adjacent use, provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies.</b> Extension of commercial strip depth beyond the mid-block to the frontage of an interior street does not necessarily authorize vehicular access on that interior street, and such access may be prohibited if it would be incompatible with neighboring development. Intervening areas between commercial ribbons along a highway face may be used only for the uses permitted in the designated land use category. Further lateral extension of the ribbon beyond that shown on the Plan map will require a Plan amendment.</i></p>
<p><b>Low Density</b> (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>

# ZONING RECOMMENDATION ADDENDUM

LGV, LLC & Gill at Bird, Inc.  
Z11-065

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(7) Generalized Modification Standards.</b></p>	<p><i>The Board shall hear applications to <b>modify</b> or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i></p>
<p><b>Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.</b></p>	<p><i>The Board shall hear and grant applications for <b>use variances</b> from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in <b>unnecessary hardship</b>, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i></p>

**3. LGV, L.L.C. & GIL AT BIRD, INC**  
**(Applicant)**

**12-1-CZ10-3 (11-065)**  
**Area 10/District 06**  
**Hearing Date: 01/11/12**

Property Owner (if different from applicant) **Gil at Bird, Inc.**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1980	Florida East Coast Railway Co.	- Non-Use Variance of signage.	ZAB	Approved w/conds.
2001	Century IV, Inc.	- Zone change from RU-1 to IU-1. - Special Exception site plan approval for industrial development. - Non-Use Variance of parking.	C10	Withdrawn without prejudice
2002	Century IV, Inc.	- Zone change from RU-1 and BU-2 to IU-1 and RU-2.	C10	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.

# Memorandum



**Date:** September 13, 2011

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

**Subject:** C-10 #Z2011000065-1<sup>st</sup> Revision  
LGV, LLC & Gil at Bird, Inc.  
6901 S.W. 40 Street  
Use Variance to Permit a Carwash in the RU-2 Zone as Would be  
Permitted in the BU-2 Zoning District  
(IU-1) (.43 Acres)  
14-54-40

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.

#### Car Wash Wastewater Management and Disposal

Chapter 24 of the Code regulates any management and disposal of wastewater. Car wash operations have been characterized as generators of wastewater that cannot be discharged into any stormwater runoff disposal system. Therefore, DERM will require that any car wash proposed or future operation complies with the following conditions:

1. All the wastewater from the car wash operation shall be directed into the sanitary sewer system or into a wastewater recycling system.
2. No wastewater from car wash operations shall be allowed to discharge into the stormwater disposal system or into the ground.
3. No car wash operations shall be permitted outdoors.

The applicant is advised that DERM approval of subsequent development orders or permits for this site will be contingent upon compliance with the above noted requirements. Please see the DERM Car Wash Requirements attached.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Wetlands

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

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

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24 of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

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

#### Enforcement History

DERM has found no open or closed enforcement records for the subject property(s).

#### Concurrency Review Summary

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

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

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

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



PH# Z2011000065  
CZAB - C10

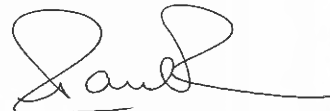
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LGV, L.L.C. & GIL AT BIRD, INC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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

A handwritten signature in black ink, appearing to read "Raul", with a long horizontal flourish extending to the right.

Raul A Pino, P.L.S.

23-AUG-11

# Memorandum



**Date:** June 27, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** *MN* Maria I. Nardi, Chief  
Planning and Research Division  
**Subject:** Z2011000065: Use variance within a RU-2 District to permit a driveway for an adjacent commercial use.

---

**Application Name:** LGV, L.L.C. & GIL AT BIRD, INC.

**Project Location:** The site is located at the 6901 SW 40 ST, Miami-Dade County.

**Proposed Development:** The applicant is requesting approval for a variance to permit a driveway to serve a car wash. No residential units are proposed.

**Impact and demand:** Because this application does not generate any new residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2



# Memorandum

**Date:** 30-AUG-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000065

**Fire Prevention Unit:**

This memo supersedes MDR memorandum dated June 23, 2011.  
 APPROVAL  
 No objection to site plan date stamped August 25, 2011.

**Service Impact/Demand**

Development for the above Z2011000065  
 located at 6901 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1530 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 6:31 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 3 - Tropical Park - 3911 SW 82 Avenue  
 Rescue, ALS 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.

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

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

LGV, L.L.C. & GIL AT BIRD, INC

6901 SW 40 ST, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2011000065

---

**HEARING NUMBER**

**HISTORY:**

OPEN CASES:

Folio# 3040140340010

Neighborhood Compliance  
None

Building  
None

Folio# 3040140340180

CMS# 201103009817 ¿Complaint for illegal signs and banners. Will issue NOVs to property owners and tenants to remove.

Building  
None

PREVIOUS CASES:

Folio# 3040140340010

Neighborhood Compliance

16

None

Building  
None

Folio# 3040140340180

Neighborhood Compliance  
None

Building  
BSS case 20100137231-B opened on 5/26/10. Notice of Violation issued on 6/8/10 for Failure to obtain required building permit(s) prior to commencing work on: The construction of a new car wash. Violation was corrected on 9/17/10 as permit 2010041849 was obtained and case was closed on 9/20/10.

LGV, L.L.C. & GIL AT BIRD, INC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

N/A

**REPORTER NAME:**

L. Cuellar

both ✓

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].

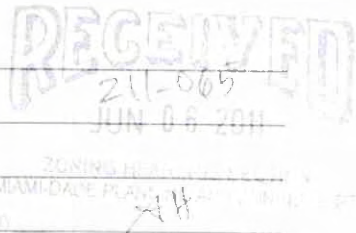
CORPORATION NAME: Gil at Bird, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Augusto J. Gil	100%
7300 SW 93rd Avenue, #210	
Miami, FL 33173	

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 \_\_\_\_\_

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



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: \_\_\_\_\_

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

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

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests).

NAME OF PURCHASER: \_\_\_\_\_

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

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

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



_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

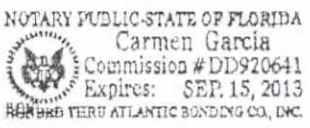
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]  
(Applicant)

Sworn to and subscribed before me this 10<sup>th</sup> day of JUNE, 20 11. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Carmen Garcia  
(Notary Public)



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

Seal

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

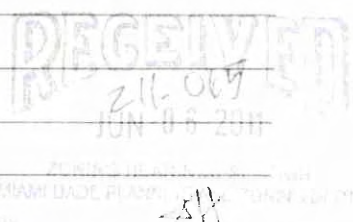
both ✓

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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____



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 \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: LGV, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>Jolyse Holdings LLC</u>	<u>Arnaldo Valdes</u> 50%
<u>4L Bird LLC</u>	<u>Lorenzo Lopez Jr</u> 50%
_____	_____
_____	_____

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



entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

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

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211-085  
JUN 08 2011

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

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this 10<sup>th</sup> day of JUNE, 2011. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Carmen Garcia  
(Notary Public)

NOTARY PUBLIC, STATE OF FLORIDA  
Carmen Garcia  
Commission # DD920641  
Expires: SEP 15, 2013  
ACQUDED THRU ATLANTIC BONDING CO., INC.

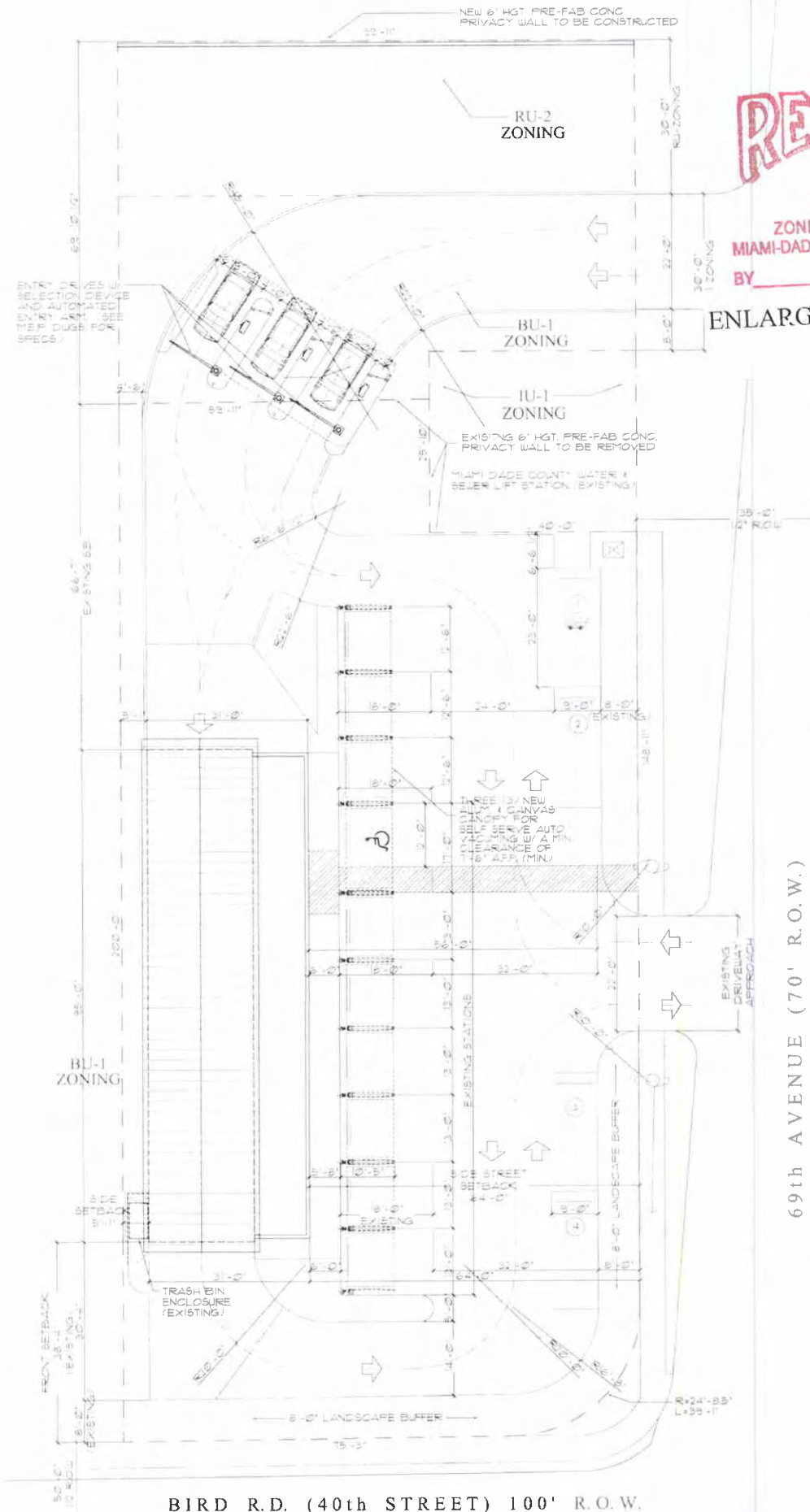
My commission expires: \_\_\_\_\_ Seal

\*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 person trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

**RECEIVED**  
211-065  
AUG 25 2011

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

**ENLARGED SITE PLAN**



BIRD R.D. (40th STREET) 100' R.O.W.

69th AVENUE (70' R.O.W.)

LEGAL DESCRIPTION

SITE ADDRESS

ZONING LEGEND

SITE AREA COMPUTATION

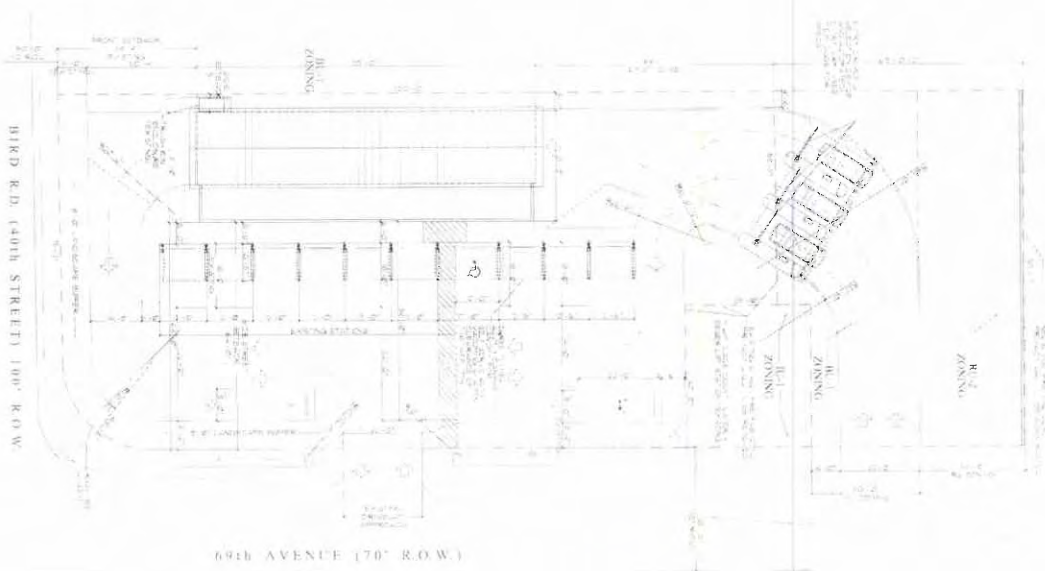
EXISTING SETBACKS

EXISTING BUILDING BREAKDOWN

PARKING COMPUTATION

SCOPE OF WORK:  
 SERVICE: PRELIMINARY ZONING AND PLANNING  
 TITLE: PRELIMINARY ZONING AND PLANNING FOR  
 CONSTRUCTION OF A NEW BUILDING ON  
 THE PROPERTY AT THE ADDRESS LISTED HEREIN.

**RECEIVED**  
 21-065  
 AUG 25 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*



PROPOSED SITE PLAN

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

(PROPOSED SITE PLAN)

Date: 08/11/11  
 Drawn By: A. S. S. S.  
 Checked By: M. M.  
 SP-1.2



**El Car Wash**  
 El Car Wash, LLC  
 3950 Southwest 69th Avenue  
 Miami, Florida 33155  
 Tel: 305.874.6667

**LM**  
**LanMar**  
 DESIGN GROUP  
 Architecture • Planning  
 1001 N.W. 44th Street  
 Miami, Florida 33142  
 Tel: 305.575.1111  
 Fax: 305.575.1112  
 www.lanmar.com

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 11-065  
 AUG 25 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *JA*

9 PARKING SIGN DTL. SCALE: N.T.S.



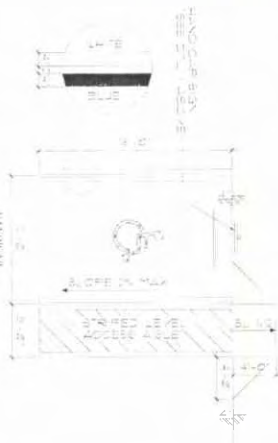
8 PAVERS/CURB DTL. SCALE: N.T.S.



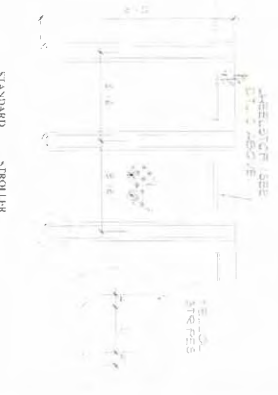
7 WHEEL STOP DTL. SCALE: N.T.S.



6 H.C. PARKING STALL DTL. AND RAMP DTL. SCALE: N.T.S.



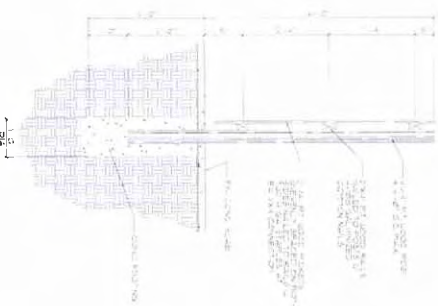
5 STANDARD STROLLER PARKING STALL DTL. SCALE: N.T.S.



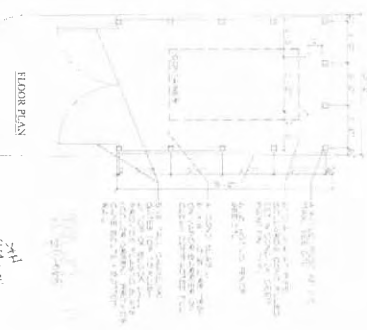
4 BOLLARD DTL. SCALE: N.T.S.



3 DUMPMSTER & PRIVACY WALL DTL. SCALE: N.T.S.



2 DUMPMSTER ENCLOSURE DTL. SCALE: N.T.S.



1 DUMPMSTER ENCLOSURE DTL. SCALE: N.T.S.

Date: 05/18/11  
 Drawn By: AS/STW  
 Checked By: RM  
 SP-1.3

**El Car Wash**  
 El Car Wash, LLC  
 1830 Southwest 69th Avenue  
 Miami, Florida 33145  
 Tel: 305.601.6961

101 BOX 5058  
 Miami, Florida 33145  
 Tel: 305.272.2424  
 info@lanmar.com  
 lanmar.com

**LM**  
**LanMar**  
 DESIGN GROUP  
 Architecture • Planning

24

RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.  
 10/25/2011

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 AUG 25 2011

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 21-065  
 AUG 25 2011



(EXISTING) WINDOW SCHEDULE

NO.	TYPE	FINISH	GLASS	OPERATION	REMARKS
1	1'-0\"/>				

(EXISTING) DOOR SCHEDULE

NO.	TYPE	FINISH	OPERATION	REMARKS
1	1'-0\"/>			

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

5. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED AT ALL TIMES.

6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING STRUCTURAL MEMBERS AND CONNECTIONS UNLESS OTHERWISE SPECIFIED.

7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

TERMINATE PROTECTION NOTE:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

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10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

WIND PRESSURE SCHEDULE

EL. OR. WIND	OPENING	LOCATION	ROOM/OPENING	TYPE	DESIGN			NO. 8
					PSF	PSF	PSF	
1	1'-0\"/>							

ROOM FINISH LEGEND:

- 1. FLOOR FINISH
- 2. WALL FINISH
- 3. CEILING FINISH
- 4. DOOR FINISH
- 5. WINDOW FINISH
- 6. STAIR FINISH
- 7. ELEVATOR FINISH
- 8. MECHANICAL FINISH
- 9. ELECTRICAL FINISH
- 10. PLUMBING FINISH
- 11. PAINT FINISH
- 12. GLASS FINISH
- 13. METAL FINISH
- 14. WOOD FINISH
- 15. TILE FINISH
- 16. CARPET FINISH
- 17. GRANITE FINISH
- 18. MARBLE FINISH
- 19. QUARTZ FINISH
- 20. STAINLESS STEEL FINISH
- 21. BRASS FINISH
- 22. COPPER FINISH
- 23. ALUMINUM FINISH
- 24. GALVANNEAL FINISH
- 25. CONCRETE FINISH
- 26. GYPSUM BOARD FINISH
- 27. DRYWALL FINISH
- 28. JOINT COMPOUND FINISH
- 29. PRIMER FINISH
- 30. PAINT FINISH
- 31. STAIN FINISH
- 32. SEALER FINISH
- 33. POLISH FINISH
- 34. WAX FINISH
- 35. OIL FINISH
- 36. WATER-BASED FINISH
- 37. SOLVENT-BASED FINISH
- 38. MILK-BASED FINISH
- 39. ENAMEL FINISH
- 40. EPOXY FINISH
- 41. URETHANE FINISH
- 42. POLYURETHANE FINISH
- 43. POLYESTER FINISH
- 44. POLYUREA FINISH
- 45. POLYURETHANES FINISH
- 46. POLYURETHANES FINISH
- 47. POLYURETHANES FINISH
- 48. POLYURETHANES FINISH
- 49. POLYURETHANES FINISH
- 50. POLYURETHANES FINISH

WALL TYPE LEGEND:

- 1. EXTERIOR WALL
- 2. INTERIOR WALL
- 3. PARTITION WALL
- 4. CURB WALL
- 5. FOUNDATION WALL
- 6. RETAINING WALL
- 7. CONCRETE WALL
- 8. BRICK WALL
- 9. BLOCK WALL
- 10. CMU WALL
- 11. CMU WALL
- 12. CMU WALL
- 13. CMU WALL
- 14. CMU WALL
- 15. CMU WALL
- 16. CMU WALL
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- 46. CMU WALL
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- 48. CMU WALL
- 49. CMU WALL
- 50. CMU WALL

GENERAL BUILDING DATA:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

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10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

(EXISTING BUILDING)

Date: 05/18/11  
 Drawn By: AS/SMW  
 Checked By: SM  
 A-1.1

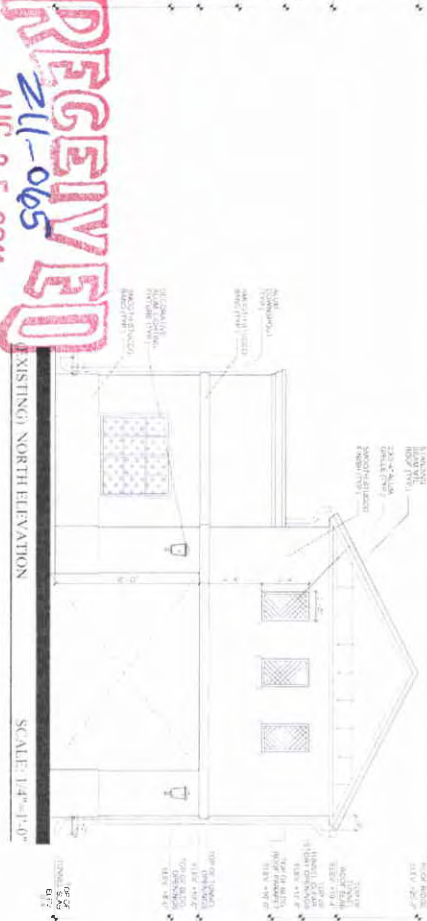
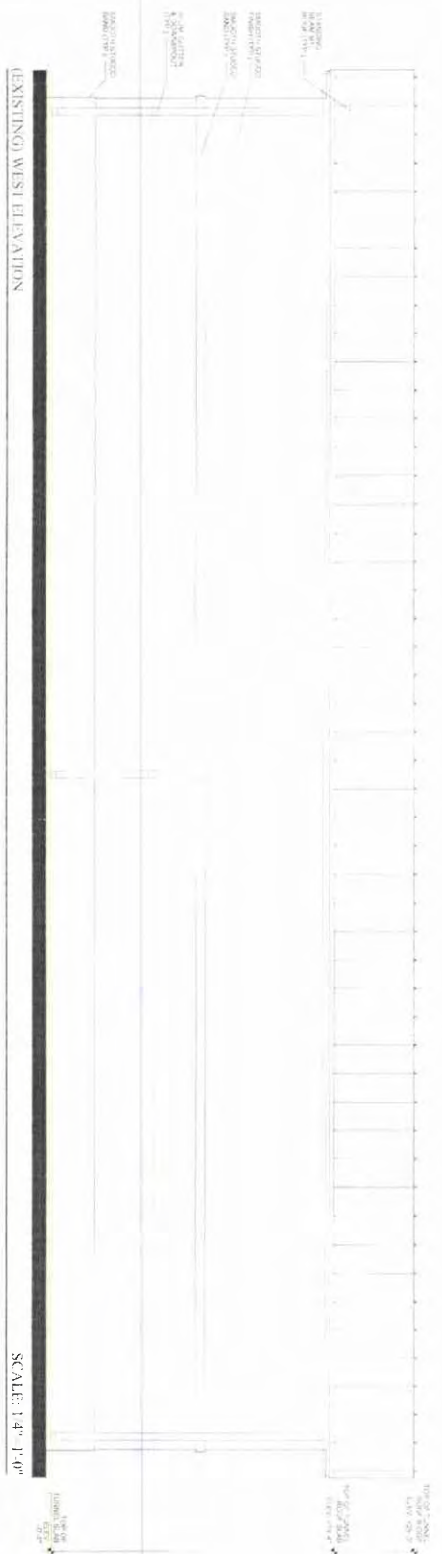


El Car Wash  
 El Car Wash, LLC  
 3850 Southwest 69th Avenue  
 Miami, Florida 33155  
 Tel: 305-894-8888

LanMar  
 ARCHITECTURE • PLANNING  
 1101 BIRCH HOLLOW  
 MIAMI, FLORIDA 33133  
 305.763.1313  
 3057763133@lanmar.com

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(EXISTING BUILDING)

Date: 07/11/11  
 Scale: As Shown  
 Designer: JRM  
 Checked by: RMV  
 A-2.1



El Car Wash  
 El Car Wash, LLC  
 1700 SW 10th St. #100  
 Miami, FL 33135  
 305-358-0000

**LM**  
**LanMar**  
 DESIGN GROUP  
 Architectural • Planning  
 P.O. Box 1414  
 Miami, Florida 33102  
 305-358-0000  
 www.lanmardesign.com

26

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

**RECEIVED**  
 AUG 25 2011

LOT		LOT AREA	AREA	PERCENT
1	10,000	10,000	100%	100%

OPEN SPACE		MINIMUM	PERCENT
1	10,000	1,000	10%

LAWN AREA CALCULATION		AREA	PERCENT
1	10,000	1,000	10%

TREES		MINIMUM	PERCENT
1	10,000	10	1%

SHRUBS		MINIMUM	PERCENT
1	10,000	100	1%

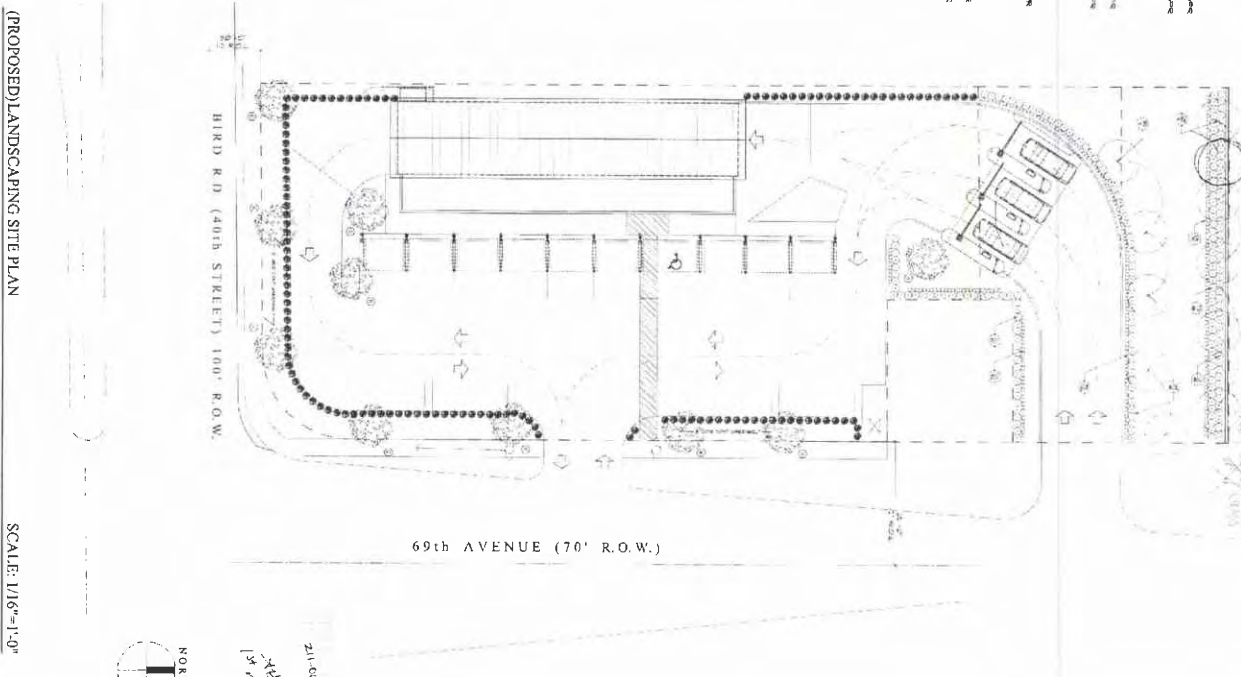
IRRIGATION		MINIMUM	PERCENT
1	10,000	100	1%

**RECEIVED**  
 AUG 25 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*

*these plants will not exceed 25' in height within 10' on either side of a drive*

**NEW PLANT LIST:**

PLANT NAME	QUANTITY	SIZE
1. PALM TREES	10	10' x 10'
2. BUREAU PALM	10	10' x 10'
3. LILY PALM	10	10' x 10'
4. FLORIDA PALM	10	10' x 10'
5. ...	...	...



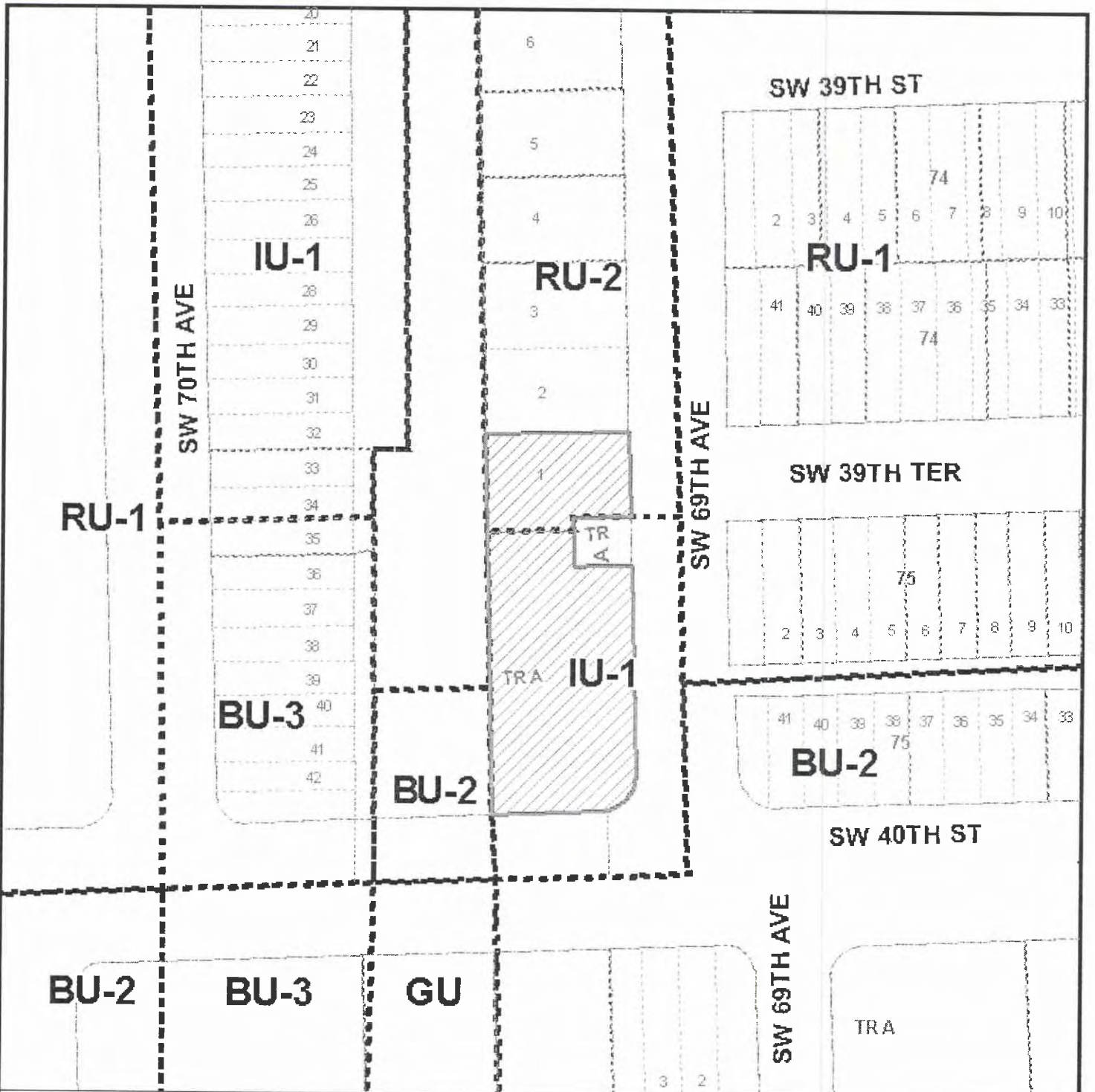
(PROPOSED LANDSCAPING SITE PLAN)

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

LP-1.1

**El Car Wash**  
 El Car Wash, LLC  
 3880 Southwest 69th Avenue  
 Miami, Florida 33155  
 Tel: 305-634-6981

**LanMar**  
 DESIGN GROUP  
 Architecture • Planning  
 P.O. BOX 14058  
 Miami, Florida 33141-0528  
 Tel: 305-373-1100  
 lanmar@lanmarcorp.com



MIAMI-DADE COUNTY  
HEARING MAP

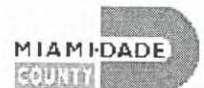
Process Number  
**Z2011000065**



Section: 14 Township: 54 Range: 40  
 Applicant: LGV, L.L.C. & GIL AT BIRD, INC  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

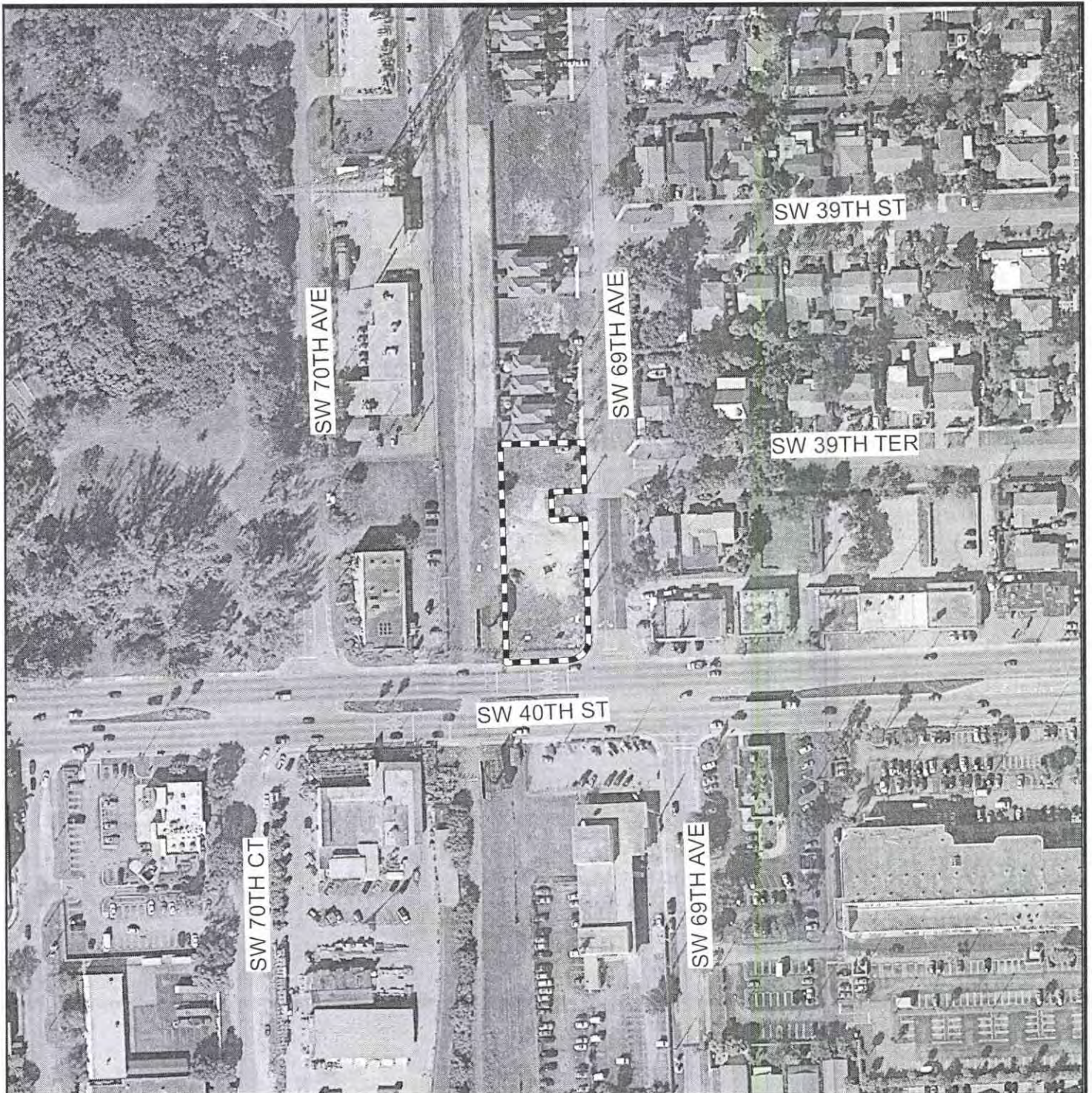
 Subject Property Case



SKETCH CREATED ON: Wednesday, September 14, 2011

REVISION	DATE	BY
		28





**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number  
**Z2011000065**



Section: 14 Township: 54 Range: 40  
 Applicant: LGV, LLC & GIL AT BIRD, INC  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

**Legend**



Subject Property



SKETCH CREATED ON: Friday, June 17, 2011

REVISION	DATE	BY
		29







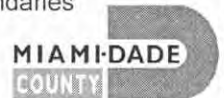
**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 14 Township: 54 Range: 40  
 Applicant: LGV, LLC & GIL AT BIRD, INC  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

Process Number  
**Z2011000065**  
 RADIUS: 2640

**Legend**

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Friday, June 17, 2011

REVISION	DATE	BY

This instrument was prepared by:  
Jeffrey M. Flanagan, Esq.  
Flanagan & Williard, P.A.  
1450 Madruga Avenue  
Suite 407  
Coral Gables, Florida 33146  
305-444-1500

CZAB 10 — January 11, 2012  
Item # 3 — 211-065  
LGV, LLC & Gil at Bird Inc.

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, collectively described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, the undersigned owner, LGV, LLC, a Florida limited liability company ("LGV"), holds the fee simple title to those certain parcels of land in Miami-Dade County, Florida (the "County"), noted as Parcel 2, and Gil at Bird, Inc., a Florida corporation ("Gil") holds the fee simple title to those certain parcels of land in Miami-Dade County, Florida (the "County"), noted as Parcel 1 both of which are legally described in Exhibit "A," attached hereto (collectively referred to as the "Property"); and

WHEREAS, a Parcel 1 was the subject of Public Hearing 02-043 which approved Parcel 1 for the use as a car wash and required certain conditions to be met; and

WHEREAS, Parcel 1 and Parcel 2 are the current subject of Public Hearing Number 11-065 which seeks to allow an expansion of the car wash onto the lands described as Parcel 1 and therefore requires a modification to the Declaration of Restrictions proffered during Public Hearing 02-043 and recorded in Official Records Book 20813 at Page 646 and re-recorded in Official Records Book 21747 at Page 2672 of the Public Records of Miami-Dade County, Florida.

*IN ORDER TO ASSURE* the **County** that the representations made by the owner during consideration of Public Hearing No. will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) Paragraph 1 of the Declaration of Restrictions recorded in Official Records Book 20813 at Page 646 and re-recorded in Official Records Book 21747 at Page 2672 of the Public Records of Miami-Dade County, Florida is hereby modified to require that the Owner shall establish and thereafter maintain a landscaped buffer along the northern boundary of the RU-2 zoned portion of the Property (Parcel 1).
- (2) The Properties shall be developed substantially in accordance with the plan submitted for the hearing titled El Car Wash, prepared by Lan Mar Design Group and dated stamped received August 25, 2011 and consisting of 2 sheets.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

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

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

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

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

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a

rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Sustainability, Planning and Economic Enhancement Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

In Witness Whereof we have herunto set our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2012.

Witnessed:

GIL AT BIRD, INC., a Florida corporation

\_\_\_\_\_  
Sign Name

By: \_\_\_\_\_

Print Name:

\_\_\_\_\_  
Print Name

Title:

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Print Name

State of Florida  
County of Miami Dade

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2012 by \_\_\_\_\_ as \_\_\_\_\_ of Gil at Bird, Inc., a Florida corporation who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
State of Florida

My Commission Expires:

In Witness Whereof we have herunto set our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2012.

Witnessed:

LGV, LLC., a Florida limited liability company

\_\_\_\_\_  
Sign Name

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Print Name:

Title:

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Print Name

State of Florida  
County of Miami Dade

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2012 by  
\_\_\_\_\_ as \_\_\_\_\_ of LGV, LLC, a  
Florida limited liability company who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
State of Florida

**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

**PH: Z11-069 (12-1-CZ10-4)**

**January 11, 2012**

Item No. 4

<b>Recommendation Summary</b>	
<b>Commission District</b>	6
<b>Applicant</b>	Marie Quattrocchi
<b>Summary of Requests</b>	The applicant is seeking to permit vehicles to back out into the right-of-way, waive the parking buffer, and to permit less landscape open space, drive width and street and lot trees than required
<b>Location</b>	6600 SW 24 Street, Miami-Dade County, Florida.
<b>Property Size</b>	100'x100'
<b>Existing Zoning</b>	BU-1A
<b>Existing Land Use</b>	Retail
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions</b>

**REQUESTS:**

- (1) NON USE VARIANCE to permit vehicles to back out into the right-of-way (not permitted).
- (2) NON USE VARIANCE to waive the required 7' parking buffer along the right-of-way.
- (3) NON USE VARIANCE to permit 13.7% (18% required) of landscape open space.
- (4) NON USE VARIANCE to permit a two-way-drive with a width of 14'-6" (20' minimum required).
- (5) NON USE VARIANCE to permit (0) street trees (3 street trees required).
- (6) NON USE VARIANCE to permit 2 lot trees (5 lot trees required).

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Parking Plan for Variance Request" as prepared by Tony Fernandez Architect, consisting of four (4) sheets dated stamped received 6/8/11. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Two existing one (1) story retail buildings, approximately 3,292 sq. ft., with fourteen (14) parking spaces.



<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-1A; commercial	Business and Office
<b>North</b>	R-1 (West Miami); office building	Office
<b>South</b>	RU-1; single-family residences	Low Density Residential (2.5 to 6 du)
<b>East</b>	BU-1; office building	Business and Office
<b>West</b>	BU-1A; retail	Business and Office

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an interior lot, located at 6600 SW 24 Street. The surrounding area is characterized by commercial and residential uses.

**SUMMARY OF THE IMPACTS:**

Approval of this application could have a positive impact on the economy of Miami-Dade County and provide jobs to area residents. However, the requested variances could have a negative visual impact on the surrounding area and could have a negative impact on traffic in the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP land Use Element interpretative text, under the Business and Office land use category accommodates the full range of sales and service activities, including retail. The existing retail development is consistent with the Business and Office CDMP designation. Since the approval of the request will not change the retail use of the property, approval with conditions of the application is **consistent** with the CDMP LUP map.

**ZONING ANALYSIS:**

In staff's opinion the requested variances are the result of the constraints of the property. Staff notes that the constraints of this property are common in the surrounding commercial area, which is made of single-family residences that have been converted to retail or professional office uses; therefore, approval with conditions of the requests would not have a significant negative impact on the traffic along Coral Way and would not have a negative visual impact on the appearance of the community.

When requests #1 through #6 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that approval of these requests maintain the basic intent and purpose of the zoning and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Furthermore, approval of this application will allow the applicant to utilize the subject property as permitted under the BU-1A, Limited Business Zoning District, to meet minimum parking requirements and develop the site in accordance with the character of the surrounding community.

Staff opines that the submitted plans indicate sensitivity to the residential properties located to the south, with an existing 6' high masonry wall located along the rear (south) property line. As a condition for approval, staff recommends that the 6' high masonry wall be maintained along the rear (south) property line to provide the existing residential properties to the south with a buffer. In staff's opinion, this will mitigate any negative visual impact that may result from the existing commercial development of the site on the abutting residential properties located to the south. As such, staff opines that the approval of the application would be **compatible** with the surrounding commercial and residential developments. Therefore, in staff's opinion, approval with conditions of the subject requests would maintain the basic intent and purpose of the zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and would be **compatible** with same. **As such, staff recommends approval with conditions of requests #1 thru #6 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:**

The submitted plans indicate an adequate number of parking spaces for the existing retail use and parking areas at the front and back of the property with a single point of ingress and egress along SW 24<sup>th</sup> Street.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions.

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Parking Plan for Variance Request" as prepared by Tony Fernandez Architect, consisting of four (4) sheets dated stamped received 6/8/11. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

ES:GR:NN:CH:JC



Eric Silva, AICP, Interim Assistant Director *GM/R*  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning and Economic Enhancement

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

## ZONING RECOMMENDATION ADDENDUM

Applicant: *Marie Quattrocchi*

PH: Z11-069

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
DERM	No objection
Public Works and Waste Management	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

### COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Business and Office</b> (Pg. I-41)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
<b>Land Use Objective LU-4A</b> (Pg. I-11)	<i>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, <b>buffering</b>, and safety, as applicable.</i>
<b>Land Use Objective LU-4C</b> (Pg. I-11)	<i>Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust, or traffic.</i>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b>	<i>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.</i>
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**4. MARIE QUATTROCCHI**  
**(Applicant)**

**12-1-CZ10-4 (11-069)**  
**Area 10/District 06**  
**Hearing Date: 01/11/12**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1956	Julius Quattrocchi	- Zone change to BU-1A.	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.

**4. MARIE QUATTROCCHI**  
**(Applicant)**

**12-1-CZ10-4 (11-069)**  
**Area 10/District 06**  
**Hearing Date: 01/11/12**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1956	Julius Quattrocchi	- Zone change to BU-1A.	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

**Date:** July 1, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-10 #Z2011000069  
Marie Quattrocchi  
6600 S.W. 24 Street  
To Permit Parking Within 25' of the Official Right-of-Way Line of S.W. 24  
Street and to Permit Backout into the Official Right-of-Way of S.W. 24  
Street  
(BU-1A) (0.23 Acres)  
13-54-40

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

#### Potable Water 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 cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

Notwithstanding the foregoing, the applicant is advised that any activity that may generate liquid waste other than domestic sewage, including but not limited to, medical or dental offices, shall not be permitted on this property, unless and until is connected to the public sanitary sewer system.

### Stormwater Management

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

Site grading and development shall comply with the requirements of Section 11C of the Code as well as with all State and Federal Criteria.

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.

### Wetlands

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

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

### Tree Preservation

There are no tree resources issues on the subject property.

### Enforcement History

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

### Concurrency Review Summary

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

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

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

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



**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MARIE QUATTROCCHI

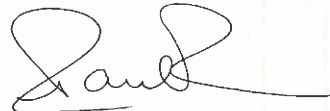
This Department has no objections to this application subject to the condition that the parking spaces to the rear of the building be labeled for employees only.

This Department has no objections to the request to permit back-out into the right-of-way. This site is presently being used with the existing parking lot layout; therefore this Department has no objections to the request to permit parking backing out into the right-of-way.

This Department has no objections to the request to permit a two-way drive with a width of 14'-6" where 20 feet is required.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

18-NOV-11

# Memorandum



**Date:** June 27, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** *M.I.* Maria I. Nardi, Chief  
Planning and Research Division  
**Subject:** Z2011000069: Non-Use Variance of Parking and Landscaping.

---

**Application Name:** MARIE QUATTROCCHI.

**Project Location:** The site is located at the 6600 SW 24 ST, Miami-Dade County.

**Proposed Development:** The applicant is requesting approval for a non-use variance of parking and landscaping requirements. No residential units are proposed.

**Impact and demand:** Because this application does not generate any new residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

# Memorandum



**Date:** 21-JUN-11  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000069

---

## Fire Prevention Unit:

APPROVAL  
No objection to site plan date stamped June 8, 2011.

## Service Impact/Demand

Development for the above Z2011000069  
located at 6600 SW 24 ST, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1490 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: 6:24 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 40 - West Miami - 975 SW 62 Avenue  
Rescue, ALS 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.

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

//

DATE: 28-OCT-11

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MARIE QUATTROCCHI

6600 SW 24 ST, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2011000069

---

HEARING NUMBER

**HISTORY:**

OPEN CASES:

Neighborhood Compliance

None

Building

BSS# 20090127836-B opened on January 23, 2009. Notice of Violation issued on February 2, 2009 for Installation of central a/c unit w/out a permit. Due to non compliance on case, a Civil Violation Notice B075194 was issued. On August 20, 2009 Citation was paid, however violation was not corrected. A Final Notice of Intent to Lien was placed on October 14, 2010 and Lien recorded on property on February 25, 2011.

BSS# 20100138759-B opened on 8/10/10. Notice of Violation issued on 8/31/10 for interior build-out to include electrical, drywall, framing, plumbing and mechanical. Civil Violation Notice B109864, B109865, B109866 and B109867 issued on 10/14/10 for non compliance. On February 3, 2011 case was recommended for lien; a Final Notice of Intent to Lien was placed on April 26, 2011.

PREVIOUS CASES:

Neighborhood Compliance

CMS# 201003008923 2 NOV issued 10/2010 for FAILURE TO REPAIR OR REPLACE A SIGN

WITHOUT FIRST OBTAINING A PERMIT. CVN# T012052 issued in 11/2010 for non-compliance. CVN paid and case closed as complied.

CMS# 201003008924 ¿NOV issued 10/2010 for ERECTION, CONSTRUCTION, POSTING, ETC. OF A SIGN WITHOUT A PERMIT. CVN issued in 12/2010 for non-compliance. CVN paid and case closed as complied.

Building

None

MARIE QUATTROCCHI

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

N/A

**REPORTER NAME:**

L. Cuellar

# ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO

Inspection Date

Evaluator: JACQUELINE CARRANZA

10/14/11

Process #: Applicant's Name  
Z2011000069 MARIE QUATTROCCHI

Locations: 6600 SW 24 ST, MIAMI-DADE COUNTY, FLORIDA.

Size: 100'X100'

Folio #: 3040130170040

## Request:

- 1 Applicant is requesting to permit vehicles to backout into the public right-of-way of SW 24 Street (not permitted).
- 2 Applicant is requesting to permit parking within 25' of the official right-of-way line of SW 24th Street (not permitted).
- 3 The applicant is requesting to permit 316 sq. ft. (1,800 sq. ft. required) of landscape open space.
- 4 Applicant is requesting to permit a two-way-drive with a width of 14'-6" (20' min. required).
- 5 Applicant is requesting to permit (0) street tree (3 street trees required).
- 6 Applicant is requesting to permit 2 lot trees (5 lot trees required).

## EXISTING ZONING

Subject Property BU-1A,

EXISTING USE RETAIL

## SITE CHARACTERISTICS

### STRUCTURES ON SITE:

THERE ARE 2 - ONE STORY COMMERCIAL BUILDINGS ON THE SITE WITH BACKOUT PARKING INTO THE STREET.

### USE(S) OF PROPERTY:

THE PROPERTY IS ZONED BU-1A. ONE OF THE BUILDINGS IS CURRENTLY UNOCCUPIED AND THE OTHER ONE HAS A TENANT THAT HAS A PICTURE FRAME RETAIL BUSINESS.

### FENCES/WALLS:

THE PROPERTY HAS A 6 FT CBS DISTRICT BOUNDARY WALL ALONG THE REAR, NORTH PROPERTY LINE AND A 6FT CHAIN LINK FENCE ALONG THE REAR INTERIOR PROPERTY LINES.

### LANDSCAPING:

THERE ARE CURRENTLY NO TREES OR HEDGES ON THE PROPERTY - ABSOLUTELY NO LANDSCAPING ON THE PROPERTY.

### BUFFERING:

THERE IS A 6 FT CBS DISTRICT BOUNDARY WALL ALONG THE REAR PROPERTY LINE THAT IS CURRENTLY SERVING AS THE ONLY BUFFERING ELEMENT ON THE SITE. THIS WALL IS HELPING TO MITIGATE THE NEGATIVE COMMERCIAL IMPACT ON THE RESIDENTIAL HOMES LOCATED TO THE SOUTH OF SUBJECT PROPERTY. HOWEVER, THE WALL DOES HAVE A SMALL OPENING THAT NEEDS TO BE ADDRESSED (SEE VIOLATION FIELD).

### VIOLATIONS OBSERVED:

THE FOLLOWING VIOLATIONS WERE OBSERVED DURING THE SITE INSPECTION & NEED TO BE ADDRESSED THROUGH THE HEARING PROCESS: 1) THERE'S A SMALL OPENING IN THE 6 FT DISTRICT BOUNDARY WALL ALONG THE REAR (NORTH) PROPERTY LINE OF SUBJECT PROPERTY. APPLICANT NEEDS TO FILL IN THE OPENING OR INCLUDE IT IN THE HEARING APPLICATION AS A NON-USE VARIANCE TO WAIVE THE ZONING REGULATION REQUIREMENT IN SECTION 33-251.3 IN ORDER TO ALLOW WALL OPENING TO REMAIN. (SEE OTHERS FIELD FOR SECOND VIOLATION)

### OTHER:

## ZONING INSPECTION REPORT

2) THE EXISTING FRONT PARKING LAYOUT IS NOT FUNCTIONAL. THE PARKING SPACES IN FRONT OF BUILDING #2 ARE NOT ACCESSIBLE DUE TO AN EXISTING CONCRETE CURB ALONG THE FRONTAGE OF THE COMMERCIAL PROPERTY. PUBLIC RIGHT OF WAY IMPROVEMENTS WOULD HAVE TO BE MADE IF BACKOUT PARKING REQUEST NO.1 IS APPROVED.

**Process #    Applicant's Name**

Z2011000069    MARIE QUATTROCCHI

**SURROUNDING PROPERTY**

**NORTH:**

C1, R1; GAS STATION & OFFICES WHICH ARE LOCATED IN THE JURISDICTION OF WEST MIAMI.

**SOUTH:**

RU-1; ONE STORY SINGLE-FAMILY RESIDENCES.

**EAST:**

BU-1; RETAIL JEWELRY STORE.

**WEST:**

BU-2; RETAIL STORE.

**SURROUNDING AREA**

THE SUBJECT PROPERTY IS SURROUNDED BY SINGLE FAMILY RESIDENCES TO THE SOUTH, COMMERCIAL TO THE EAST & WEST, AND THE CITY OF WEST MIAMI TO THE NORTH.

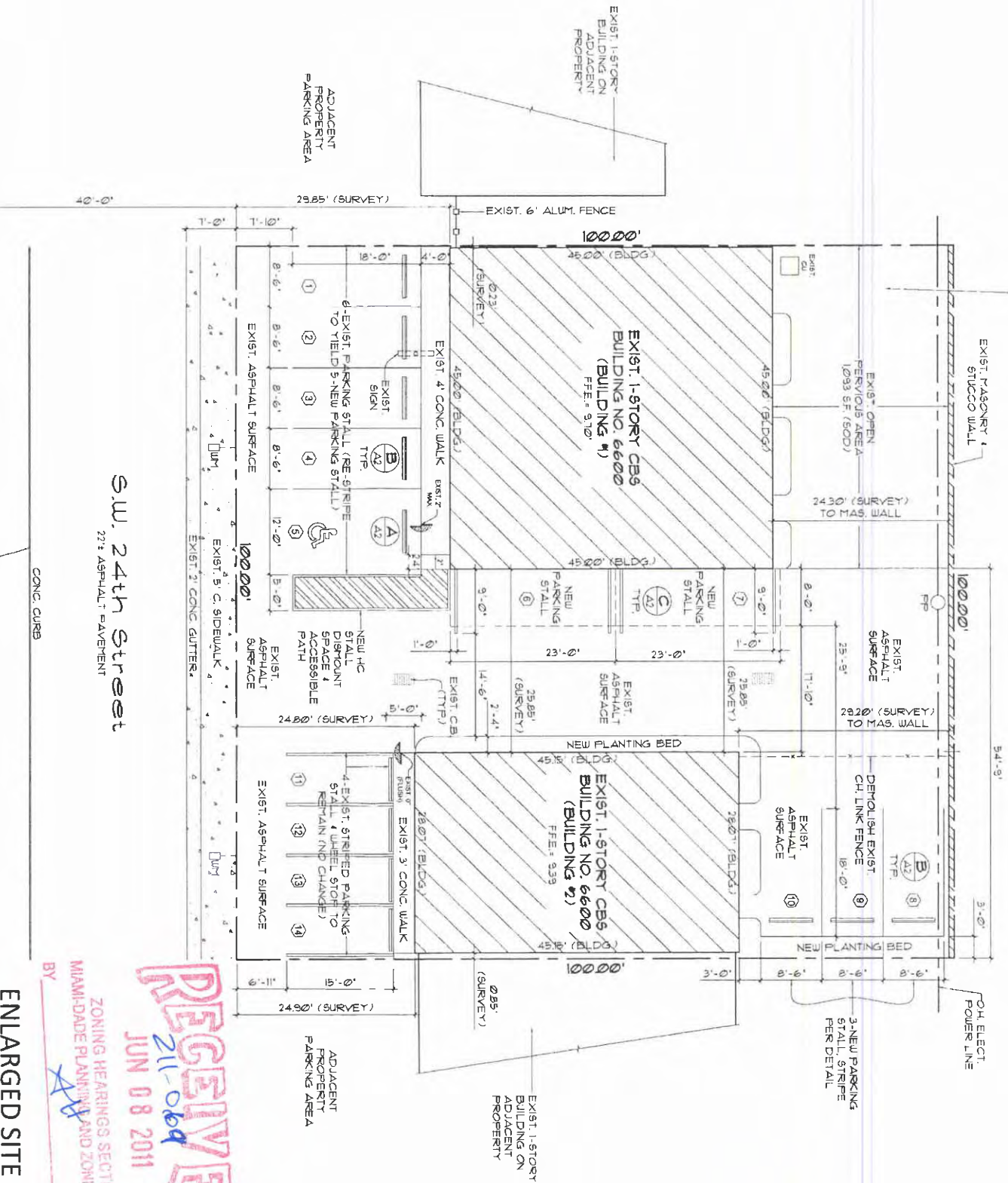
**NEIGHBORHOOD CHARACTERISTICS:**

THE NEIGHBORHOOD AREA IS CHARACTERIZED BY COMMERCIAL AND A LOT OF SINGLE FAMILY RESIDENCES ALONG CORAL WAY THAT HAVE BEEN CONVERTED TO OFFICES THROUGHOUT THE YEARS.

**COMMENTS:**

THE COMMERCIAL BUILDING AT 6600 IS CURRENTLY UNOCCUPIED. THE COMMERCIAL BUILDING AT 6616 HAS A RETAIL BUSINESS WHICH HAS A VALID CERTIFICATE OF USE.

NOTE: THIS IS THE ONLY FERTIGUS, OPEN SPACE ON SITE COVERED WITH SOD WITH THE POTENTIAL FOR ZERO LANDSCAPING. AS SPACE IS ALSO OCCUPIED BY SEPTIC TANK AND DRAIN FIELD UNDERNEATH SEE LANDSCAPE PLAN FOR PROPOSED PALM TREES AND SHRUBS.



S.W. 24th Street  
22' ASPHALT PAVEMENT

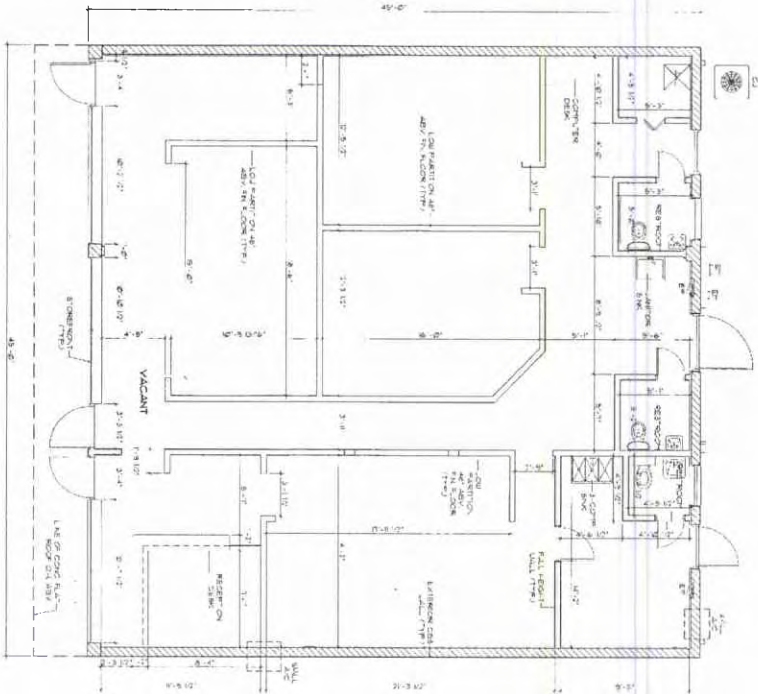
ENLARGED SITE PLAN

**RECEIVED**  
21-069  
JUN 08 2011

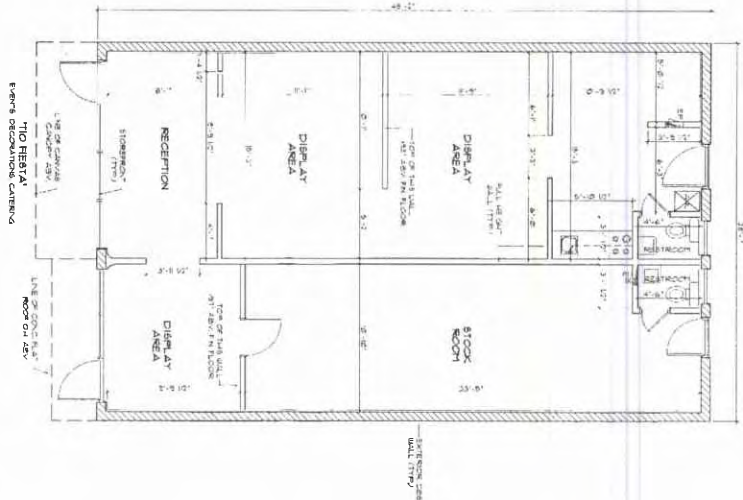
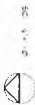
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *[Signature]*







AS BUILT PLAN (BUILDING #1)



AS BUILT PLAN (BUILDING #2)



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

**RECEIVED**  
 JUN 08 2011  
 21-069

AS-BUILT PLAN
DATE: 06/08/11
SCALE: NOTED
FOR: CORAL WAY RENOV
DATE: 06/08/11
BY: <i>[Signature]</i>
6-BET A3 OF 3 SHEETS

PARKING PLAN FOR VARIANCE REQUEST  
 6800 Coral Way, Miami, FL 33155 (Folio #20-4013-017-0040)

Contact: Joanne Marcinkowicz (Project owner)  
 Tel (305) 233-6630

MARK	DATE	DESCRIPTION	BY	MARK	DATE	DESCRIPTION	BY

TONY FERNANDEZ  
 ARCHITECT  
 FL. LIC. #40001012  
 792 N.W. 104th Avenue  
 Suite 100  
 Miami, FL 33158  
 Tel (305) 661-1965  
 Fax (305) 445-0800  
 E-mail: tfernandez@aia.net

8

**LANDSCAPE CALCULATIONS**

ZONING DISTRICT: **BUILD** NET LOT AREA: **10,200 SQ. FT. (0.23 ACRES)**

OPEN SPACE  
A SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 17, AS MODIFIED BY THE CODE  
NET LOT AREA MINUS 21,000 SQ. FT. = 0

REQUIRED PROVIDED

1700 SF 1700 SF

**LAND AREA CALCULATION**

1. TOTAL # OF PLANTED TREES (OPEN SPACE REQUIRED BY CHAPTER 17, AS MODIFIED BY THE CODE)  
4. NO. OF TREES NOT PERMITTED TO BE PLANTED BY THE CODE  
17 TREES - 0 TREES = 17 TREES

2. TOTAL # OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 17, AS MODIFIED BY THE CODE  
3,600 SF

3. TOTAL # OF LANDSCAPED OPEN SPACE PROVIDED BY CHAPTER 17, AS MODIFIED BY THE CODE  
3,600 SF

REVISIONS

1. DATE: 06/08/11

2. BY: JFM

DESCRIPTION: INITIAL

3. DATE: 06/08/11

4. BY: JFM

DESCRIPTION: REVISIONS

**LANDSCAPING NOTES:**

QUALITY AND PLANT MATERIAL SHALL conform to the standard of Florida Department of Transportation in the guidelines and standards set forth in the Florida Department of Transportation's Florida Department of Transportation's Manual for Roadway Construction and Maintenance. The plants and materials shall be selected from the Florida Department of Transportation's Florida Department of Transportation's Plant List.

**IRRIGATION PLAN**  
THE IRRIGATION PLAN SHALL BE SUBMITTED WITH THE LANDSCAPE PLAN TO THE PLANNING DEPARTMENT FOR REVIEW.

**PAVED OR ARCHITECTURAL SURFACES PLANTED OR PLANTED**  
PLANTING SHALL BE PERMITTED ON PAVED OR ARCHITECTURAL SURFACES PROVIDED THAT THE PLANTING DOES NOT INTERFERE WITH THE FUNCTIONALITY OF THE SURFACE.

**NEW TREES**  
NEW TREES SHALL BE PLANTED AT THE SITE TO MAINTAIN AND IMPROVE THE VISUAL QUALITY OF THE SITE.

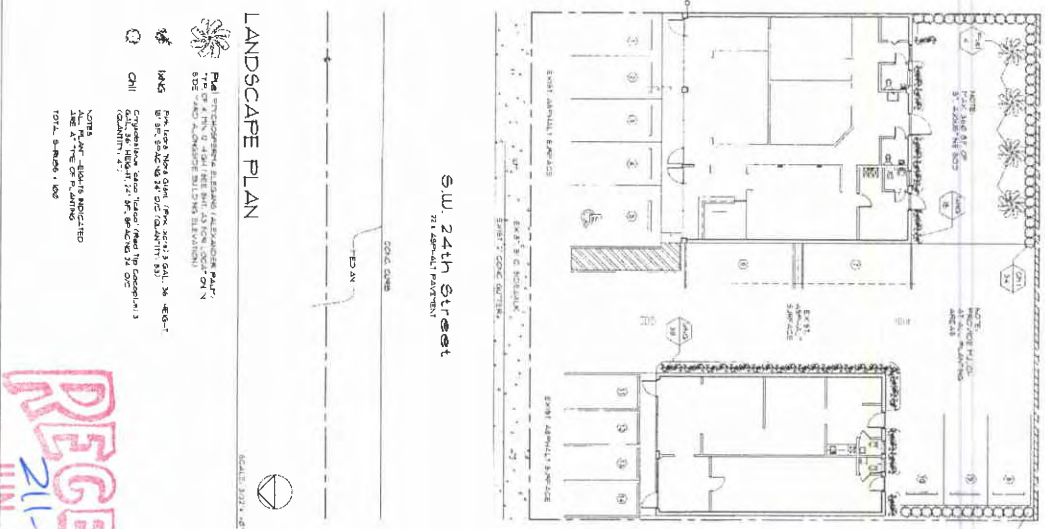
**RAIN GARDENS**  
RAIN GARDENS SHALL BE PROVIDED TO MANAGE RUNOFF FROM THE SITE.

**MULCH**  
MULCH SHALL BE APPLIED TO THE SOIL SURFACE TO MAINTAIN SOIL MOISTURE AND SUPPRESS WEEDS.

**GROUND COVER**  
GROUND COVER SHALL BE PLANTED TO PREVENT EROSION AND MAINTAIN VISUAL QUALITY.

**SHRUBS & HERBACEOUS**  
SHRUBS & HERBACEOUS SHALL BE PLANTED TO PROVIDE COLOR AND TEXTURE TO THE LANDSCAPE.

**SOIL**  
SOIL SHALL BE TESTED TO DETERMINE NUTRIENT LEVELS AND PH.



**LANDSCAPE PLAN**

**RECEIVED**  
21-06-11  
JUN 08 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

**TONY FERNANDEZ**  
P.L.L.C. ARCHITECT

701 N. K. Road, Suite 100  
Miami, FL 33128  
Tel: (305) 441-1195  
Fax: (305) 441-1196  
E-mail: tfernandez@tonyf.com

**REVISIONS**

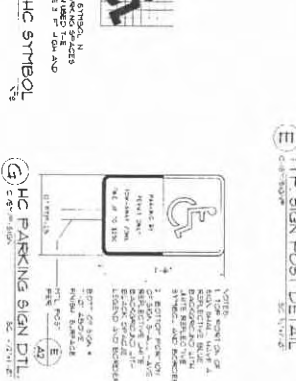
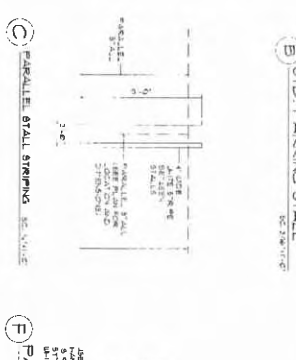
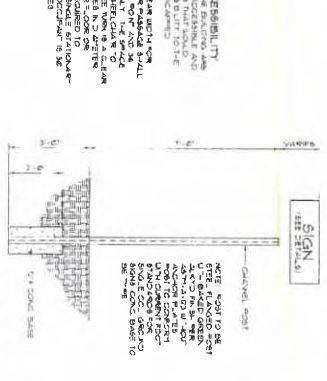
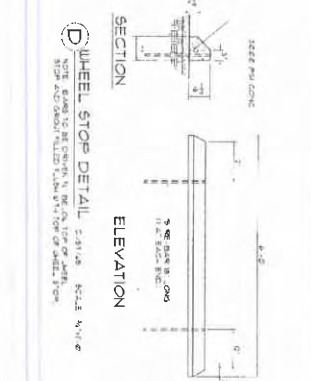
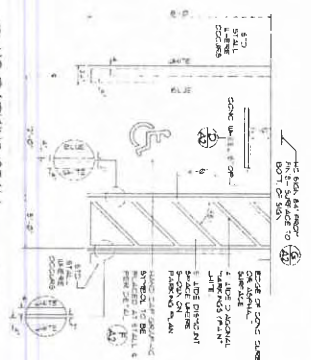
NO.	DATE	DESCRIPTION
1	06/08/11	INITIAL
2	06/08/11	REVISIONS

**PARKING PLAN FOR VARIANCE REQUEST**  
8600 Coral Way, Miami, FL 33155 (Folio #30-4013-017-0040)

Contact: Joanne Marcinkewicz (Project owner)  
Tel: (305) 233-6630

**LANDSCAPE PLAN**

DATE: 06/08/11	SCALE: 1/8" = 1'-0"
BY: JFM	DATE: 06/08/11
TOTAL SHEETS: 100	SHEET: 11 OF 100



JOY FERNANDEZ  
ARCHITECT  
PL. INC. #45814322  
782 N.W. 44th Avenue  
Miami, FL 33149  
Tel: (305) 441-1095  
Fax: (305) 441-1093  
E-mail: jfernandez@aol.com

NO.	REVISIONS

MARK	DATE	DESCRIPTION	BY	MARK	DATE	DESCRIPTION

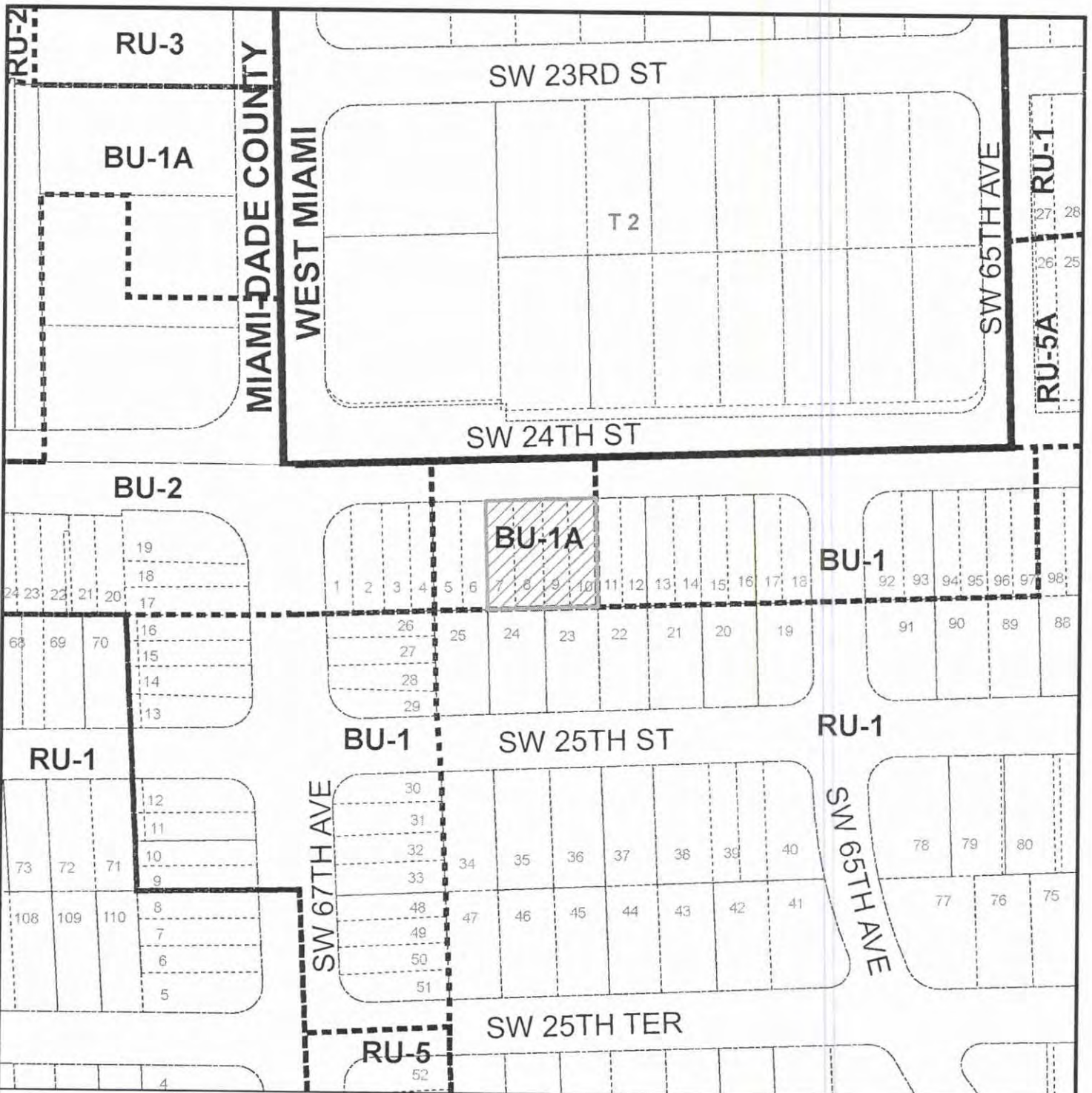
PARKING DETAILS  
DATE: JAN 4, 2011  
DRAWN: JCF  
CHECKED: JCF  
SCALE: AS SHOWN

PARKING FOR VARIANCE REQUEST  
6600 Coral Way, Miami, FL 33165 (Folio #30-4013-017-0140)  
Contact: Joanne Marcinkewicz (Project owner)  
Tel (305) 233-6630

**RECEIVED**  
21-069  
JUN 08 2011  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY: *[Signature]*

SHEET A2  
OF 3 SHEETS

*[Signature]*  
6-2-11





**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2011000069**

Section: 13 Township: 54 Range: 40  
 Applicant: MARIE QUATTROCCHI  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: KEELING STENNETT  
 Scale: NTS



**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, June 23, 2011

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number  
**Z2011000069**



Section: 13 Township: 54 Range: 40  
 Applicant: MARIE QUATTROCCHI  
 Zoning Board: C10  
 Commission District: 6  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

**Legend**

 Subject Property



SKETCH CREATED ON: Thursday, June 23, 2011

REVISION	DATE	BY
		22







**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2011000069**  
RADIUS: 2640

Section: 13 Township: 54 Range: 40  
Applicant: MARIE QUATTROCCHI  
Zoning Board: C10  
Commission District: 6  
Drafter ID: KEELING STENNETT  
Scale: NTS

**Legend**

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Wednesday, June 22, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

**PH: Z11-082 (12-1-CZ10-5)**

**January 11, 2012**

Item No. 5

<b>Recommendation Summary</b>	
<b>Commission District</b>	10
<b>Applicant</b>	Ramiro Perez
<b>Summary of Requests</b>	The applicant is seeking to allow existing additions to a single-family residence that encroaches into the rear setback area. Additionally, the applicant seeks to allow the single-family residence with a minimal setback encroachment into the interior side setback area as well as to allow the residence with a greater lot coverage than permitted by the RU-1 zoning regulations.
<b>Location</b>	2810 SW 108 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	75' x 100'
<b>Existing Zoning</b>	RU-1
<b>Existing Land Use</b>	Single-Family Residence
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Denial without prejudice of request #1, approval of requests #2 and #3, and modified approval of request #4.</b>

**REQUESTS:**

- (1) NON-USE-VARIANCE to permit an existing exercise room/studio addition to a single-family residence setback 5.50' (25' required) from the rear (west) property line.
- (2) NON-USE-VARIANCE to permit an existing covered terrace addition setback 24' (25' required) from the rear (west) property line.
- (3) NON-USE-VARIANCE to permit the existing single-family residence setback a minimum of 7' (7.5' required) from the interior side (north) property line.
- (4) NON-USE-VARIANCE to permit the single-family residence with a lot coverage of 44.6% (35% permitted).

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Garage Conversion & As Built Legalization" as prepared by IAA Design Associates PA, Ismael Allendes R.A. and dated stamped received 7/18/11, consisting of 3 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The plans submitted depict the existing 3,129 sq. ft. single-family residence with the existing additions.



<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>North</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>South</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
<b>West</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a 7,500 sq. ft. RU-1, Single-Family Residential District lot, located at 2810 SW 108 Avenue, within an established subdivision that is comprised of single-family residences.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to add additional indoor living space to an existing single-family residence. However, the additional setback encroachments and increased lot coverage could have a negative visual impact on the surrounding area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) the Land Use Plan (LUP) map. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold of the LUP map of the CDMP.

**ZONING ANALYSIS:**

When request #1 is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. In fact, staff's research of other properties in the surrounding area did not indicate any similar approvals of rear setback encroachments as intensive as is being requested herein. As such, staff opines that the approval of the applicant's request for the existing addition to the single-family residence to encroach 19.5' into the rear setback area would be overly intensive and would therefore be out of character and **incompatible** with the surrounding residential

developments. **Staff therefore, recommends denial without prejudice of request #1 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

However, when requests #2 and #3 are similarly analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that the approval of request #2, to allow a one (1) foot encroachment into the rear (west) setback area, and request #3, to permit the existing residence to encroach six (6) inches into the interior side (north) setback area, would not have a negative visual impact on the surrounding area and would be **compatible** with same. Staff opines that the requested encroachments in requests #2 and #3 are minimal and are not likely to affect the stability and appearance of the community. **Staff therefore, recommends approval with conditions of requests #2 and #3 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

Staff opines that approval of the applicant's request to permit the existing residence with a 9.6% increase in lot coverage (request #4), under the Non-Use Variance Standards of Section 33-311(A)(4)(b) is contingent on the approval of request #1, which would allow the applicant to maintain the exercise room/studio addition. Staff maintains that the approval of request #1 would be overly intensive and would be out of character with the surrounding residential properties. As such, contingent upon the denial of request #1, staff recommends a modified approval of request #4, to allow a 40.6% lot coverage in lieu of the 44.6% being requested. Staff opines that although this would be 5.6% more than the allowable 35% lot coverage, it would not be intensive as was previously proposed.

Further, staff notes that the existing 233.3 sq. ft. canopy carport contributes to the total lot coverage for the residence. In staff's opinion, the existing canopy covered carport provides the applicant with a covered parking area that is not visually intrusive and is not a permanent structure. Additionally, in staff opines that the 40.6% lot coverage would not be visually intrusive to the surrounding properties, since the bulk of this canopy carport would be internal to the property and not easily visible to passersby in the neighborhood. **Staff therefore recommends a modified approval with conditions of request #4, to allow a lot coverage of 40.6%, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

However, in staff's opinion, the existing floor plan for the single-family residence could be easily converted by future owners to allow multiple residence use. Therefore, staff recommends as a condition for approval of requests #2 and #3 that the applicant provide a Declaration of Use that would restrict the property to single family use only.

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

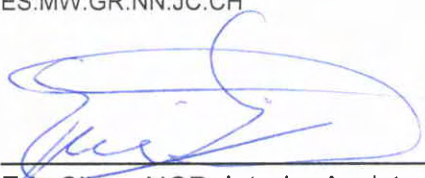
**RECOMMENDATION:**

**Denial without prejudice of request #1, approval with conditions of requests #2 and #3, and modified approval with conditions of request #4 to permit a 40.6% lot coverage.**

**CONDITIONS FOR APPROVAL: (For requests #2 through #4 only)**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Garage Conversion & As Built Legalization" as prepared by IAA Design Associates PA, Ismael Allendes R.A. and dated stamped received 7/18/11, consisting of 3 sheets, except as herein amended to show the removal of the exercise room/studio addition. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits a Declaration of Use to the Department of Permitting, Environment and Regulatory Affairs restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.
5. That prior to permitting the applicant receives approval from the utility companies for the encroachments into the utility easements as indicated in the plans.
6. That the applicant obtain a building permit for all non-permitted structures on the property when applicable from the Department of Permitting, Environment and Regulatory Affairs within 90 days after the appeal period deadline date.

ES:MW:GR:NN:JC:CH



Eric Silva, AICP, Interim Assistant Director *EMR*  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning and Economic Enhancement

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Ramiro Perez  
Z11-082

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
Permitting, Environment and Regulatory Affairs	No objection
Public Works and Waste Management	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Low Density</b> <b>(Pg. I-31)</b></p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(4)(b)</b> <b>Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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</i></p>
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**5. RAMIRO PEREZ**  
**(Applicant)**

**12-1-CZ10-5 (11-082)**  
**Area 10/District 10**  
**Hearing Date: 01/11/12**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
None				

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

# Memorandum

**Date:** August 8, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-10 #Z2011000082  
Ramiro Perez  
2810 S.W. 108 Avenue  
To Permit a Room Addition Setback 5.50' (25' Required) from the Rear  
(W) Property Lines and to Permit a Single-Family Residence with Lot  
Coverage of 42%  
(RU-1) (0.172 Acres)  
18-54-40

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

#### Potable Water 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.

### Wetlands

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

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

### Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit a room addition 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 the Code.

### Enforcement History

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

### Concurrency Review Summary

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

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

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

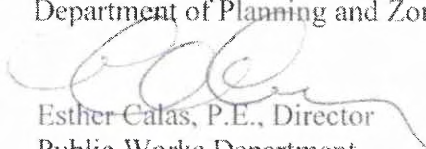
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.



# 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

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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:** August 16, 2011

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

**Thru** *M.V.* Maria I. Nardi, Chief  
Planning and Research Division

**From:** John M. Bowers, AICP/RLA  
Landscape Architect 2  
Planning and Research Division

**Subject:** Z2011000082: RAMIRO PEREZ

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**Application Name:** RAMIRO PEREZ

**Project Location:** The site is located at 2810 SW 108 AVE., Miami-Dade County.

**Proposed Development:** The applicant is requesting non-use variances of lot coverage and the rear yard setback for an existing residence.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

# Memorandum



**Date:** 02-AUG-11  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000082

**Fire Prevention Unit:**

Not applicable to MDR site requirements.

**Service Impact/Demand**

Development for the above Z2011000082  
located at 2810 SW 108 AVE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1480 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: 6:15 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
Station 47 - Westchester - 9361 Coral Way  
Rescue, ALS 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 calculations.

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

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

RAMIRO PEREZ

2810 SW 108 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

---

ADDRESS

Z2011000082

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HEARING NUMBER

**HISTORY:**

OPEN CASES:

Neighborhood Compliance

None

Building

BSS case 20110145862-B opened on 6/24/11. A Notice of Violation was issued on 6/24/11 for a 105.1 violation, to wit: GARAGE ENCLOSURE WITH SIDE ENTRY AND A/C. On 9/26/11 customer requested an extension of time on case, extension was granted and compliance date was 12/21/11 as of today case is in non compliance.

PREVIOUS CASES:

Neighborhood Compliance

None

Building

None

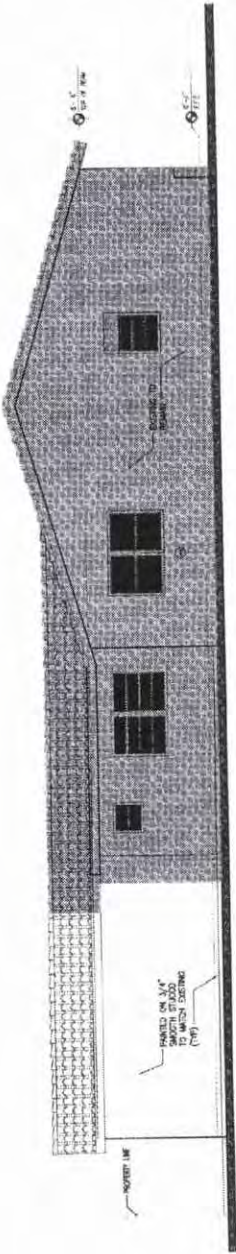
RAMIRO PEREZ

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

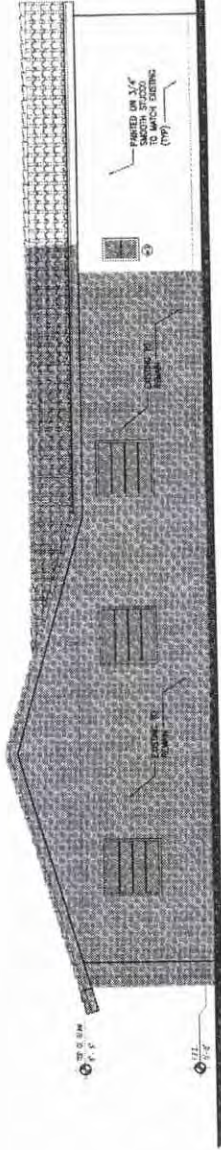
N/A

**REPORTER NAME:**

L. Cuellar



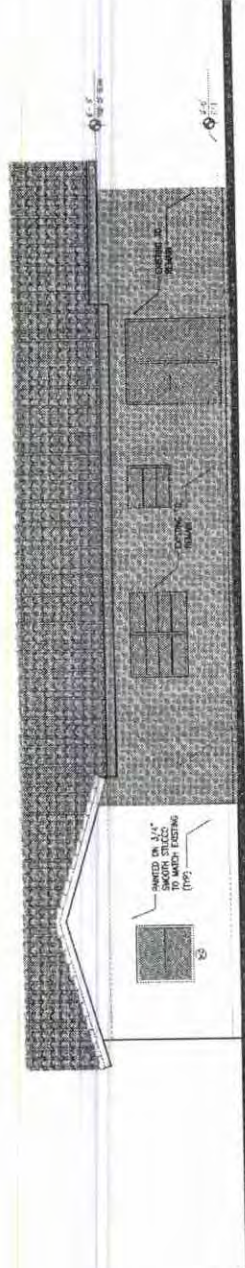
EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"  
1ST ELEVATION



EXISTING NORTH ELEVATION  
SCALE: 1/4" = 1'-0"  
2ND ELEVATION

**RECEIVED**  
JUL 18 2011  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

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



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

RECEIVED  
JUL 18 2011  
MIAMI-DADE PLANNING AND ZONING DEPT.

DATE	BY	REVISION

PROJECT NAME: GARAGE CONVERSION & AS BUILT LEGALIZATION  
OWNER: MR. RAMIRO PEREZ  
ADDRESS: 2810 SW 108 AVE  
MIAMI, FL 33168  
PHONE: (786) 236-2182



IAA DESIGN ASSOCIATES PA  
Architecture Interior Design Planning  
Ismael Alendes R.A.  
8280 SW 139th Terrace, Miami, FL 33158  
Phone: (305) 322-9075, (305) 322-9076, (305) 322-9077  
Email: ismael@iaadpa.com

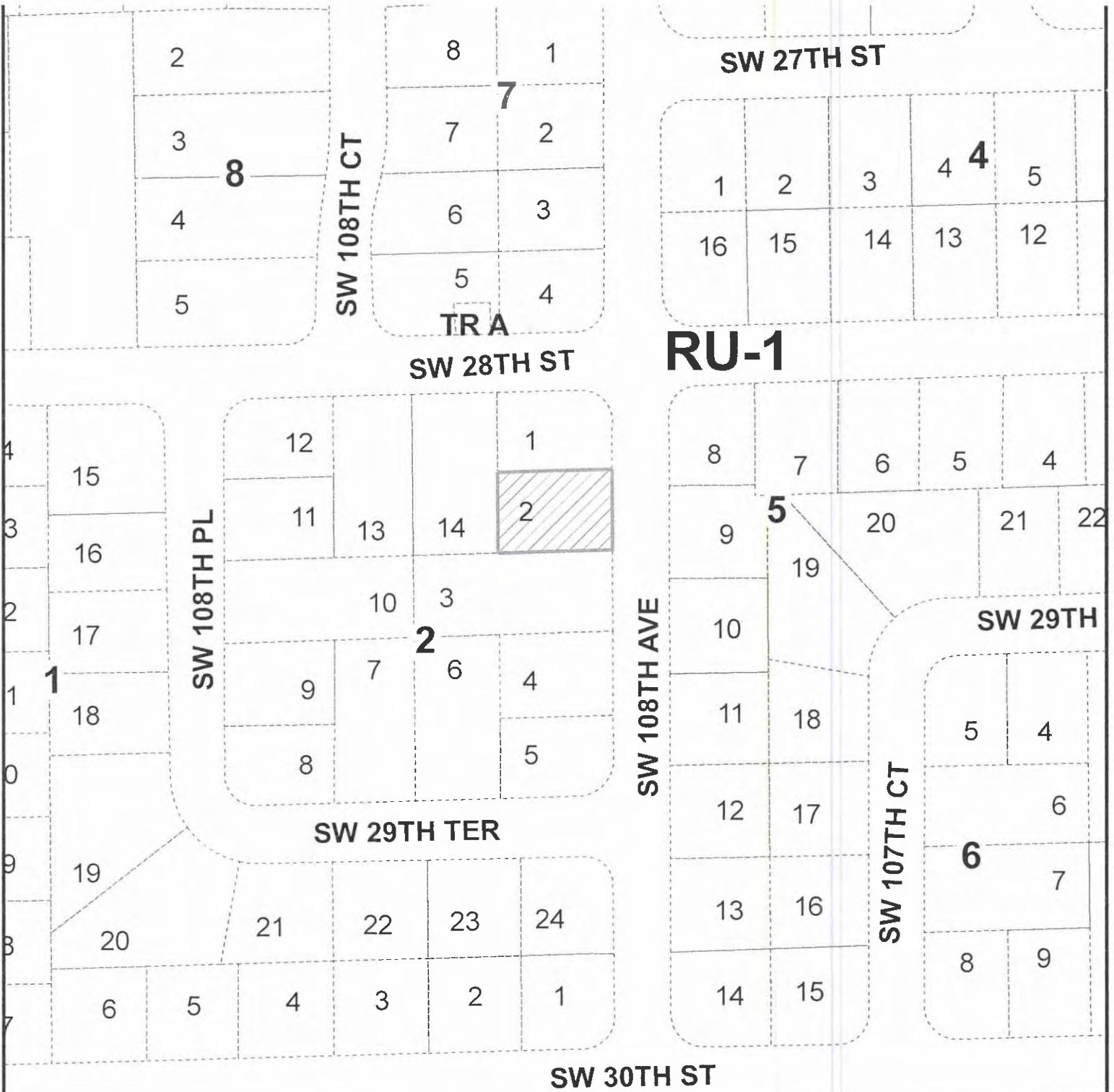
Digitally signed by Ismael Alendes  
DN: cn=Ismael Alendes, o=IAA Design Associates PA, email=ismael@iaadpa.com, c=US  
Date: 2011.07.28 16:59:29 -0400



AA-24001915  
A-2.0  
SHEET # OF 2 SHEETS  
DATE: 09/11/11







**MIAMI-DADE COUNTY**  
**HEARING MAP**

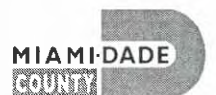
Section: 18 Township: 54 Range: 40  
 Applicant: RAMIRO PEREZ  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2011000082**



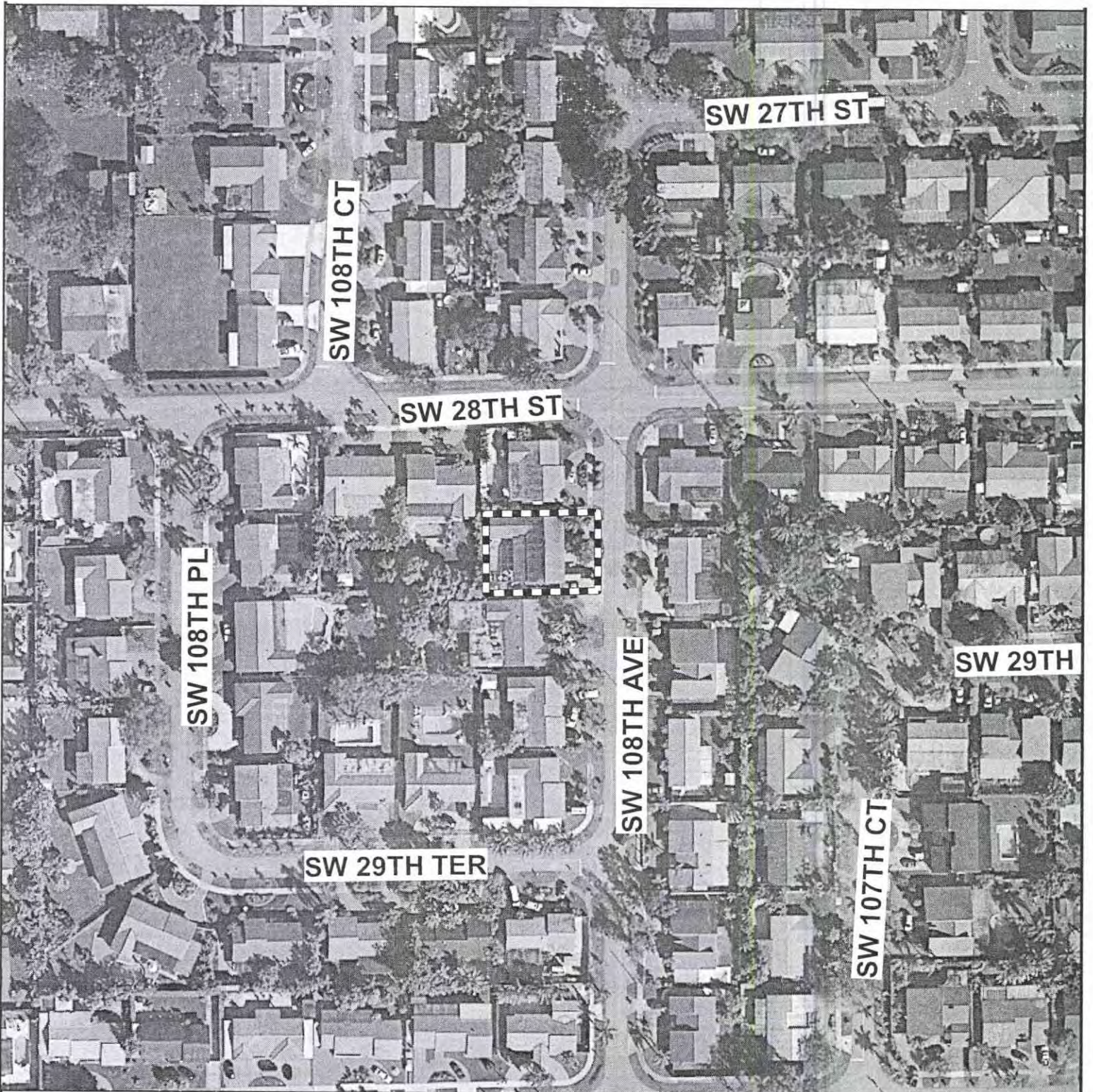
**Legend**

 Subject Property Case



REVISION	DATE	RY
	17	





**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2011000082**



Section: 18 Township: 54 Range: 40  
 Applicant: RAMIRO PEREZ  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

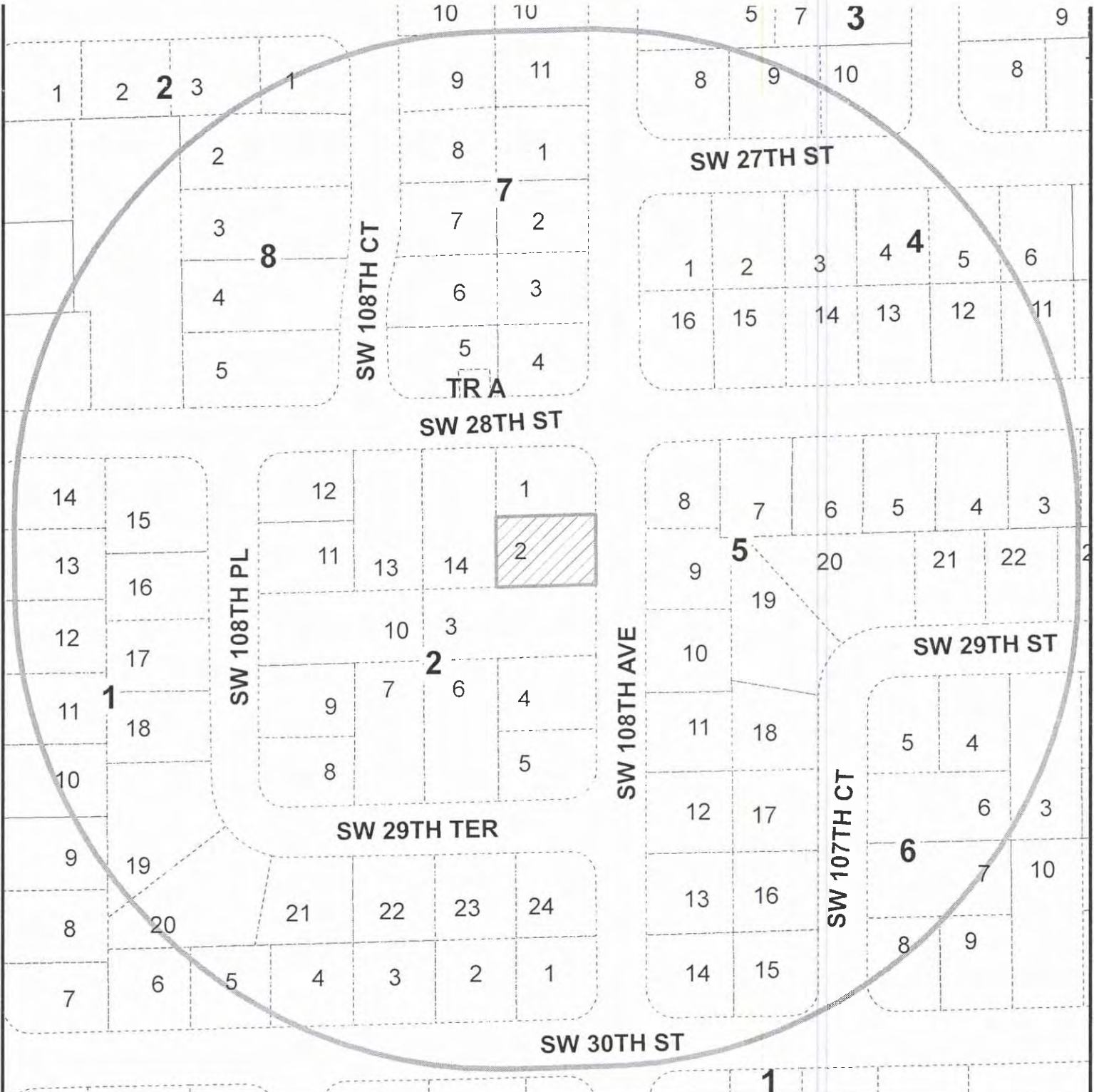
Legend

 Subject Property



SKETCH CREATED ON: Thursday, July 28, 2011

REVISION	DATE	BY
	18	





**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 18 Township: 54 Range: 40  
 Applicant: RAMIRO PEREZ  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2011000082**  
 RADIUS: 500



**Legend**

-  Subject Property
-  Buffer



REVISION	DATE	BY

**Miami-Dade County Department of Sustainability, Planning and Economic Enhancement  
Staff Report to Community Council No. 10**

**PH: Z11-107 (12-01-CZ10-6)**

**January 11, 2012**

Item No. 6

<b>Recommendation Summary</b>	
<b>Commission District</b>	10
<b>Applicant</b>	Isabianca Investments, LLC
<b>Summary of Requests</b>	The applicant is seeking a district boundary change from AU to RU-1M(a).
<b>Location</b>	Approx. 165' South of SW 32 <sup>nd</sup> Street, between SW 144 <sup>th</sup> Ave and SW 145 <sup>th</sup> Ave, Miami-Dade County, Florida.
<b>Property Size</b>	2.3 acres
<b>Existing Zoning</b>	AU
<b>Existing Land Use</b>	Vacant
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval, subject to the Board's acceptance of the proffered covenant.</b>

**REQUEST:**

DISTRICT BOUNDARY CHANGE (DBC) from AU (Agricultural) to RU-1M(a) (Modified Single Family).

**PROJECT DESCRIPTION:** Vacant land.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU; vacant	Low Density Residential (2.5 to 6 dua)
<b>North</b>	AU; health care facility	Low Density Residential (2.5 to 6 dua)
<b>South</b>	AU; religious facility	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-1; canal	Low Density Residential (2.5 to 6 dua)
<b>West</b>	AU; educational facility	Low Density Residential (2.5 to 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a 2.3 acre site, located at approximately 165 feet south of SW 32<sup>nd</sup> Street and between SW 144 Ave and SW 145<sup>th</sup> Ave. The subject property is surrounded by an educational institution, a health care facility, and a religious facility. The area north of SW 32<sup>nd</sup> Street is primarily residential and zoned RU-1M(a).

**SUMMARY OF IMPACT:**

The approval of this application will allow the applicant to divide the subject parcel into a maximum of 14 lots with one (1) single-family residence on each lot. This will result in additional impacts on schools, and other public services in the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as *Low Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre, which would result in the maximum development of 14 residential units on this site. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. The applicant has proffered a covenant restricting the development of the 2.3 acre parcel to 13 lots which is less than the maximum allowed under the density threshold of the LUP map. As such, the rezoning of the subject property to RU-1M(a), Modified Single-Family, and resulting residential uses, would be **compatible** with the surrounding area based on criteria detailed in the CDMP's **Land Use Element Objective 4** which states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community and consistent with the Low-Density Residential designation on the CDMP LUP map.*

**ZONING ANALYSIS:**

The applicant seeks to rezone a 2.3 acre parcel of land from AU (Agricultural) to RU-1M(a) (Modified Single Family). When the subject request is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County.

Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the residential development trend as evidenced by the existing single-family residences located to the north of SW 32 Street and east of SW 144 Avenue. Specifically, the properties, located approximately 150 feet north of the subject property, north of SW 32 Street were respectively rezoned from AU to RU-1M(a), in 2005, pursuant to Resolutions #CZAB10-18-05, CZAB10-20-05 and CZAB10-19-05.

As such, the proposed rezoning of the property to RU-1M(a) would be **compatible** with the surrounding area and would contribute to the character of the community. Additionally, staff notes that the applicant has proffered a covenant that will limit the development of the property to thirteen (13) residential lots, which is within the density threshold allowed by the Low Density Residential designation on the LUP map and within the density allowed under the proposed zoning designation of RU-1M(a). **Therefore, staff opines that the application is consistent with the CDMP and recommends approval of the request under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval, subject to the Board's acceptance of the proffered covenant.**

**CONDITIONS FOR APPROVAL:** None.

ES:GR:NN:JV:JC



Eric Silva, AICP, Interim Assistant Director *GMR*  
Zoning and Community Design  
Miami-Dade County Department of  
Sustainability, Planning and Economic Enhancement

- ZONING RECOMMENDATION ADDENDUM
- HISTORY
- MOTION SLIPS\*
- DEPARTMENT MEMORANDA
- DISCLOSURE OF INTEREST\*
- HEARING PLANS\*
- MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Applicant: Isabianca Investments, LLC  
PH: Z11-107

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Environment (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No objection
Fire Rescue	No objection
Police	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Low Density Residential (Pg. I-31)</b>	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
<b>Land Use Objective 4 (Pg. I-11)</b>	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>Section 33-311 District Boundary Change</b>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i></li> <li>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></li> <li>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable</i></li> </ol>
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# ZONING RECOMMENDATION ADDENDUM

Applicant: Isabianca Investments, LLC  
PH: Z11-107

	<p><i>impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
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**6. ISABIANCA INVESTMENTS, LLC**  
**(Applicant)**

**12-1-CZ10-6 (11-107)**  
**Area 10/District 11**  
**Hearing Date: 01/11/12**

Property Owner (if different from applicant) **Isabianca Investments, LLC.**

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
No History				

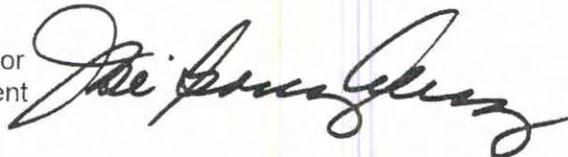
Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions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



# Memorandum

**Date:** October 7, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-10 #Z2011000107  
Isabianca Investments, LLC  
Northeast Corner of S.W. 145 Avenue and S.W. 33 Street  
District Boundary Change from AU to RU-1M(a)  
(AU) (2.3 Acres)  
15-54-39

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

#### Potable Water Service

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of 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

DERM has no objection to this application if the following conditions are satisfied prior to site development, final plat or public works approval of paving and drainage plans.

A Surface Water Management individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

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.

Site grading and development shall provide for the full retention of the 100-year/3-day storm event and shall also 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.

#### Wetlands

The subject property is located within the East Bird Drive Wetlands Basin and is a jurisdictional wetland as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property.

DERM has no objections to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources.

The Wetlands Resources Section of DERM (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The subject property contains tree resources and contains jurisdictional wetlands. Wetland Resources will be regulated through a Class IV Wetland Permit. Section 24-48 requires the preservation of all tree islands. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

#### Enforcement History

DERM has found one (1) closed enforcement case for the referenced property address. Please contact DERM Enforcement Section if you require more information regarding the closed enforcement case.

#### Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ISABIANCA INVESTMENTS, LLC

This Department has no objections to this application.

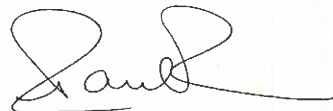
This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency(\*) criteria for an Initial Development Order. It will generate 17 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9112	Bird Dr. Ext. w/o SW 147 Ave.	C	C
9110	Bird Dr. Ext. w/o SW 137 Ave.	C	C
9134	Coral Way w/o SW 137 Ave.	E	E

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

(\*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.



Raul A Pino, P.L.S.

12-OCT-11

# Memorandum



**Date:** October 12, 2011

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2011000107: Isabianca Investments, LLC.

**Application Name:** Isabianca Investments, LLC.

**Project Location:** The site is located between SW 144 Ave and SW a45 Ave, approximately 165 feet south of SW 32 St., Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from AU to RU1M(a) on a 2.39 acre parcel for development of single family homes. The applicant is preparing a covenant limiting development to 6 units per gross acre for a total of 13 lots. Using a population of 2.5 per unit, a population of approximately 33 is estimated for the analysis below.

**Impact and demand:** The nearest park to the application is Westwind Lakes Park (.59 miles), a community park, providing a recreation building, shelter, playground, walking path, and lighted soccer field. Programs are provided for seniors, after school, day camps, seasonal camps, fencing, violin class and teens.

The parks within a 2-mile radius are included in the following table.

Park Name	Classification	Acreage
Bird Lakes Park	Community Park	9.07
Bent Tree Park	Neighborhood Park	5.88
Tamiami Lakes Park	Neighborhood Park	5.00
Millers Pond Park	Community Park	13.07
Royale Green Park	Neighborhood Park	3.33

**Concurrency/Capacity Status:** Based on the application approximately 13 units are proposed which could generate a population of about 33. This population generates a need for .09 acres of local parkland, based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population.

This application is located in Park Benefit District 2, which has a surplus of 478.06 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District. The Department has no objection to the proposed application.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2



# Memorandum

**Date:** 28-SEP-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** William W. Bryson, Fire Chief.  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000107

## Fire Prevention Unit:

APPROVAL  
 No objection via Case Z2011000107.

## Service Impact/Demand

Development for the above Z2011000107  
 located at LYING BETWEEN SW 144 AVENUE & SW 145 AVENUE, APPROXIMATELY 165' SOUTH OF SW 32  
 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1515 is proposed as the following:

<u>13</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 3.65 alarms-annually.  
 The estimated average travel time is: 4:34 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
 Station 37 - West Bird - 4200 SW 142 Avenue  
 Rescue, ALS Engine

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Current service impact calculated based on letter of intent date stamped September 7, 2011. Substantial changes to the letter of intent will require additional service impact analysis.

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

ISABIANCA INVESTMENTS, LLC

LYING BETWEEN SW 144 AVENUE  
& SW 145 AVENUE,  
APPROXIMATELY 165' SOUTH OF  
SW 32 STREET, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2011000107

---

**HEARING NUMBER**

**HISTORY:**

NC: CASE #201112001888 WAS OPENED ON APRIL 6, 2011 FOR FAILURE TO PERFORM LOT MAINTENANCE ON AN IMPROVED PROPERTY. A WARNING LETTER WAS ISSUED ON THE SAME DAY. COMPLIANCE HAS BEEN MET AND THE CASE HAS BEEN CLOSED.  
BLDG: NO BUILDING SUPPORT CASES FOUND

ISABIANCA INVESTMENTS,LLC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

**REPORTER NAME:**

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: Lybionca Investments LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Pedro Adrian, Trustee</u>	<u>100%</u>
<u>2460 S.W. 137<sup>th</sup> AVE. Suite 238</u>	
<u>Miami, Fla, 33175</u>	

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 \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>211-107</u>	
<u>TH</u>	

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: \_\_\_\_\_

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

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



entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

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

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

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

_____ 211107	_____
_____	_____
_____ 44	_____
_____	_____
_____	_____

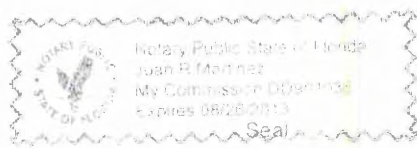
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature Juan R. Martinez  
(Applicant)

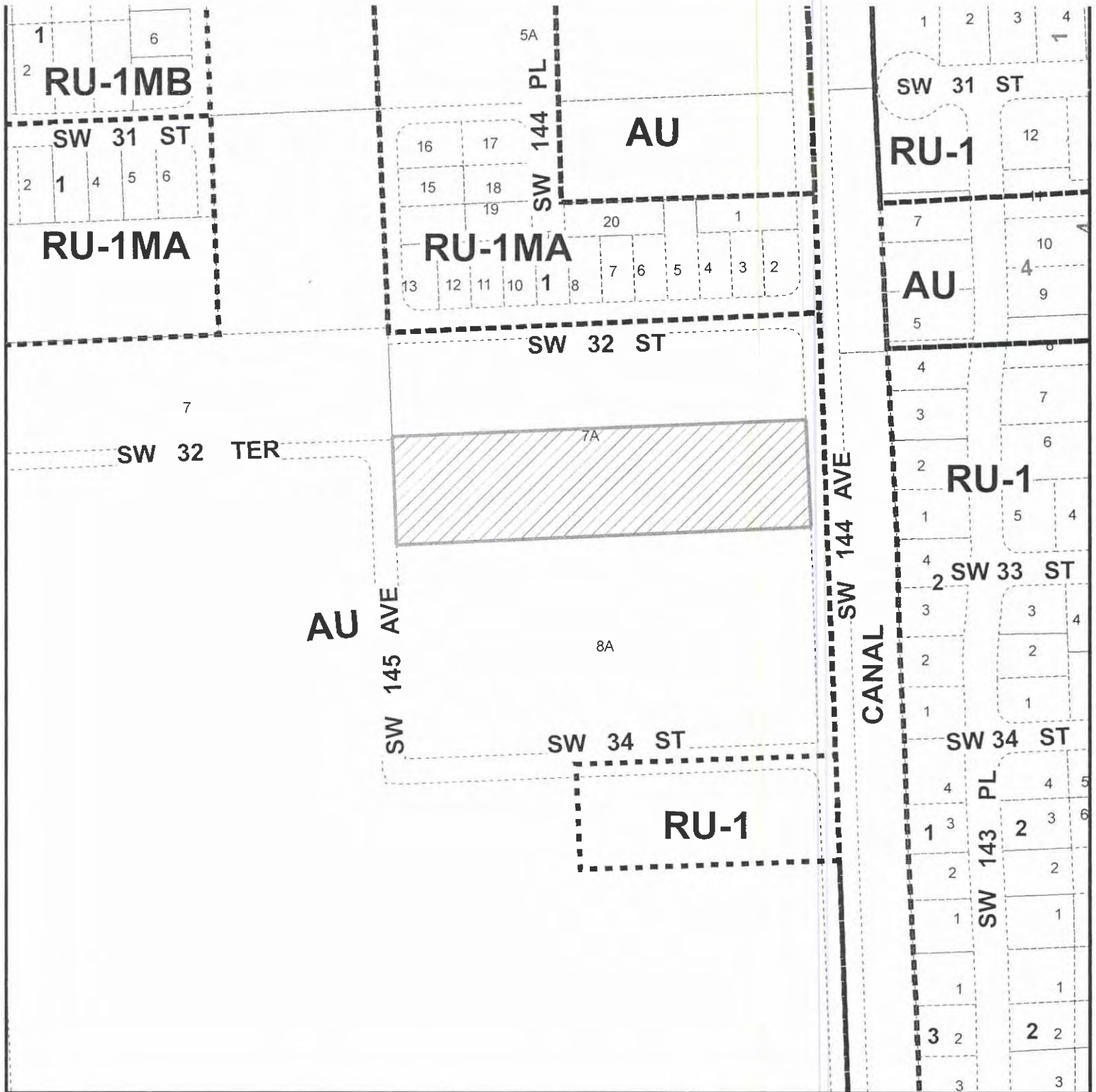
Sworn to and subscribed before me this 1 day of sept. 2013 Affiant is personally know to me or has produced \_\_\_\_\_ as identification

[Signature]  
(Notary Public)



My commission expires: 8-26-2013

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



**MIAMI-DADE COUNTY**  
**HEARING MAP**

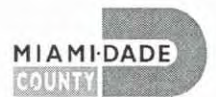
Process Number  
**Z2011000107**



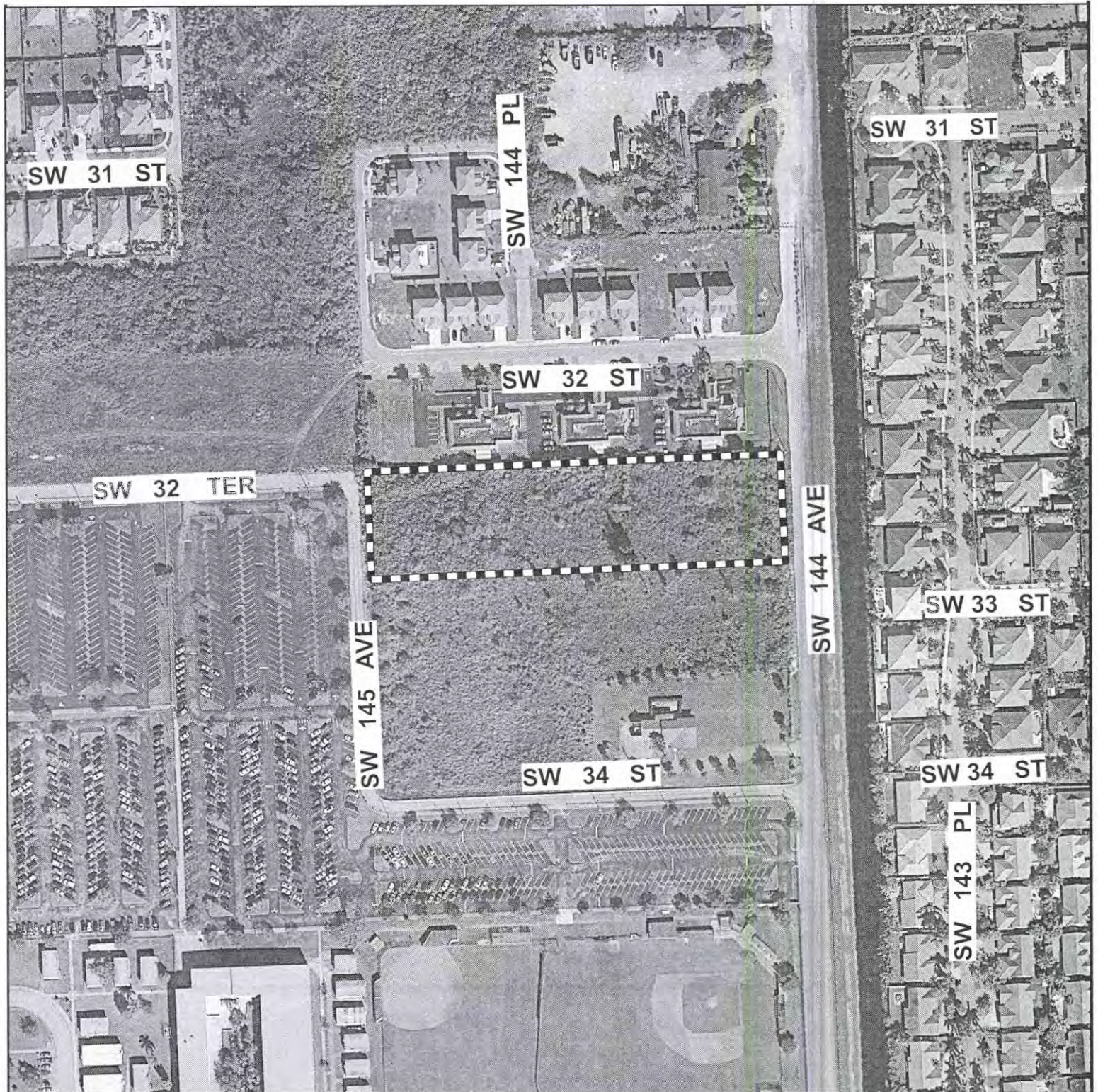
Section: 15 Township: 54 Range: 39  
 Applicant: ISABIANCA INVESTMENTS, LLC  
 Zoning Board: C10  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



REVISION	DATE	BY
		lb



**MIAMI-DADE COUNTY**  
 AERIAL YEAR 2009

Process Number  
**Z2011000107**



Section: 15 Township: 54 Range: 39  
 Applicant: ISABIANCA INVESTMENTS, LLC  
 Zoning Board: C10  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

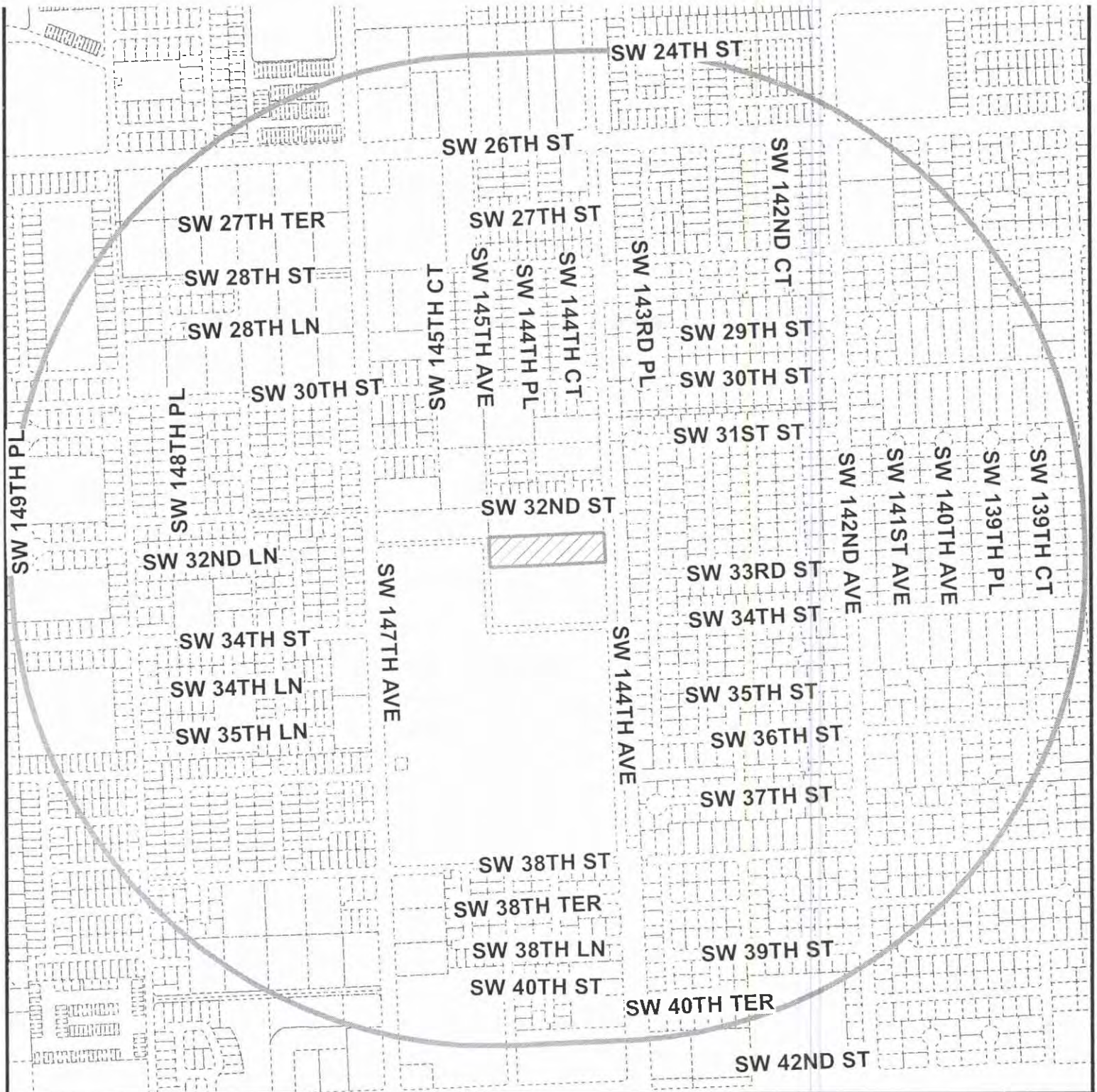
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, September 20, 2011

REVISION	DATE	BY
		197





**MIAMI-DADE COUNTY**  
**RADIUS MAP**

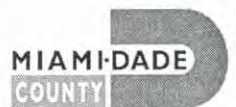
Section: 15 Township: 54 Range: 39  
 Applicant: ISABIANCA INVESTMENTS, LLC  
 Zoning Board: C10  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2011000107**  
 RADIUS: 2640



**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, September 20, 2011

REVISION	DATE	BY

This instrument was prepared by:  
Name: *Juan R. Martinez and Associates, Inc.*  
Address: *8550 West Flagler Street*  
*Miami Florida, 33144*

*CZAB-10 — January 11, 2012*  
*Item #6 — Z11-107*  
*Isabianca Investments, LLC*

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

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

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of Public Hearing No. Z2011000107 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Juan R. Martinez and Associates, Inc., entitled Boundary survey and tentative layout "ISABIANCA SUBDIVISION", Stamped dated received July 01 2011, said plans being on file with the Miami-Dade County Department of Planning and Zoning and by reference made a part of this agreement.
- (2) That the development of the subject property be limited to no more than 6 dwelling units per gross acre.
- (3)

(Public Hearing)

(Space reserved for Clerk)

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**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

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

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

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

(Public Hearing)

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

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

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

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

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

**EXHIBIT "A"**

THE SOUTH 1/2 OF TRACT 7-A OF J.G.HEAD'S FARMS, LYING IN SECTION 15, TOWNSHIP 54 SOUTH, RANGE 39 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46 AT PAGE 44 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



(Space reserved for Clerk)

**ACKNOWLEDGMENT  
LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on this 15 day of  
OCTOBER, 2011.

IN WITNESS WHEREOF, ISABIANCA INVESTMENTS LLC. (Corporate  
name) has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

[Signature]  
Signature  
LUIS CHACON  
Print Name

[Signature]  
Signature  
ARODYS IZQUIERDO  
Print Name

ISABIANCA INVESTMENTS LLC.  
Name of LLC  
Address:  
2460 S.W 137TH AVE # 238  
Miami, Florida 33175

By [Signature]  
(Managing Member)

Print Name: PEDRO ADRIAN

**[\*Note: All others require attachment of  
original corporate resolution of authorization]**

STATE OF FLORIDA

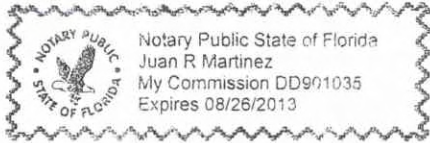
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by PEDRO ADRIAN  
(Name)  
the Managing Member of ISABIANCA INVESTMENTS LLC, on behalf  
(Title) (Name)  
of the LLC.  
He/She is personally known to me or has produced \_\_\_\_\_, as  
identification.

(Space reserved for Clerk)

Witness my signature and official seal this 15 day of

OCTOBER <sup>+</sup>, 2011, in the County and State aforesaid.



*Signature*

Notary Public-State of Florida

Juan R. Martinez

*Print Name*

My Commission Expires: August 26, 2013

CZAB-10 — January 11, 2012

Item #6 — Z 11-107

Isabianca Investments, LLC.

**OPINION OF TITLE**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I obtained Title Policy No. OF6-8018436 with an Effective Date of August 22, 2011 at 11:30 a.m. from Old Republic National Title Insurance Company, together with an updated search from Attorneys' Title Fund Services, LLC with an Effective Date of December 2, 2011 at 11:00 p.m. and, based on such Title Policy issued by Old Republic National Title Insurance Company and the update issued by Attorneys' Title Insurance Company covering the period of time from the beginning to the 2<sup>nd</sup> day of December, 2011 at the hour of 11:00 P.M., inclusive, of the following described property:

**The South 1/2 of Tract 7-A of J.G. HEAD'S FARMS, lying in Section 15, Township 54 South, Range 39 East, according to the Plat thereof, as recorded in Plat Book 46 at Page 44 of the Public Records of Miami-Dade County, Florida.**

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Isabianca Investments, LLC, a Florida limited liability company

**NOTE:** For Limited Partnership or Joint Venture indicate comprising the Limited Partnership or Joint Venture and identify who is authorized to execute.

Subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:**

NONE.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

NONE.

**3. GENERAL EXCEPTIONS:**

1. Taxes for 2012 and taxes or special assessments which are not shown as existing liens by the public records.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
  - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and
  - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)
8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

**4. SPECIAL EXCEPTIONS:**

1. All matters contained on the Plat of J.G. Head's Farms, as recorded in Plat Book 46, Page(s) 44, Public Records of Miami Dade County, Florida.
2. Assignment of Easement Agreement and other rights filed in O.R. Book 14906 Page 1117, of the Public Records of Miami-Dade County, Florida.
3. Grant of Easement filed in O.R. Book 17488 Page 4280; O.R. Book 17488 Page 4187, of the Public Records of Miami-Dade County, Florida.

**I HEREBY CERTIFY** that I have reviewed all the aforementioned encumbrances and exception.

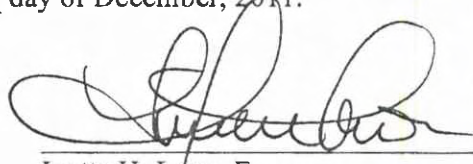
Therefore, it is my opinion that the following parties must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
<b>Isabianca Investments, LLC</b> (Authorized to sign is Pedro Adrian, Trustee, Managing Member)	Fee Simple	None

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 16<sup>th</sup> day of December, 2011.

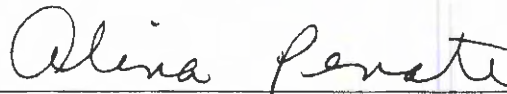


Ivette H. Leon, Esq.  
Florida Bar No. 981834  
2460 S.W. 137<sup>th</sup> Avenue  
Suite 238  
Miami, Florida 33175

STATE OF FLORIDA

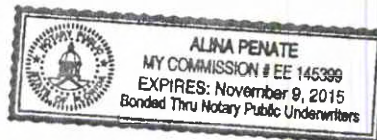
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of December, 2011, by Ivette H. Leon, Esq., who is personally known to me or has produced \_\_\_\_\_ as identification.



NOTARY PUBLIC

My Commission Expires:



## UPDATE

**Fund File Number:** 01-2011-009136

**Provided For:** IVETTE H LEON PA

**File Reference No.:** 10-1043.7

**Effective Dates: From** August 24, 2011 *at* 8:00 AM

**To** December 2, 2011 *at* 11:00 PM

**Description of Real Property Situated in Miami-Dade County, Florida.**

The South ½ of Tract 7-A of J.G. HEAD'S FARMS, lying in Section 15, Township 54 South, Range 39 East, according to the Plat thereof, as recorded in Plat Book 46 Page 44, of the Public Records of Miami-Dade County, Florida

**Names Searched:**

CORAL GARDENS MANSIONS LLC  
ISABIANCA INVESTMENS AND/OR ASSIGNS

*The entries on the following page(s) affecting the above-described property have been recorded among the Official Records of the county during the time period covered by this search. This chain is prepared in the same manner as our abstracts as indicated by our certificate and does not alleviate the necessity of an examination of the complete instruments or court proceedings indexed.*

*A 20-year name search has been performed on parties acquiring an interest within the time period covered by this search. Parties acquiring interests prior to the beginning date of this search and continuing in said interest after the beginning date of this search, have been searched from the beginning date.*

*Ad Valorem tax information is not provided.*

*This search is provided to cover the "GAP" period between prior title evidence and the effective date of this search.*

*Prepared this 14th day of December, 2011.*

*Attorneys' Title Fund Services, LLC*

**Prepared by:** MIAMI DADE BRANCH  
**Phone Number:** 305-459-2640

## UPDATE

*Fund File Number:* 01-2011-009136

*The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:*

- (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
- (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)*

1. **Book and Page:** Nothing Found.                      **TOI:**                      **DOF:**  
    **First Party:**  
    **Second Party:**

# Old Republic National Title Insurance Company

## OWNER'S POLICY Schedule A

Policy No.:  
OF6-8018436

Date of Policy:  
August 22, 2011 @ 11:30 AM

Agent's File Reference:  
10-1043.8

Amount of Insurance: \$225,000.00      Premium: \$1,200.00

Address Reference: SW 145th Ave & S.W. 32nd Terr, Miami, FL 33175

1. Name of Insured: Isabianca Investments, LLC, a Florida limited liability company
2. The estate or interest in the Land that is insured by this policy is: Fee Simple as shown by instrument recorded as Document No. CFN2011R0558326 in Official Records Book 27799, Page 414, of the Public Records of Miami-Dade County, Florida.
3. Title is vested in: Isabianca Investments, LLC, a Florida limited liability company
4. The Land referred to in this policy is described as follows:

The South 1/2 of Tract 7-A of J.G. HEAD'S FARMS, lying in Section 15, Township 54 South, Range 39 East, according to the Plat thereof, as recorded in Plat Book 46 at Page 44 of the Public Records of Miami-Dade County, Florida.

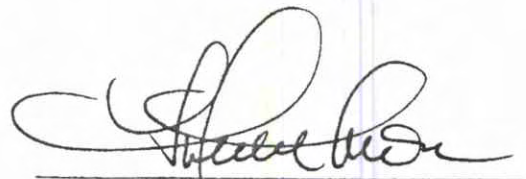
### Old Republic National Title Insurance Company

400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111

Agent No.: 34541

Issuing Agent:

Ivette H. Leon, P.A.  
2460 S.W. 137th Avenue  
Suite 238  
Miami, FL 33175



Agent's Signature  
Ivette H. Leon, Esq.  
Attorney at Law



# Old Republic National Title Insurance Company

## OWNER'S POLICY Schedule B

Policy No.:  
OF6-8018436

Agent's File Reference:  
10-1043.8

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes for the year of the Date of Policy and taxes or special assessments which are not shown as existing liens by the Public Records.
2. Rights or claims of parties in possession not recorded in the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
4. Easements, or claims of easements, not recorded in the Public Records.
5. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land(s) insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
7. All matters contained on the Plat of J.G. Head's Farms, as recorded in Plat Book 46, Page(s) 44, Public Records of Miami Dade County, Florida.
8. Assignment of Easement Agreement and other rights filed in O.R. Book 14906 Page 1117, of the Public Records of Miami-Dade County, Florida.
9. Grant of Easement filed in O.R. Book 17488 Page 4280; O.R. Book 17488 Page 4187, of the Public Records of Miami-Dade County, Florida.
10. Exceptions 2-6 are hereby deleted.