

FINAL AGENDA

1-23-2012 Version # 1



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Thursday, March 1, 2012 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|---------------|----------|---|
| 1. | 12-3-CZ10-1 | <u>JORGE A. RODRIGUEZ</u> | <u>11-71</u> | 15-54-39 | N |
| 2. | 12-3-CZ10-2 | <u>MAYRA FERNANDEZ</u> | <u>11-95</u> | 08-54-40 | N |
| 3. | 12-3-CZ10-3 | <u>ISABIANCA INVESTMENT LLC & CURBY
CORP</u> | <u>11-102</u> | 10-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF THURSDAY, MARCH 1, 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

1. JORGE A. RODRIGUEZ (12-3-CZ10-1/11-071)

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

APPLICANT: JORGE A. RODRIGUEZ

- (1) Unusual Use to permit a home for the aged.
- (2) NON-USE VARIANCE to permit a two-way-drive with a width varying from 16'-2" to 18'-0" (20' required).
- (3) NON-USE VARIANCE to permit the existing residence setback 49'-6" (50' required) from the front (east) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or it's successor department entitled "Assisted Living Facility" as prepared by unknown. Sheets A-001 and A-002 dated stamped received 10/7/11 and the remaining 2 sheets dated stamped received 6/21/11, consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 3970 SW 144 Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.25 Acres

Department of Permitting, Environment
and Regulatory Affairs
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. MAYRA FERNANDEZ (12-3-CZ10-2/11-095)

**8-54-40
Area 10/District 11**

- (1) NON-USE VARIANCE to permit an existing addition to a townhouse residence setback varying from 5' to 7.10' (10' required) from the rear (west) property line.
- (2) NON-USE VARIANCE to waive the zoning regulations requiring 8' of the side yard area between the end of a group townhouses and a public or private street be unencumbered by walls fences or other structure; to permit a 6' high wood fence within the side yard area.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or it's successor department entitled "Family room Legalization for Mayra Fernandez, Owner" as prepared by C. David Morton & Associates, dated stamped received 8/3/11 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 2008 SW 103 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 48.81' X 85.99'

Department of Permitting, Environment
and Regulatory Affairs
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. ISABIANCA INVESTMENTS LLC & CURBY CORP. (12-3-CZ10-3/11-102) 10-54-39
Area 10/District 11**

(1) DISTRICT BOUNDARY CHANGE from AU (Agricultural) to RU-1M(a) (Modified Single Family 5,000 sq. ft. net).

LOCATION: Lying East of SW 147th Avenue & Approximately 660' South of SW 18th Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.97 Acres

Department of Permitting, Environment
and Regulatory Affairs

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

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.

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 Permitting, Environment and Regulatory Affairs (PERA) within 14 days after PERA 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. (PERA's posting will be made on a bulletin board located in the office of PERA.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department
Staff Report to Community Council No. 10**

PH: Z11-071 (12-3-CZ10-1)

March 1, 2012

Item No. 1

Recommendation Summary	
Commission District	11
Applicant	Jorge A. Rodriguez
Summary of Requests	The applicant is seeking to establish a home for the aged. Additionally the applicant is requesting a two-way drive with varying widths and existing residence to setback less than required.
Location	3970 SW 144 Avenue, Miami-Dade County, Florida.
Property Size	1.25-acres
Existing Zoning	AU
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Office/Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) UNUSUAL USE to permit a home for the aged.
- (2) NON-USE VARIANCE to permit a two-way drive with a width varying from 16'2" to 18'0" (20' required).
- (3) NON-USE VARIANCE to permit the existing single-family residence setback 49'6" (50' required) from the front (east) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Assisted Living Facility" as prepared by unknown. Sheets A-001 and A-002 dated stamped received 10/7/11 and the remaining 2 sheets dated stamped received 6/21/11, consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

Existing 6,457 sq ft single-family residence consisting of eleven (11) bedrooms for a maximum of twenty-two (22) residents.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; single-family residence	Office/Residential
North	RU-1; vacant land	Office/Residential
South	BU-1A; commercial	Business and Office
East	RU-1; single-family residences	Office/Residential
West	RU-1; single-family residences	Office/Residential

NEIGHBORHOOD COMPATIBILITY:

The existing single-family residence lies on an interior lot, located at 3970 SW 144 Avenue. The area is characterized by single-family residences and commercial uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to establish a home for the aged. However, approval could result in an increase in traffic in this single-family residential neighborhood.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Office/Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. Uses allowed in the Office/Residential land use category include both professional and clerical offices, hotels, motels, and residential uses. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The applicant is requesting an unusual use to permit a home for the aged. The letter of intent submitted by the applicant indicates that the proposed home for the aged will serve a maximum of twenty-two (22) clients. The approval of the request sought in the application will not add additional dwelling units to the site. The CDMP Land Use Element interpretative text for the Office/Residential category indicates that the design of the site should be sensitive to adjacent residential areas. Staff notes that the applicant has shown sensitivity to the abutting residential uses to the west and north through the design of the parking area, which is buffered by landscaping. The submitted site plans depict a continuous hedge running along the north and west property lines. Staff opines that the proposed home for the aged is **consistent** with the CDMP Land Use Element interpretative text and **compatible** with the surrounding area.

ZONING ANALYSIS:

When analyzing request #1 under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that the proposed home for the aged would be **compatible** with the surrounding commercial and residential uses. Staff notes that the subject property is an existing single-family residence and that the site plans submitted do not indicate any change in the building footprint or elevations. Additionally, the applicant has designed the parking area in such a way that the residential uses to the west and north are buffered by landscaping in the form of a continuous hedge and trees. Staff opines that the proposed home for the aged will not create excessive noise and traffic or cause undue and excessive burden on public facilities as indicated in the memoranda from other reviewing

agencies. Further, in staff's opinion the proposed home for the aged provides the community with a much needed alternative residential living option for the elderly. When considering the present and future development of the area staff opines that the proposed home for the aged is compatible with the surrounding area. **As such, staff recommends approval with conditions of the requested unusual use to establish a home for the aged at the subject property under Section 33-311(A)(3) Standards for Special Exceptions, Unusual Uses and New Uses.**

When request #2 (varying two-way drive widths) is analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards, staff opines that approval of this request is germane to request #1 and represent the existing conditions of the subject site. Staff notes that the request is needed because there is only one ingress/egress point for the subject property and therefore a two-way drive is needed. Staff opines that varying the drive-way width will not result in spillage of traffic onto the abutting roadway and will have minimal impact on the surrounding area. In staff's opinion, the request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and will not impact the general welfare of the public or affect the appearance of the community. Staff opines that approval of the request would be **compatible** with the surrounding area and therefore, **recommends approval with conditions of request #2 under Section 33-311(A)(4)(b).**

When the request to permit the existing single-family residence setback 49'6" (50' required) from the front (east) property line (request #3) is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards, staff opines that the approval would be **compatible** with the surrounding area. Staff is of the opinion that the existing 4" encroachment of the single-family residence into the front (east) setback area is most likely the result of construction error. **As such, staff recommends approval of request #3 with conditions under Section 33-311(A)(4)(b).**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts a single ingress/egress point for the two-way drive along 144 Avenue and thirteen (13) parking spaces located behind the single-family residence.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

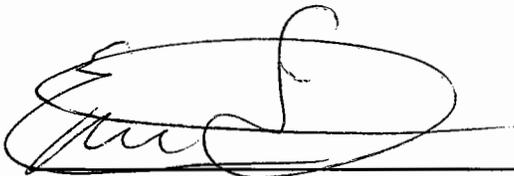
CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department 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 "Assisted Living Facility" as prepared by unknown. Sheets A-001 and

A-002 dated stamped received 10/7/11 and the remaining 2 sheets dated stamped received 6/21/11, consisting of 4 sheets.

3. That the existing shed be removed or relocated to comply with zoning requirements, as indicated on the submitted plans to conform with zoning setback requirements within 90 days of the expiration of the appeal period for this Zoning Hearing,
4. That the use be established and maintained in accordance with the approved plan.
5. That the use be limited to a maximum of 22 elderly residents.

ES:MW:GR:NN:CH:AN



Eric Silva, AICP, Interim Assistant Director *NDM*
Zoning and Community Design
Miami-Dade County
Sustainability, Planning and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

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

*If applicable

ZONING RECOMMENDATION ADDENDUM

Jorge Rodriguez
11-071

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Permitting, Environment & Regulatory Affairs	No objection
Public Works & Waste Management	No objection
Parks, Recreation & Open Spaces	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>Office/ Residential (Pg. I-43)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Office/Residential. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.</i></p> <p><i>Residential uses are also allowed in the Office/Residential category. In these locations, residential density may be approved up to one density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site. When residential uses are mixed with office uses, the overall scale and intensity, including height and floor area ratio of the mixed-use development shall be no greater than that which would be approved if the parcel was developed in either office use only or residential use only, whichever is higher. Within the Office/Residential category, business uses ancillary and to serve the on-site use(s) may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential category does not authorize other business or commercial uses.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-13 Unusual Uses</p>	<p><i>(e) Unusual and new uses. Unless approved upon public hearing, the following unusual uses or uses similar thereto shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: homes of the aged (except group homes and community residential homes where same is a permitted use)</i></p>
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ZONING RECOMMENDATION ADDENDUM

Jorge Rodriguez
11-071

33-311(A)(3) Special Exceptions, Unusual Uses and New Uses	<p><i>The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<p><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></p>

1. JORGE A. RODRIGUEZ
(Applicant)

12-3-CZ10-1 (11-071)
Area 10/District 11
Hearing Date: 03/01/12

Property Owner (if different from applicant) **Jorge Rodriguez.**

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>
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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: December 15, 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 #Z2011000071-3rd Revision
Jorge Rodriguez
3970 S.W. 144th Avenue
Unusual Use to Permit a Home for the Aged
(AU) (1.25 Acres)
15-54-39

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.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

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

Potable Water 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 the Department for this proposed development order.

Wastewater Disposal

Public sanitary sewers cannot be made available to this site. The interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste could be approved, 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.

Stormwater Management

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Wetlands

Although the subject property is located within a designated wetland basin, the subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will not be required. The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

Tree Removal Permit #00003498 was issued for this property on December 13, 2011. All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit on December 13, 2012 in order to avoid violation of permit conditions.

A new Miami-Dade County Tree Removal Permit or an amendment to this permit is required prior to the removal or relocation of any other trees on the subject property. The applicant is advised to contact the Tree Program at 305-372-6600 for information regarding tree permits

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

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 1

PH# Z2011000071

CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

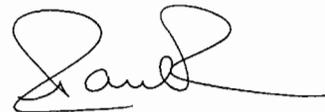
Applicant's Names: JORGE A. RODRIGUEZ

This Department has no objections to this application.

This Department has no objections to the request to permit a two-way drive with a width less than required.

Additional improvements may be required at time of permitting.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

08-NOV-11



Memorandum

Date: 12-OCT-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2011000071

Fire Prevention Unit:

This memo supersedes MDR memorandum dated July 12, 2011.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped received October 7, 2011. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDR requirements.

Service Impact/Demand

Development for the above Z2011000071
 located at 3970 SW 144 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1515 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>6,457</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 4.53 alarms-annually.
 The estimated average travel time is: 4:36 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 site plan date stamped October 7, 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.

12

Memorandum



Date: October 31, 2011

To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs Department

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

Subject: Z2011000071: Unusual Use to Permit a Home for the Aged
Revised Plans Dated Stamped Received 10-07-2011

Application Name: Jorge Rodriquez.

Project Location: The site is located at the 3970 SW 144 Avenue, Miami-Dade County.

Proposed Development: The applicant is requesting approval for an unusual use to permit a home for the aged including facilities for 22 beds.

Impact and demand: The nearest park to the application is Bird Lakes Park (.59 miles), a community park providing open space with shelters, tot lots and baseball facilities. The parks within a 2-mile radius are included in the following table.

Park Name	Classification	Acreage
Bird Lakes Park	Community Park	8.47
Bent Tree Park	Neighborhood Park	5.88
Millers pond Park	Community Park	13.07
Royale Green Park	Neighborhood Park	3.33
West Kendall Lakes Park	Neighborhood Park	5.02
Tamiami Lakes Park	Neighborhood Park	5.00
McMillian Park	Special Purpose Park	8.60
Westwind Lakes Park	Community Park	20.74

Concurrency/Capacity Status

Development proposed is for an assisted living facility for the aged. The proposal is for a capacity of 22 beds. This population generates a need for .06 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 475.26 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

DATE: 03-FEB-12
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

JORGE A. RODRIGUEZ

3970 SW 144 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000071

HEARING NUMBER

HISTORY:

NO ZONING OR BUILDING VIOLATIONS FOUND

JORGE A. RODRIGUEZ

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO

Inspection Date

Evaluator: AMINA NEWSOME

11/17/11

Process #: Z2011000071
Applicant's Name: JORGE A. RODRIGUEZ

Locations: 3970 SW 144 AVE, MIAMI-DADE COUNTY, FLORIDA.

Size: 1.25 ACRES

Folio #: 3049150011445

Request:

- 1 Unusual Use to permit a home for the aged.
- 2 Applicant is requesting to permit a two-way-drive with a width varying from 16'-2" to 18'-0" (20' required).
- 3 Applicant is requesting to permit the existing house setback 49'-6" (50' required) from the front (east) property line.
- 4 Applicant is requesting to permit a shed spaced 9'-1" (20' required) from the existing house.

EXISTING ZONING

Subject Property AU,

EXISTING USE SFR

SITE CHARACTERISTICS

STRUCTURES ON SITE:

ONE STORY RESIDENCE W/AN ATTACHED PORCH, CARPORT, REAR TERRACE & SWIMMING POOL. THERE ARE ALSO 4 ACCESSORY STRUCTURES ON THE PROPERTY: GARAGE, 2 SHEDS, AND A STORAGE BUILDING.

USE(S) OF PROPERTY:

THE PROPERTY IS ZONED AU WITH A RESIDENTIAL USE.

FENCES/WALLS:

THERE IS 6 FT WOOD FENCE ALONG THE WEST PROPERTY LINE; 6 FT PREFAB WALL ALONG THE SOUTH PROPERTY LINE; 4 FT CHAIN LINK FENCE ON TOP OF A 2 FT CBS WALL ALONG THE NORTH PROPERTY LINE & AN ALUMINUM FENCE W/CONCRETE COLUMNS ALONG THE FRONT, EAST PROPERTY LINE.

LANDSCAPING:

THE PROPERTY IS SUBSTANTIALLY LANDSCAPED THROUGHOUT THE PROPERTY WITH A VARIETY OF NATIVE SPECIES.

BUFFERING:

THERE IS A 6 FT FICUS HEDGE AND TREES ALONG THE PERIMETER OF SUBJECT PROPERTY WHICH SERVES AS AN EXCELLENT BUFFER.

VIOLATIONS OBSERVED:

THE FOLLOWING VIOLATIONS WERE OBSERVED AT TIME OF INSPECTION: 1) STORAGE OF TRANSPORTATION VEHICLES AT THE REAR OF THE PROPERTY. APPLICANT NEEDS TO REMOVE THE VEHICLES OR INCLUDE THEM IN THE HEARING APPLICATION AS A REQUEST. 2) SHED LOCATED 6 FT FROM DETACHED GARAGE REQUIRES A 10 FT SEPERATION FROM THE GARAGE. 3) SHED SPACED 6 FT FROM THE SOUTH, INTERIOR PROPERTY LINE REQUIRES A 20 FT SETBACK. THE SETBACK VIOLATIONS MUST BE VARIED AT HEARING OR REMOVE SHEDS FROM SUBJECT PROPERTY.

OTHER:

ZONING INSPECTION REPORT

Process # Applicant's Name

Z2011000071 JORGE A. RODRIGUEZ

SURROUNDING PROPERTY

NORTH:

RU-1; VACANT LOT

SOUTH:

BU-1A; SHOPPING CENTER.

EAST:

RU-1; CANAL & SINGLE-FAMILY RESIDENCES.

WEST:

RU-1; SINGLE-FAMILY RESIDENCES.

SURROUNDING AREA

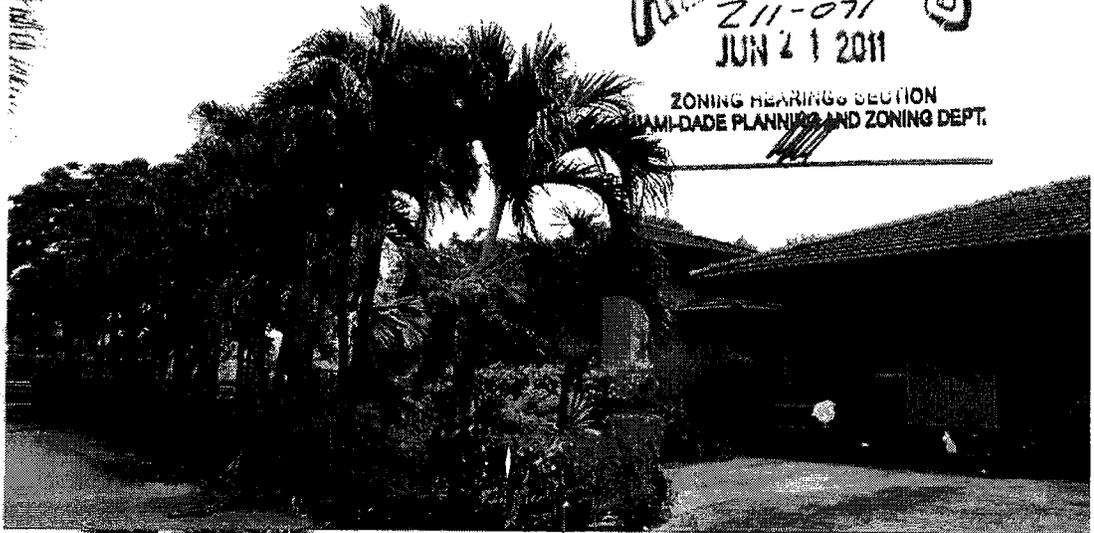
THE SUBJECT PROPERTY IS SURROUNDED BY SINGLE FAMILY RESIDENCES TO THE WEST, EAST, AND NORTH. TO THE SOUTH, THERE IS A SHOPPING CENTER THAT WAS RECENTLY BUILT.

NEIGHBORHOOD CHARACTERISTICS:

THE MAIN CHARACTERISTICS OF THE NEIGHBORHOOD IS RESIDENTIAL AND COMMERCIAL.

COMMENTS:

PHOTOGRAPHS
FRONT ELEVATION

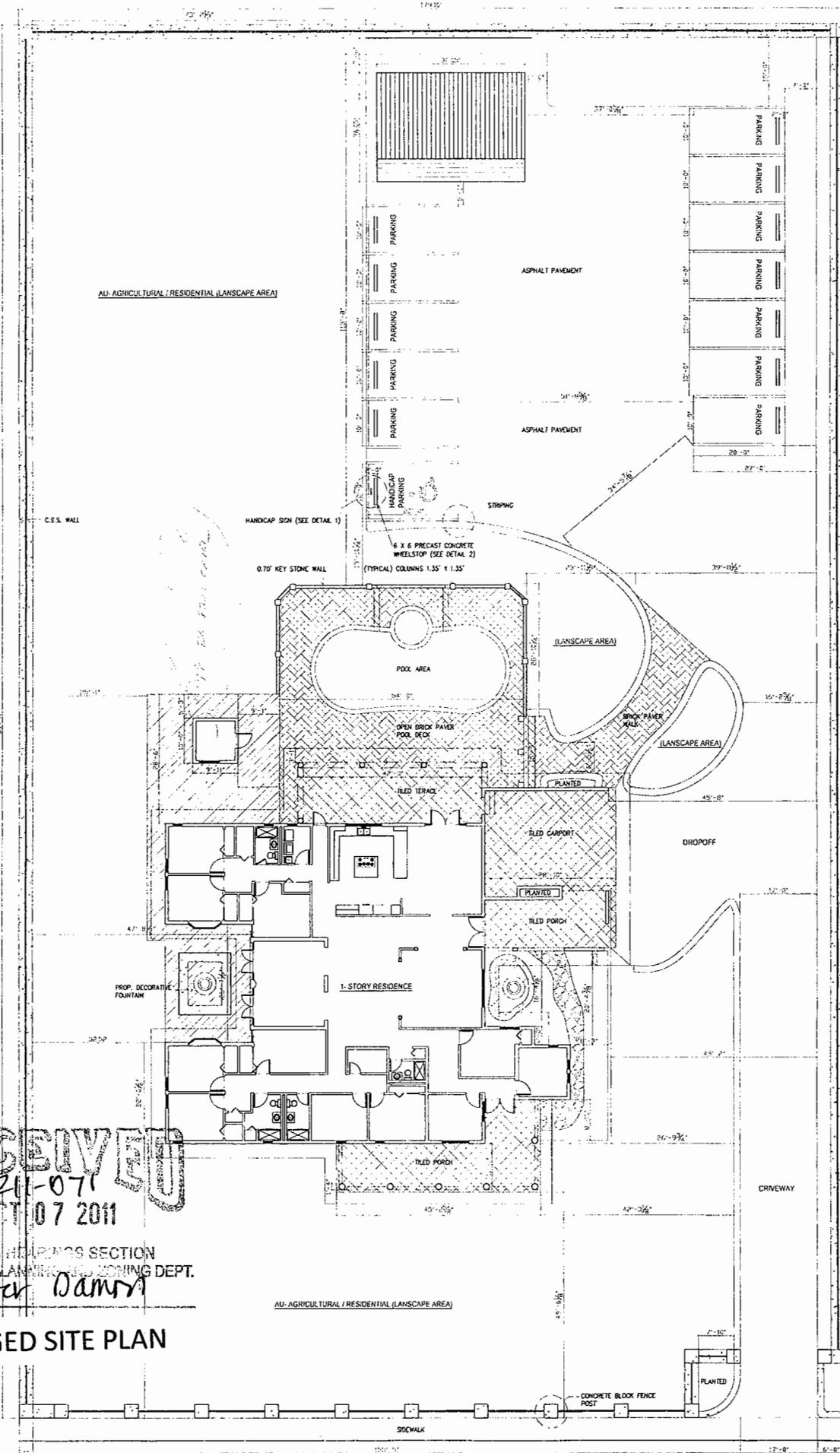


SIDE ELEVATION



REAR ELEVATION





AU- AGRICULTURAL / RESIDENTIAL (LANDSCAPE AREA)

ASPHALT PAVEMENT

ASPHALT PAVEMENT

6 X 6 PRECAST CONCRETE WHEELSTOP (SEE DETAIL 2) (TYPICAL) COLUMNS 1.35' x 1.35'

0.70' KEY STONE WALL

HANDICAP SIGN (SEE DETAIL 1)

C.S.S. WALL

(LANDSCAPE AREA)

POOL AREA

OPEN BRICK PAVER POOL DECK

BRICK PAVER WALK

(LANDSCAPE AREA)

TILED TERRACE

PLANTED

TILED CARPORT

PLANTED

TILED PORCH

DROPOFF

1-STORY RESIDENCE

PROP. DECORATIVE FOUNTAIN

TILED PORCH

DRIVEWAY

AU- AGRICULTURAL / RESIDENTIAL (LANDSCAPE AREA)

CONCRETE BLOCK FENCE POST

PLANTED

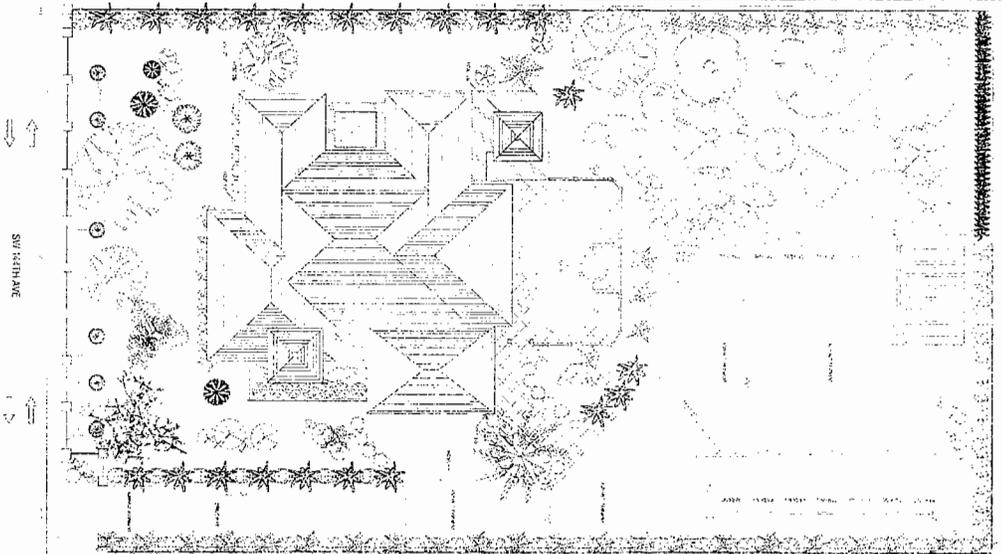
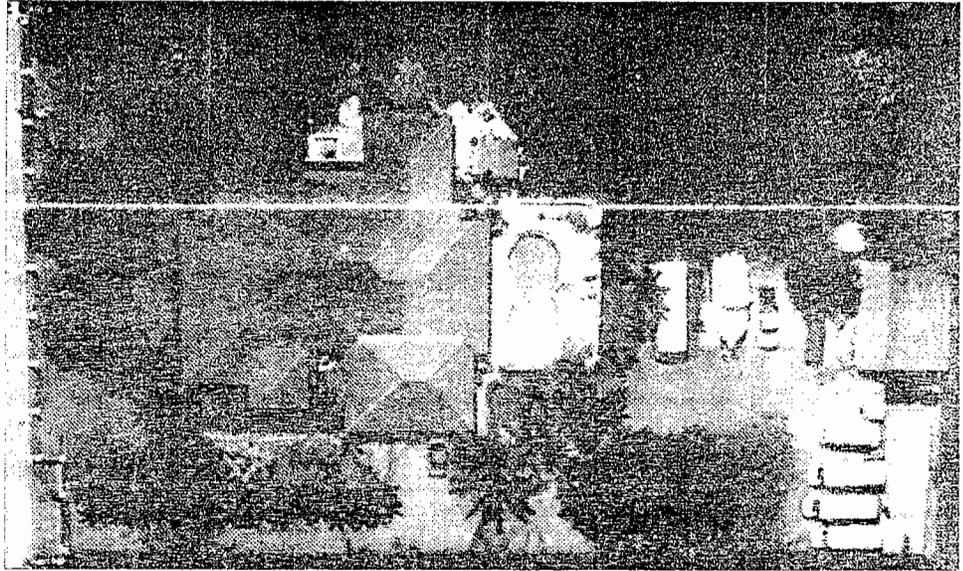
SIDEWALK

SW 144TH AVE

RECEIVED
21-071
OCT 07 2011

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

ENLARGED SITE PLAN



PROPERTY INFORMATION

OWNER: [Name]

ADDRESS: [Address]

DATE: [Date]

PROJECT DESCRIPTION

[Detailed description of the project, including zoning and proposed changes.]

APPLICANT INFORMATION

NAME: [Name]

ADDRESS: [Address]

PHONE: [Phone Number]

COMMENTS

[Additional notes and observations.]

RECEIVED

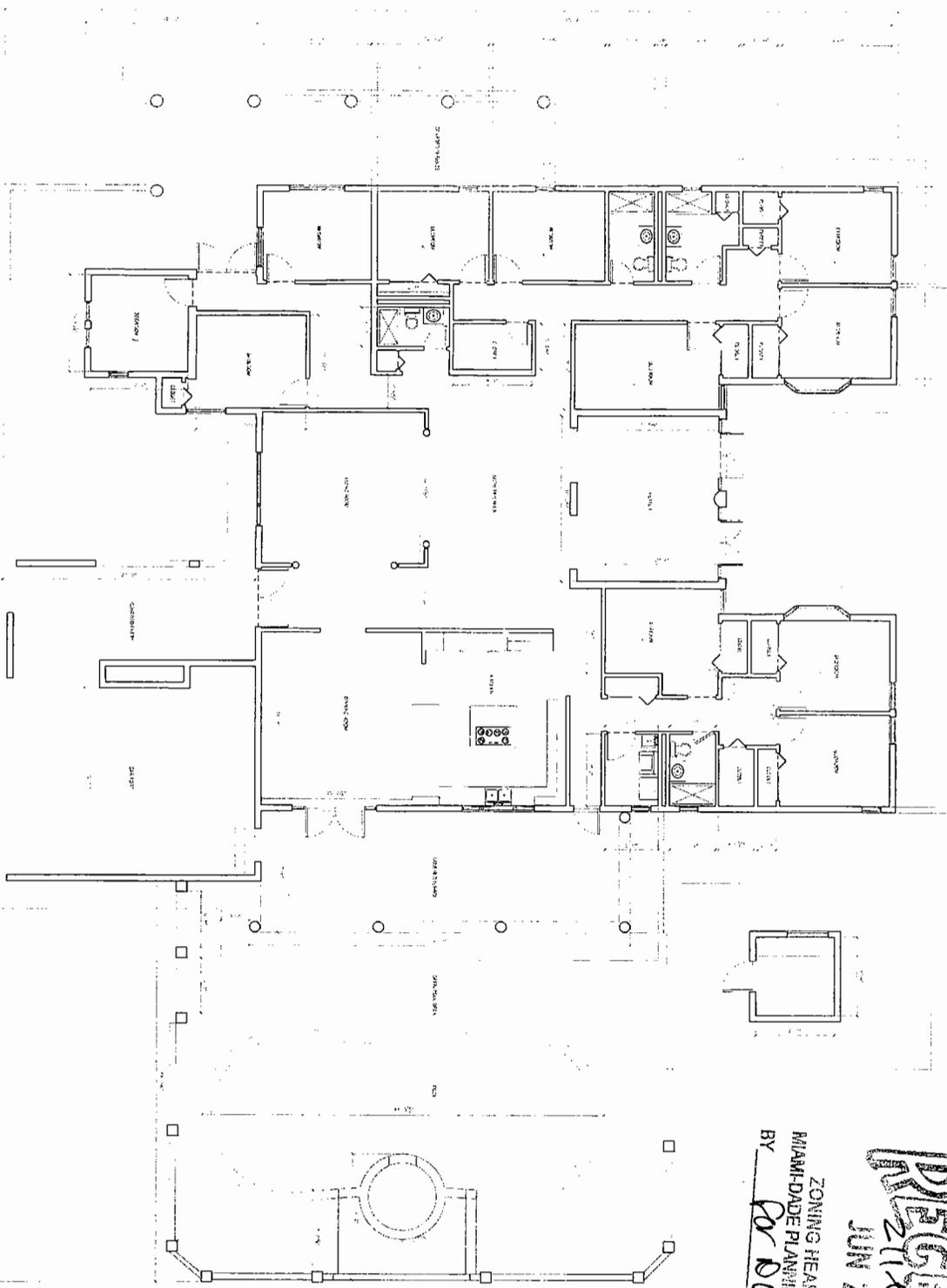
OCT 07 2011

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

APPROVED BY: [Signature]

DATE: [Date]

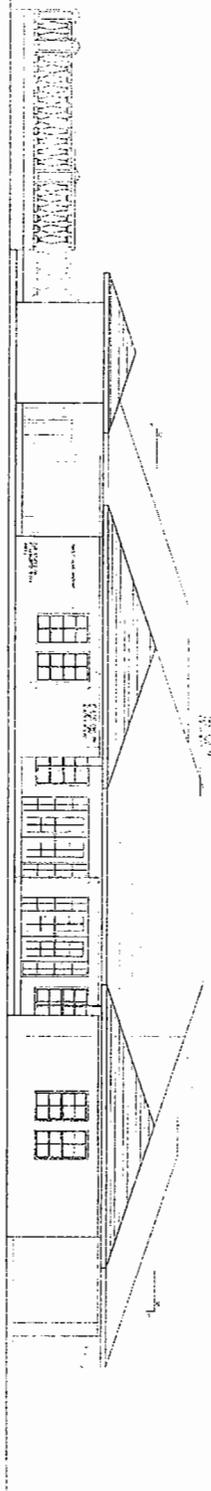
FIGURE PLAN
STATE WORKSHEET 3



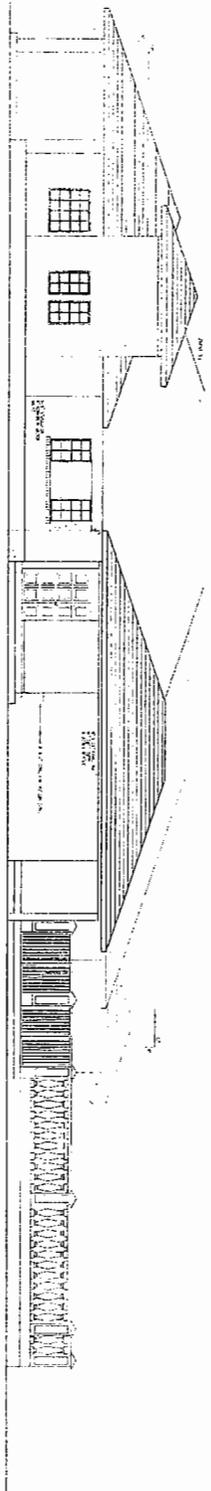
ASSISTED LIVING
 FACILITY
 3001 S.W. 15th Ave
 MIAMI, FL 33135

FIGURE PLAN
 SHEET NO. 1
 SCALE: 1/8" = 1'-0"
 A-101

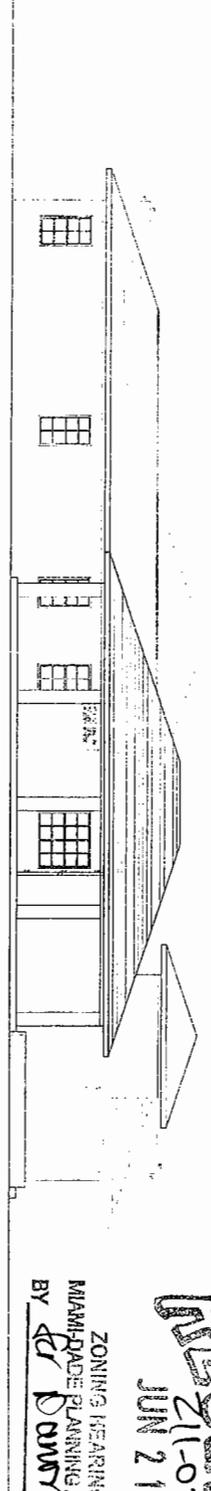
RECEIVED
 JUN 21 2011
 ZONING HEARING'S SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *Pa Down*



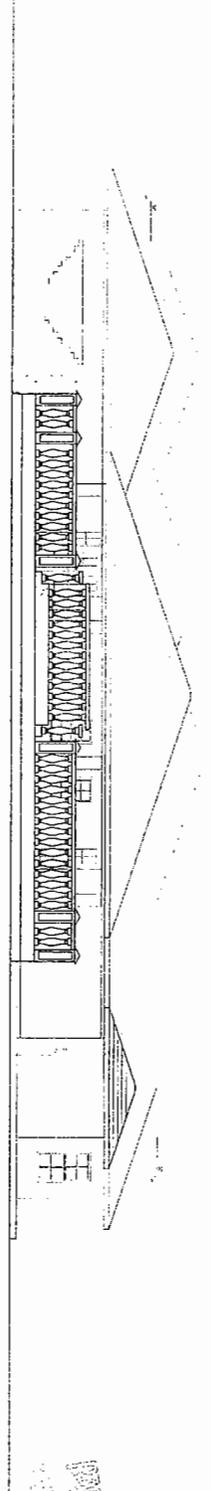
① NORTH ELEVATION



② WEST ELEVATION



③ SOUTH ELEVATION



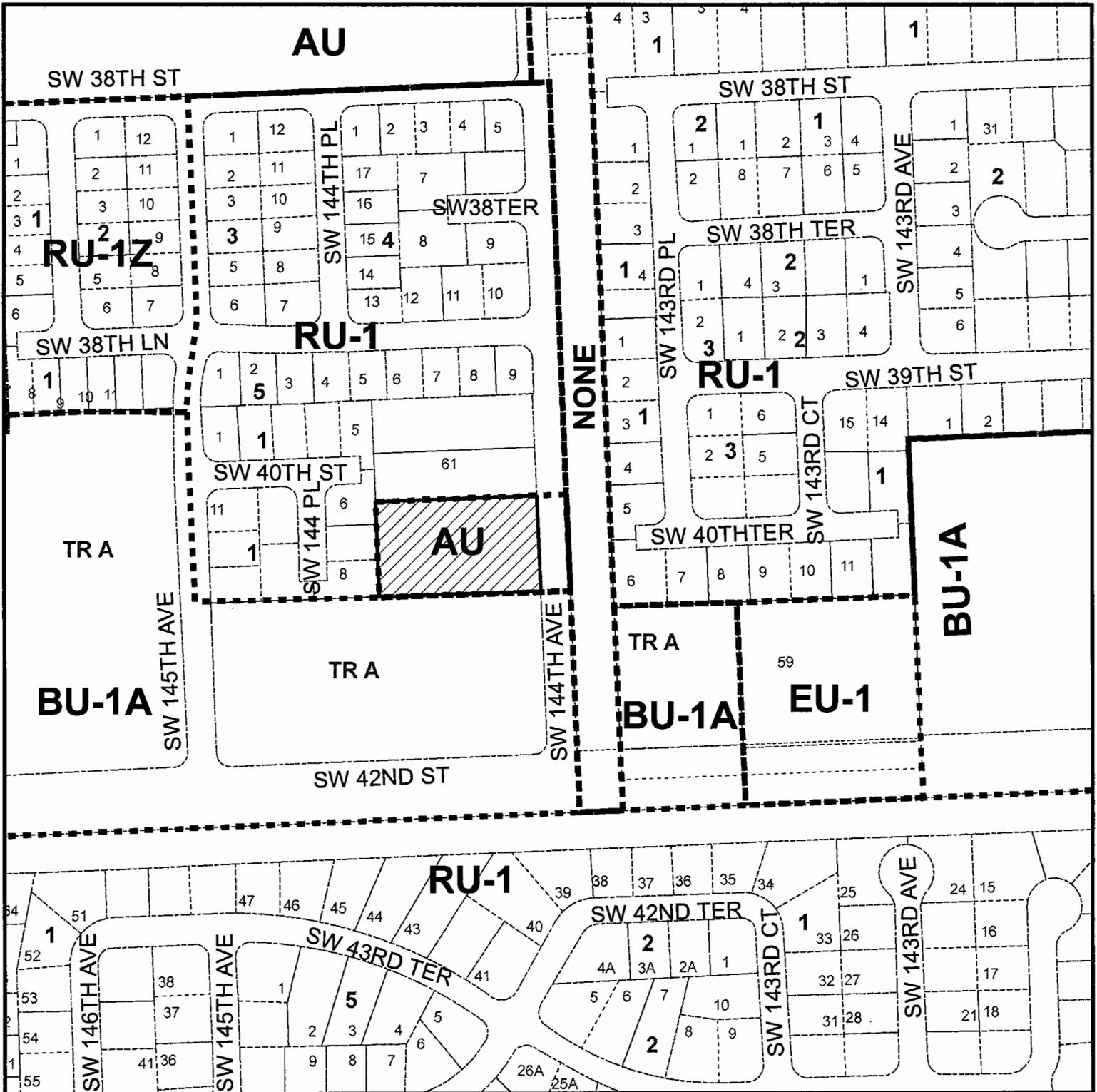
④ EAST ELEVATION

RECEIVED
 JUN 21 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *DL* *DWMT*

ASSISTED L.V.M.G.
 750 S.W. 11th Ave
 33057 MIAMI, FL 33135

LOCATION: ...
 ACRES: ...
 DATE PREPARED: ...

PROJECT: ...
A-200



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000071



Section: 15 Township: 54 Range: 39
 Applicant: JORGE RODRIGUEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000071



Section: 15 Township: 54 Range: 39
 Applicant: JORGE RODRIGUEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: KEELING STENNETT
 Scale: NTS

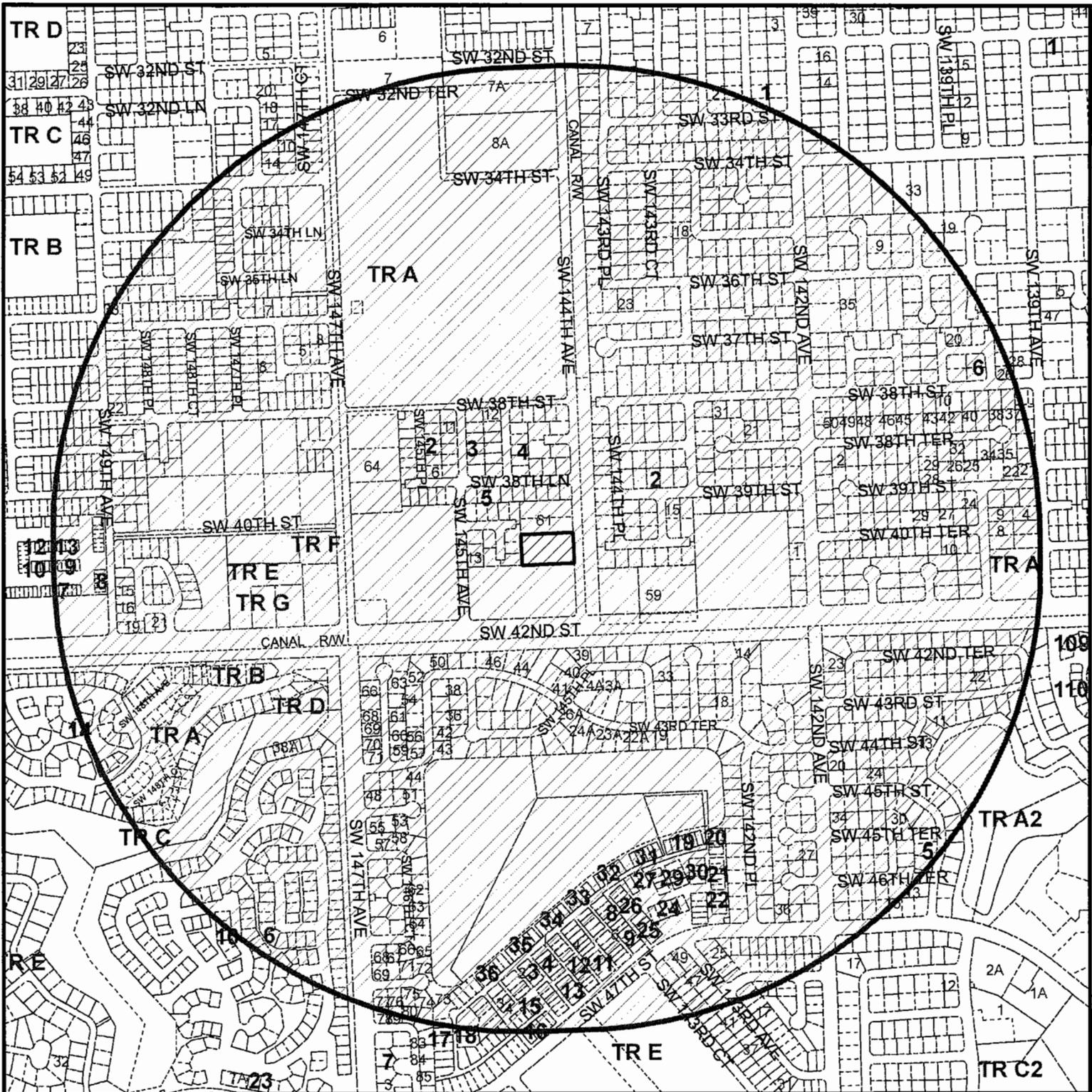
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 6, 2011

REVISION	DATE	BY
		24



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 15 Township: 54 Range: 39
 Applicant: JORGE RODRIGUEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: KEELING STENNETT
 Scale: NTS

Process Number
Z2011000071
 RADIUS: 2640



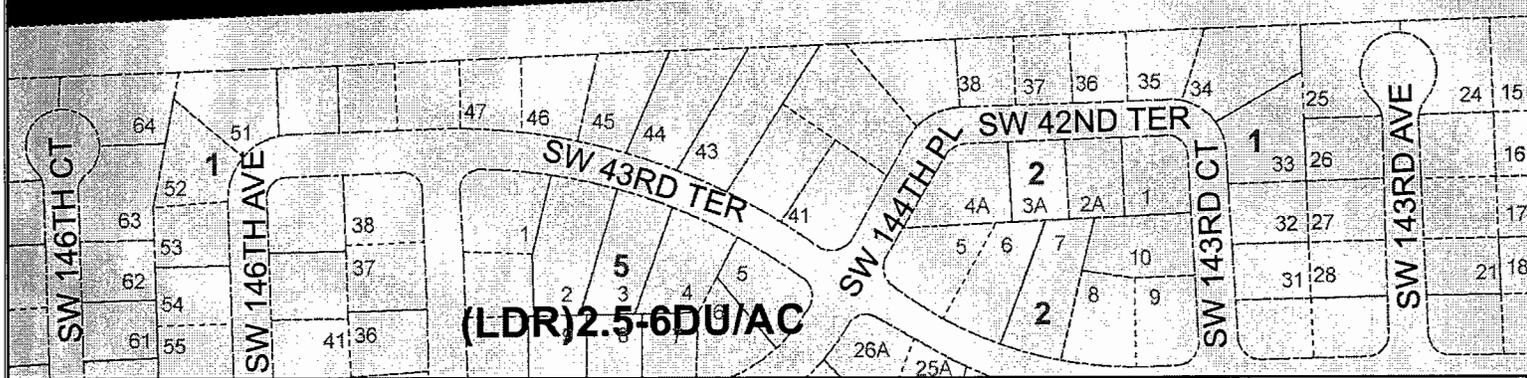
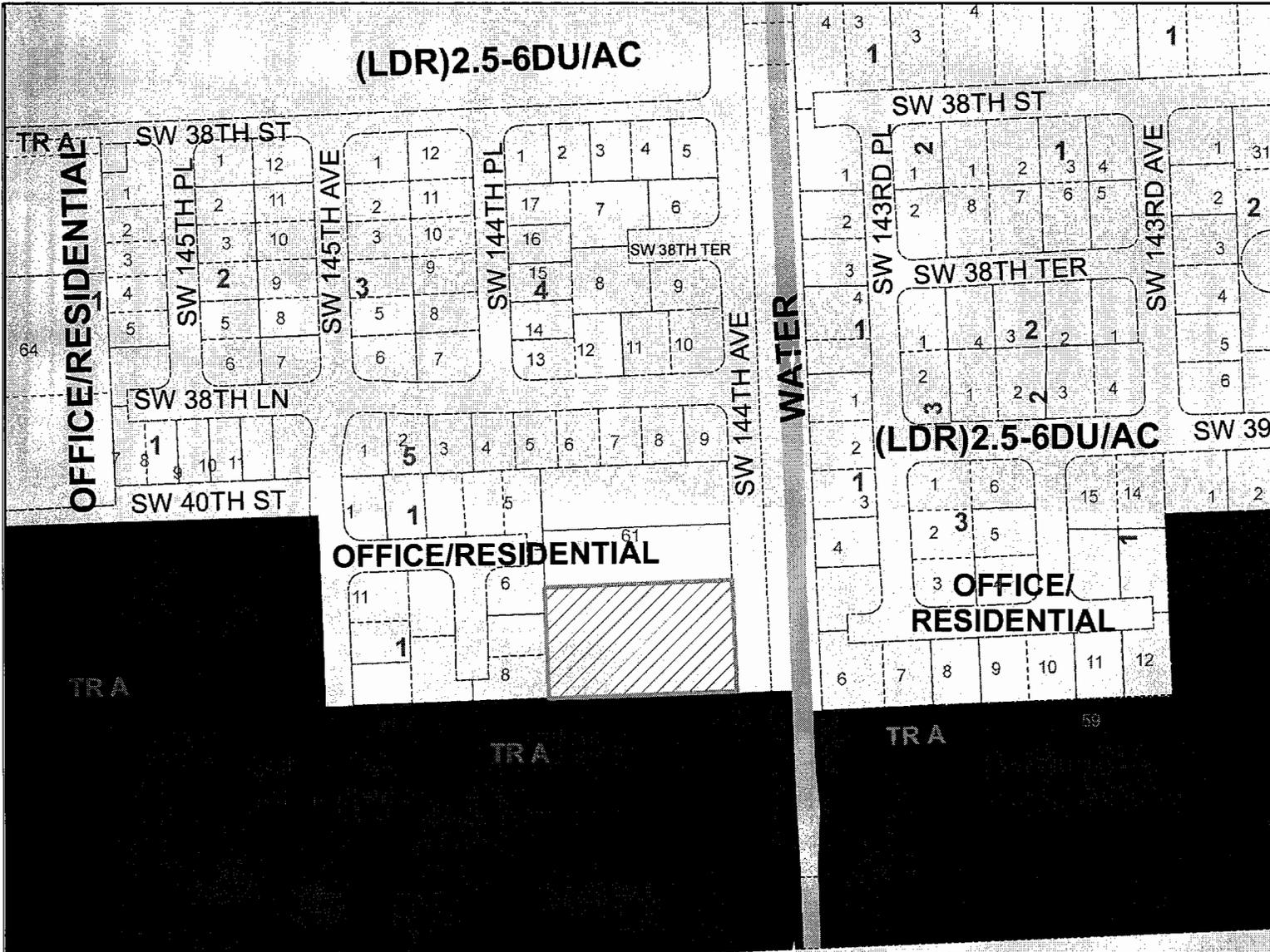
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, July 6, 2011

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000071



Section: 15 Township: 54 Range: 39
 Applicant: JORGE RODRIGUEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, July 6, 2011

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department
Staff Report to Community Council No. 10**

PH: Z11-095 (12-3-CZ10-2)

March 1, 2011
Item No. 2

Recommendation Summary	
Commission District	11
Applicant	Mayra Fernandez
Summary of Requests	The applicant is seeking to permit an existing addition to setback less than allowed and to permit a fence in the side yard of a townhouse development.
Location	2008 SW 103 Court, Miami-Dade County, Florida.
Property Size	48.81' x 85.99'
Existing Zoning	RU-TH
Existing Land Use	Townhouse
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing addition to a townhouse residence setback varying from 5' to 7.10' (10' required) from the rear (west) property line.
- (2) NON-USE VARIANCE to waive the zoning regulations requiring 8' of the side yard area between the end of a group townhouses and a public or private street be unencumbered by walls fences or other structures; to permit a 6' high wood fence.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department of its successor Department entitled "Family Room Legalization for Mayra Fernandez, Owner" as prepared by C. David Morton & Associates, dated stamped received 8/3/11 and consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing 1,471 sq. ft. townhouse residence.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-TH; townhouse residence	Low-Medium Density Residential (6 to 13 dua)
North	RU-TH; townhouse residences	Low-Medium Density Residential (6 to 13 dua)
South	RU-TH; townhouse residence	Low-Medium Density Residential (6 to 13 dua)
East	RU-TH; townhouse residences	Low-Medium Density Residential (6 to 13 dua)
West	RU-1Z; single-family residences	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is a townhouse, located on a corner lot at 2008 SW 103 Court. Townhouses and single-family residences characterize the area surrounding area the subject property.

SUMMARY OF THE IMPACTS:

Approval of this application will permit an existing family room addition to be setback from 5' to 7.10' from the rear (west) property line where 10' is required. Staff notes that the existing addition provides additional living space for the applicant and her family; however the existing addition encroaches into the required setback area and could have a negative visual impact on the adjacent single-family residence to the west. Additionally, the request to allow a fence in the side yard area could impede access to the utility easement where said fence is located.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low-Medium Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *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.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the CDMP LUP map, and will not change the townhouse use. Since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the townhouse, approval of the application with conditions is **consistent** with the uses allowed in the Low-Medium Density Residential land use category and the density range of the category depicted on the CDMP LUP map for the subject property.

ZONING ANALYSIS:

The applicant is requesting a non-use variance to permit an existing addition to a townhome residence to setback less than permitted and to waive zoning regulations requiring 8' of the side yard area between the end of a group of townhouses and a public or private street to be unencumbered by walls, fences or other structures.

When request #1 is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion the approval of the request with conditions would be **compatible** with the surrounding area. Staff found three (3) similar approvals for variance of setback requirements for a townhouse residence within the same townhouse development. Pursuant to Resolution #Z-3-77, Resolution #4-ZAB-108-76 and Resolution #4-ZAB-261-85, properties located at 2000 SW 103 Court, 2017 SW 103 Court and 2035 SW 103 Court were granted approvals to setback 8', 2' and 5' from the rear property line, respectively. As such, staff opines that the approval of request #1 would not be out of character with the immediate surrounding area.

Staff notes that the existing addition provides the property owner and her family with additional living space. The existing addition to be legalized consists of a family room as indicated on the submitted site plan and is architecturally designed to match the scale and character of the residence. Additionally, staff notes that the survey and photographs submitted by the applicant show an existing 6' high wood fence along the rear and interior side property lines of the subject

property. As such, staff opines that the 2.9' to 5' encroachment into the rear setback area is adequately buffered by said 6' high wood fence which in staff's opinion, diminishes any negative visual impact of the setback encroachments on the abutting single-family residence to the west. **As such, staff recommends approval with conditions of request #1, under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

Additionally, when request #2 to waive the zoning regulations requiring 8' of side yard area between the end of a group of townhouses and a public or private street be unencumbered by walls, fences or other structures, is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion the approval of the request with conditions would be **compatible** with the surrounding area. Additionally, staff opines that approval of request #2 would maintain 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 would not be detrimental to the community as evidenced by the memoranda submitted by the Departments of Public Works and Waste Management; the Environmental Division of Permitting, Environment and Regulatory Affairs; and Miami-Dade Fire Rescue. Staff notes that the side yard area is a part of the applicant's platted lot and is not used to calculate the common areas of the townhouse development. Further, staff opines that the existing 6' high wood fence provides that applicant privacy and minimizes the visual impact of the existing encroachment into the rear setback area. Staff opines that as a condition of approval the applicant should provide gates for access to the utility easement area, because a portion of the enclosed area is the utility easement area for the townhouse development. Additionally, the applicant should obtain written permission from the utility companies for the continued use of the 6' high wood fence located in the utility easement. **Staff therefore, recommends approval with conditions of request #2, 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:

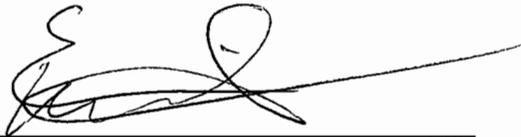
Approval with conditions.

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 or its successor Department 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 "Family Room Legalization for Mayra Fernandez, Owner" as prepared by C. David Morton & Associates, dated stamped received 8/3/11 and consisting of 2 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant shall obtain a building permit for the unpermitted addition from the Department of Permitting, Environment and Regulatory Affairs within 90 days after the appeal period deadline date.
5. That the applicant provide gates at the ends of the 6' high wood fence for access to the utility easement area.
6. That the applicant obtain the approval from the Utility Companies at the time of building permit allowing the continued use of the existing 6' high wood fence within the utility easement.

ES:MW:GR:NN:CH:AN



Eric Silva, AICP, Interim Assistant Director *NBW*
Zoning and Community Design
Miami-Dade County Sustainability, Planning
and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

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

ZONING RECOMMENDATION ADDENDUM

Mayra Fernandez
Z11-095

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Permitting, Environment & Regulatory Affairs	No objection
Public Works & Waste Management	No objection
Parks, Recreation & Open Spaces	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>Low- Medium Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><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></p>
---	--

2. MAYRA FERNANDEZ
(Applicant)

12-3-CZ10-2 (11-095)
Area 10/District 11
Hearing Date: 03/01/12

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>
1972	Alvin Rose, as TR.	- Zone change from AU and EU-1 to RU-4L and RU-TH with private drives. - Special Exception to permit multi family apartment and townhouse development. - Variance for landscaping.	BCC	Approved with conditions.
1972	Alvin Rose, as TR.	- Zone change from AU and EU-1 to RU-4L and RU-TH with private drives. - Special Exception to permit multi family apartment and townhouse development. - Variance for landscaping.	ZAB	Recommended for approval

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

Memorandum

Date: August 16, 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 #Z2011000095
Mayra Fernandez
2008 S.W. 103rd Court
To Permit an Addition to a Townhouse Residence Setback Less than
Required from Property Line and to Permit the Townhouse Residence
with Less Patio Area than Required
(RU-TH) (0.105 Acres)
08-54-40

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

The subject property is currently connected to public water and public sanitary sewers. The proposed request, to permit the existing addition within the less than required setbacks, will not result in an increase in potable water and wastewater disposal. Any development that includes potable water and sanitary wastewater disposal shall be required to connect to the public water supply system and public sanitary sewer system 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.

Floodplain Management

The application site is not within a Special Flood Hazard Zone as determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criteria for this site is 8.0 ft NGVD. The proposed legalization of addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. Non-substantial improvements are required at a minimum to match the elevation of the existing single family residence or comply with Code requirements. Based on the survey provided with this submittal the single family residence has an elevation of 9.46 ft., the addition has an elevation of 8.92 ft. and highest crown of road of 7.92 ft. which is in compliance with the Code.

Stormwater Management

The existing addition will not affect the existing stormwater management system.

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

According to the site plan submitted with this zoning application, the proposal to permit the existing 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 Chapter 24 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.

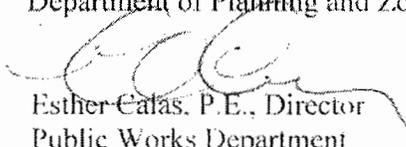
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

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

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: 11-AUG-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
Miami-Dade Fire Rescue Department
Subject: Z2011000095

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2011000095
located at 2008 SW 103 CT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1436 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:42 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 analysis.

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

DATE: 12-JAN-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

MAYRA FERNANDEZ

2008 SW 103 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000095

HEARING NUMBER

HISTORY:

OPEN CASES:

Neighborhood Compliance

None

Building

BSS case 20100138633-B, opened on 8/5/10. A Notice of Violation was issued on 2/15/11 for a rear addition. An extension was requested and paid for on 8/9/11, new compliance date of 11/13/11 issued. As of today there is no compliance on case.

PREVIOUS CASES:

Neighborhood Compliance

None

Building

None

MAYRA FERNANDEZ

**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: AMINA NEWSOME

01/20/12

Process #: **Applicant's Name**
Z2011000095 MAYRA FERNANDEZ

Locations: 2008 SW 103 CT, MIAMI-DADE COUNTY, FLORIDA.

Size: 48.81' X 85.99'

Folio #: 3040080240470

Request:

- 1 Applicant is requesting to permit an existing addition to a townhouse residence setback varying from 5' to 7.10' (10' required) from the rear (west) property line.
- 2 Applicant is requesting to waive the zoning regulations requiring 8' of the side yard area between the end of a group of townhouses and a public or private street be unencumbered by walls fences or other structure; to permit a 6' high wood fence.

EXISTING ZONING

Subject Property RU-TH,

EXISTING USE SFR

SITE CHARACTERISTICS

STRUCTURES ON SITE:

1 STORY CBS TOWNHOUSE UNIT OF A GROUP OF SIX (6) UNITS SEPERATED BY A COMMON PARTY FIRE WALL WITH A RUBBERMAID SHED ON THE NORTH SIDE OF THE TOWNHOUSE.

USE(S) OF PROPERTY:

RU-TH, TOWNHOUSE DISTRICT.

FENCES/WALLS:

THERE IS AN EXISTING 6 FT WOOD FENCE ALONG THE WEST, REAR PROPERTY LINE & NORTH, SIDE STREET PROPERTY LINE.

LANDSCAPING:

NO LANDSCAPING ON THE PROPERTY. THE ENTIRE REAR & SIDE YARD HAS A CONCRETE SLAB.

BUFFERING:

THE ONLY BUFFERING ELEMENT ON THE PROPERTY IS THE 6 FT WOODEN FENCE.

VIOLATIONS OBSERVED:

SEE BNC ENFORCEMENT LETTER. THERE IS AN OPEN ENFOREMENT CASE WITH BUILDING REGARDING THE REAR ADDITION.

OTHER:

NOTE: THE RUBBERMAID SHED LOCATED ON THE NORTH SIDE OF THE TOWNHOUSE DOES NOT HAVE TO BE REMOVED AS LONG AS IT DOES NOT EXTEND BEYOND THE HEIGHT OF THE FENCE.

Process # Applicant's Name
Z2011000095 MAYRA FERNANDEZ

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:

RU-TH; ONE STORY TOWNHOUSE

SOUTH:

RU-TH; ONE STORY TOWNHOUSE.

EAST:

RU-TH; OPEN GREEN SPACE LOCATED DIRECTLY IN FRONT OF SUBJECT TOWNHOUSE.

WEST:

RU-1Z; 2 STORY SINGLE-FAMILY RESIDENCE.

SURROUNDING AREA

THE SUBJECT PROPERTY IS SURROUNDED BY ONE STORY TOWNHOUSES EXCEPT TO THE WEST WHERE THERE IS A 2 STORY SINGLE-FAMILY RESIDENCE & TO THE EAST WHERE THERE IS AN OPEN GREEN AREA.

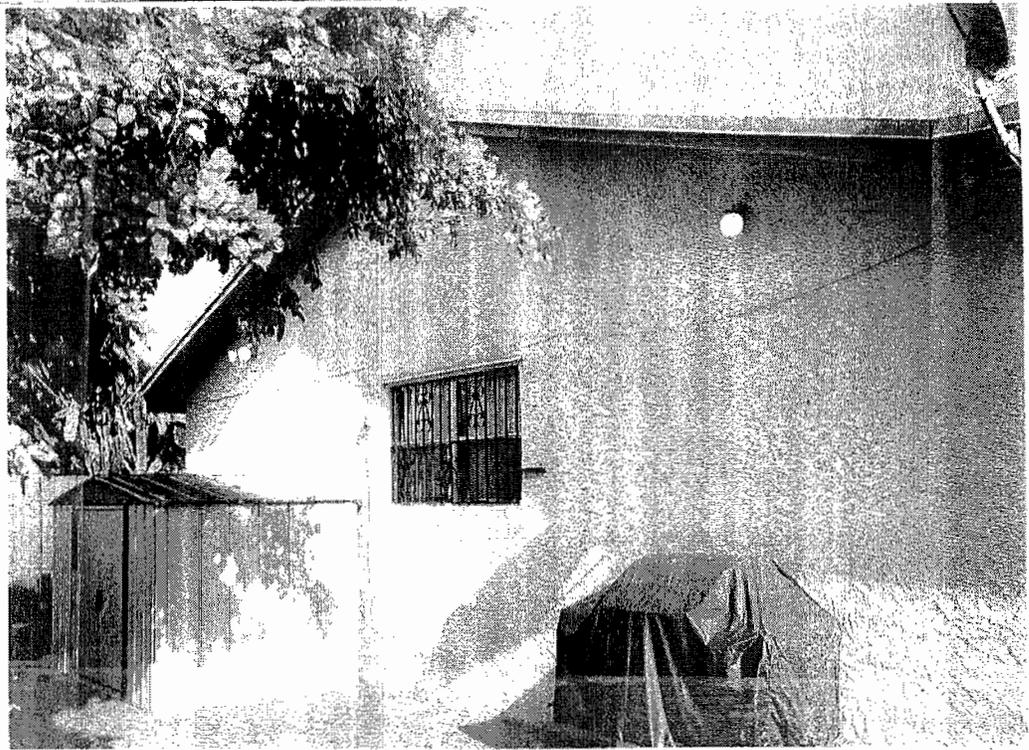
NEIGHBORHOOD CHARACTERISTICS:

THE NEIGHBORHOOD AREA IS CHARACTERIZED BY TOWNHOUSES, SINGLE-FAMILY RESIDENCES, AND APARTMENT BUILDINGS.

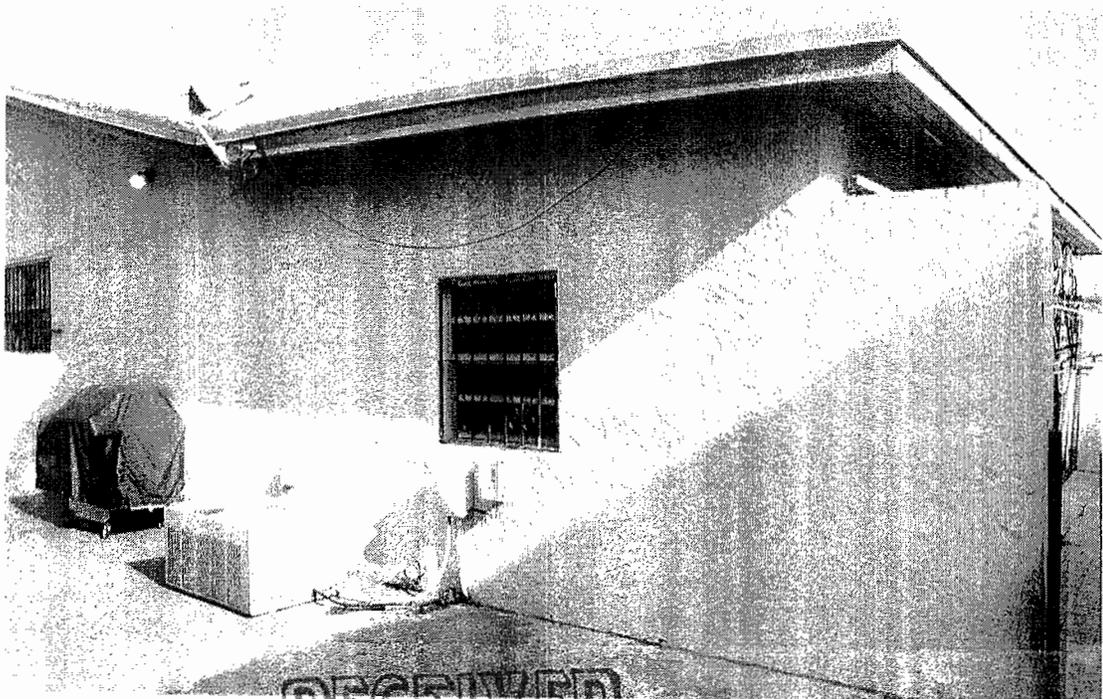
COMMENTS:

PHOTOGRAPHS

SIDE ELEVATION



SIDE ELEVATION



RECEIVED
Z11-095
AUG 03 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

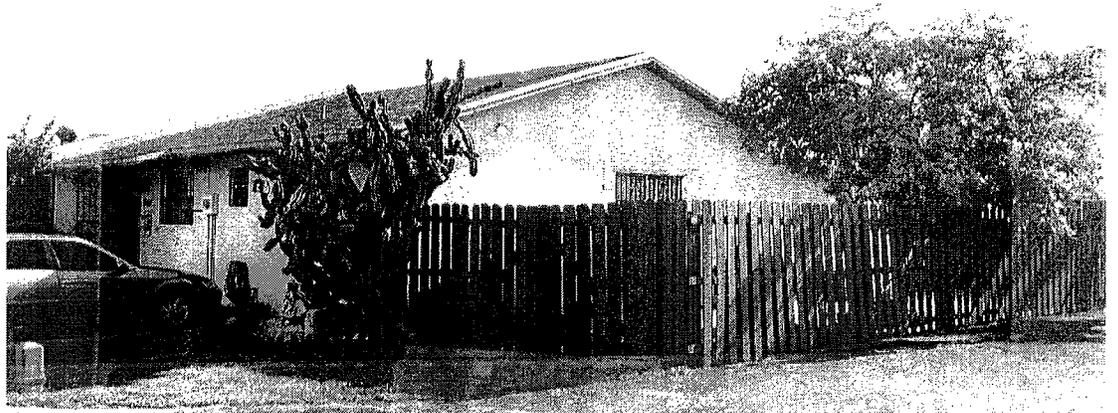
BY _____

PHOTOGRAPHS

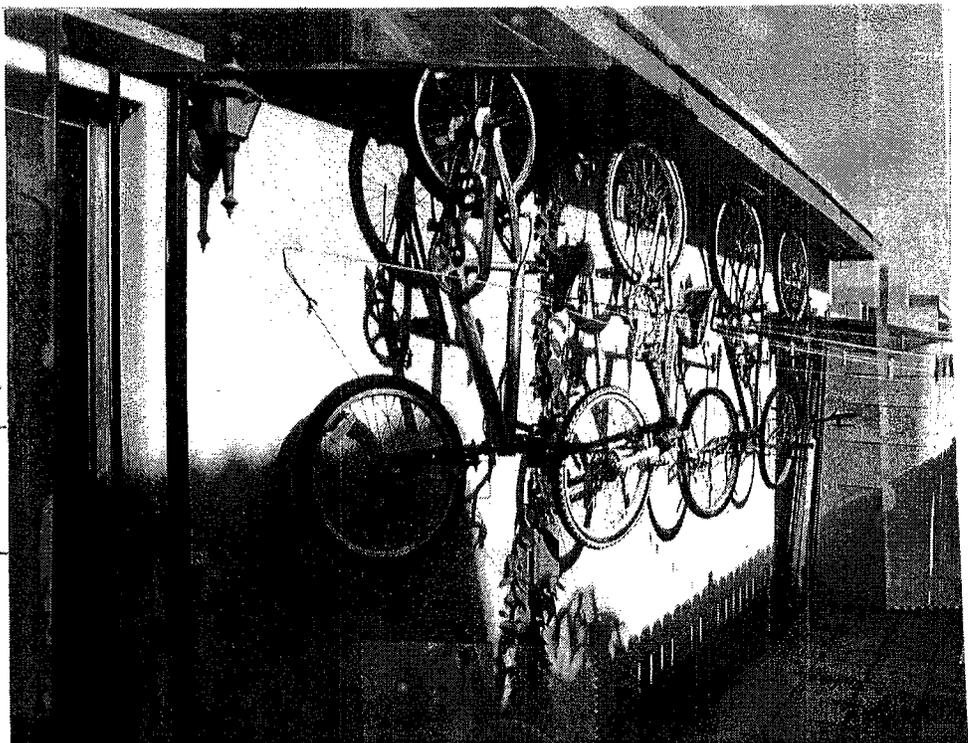
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



RECEIVED
211-095
AUG 03 2011

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

2008 S.W. 103rd Court Miami, FL

2008 SW 103 CT - FULL FRONT LOOKING SOUTHWEST



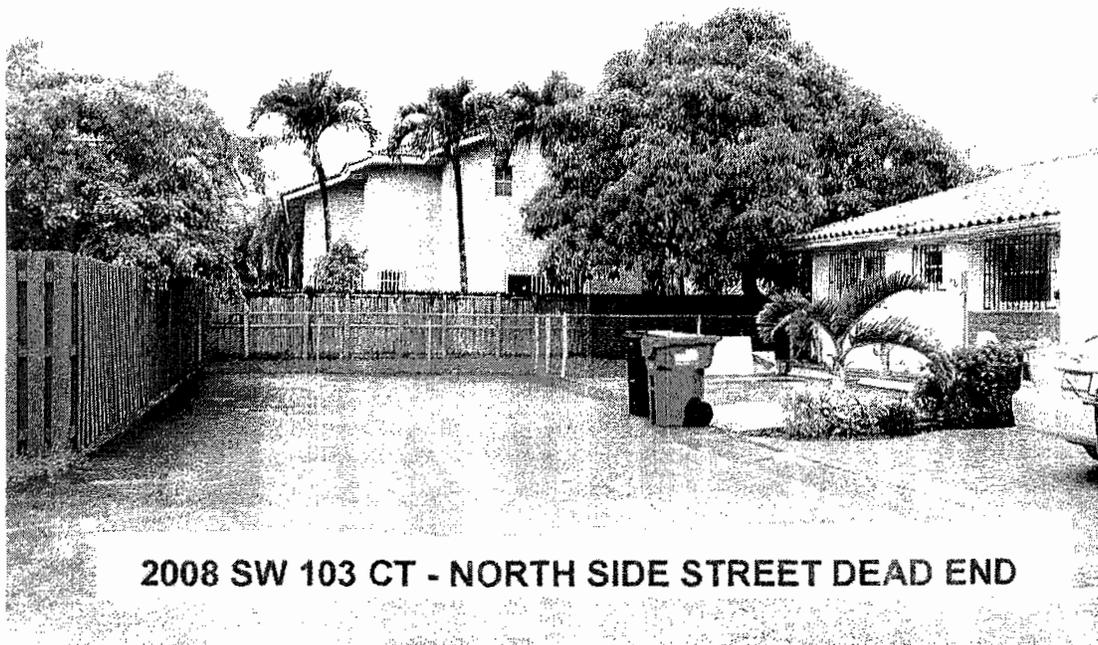
2008 SW 103 CT - FULL FRONT LOOKING NORTHWEST



2008 S.W. 103rd Court Miami, FL



2008 SW 103 CT - REAR YARD LOOKING SOUTH



2008 SW 103 CT - NORTH SIDE STREET DEAD END

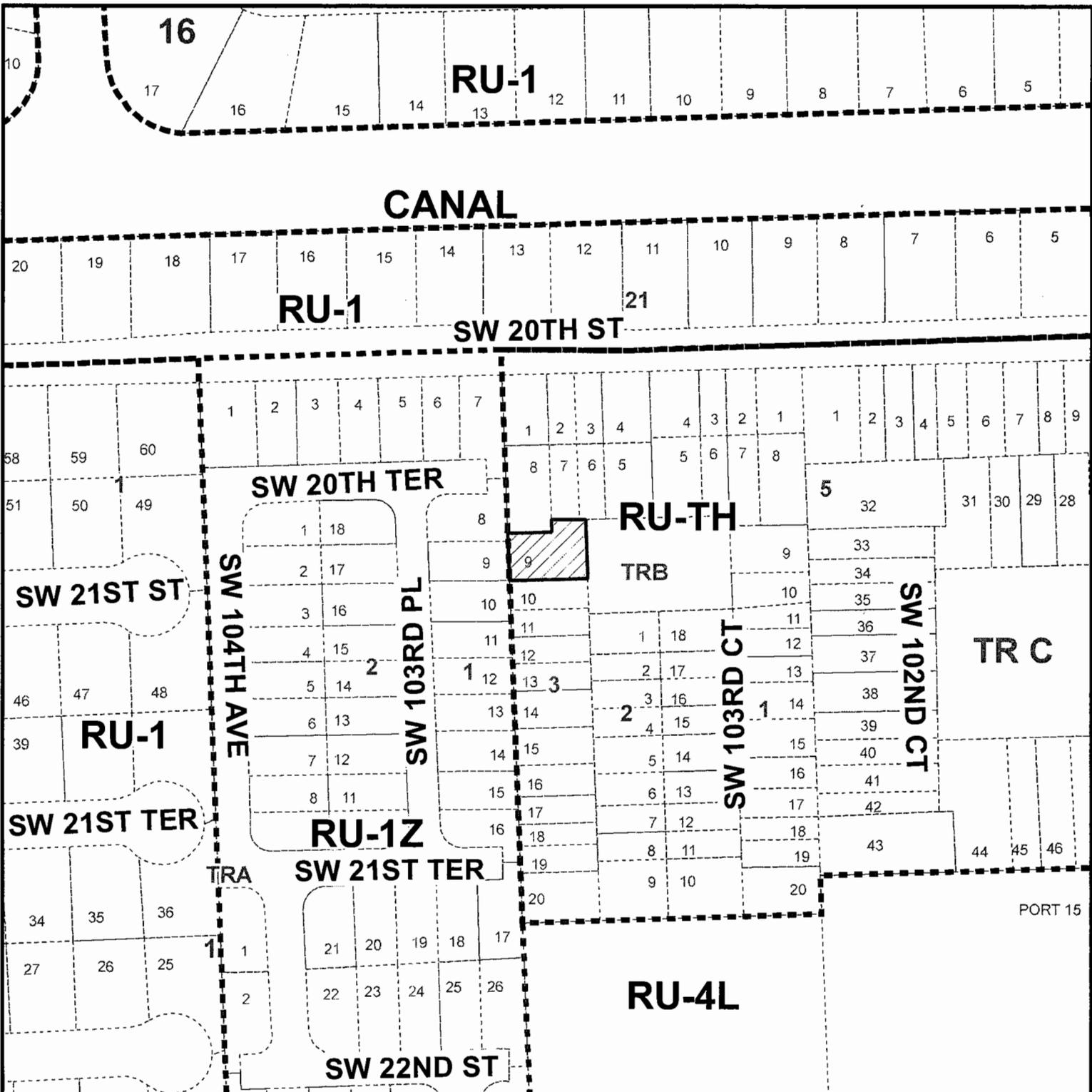
2008 S.W. 103rd Court Miami, FL

2008 SW 103 CT - NORTH SIDE YARD LOOKING EAST



2008 SW 103 CT - NORTH SIDE YARD LOOKING WEST





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000095



Section: 08 Township: 54 Range: 40
 Applicant: MAYRA FERNANDEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		23



SW 20TH ST

SW 20TH TER

SW 21ST ST

SW 104TH AVE

SW 1031 RD

SW 1031 RD CT

SW 102ND CT

SW 21ST TER

SW 21ST TER

MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000095



Section: 08 Township: 54 Range: 40
 Applicant: MAYRA FERNANDEZ
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Monday, September 12, 2011

REVISION	DATE	BY
		25

(LDR) 2.5-6 DU/AC

WATER

(LMDR) 6-13 DU/AC SW 20TH ST

SW 20TH TER

SW 21ST ST

SW 104TH AVE

SW 103RD PL



SW 103RD CT

SW 102ND CT

SW 21ST TER

SW 21ST TER

SW 22ND ST

MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2011000095



Section: 08 Township: 54 Range: 40
Applicant: MAYRA FERNANDEZ
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend



Subject Property Case



Zoning



SKETCH-CREATED ON: Monday, September 12, 2011

REVISION	DATE	BY

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

PH: Z11-102 (12-03-CZ10-3)

March 1, 2012

Item No. 3

Recommendation Summary	
Commission District	10
Applicant	Isabianca Investments, LLC and Curby Corporation
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-1M(a).
Location	East of SW 147 th Avenue and Approx. 660' South of SW 18 th Street, Miami-Dade County, Florida.
Property Size	1.97 acres
Existing Zoning	AU
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval, subject to the Board's acceptance of the proffered covenant.

REQUEST:

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

PROJECT DESCRIPTION: Rezoning of 1.97 acre vacant parcel within the Urban District Boundary (UDB).

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant	Low Density Residential (2.5 to 6 dua)
North	RU-1M(a); vacant	Low Density Residential (2.5 to 6 dua)
South	RU-1M(a); vacant	Low Density Residential (2.5 to 6 dua)
East	AU; vacant	Low Density Residential (2.5 to 6 dua)
West	RU-3M; vacant MDC Parks and Rec land	Environmentally Protected Parks

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 1.97 acre site, located south of S.W. 147th Avenue and approximately 660 feet south of SW 18th Street. The subject property is vacant land and is surrounded by vacant land and an environmentally protected undeveloped park. The properties directly abutting to the north and south are currently 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 11 lots with one (1) single-family residence on each lot, as restricted by the applicant's proffered covenant. 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** 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 13 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 1.97 acre parcel to 11 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 uses allowed in the Low-Density Residential land use category and the density range of the category depicted on the CDMP LUP map for the subject property.

ZONING ANALYSIS:

The applicant seeks to rezone a 1.97 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. Section 33-311 of the Code states that the purpose of zoning and regulations is to provide a comprehensive plan and 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 develop single-family homes will not have a negative impact on the surrounding area. 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 current RU-1M(a) zoning designations located to the north and south of the subject property. The properties abutting to the north and south of the subject property, were respectively rezoned from AU to RU-1M(a), in 2002 and 2007 pursuant to Resolutions #CZAB10-42-02 and CZAB10-26-07.

As such, the proposed rezoning of the property to RU-1M(a) would be **compatible** with the surrounding area and future development of the neighborhood. Additionally, staff notes that the applicant has proffered a covenant that will limit the development of the property to eleven (11) 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 recommends approval of the application under Section 33-311, District Boundary Change and acceptance of the proffered covenant.

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

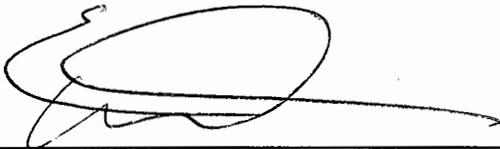
OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:MW:GR:NN:CH:JC



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

NDN

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

*If applicable

ZONING RECOMMENDATION ADDENDUM

Applicant: Isabianca Investments, LLC
PH: Z11-102

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Environment (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No objection
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

Low Density Residential (Pg. I-31)	<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>
Land Use Objective 4 (Pg. I-11)	<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

Section 33-311 District Boundary Change	<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) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (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> (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> (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>
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ZONING RECOMMENDATION ADDENDUM

Applicant: Isabianca Investments, LLC
PH: Z11-102

	<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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3. ISABIANCA INVESTMENT LLC & CURBY COR
(Applicant)

12-3-CZ10-3 (11-102)
Area 10/District 11
Hearing Date: 03/01/12

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>
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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 21, 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 #Z2011000102
Isabianca Investment LLC & Curby Group
Southeast Corner of Intersection S.W. 147th Avenue and 20th Street
District Boundary Change from AU to RU-1M(a)
(AU) (2.15 Acres)
10-54-39

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

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between SW 72nd Street and Coral Way along theoretical SW 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Since the subject request is for a residential zoning district a covenant prohibiting hazardous materials is not required. However, all development shall comply with the requirements of Section 24-43 of the Code.

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. 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 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

The following conditions are required prior to site development, final plat or public works approval of paving and drainage plans.

This proposed development is located within the Bird Drive Basin where 30% of the total project area shall be set aside as surface water management (SWM) area, or applicant may submit cut and fill engineering calculations to show that a reduced SWM area is in conformance with the Bird Drive Basin requirements. Since the total project area is less than 4.5 acres, the applicant may opt to pay a financial contribution into the Stormwater Compensation Trust Fund in lieu of providing set aside areas for surface Water Management.

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 Section 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 for this proposed development order.

Wetlands

The subject property is located within the Bird Drive Wetland Basin, and is a jurisdictional wetland as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance, including plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria will be required before any work can be done on the subject property. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to compensate for wetland values lost as a result of the proposed project.

The applicant is required to obtain 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. Specifically, Section 24-28.3(4)(b) of the Code requires that all tree islands shall be preserved within the North Trail Basin or within the Bird Drive Everglades Wetland Basin. If a tree island is determined to exist on the property, the site plans must be changed to indicate the preservation of the tree island and a suitable amount of buffer to the development. Please contact the Wetlands Resources Program at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit.

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.

Natural Forest Communities

The subject property is located just east of an Environmentally Endangered Land (EEL) property. EEL properties are subject to Natural Forest Community regulations (See Section 24-49 of the Code) and EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. Due to the quality of these habitats, the County recommends maintaining these globally imperiled areas as a natural preserve. This EEL property will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. Development on parcels containing or adjacent to an EEL property must avoid adverse impacts to the preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. Roads are preferable to buildable lots abutting EEL property lines. Also, in order to avoid damage to protected plants and substrate, the parking of heavy machinery, staging of construction materials and/or any other development related activities shall not be allowed inside or adjacent to the EEL property. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of Miami Dade County for a list of these controlled landscaping plants.

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

The subject property has one (1) closed enforcement case for violations of Chapter 24 of the Code for failure to remove solid waste materials. 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 the 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.

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ISABIANCA INVESTMENT LLC & CURBY CORP

This Department has no objections to this application.

Applicant/owner must provide paved public access to the site.

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 15 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
F-88	SW 8 St. e/o SW 137 Ave.	D	D
9134	Coral Way w/o SW 137 Ave.	E	E
9826	SW 147 Ave. s/o Bird Dr. Ext.	D	D

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: 22-SEP-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2011000102

Fire Prevention Unit:

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped received September 6, 2011, 2011. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand

Development for the above Z2011000102 located at LYING EAST OF SW 147 AVENUE & APPROXIMATELY 660' SOUTH OF SW 18 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1430 is proposed as the following:

<u>11</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: 3.08 alarms-annually.
The estimated average travel time is: 6:19 minutes

Existing services

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

Station 61 - Trail - 15155 SW 10 Street
ALS Engine, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on plans date stamped September 6, 2011. Substantial changes to the plans 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.

Memorandum



Date: October 12, 2011

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

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

Subject: Isabianca/Curby Corporation
Application# Z2011-000102/Old Case #Z2011-000048

Application Name: Isabianca/Curby Corporation

Project Location: The site is located east of SW 147th Avenue approximately 660 feet south of 18 Street, Miami-Dade County.

Proposed Development: The applicant is requesting a District Boundary Change from AU to RU-1M(a) for the 2.15 acre parcel. The Applicant will prepare a covenant limiting the development to 6 units per acre or a total of 11 lots. The property is currently vacant.

Impact and demand:

Existing Service

The nearest developed park to the application is Tamiami Lakes Park, a neighborhood park providing for baseball and basketball activities. The parks within a 2-mile radius are included in the following table.

Park Name	Classification	Acreage
Tamiami Lakes Park	Neighborhood Park	5.00
Bird Lakes Park	Community Park	9.07
Bent Tree Park	Neighborhood Park	5.88

Proposed Service

To the west of the site is Tree Island Park currently in the design stages for improvement (in phases) with phase 1 of the design located in the northeast corner of the park site scheduled to occur in approximately the next 3 years to include parking, shelters and a playground.

Concurrency/Capacity Status

Development proposed by the application is for 11 single family units which are estimated to produce a population of 28 based on 2.5 persons per household. The population within the parcel generates a need for 0.08 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, Landscape Architect 2, at (305) 755-5447.

MN:jb

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

DATE: 10-JAN-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ISABIANCA INVESTMENT LLC &
CURBY CORP

LYING EAST OF SW 147 AVENUE
& APPROXIMATELY 660' SOUTH
OF SW 18 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000102

HEARING NUMBER

HISTORY:

NO NEIGHBORHOOD COMPLIANCE OR BUILDING SUPPORT CASES FOUND

ISABIANCA INVESTMENT LLC & CURBY CORP

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO

Inspection Date

Evaluator: JACQUELINE CARRANZA

01/12/12

Process #: Z2011000102
Applicant's Name: ISABIANCA INVESTMENT LLC & CURBY CORP

Locations: LYING EAST OF SW 147 AVENUE & APPROXIMATELY 660' SOUTH OF SW 18 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 1.97 ACRES

Folio #: 3049100030152

Request:

DBC FROM AU TO RU1MA

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

VACANT LAND

USE(S) OF PROPERTY:

THE PROPERTY IS CURRENTLY VACANT.

FENCES/WALLS:

NO FENCES; VACANT LAND.

LANDSCAPING:

VACANT LAND.

BUFFERING:

SUBJECT PROPERTY IS SURROUNDED BY VACANT LAND.

VIOLATIONS OBSERVED:

PROPERTY IS SURROUNDED BY VACANT LAND; NOT ACCESSIBLE.

OTHER:

Process # Z2011000102
Applicant's Name ISABIANCA INVESTMENT LLC & CURBY CORP

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:

RU-1MA; VACANT LAND.

SOUTH:

RU-1MA; VACANT LAND.

EAST:

AU; VACANT LAND.

WEST:

RU-3M; VACANT LAND.

SURROUNDING AREA

THE SUBJECT PROPERTY IS CURRENTLY SURROUNDED BY VACANT LAND.

NEIGHBORHOOD CHARACTERISTICS:

BASED ON WHAT THE SURROUNDING VACANT LAND HAS BEEN ZONED, THE AREA CHARACTERISTICS IS RESIDENTIAL.

COMMENTS:

PROPERTY WAS NOT ACCESSIBLE DUE TO OVERGROWTH. PROPERTY IS SURROUNDED BY OVERGROWTH, VACANT LAND.

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: Isabella Investments LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Alvaro Adrian</u>	<u>100%</u>
<u>2462 S.W. 137TH AVE #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>211-102</u>	
<u>HH</u>	
<u>CR. Numbered</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

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: Curby Corp.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roberto Curbelo</u>	<u>100 %</u>
<u>2460 S.W. 137TH AVE #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>
_____	_____
_____	_____
_____	_____
_____	_____

211-102
ATP
cc-numbered

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

211-102

Date of contract: _____

At
re-numbered

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.

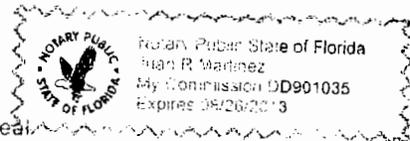
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Roberto Corbelo
(Applicant) Curby Corp

Sworn to and subscribed before me this 15 day of April, 2011. Affiant is personally known to me or has produced _____ as identification.

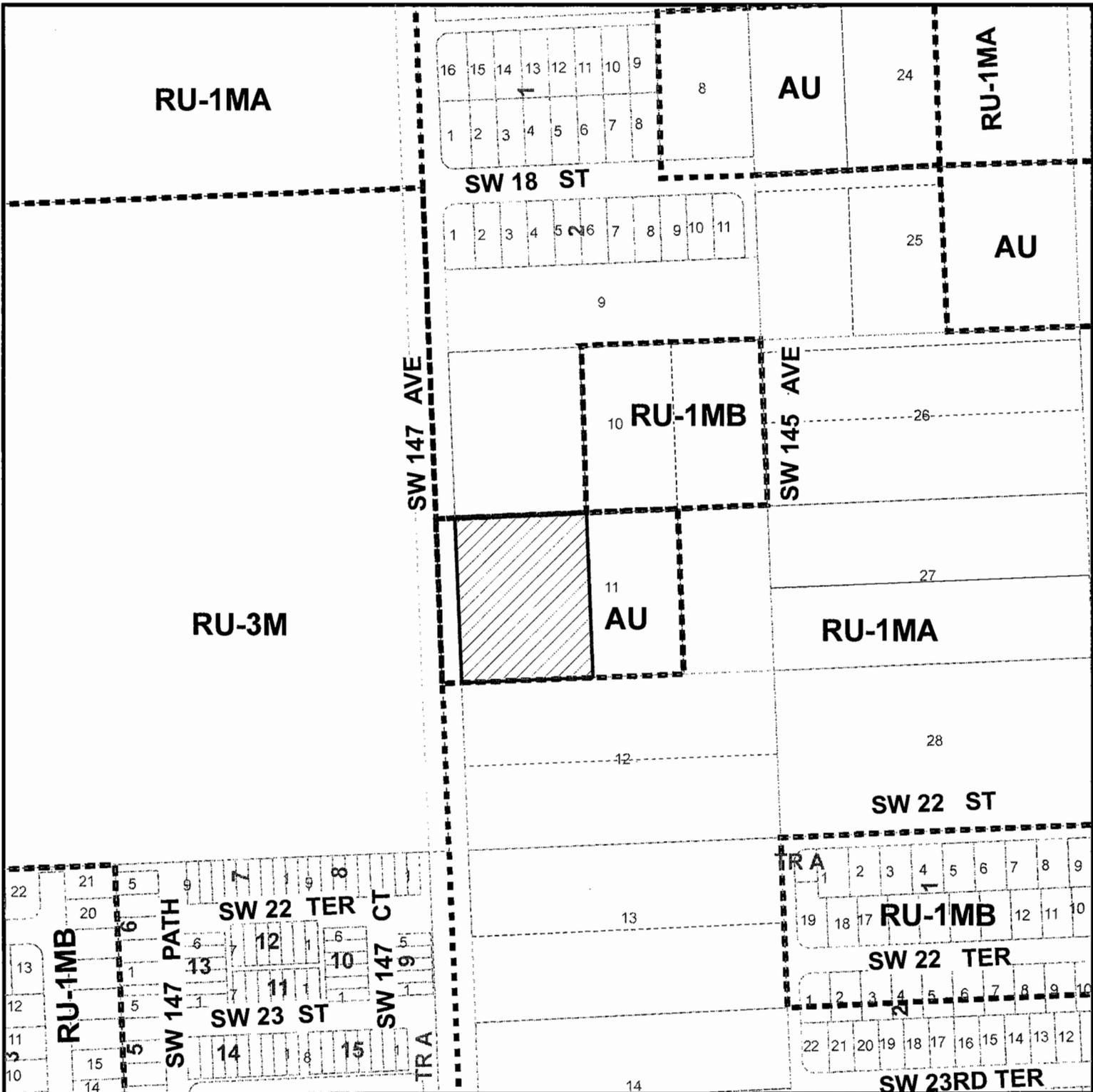
[Signature]
(Notary Public)

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.

Received Time Mar. 15. 1:18PM



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000102



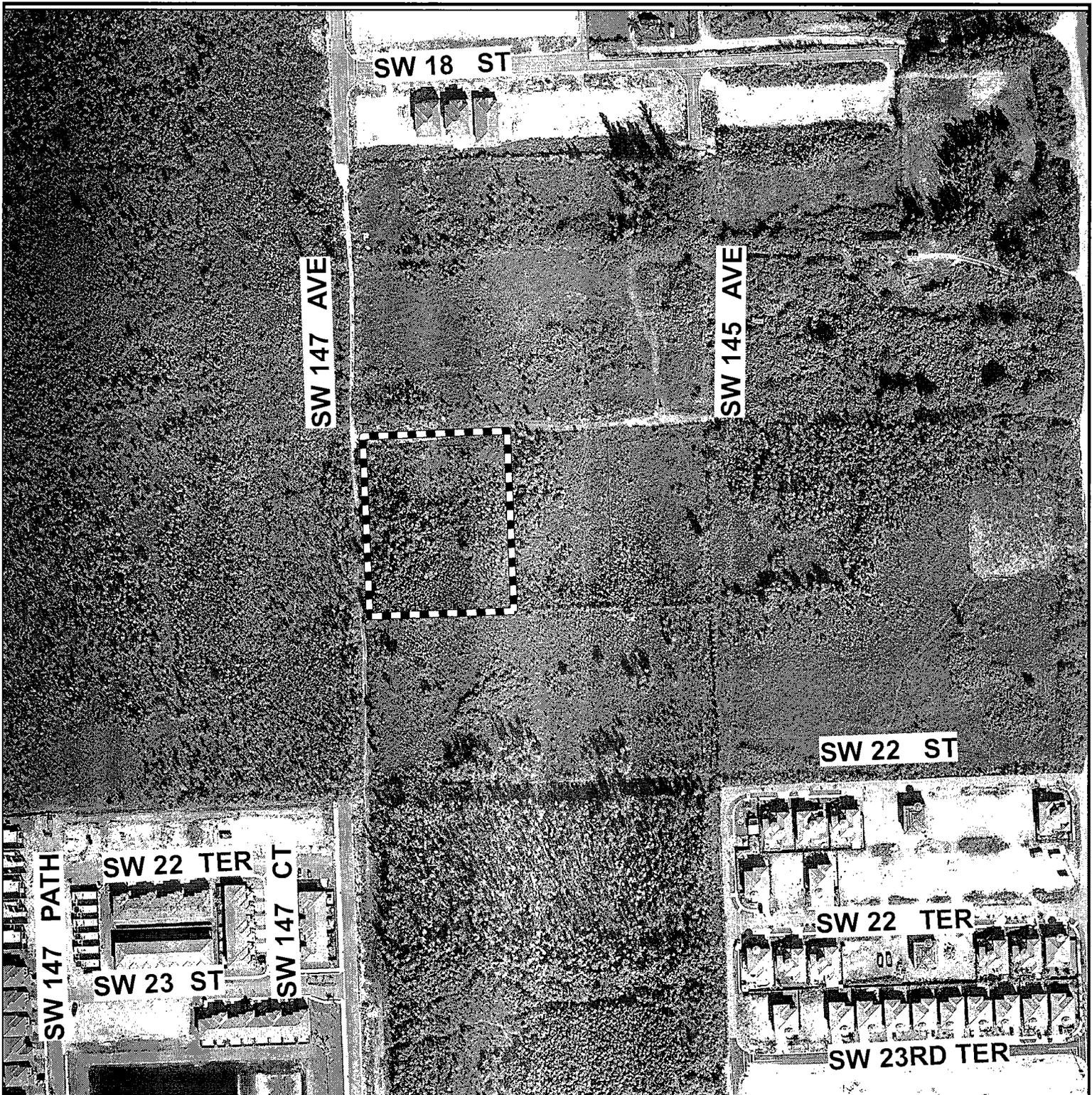
Section: 10 Township: 54 Range: 39
 Applicant: ISABIANCA INVESTMENT LLC & CURBY CORP
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000102



Section: 10 Township: 54 Range: 39
 Applicant: ISABIANCA INVESTMENT LLC & CURBY CORP
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

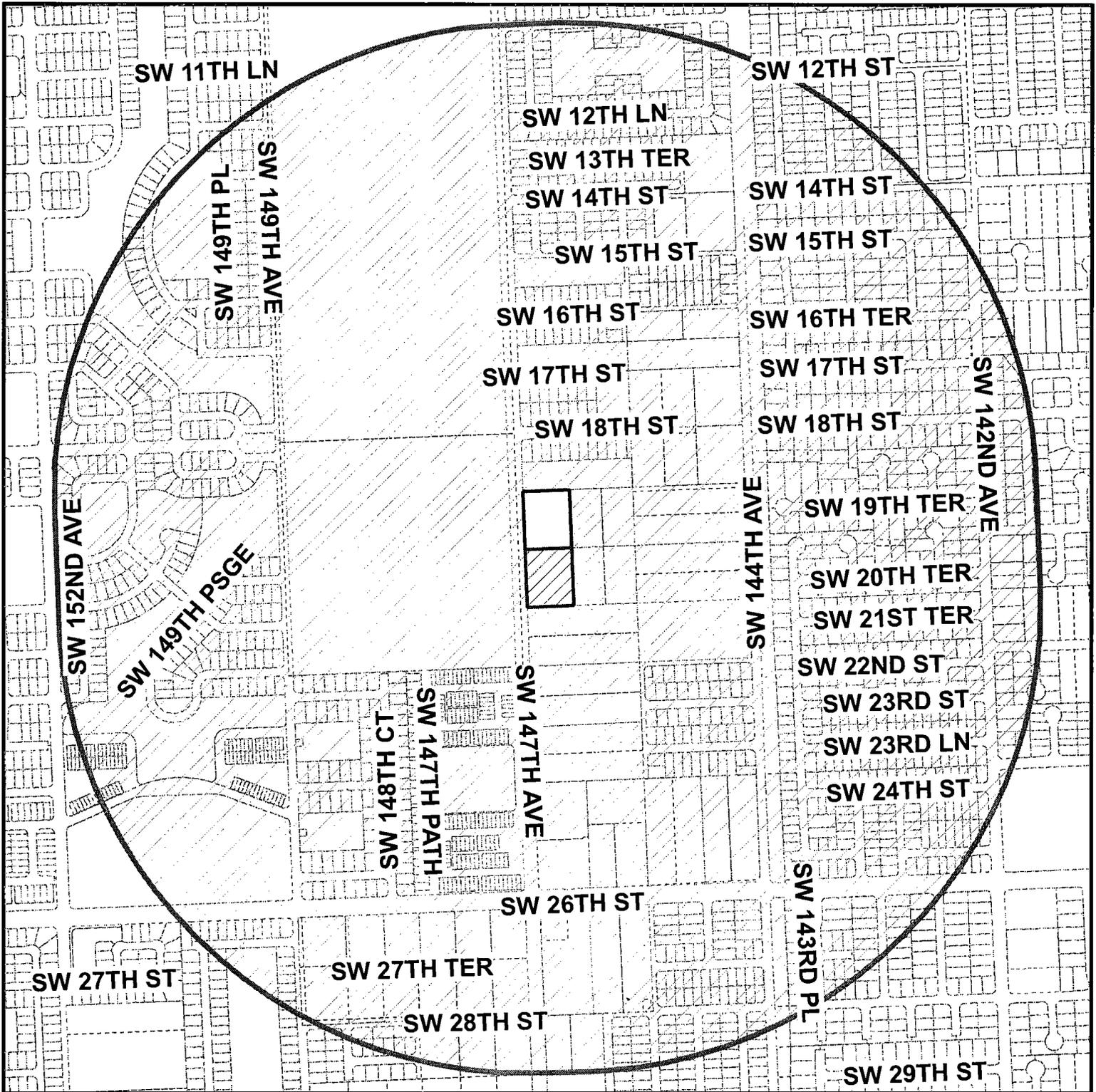
Legend

 Subject Property



SKETCH CREATED ON: Monday, September 26, 2011

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2011000102

RADIUS: 2640

Section: 10 Township: 54 Range: 39

Applicant: ISABIANCA INVESTMENT LLC & CURBY CORP

Zoning Board: C10

Commission District: 11

Drafter ID: JEFFER GURDIAN

Scale: NTS



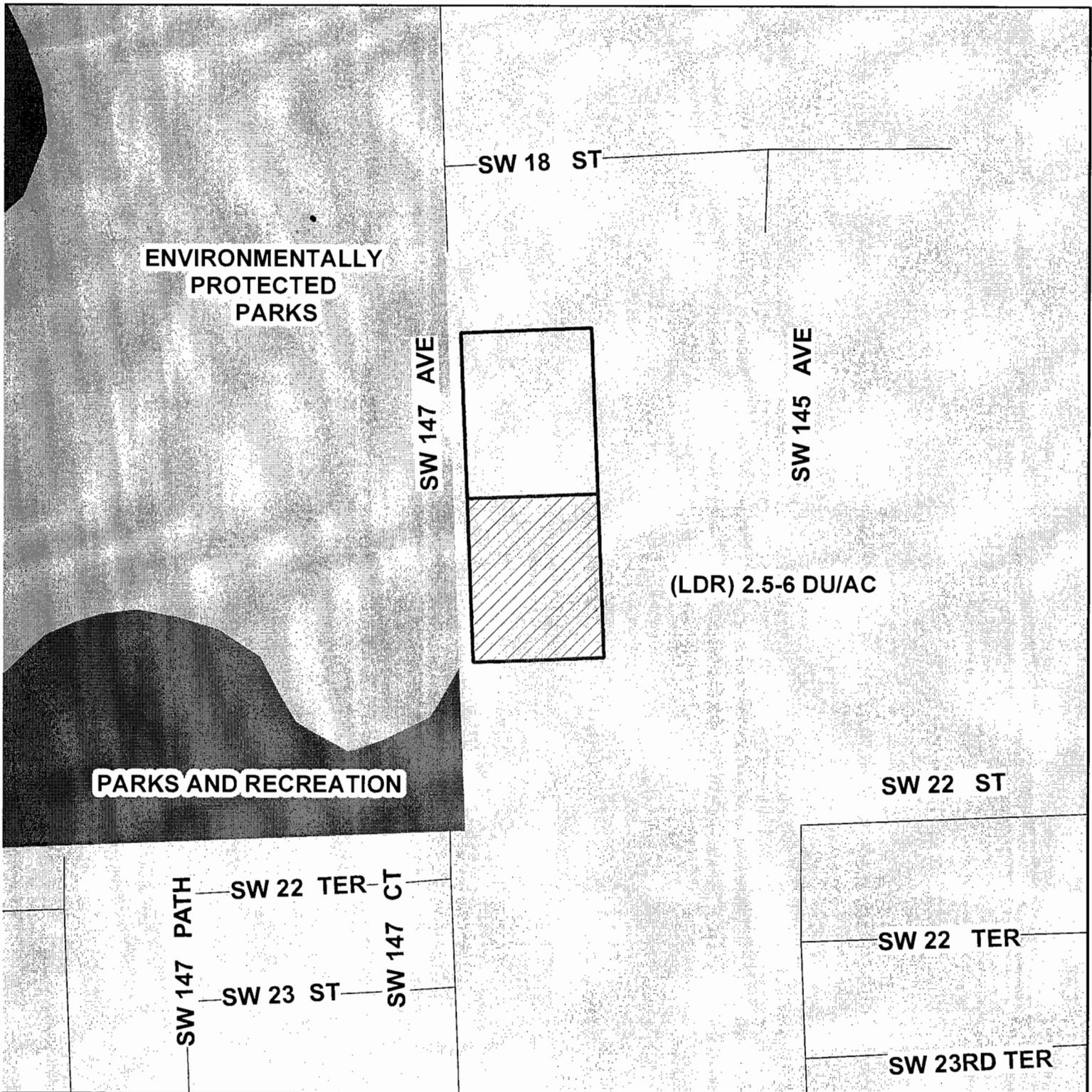
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Monday, September 26, 2011

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000102



Section: 10 Township: 54 Range: 39
 Applicant: ISABIANCA INVESTMENT LLC & CURBY CORP
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, September 26, 2011

REVISION	DATE	BY

This instrument was prepared by:
Name : Juan R. Martinez and Associates, Inc.
Address: 8550 West Flagler Street # 106
Miami , Florida 33144

211-102

(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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No.Z2011000102 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 stamped dated received September 06 2011 , said plans being on file with the Sustainability Planning and Economic Enhancement Department ,and by reference made a part of this agreement.
- (2) That the development of the subject property be limited to a maximum of 6 units per gross acre for a total of 11 lots.

2012 FEB 21 P 12:17
PLANNING AND ZONING
AGENDA OFFICE

(Space reserved for Clerk)

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 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.

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]

PLANNING AND ZONING
AGENDA OFFICE

2012 FEB 21 P 12:18

(Space reserved for Clerk)

ACKNOWLEDGMENT CORPORATION

Signed, witnessed, executed and acknowledged on this 23 day of January, 2012.

IN WITNESS WHEREOF, CURBY CORP. (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:


Signature

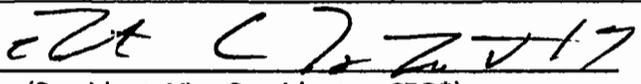
ARODYS IZQUIERDO
Print Name


Signature

LUIS CHACON
Print Name

Name of Corporation:
CURBY CORP.

Address:
2460 S.W. 137TH AVENUE MIAMI, FLORIDA 33175

By 
(President, Vice-President or CEO*)

Print Name: Roberto Curbelo

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA

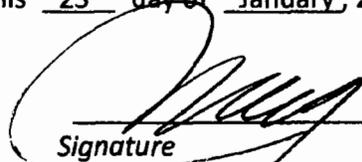
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Roberto Curbelo
(Name)
the President of CURBY CORP., on behalf of the corporation.
(Title) (Corporation Name)

He/She is personally known to me or has produced a Driver's Licence, as identification.

(Space reserved for Clerk)

Witness my signature and official seal this 23 day of January, 2012, in the County
and State aforesaid.



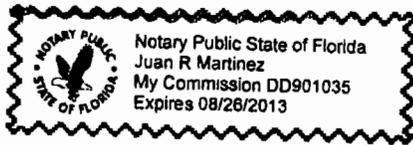
Signature

Notary Public-State of : FLORIDA

JUAN R. MARTINEZ

Print Name

My Commission Expires:



(Space reserved for Clerk)

**ACKNOWLEDGMENT
LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on this 23 day of JANUARY , 2012.

IN WITNESS WHEREOF, ISABIANCA INVESTMENTS LLC. (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:


Signature
ARODYS IZQUIERDO
Print Name


Signature
LUIS CHACON
Print Name

Name of LLC
ISABIANCA INVESTMENTS LLC.
ADDRESS: 2460 S.W. 137TH AVE
MIAMI, FLORIDA 33175


(Managing Member)
Print Name: PEDRO ADRIAN

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA

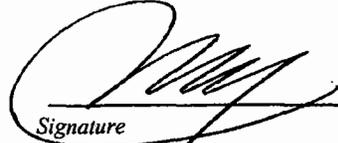
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by PEDRO ADRIAN
(Name)
the MANAGING MEMBER of ISABIANCA INVESTMENTS LLC, on behalf
(Title)
of the LLC.

He/She is personally known to me or has produced DRIVER LICENCE, as identification.

(Space reserved for Clerk)

Witness my signature and official seal this 23 day of JANUARY, 2012, in the County and State aforesaid.



Signature

Notary Public-State of: FLORIDA
JUAN R. MARTINEZ

Print Name

My Commission Expires:

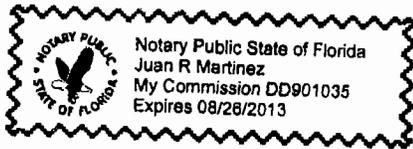


EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF A TRACT IN THE PLAT OF J.G. HEAD'S FARMS, AS RECORDED IN PLAT BOOK 46, AT PAGE 44 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF THAT PORTION OF TRACT 11, LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 39 EAST, AS SHOWN ON THE AFOREMENTIONED PLAT OF J.G. HEAD'S FARMS, LESS THE EAST 357.40 FEET THEREOF, RESERVING THE NORTH 25 FEET THEREOF, FOR ROAD PURPOSES, LYING AND BEING IN MIAMI DADE COUNTY, FLORIDA.