

FINAL AGENDA

11-8-2013 Version # 2



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Wednesday, December 11, 2013 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|-----------------|----------------------------------|-------|----------|---|
| A. 13-10-CZ10-4 | <u>DANIEL & GRISEL ABREU</u> | 13-37 | 10-54-39 | N |
| B. 13-11-CZ10-2 | <u>JCE 7, LLC</u> | 13-38 | 15-54-39 | |

CURRENT

- | | | | | |
|-----------------|----------------------------------|-------|----------|---|
| 1. 13-12-CZ10- | <u>TADPOLE INVESTMENTS, INC</u> | 10-16 | 10-54-40 | N |
| 2. 13-12-CZ10-2 | <u>JULMAR 147 INVESTMENT LLC</u> | 13-69 | 10-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, DECEMBER 11, 2013

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, 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

SIZE OF PROPERTY: 2.50 Acres

Department of Regulatory and
Economic Resources

Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

1. TADPOLE INVESTMENTS, INC (13-12-CZ10-1 (10-016)

10-54-40

Area 10/District 10

USE VARIANCE to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers-Westchester Shopping Center" as prepared by F. Galarza, dated stamped received 2/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW ¼ of Section 10, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the southwest corner of said Section 10 and run N88°03'56"E, along the south line of the SW ¼ of said Section 10 for 98.12'; thence N01°56'04"W at right angles to the last described course for 50' to the Point of beginning of the following described parcel of land (said point being on a curve and bearing S01°56'04"E from the radius point of the next described curve) thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature); thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of N01°58'04" for an arc distance of 67.02' to a Point of tangency; thence, N04°44'00"W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 03°00'01" for an arc distance of 97.86' to a Point of tangency; thence N01°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW ¼ of said Section 10 for 1,215'; thence S01°43'56"E along a line parallel with the west line of the SW ¼ of said Section 10 for 735'; thence S88°03'56"W along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 408.25'; thence N01°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 160'; thence S01°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 583.78' to the Point of beginning. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS THEREOF: PARCEL "A": The east 160' of the west 841.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "B":

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 Regulatory and Economic Resources (RER), within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) 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 Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z13-037 (13-10-CZ10-4)

December 11, 2013

Item No. A

Recommendation Summary	
Commission District	8
Applicants	Daniel & Grisel Abreu
Summary of Requests	The applicants seek to permit a proposed single-family residence comprised of multiple buildings setback less than required and swimming pool setback less than required.
Location	1949 SW 140 Court, Miami-Dade County, Florida
Property Size	12,614 sq. ft.
Existing Zoning	RU-1, Single-Family Residential District
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)(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.

This item was deferred from the October 15, 2013 meeting of Community Zoning Appeals Board (CZAB) #10, to allow the applicants to submit revised plans and to add a request for an 8' high wall along the rear (east) property line. The applicants submitted the revised plans as a result of which there is an additional request that is addressed below in staff's recommendation.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a complex of buildings to be used only as a single-family residence.
- (2) NON-USE VARIANCE to permit the single-family setback varying from 15' to 20'-4" from the front (west) property line (15' for 50% of the lineal footage of the width of the house and 25' for the balance required, except 20' for attached garages).
- (3) NON-USE VARIANCE to permit the single-family residence setback varying from 7'-6" to 24' from the rear (east) property line (15' for 50% of the lineal footage of the width of the house and 25' for the balance required).
- (4) NON-USE VARIANCE to permit a swimming pool to setback 29'-8" from the front (west) property line (75' required).
- (5) NON-USE VARIANCE to permit a concrete masonry wall with a height of 8' (6' permitted) from the rear (east) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Abreu Residence" as prepared by Fanjul & Associates, LLC, dated stamped received 10/21/13 and consisting of 5 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Proposed approximately 4,968 sq. ft. single-family residence

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is a vacant parcel located at 1949 SW 140 Court. Single-family residential uses characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

Approval of this application will permit the construction of a single-family residence setback less than required from the front and rear property lines and a swimming pool setback less than required from the front property line. However, the encroachments may visually and aurally impact the surrounding single-family residences.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low 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 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of this application will allow the construction of a proposed single-family residence on an irregular shaped lot setback closer to the front (west) and rear (east) property lines than that permitted by the Zoning Code. Staff notes that approval will not add dwelling units to the site beyond what is allowed by the CDMP LUP map and will not change the single-family residence use. Further, since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the single-family residence use, approval of the application with conditions is **consistent** with the density range of the Low Density Residential CDMP LUP map category.

ZONING ANALYSIS:

When analyzing request #1 to permit a complex of buildings to be used as a single-family residence under Section 33-311(A)(3) **Special Exceptions**, Unusual Uses and New Uses, staff opines that approval of the requests would be **compatible** with the surrounding area based on the reasons stated below. Staff notes that due to the design of the single-family residence, it is subject to Section 33-13 of the Code, which states that: *a complex of buildings used or intended to be used as one (1) private home and residence containing the usual sleeping quarters, cooking, living, sanitary, ventilating, lighting and heating facilities where there is but one (1) kitchen and dining facility, both contained in the same building, although other residential rooms may be in separate buildings but so planned and situated as to be used only as a residence by one (1) family and not as separate rental units, may be permitted if approved after public hearing.* The submitted plans depict a principal residential building with bedrooms, bathrooms,

an office, kitchen, dining room, family room and a separate building with a bedroom and a bathroom. Staff further notes that from the sidewalk the buildings look like a single structure due to the design of the front elevation and the roof structure that connects both buildings; however, after you enter the main entrance, each building has its own entryway. Staff opines that due to the configuration of the structures, future owners could easily reconfigure the site into two (2) separate residential units. Therefore, staff recommends as a condition for approval, that the applicant submit a Declaration of Use agreement which restricts the use of the subject property to single-family use only.

Further, staff notes that the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) indicates that the application meets the traffic concurrency criteria for an Initial Development Order. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed single-family residence will have a negative impact on fire rescue services in the area. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. **As such, staff recommends approval with conditions of request #1 under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses And New Uses.**

When requests #2 through #5 are 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 requests with conditions would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff found similar and more intensive approvals for variance of front and rear setback requirements for single-family residences within the surrounding area. For example, single-family residences located at 1961 SW 139 Court and 1502 SW 141 Avenue Street were approved pursuant to Resolution No. 4-ZAB-492-87 and Administrative Variance No. 1993000806 to setback 18', and 14' from the front property line, where 25' is required. Additionally, pursuant to Administrative Variance No. 1994000447 and Resolution No. 5-ZAB-74-94 single-family residences located at 1991 SW 139 Avenue and 1980 SW 139 Avenue were granted approval to setback 12.54' and 6' from the rear property line, where 25' is required. As such, staff opines that the approval with conditions of requests #2 and #3, to allow the proposed encroachments into the front (west) and rear (east) setback areas would not be out of character with the surrounding neighborhood. Additionally, in staff's opinion the 45'-4" encroachment (request #4) of the swimming pool into the front setback area will be adequately buffered from the front property line by the proposed single-family residence and will not have a negative visual or aural impact on the surrounding area.

Subsequent to the October 15, 2013 meeting of CZAB #10, the applicants submitted revised plans showing a proposed 8' high wall along the rear (east) property line. Based on these revised plans, the applicants are now requesting a variance to permit an 8' high cbs wall along the rear (east) property line (request #5). Staff notes that request #3, pertains to the encroachment of the proposed residence into the rear (east) setback area. Staff is supportive of request #3, provided that the visual impact of the encroachment is adequately buffered by an opaque fence or wall. Therefore, staff is supportive of the applicants' request for the 8' high cbs

wall along the rear (east) property line which in staff's opinion will mitigate the visual and aural impacts of the aforementioned encroachments into the rear (east) setback area. Staff therefore, opines that the approval of the requests with conditions would not be out of character with the surrounding area and will permit the development of a single-family residence on an irregular shaped lot. **As such, staff recommends approval with conditions of requests #2 through #5 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 Regulatory and Economic Resources 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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Abreu Residence" as prepared by Fanjul & Associates, LLC, dated stamped received 10/21/13 and consisting of 5 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 submits a Declaration of Use Agreement to the Department of Regulatory and Economic Resources restricting the use of the subject property to a single-family residence prior to the issuance of a building permit.

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

Daniel & Grisel Abreu
Z13-037

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	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 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 Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-13 Unusual Uses</p>	<p><i>A complex of buildings used or intended to be used as one (1) private home and residence containing the usual sleeping quarters, cooking, living, sanitary, ventilating, lighting and heating facilities where there is but one (1) kitchen and dining facility, both contained in the same building, although other residential rooms may be in separate buildings but so planned and situated as to be used only as a residence by one (1) family and not as separate rental units, may be permitted if approved after public hearing; and if so approved, an exception may be granted to the requirements for the spacing between the buildings of the complex, and to the setbacks from the property lines where the same abuts a waterway, body of water, park, playground, golf course, railroad right-of-way and similar open spaces.</i></p>
<p>33-311(A)(3) Special exceptions, unusual and new uses</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the 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. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon</i></p>

ZONING RECOMMENDATION ADDENDUM

Daniel & Grisel Abreu
Z13-037

	<i>the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<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>

A. DANIEL & GRISEL ABREU
(Applicant)

13-10-CZ10-4(13-037)
Area 10/District 08
Hearing Date: 12/11/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP**

#4

APPLICANT'S NAME: **DANIEL & GRISEL ABREU**

REPRESENTATIVE: Daniel Abreu

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-10-CZ10-4 (13-037)	October 15, 2013	CZAB10	13

REC: Approval with conditions.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>December 11, 20123</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred to allow the applicant to submit plans showing an 8 ft cbs wall.	
Deferral at applicant's expense.		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	M	Julio R. CACERES	X		
COUNCILWOMAN		Miriam PLANAS			X
COUNCILMAN		Gerardo RODRIGUEZ			X
COUNCILMAN	S	Robert SUAREZ	X		
COUNCILMAN		Manuel VALDES	X		
VICE CHAIRMAN		Toufic ZAKHARIA			X
CHAIRMAN		Richard M. GOMEZ	X		
			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: DAVID HOPE

8

Date: June 4, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-10 #Z2013000037
Daniel and Grisel Abreu
1949 SW 140 Court, Miami, FL 33175
Non-Use Variance to permit a proposed single family home setback
7'6" from the rear (east) property line.
(RU-1) (0 Acres)
10-54-39

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) 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 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 by DERM for this proposed development order.

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

system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 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.

The stormwater runoff from the new pool deck must be retained on-site, without causing any runoff into the abutting properties. Applicant may be required at the time of construction permit application, to demonstrate by calculation or grading details that there is adequate green area within the property to provide drainage to the new deck, without causing any runoff into the adjacent properties.

Wetlands

Although the subject property is located within a designated wetland basin, the subject property does not contain wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

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

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

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

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.

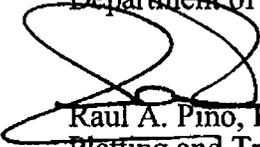
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: July 24, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: 
Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000037
Name: Daniel & Grisel Abreu
Location: 1949 SW 140 Court
Section 10 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 2, Block 1 of Plat Book 166, Page 25.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **2 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals 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
9134 Coral Way w/o SW 137 Ave.	E	E

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

Memorandum



Date: June 24, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From:  Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: 13_037
Daniel and Grisel Abreu

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Application: *Daniel and Grisel Abreu* are requesting non-use variances for setbacks on a property which is currently zoned for Single Family Residential use (RU-1).

Size: The subject property is approximately .11 acres.

Location: The subject property is located at 1949 SW 140 Court in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The single family residence on the property meets the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential unit on the property will receive PWWM waste collection service, once developed on the vacant lot. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

Memorandum



Date: May 13, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

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

Subject: Z2013000037: DANIEL & GRISEL ABREU

Application Name: DANIEL & GRISEL ABREU

Project Location: The site is located at 1949 SW 140 CT, Miami-Dade County.

Proposed Development: The applicant is seeking approval for a non-use variance for setbacks for a new single family home on the site.

Impact Analysis: Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 2 (PBD2) which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Impact and demand: This application will generate one single family unit resulting in a de minimis impact to Level of Service. The site is located in Park Benefit District 2 which has a surplus of 494.95 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 this 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, Parks Property Management Supervisor

Memorandum



Date: 15-MAY-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000037

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2013000037
located at 1949 SW 140 CT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1430 is proposed as the following:

<u>1</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: 0.27 alarms-annually.
The estimated average travel time is: 6:36 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,

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received May 6, 2013.

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

DATE: 05-JUN-13

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DANIEL & GRISEL ABREU

1949 SW 140 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000037

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC; No bss cases open/closed

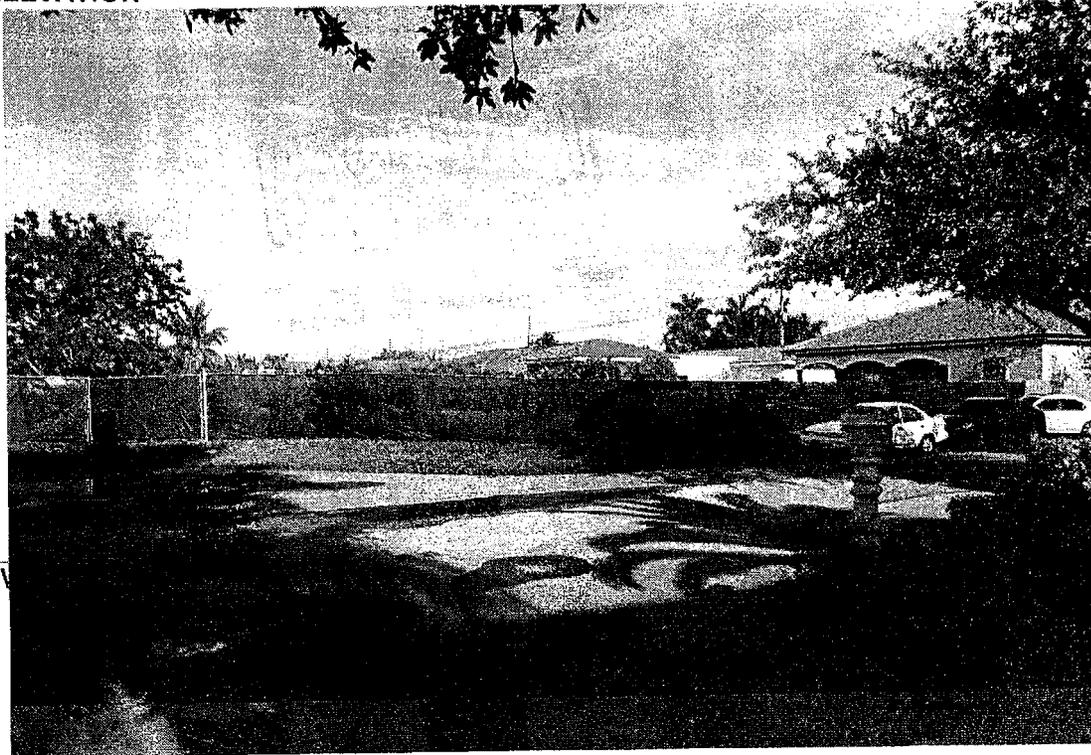
Daniel & Grisel Abreu

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

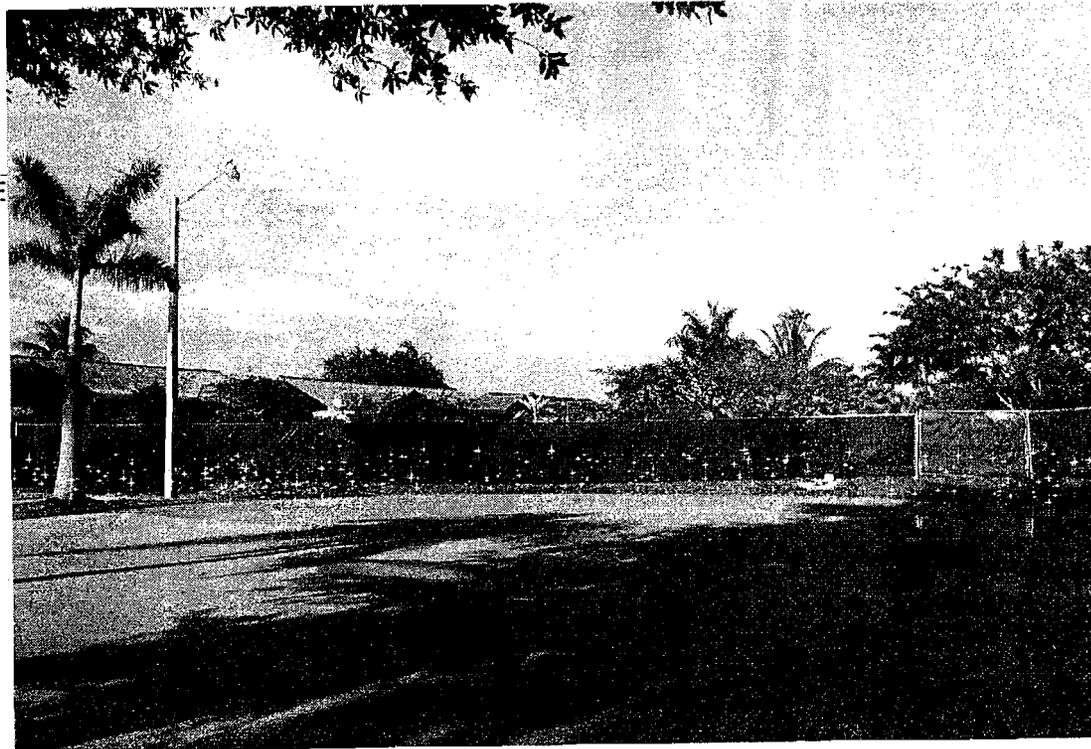
REPORTER NAME:

PHOTOGRAPHS -submit photos showing entire site and all structures

FRONT ELEVATION



SIDE ELEV

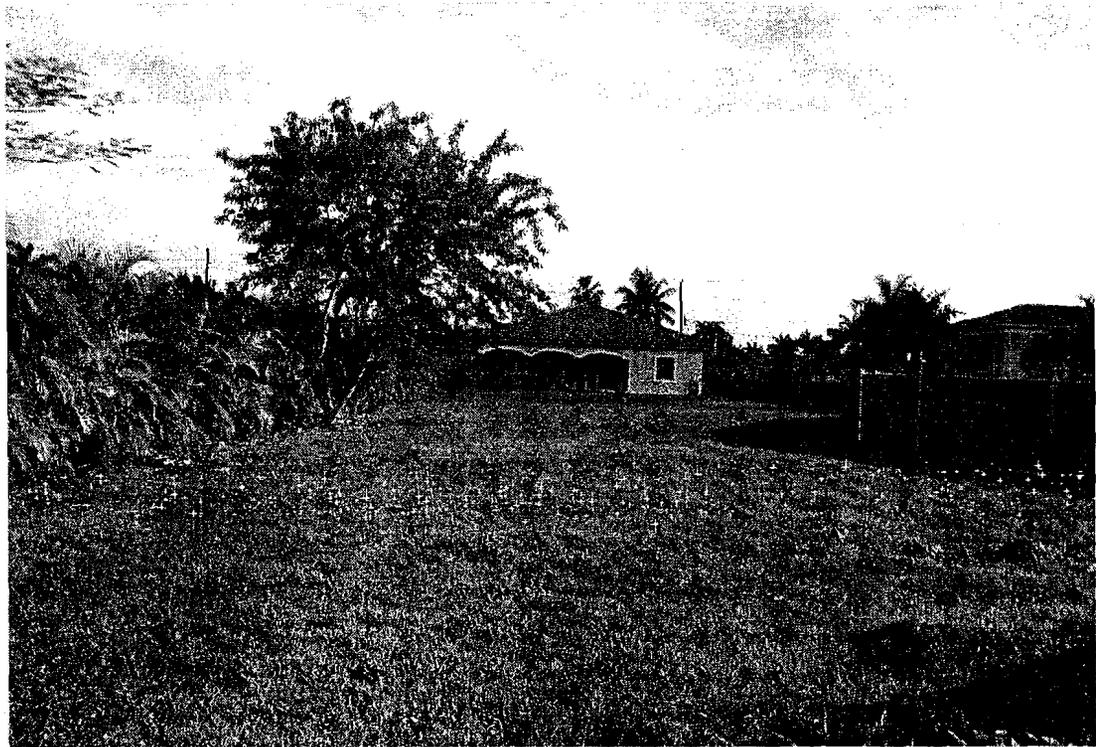
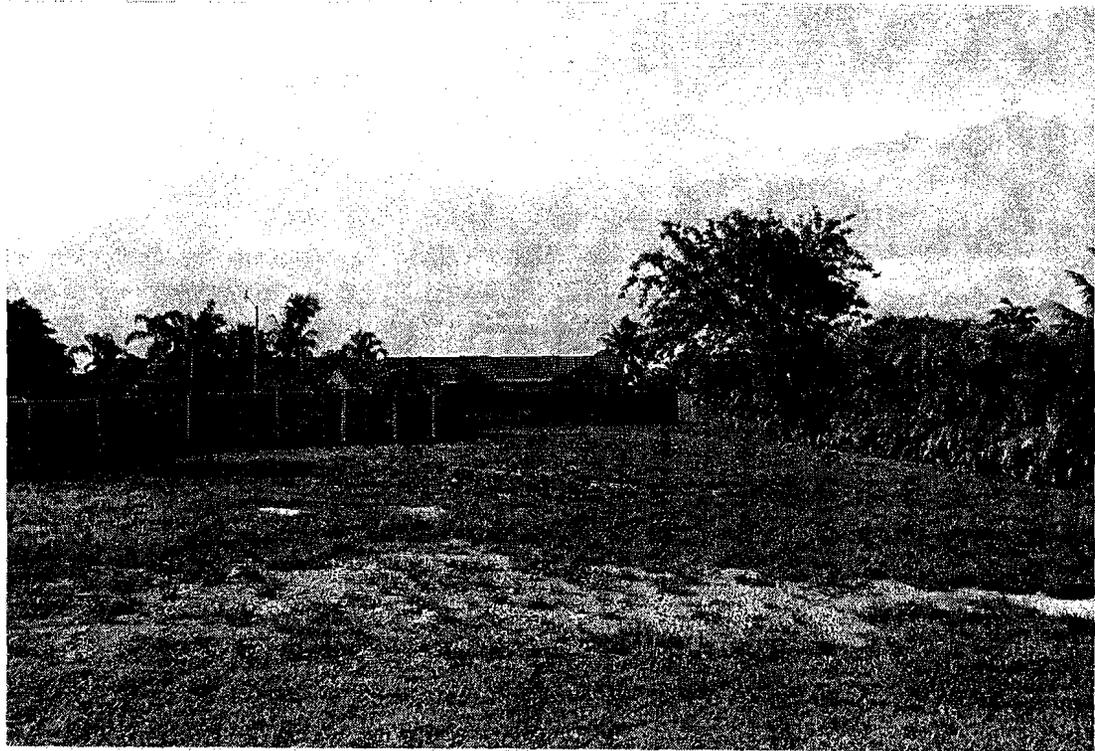


REAR ELE

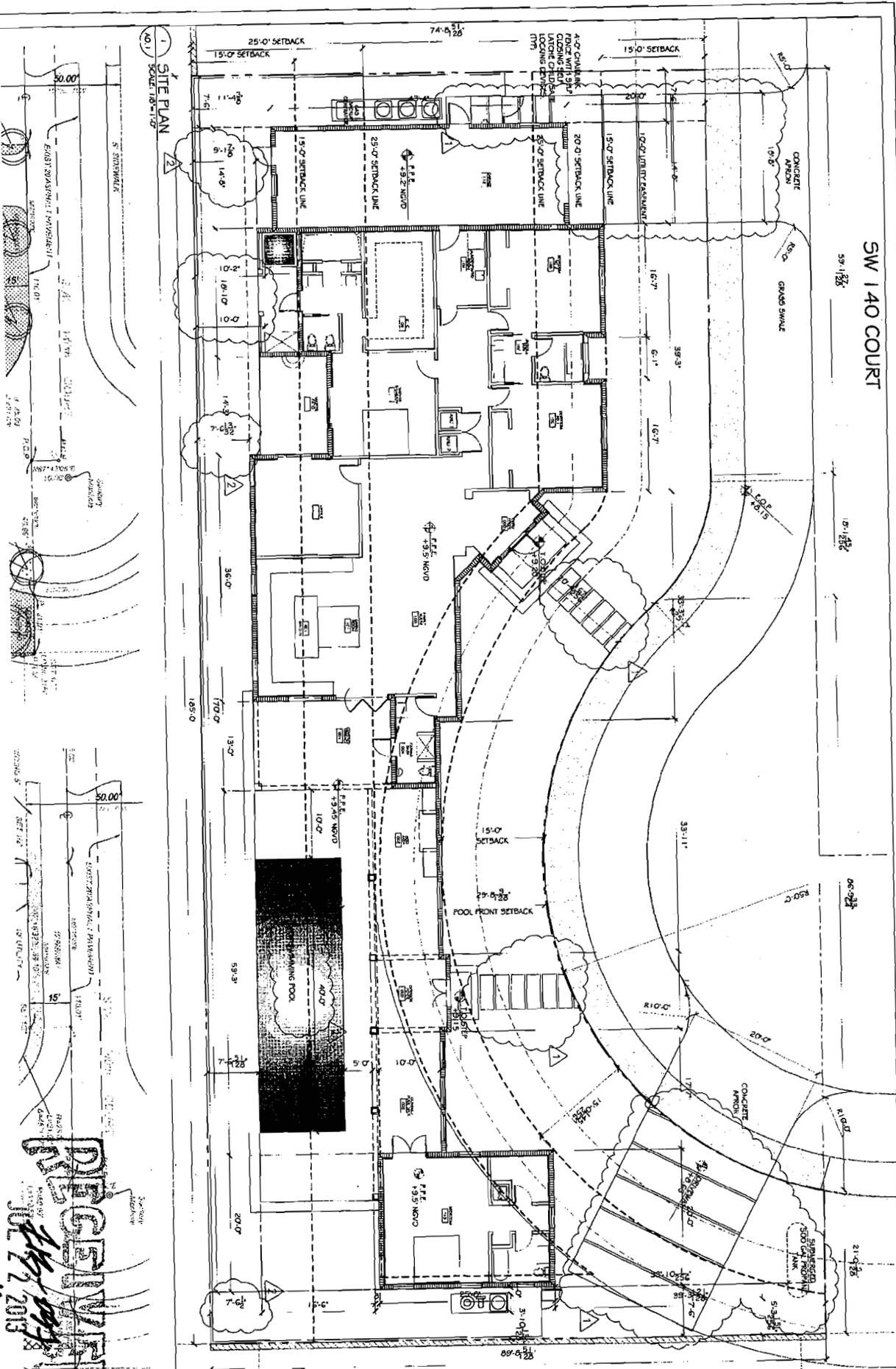
Additional photos may be submitted

213-097

18



SW 140 COURT



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

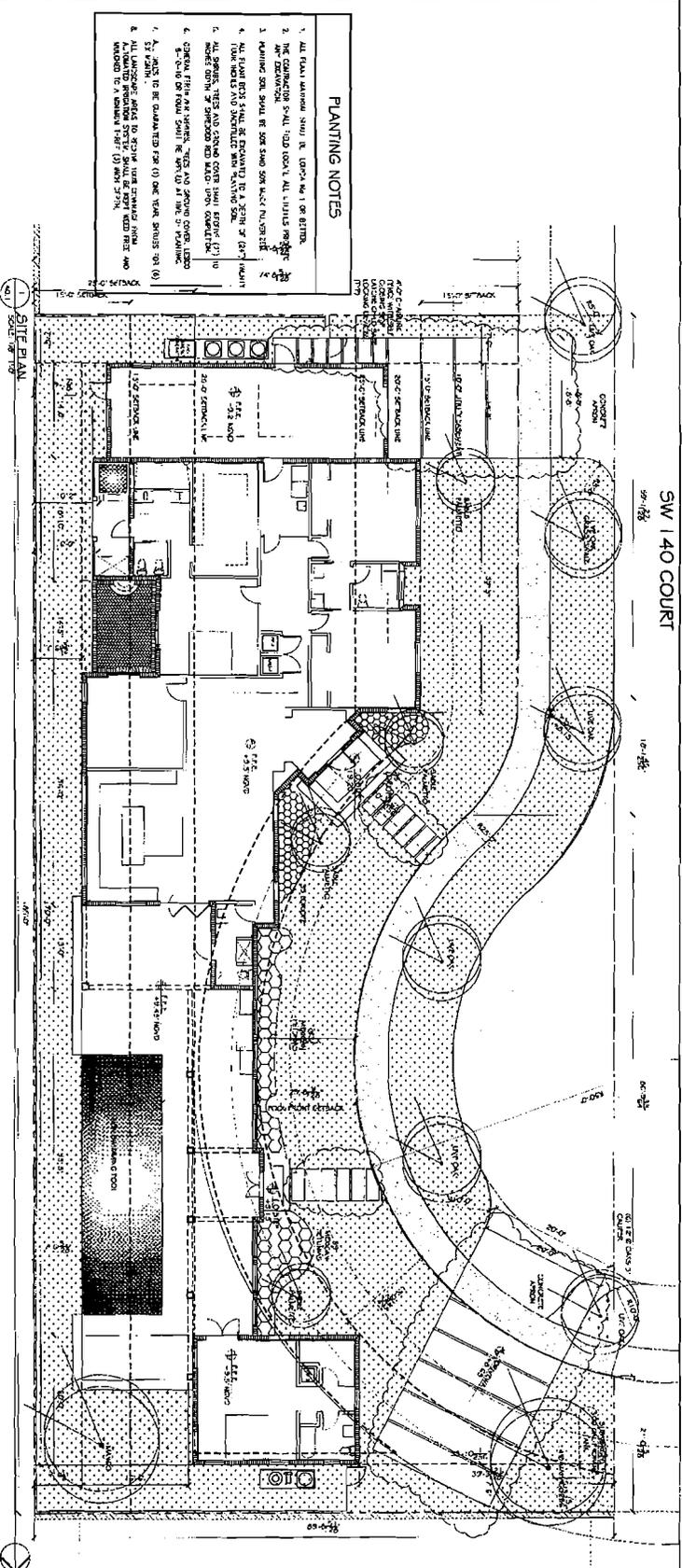
ENLARGED SITE PLAN

RECEIVED
JUL 22 2013

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

ZONING	
500 GA	SUBMITTED TO
	1. HOT WATER
	2. POOL DECK
	3. POOL FENCE
	4. POOL GRILL
	5. POOL FUEL
	6. DRAINAGE
	7. ELECTRICAL
	8. MECHANICAL
	9. PLUMBING
	10. OTHER
	11. COMMENTS
	12. APPROVALS
	13. SIGNATURE
	14. DATE
	15. PROJECT NO.
	16. SHEET NO.
	17. TOTAL SHEETS
	18. SCALE
	19. DRAWN BY
	20. CHECKED BY
	21. APPROVED BY
	22. DATE

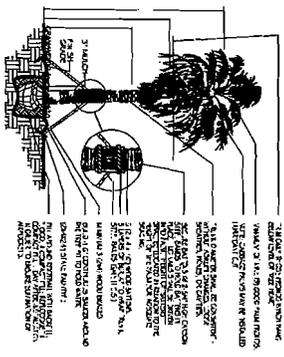
22



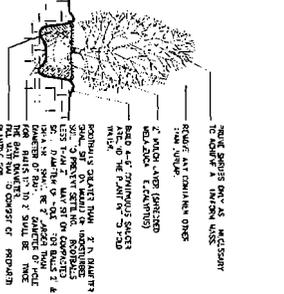
PLANTING NOTES

1. ALL PLANT MATERIAL SHALL BE 100% NATIVE OR BLENDED.
2. THE CONTRACTOR SHALL OBTAIN ALL PLANTS FROM A REPUTABLE NURSERY.
3. PLANTING SHALL BE DONE WITHIN 30 DAYS OF COMMENCEMENT OF CONSTRUCTION.
4. ALL PLANTS SHALL BE EXAMINED BY A 3RD PARTY CERTIFIED PLANTING INSPECTOR AND APPROVED BY THE CITY ENGINEER.
5. ALL PLANTS SHALL BE PROTECTED FROM DAMAGE BY CONSTRUCTION EQUIPMENT.
6. CONSTRUCTION SHALL BE SCHEDULED TO AVOID PLANTING SEASONS.
7. ALL PLANTS SHALL BE MAINTAINED FOR A PERIOD OF 1 YEAR AFTER COMPLETION OF CONSTRUCTION.
8. ALL PLANTS SHALL BE WATERED AND FERTILIZED AS NECESSARY.

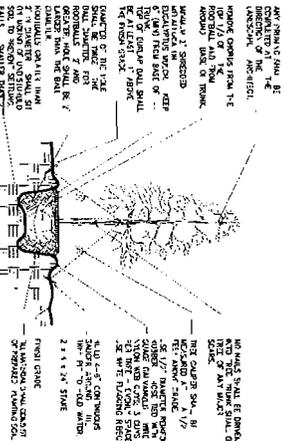
TYPICAL PALM TREE PLANTING



SHRUB PLANTING



TREE PLANTING (2-4" CALIPER)



LANDSCAPE LEGEND

SYMBOL	DESCRIPTION	QUANTITY	REMARKS
[Symbol]	100% NATIVE PLANTS	1450	
[Symbol]	3" CALIPER PALM	145	
[Symbol]	2" CALIPER PALM	145	
[Symbol]	2" CALIPER SHRUB	145	
[Symbol]	2" CALIPER TREE	145	
[Symbol]	TOTAL PLANTS	1830	

RECEIVED
 MAY 22 2015

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

1948 SW 140 COURT
 MIAMI, FL 33135
 RESIDENTIAL SITE PLAN
 AND DIMENSIONAL DATA

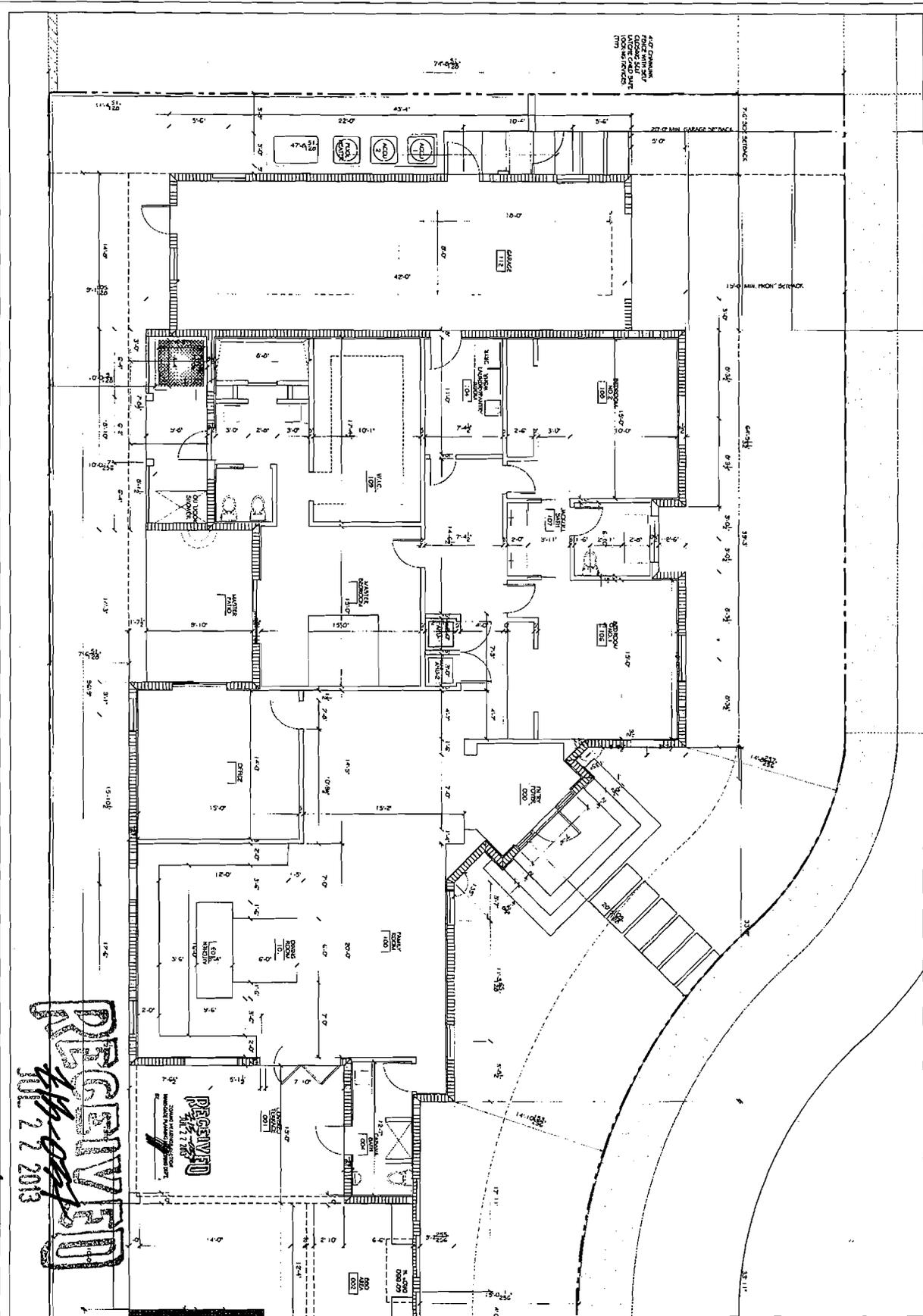
REVISION NO. 01
 DATE: 6/27/13

OWNER: [Name]
 ARCHITECT: [Name]
 ENGINEER: [Name]

FANULL & ASSOCIATES, LLC
 ARCHITECTURE, INTERIOR DESIGN & PLANNING
 ARTURO C. FANULL, RA
 PRESIDENT
 1172 S. DUNE NEARBY, SUITE 333
 CORAL GABLES, FL 33134
 PH: 305.326.8312
 FAX: 305.326.2806
 info@fanull.com
 www.fanull.com

ARTURO C. FANULL, RA
 ARCHITECT

LA-1



4/02 DRAWING
 PROVIDED WITH
 CONCEPTUAL FLOOR
 PLAN FOR REVIEW
 ONLY. NOT TO BE
 USED FOR CONSTRUCTION.

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

RECEIVED
Arturo C. Fanjul
 11/22/2013

A1.0

OWNERSHIP
 ARTURO C. FANJUL ASSOCIATES, LLC
 1772 S. DIXIE HIGHWAY, SUITE 333
 CORAL GABLES, FLORIDA 33146
 PH: 305 724-8113
 FAX: 305 724-8188
 arturo@arturofajul.com
 www.arturofajul.com
 A WRITTEN LETTER TRANSCRIPTION SERVICE

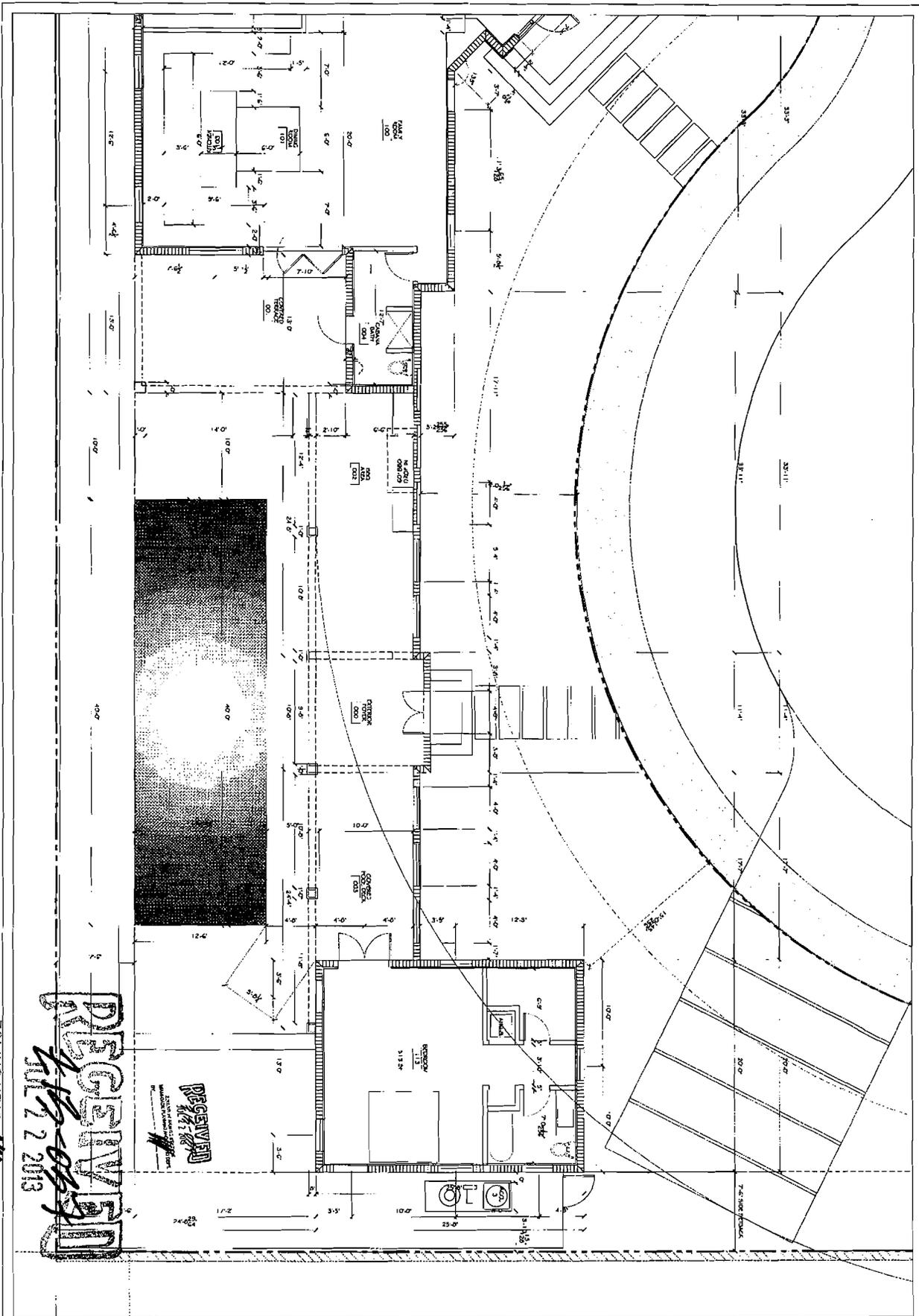
REVISION

NO.	DESCRIPTION

REGISTRATION INFORMATION
 ABBREU
 RESIDENCE
 1948 SW 1140 COURT
 MIAMI, FL 33175
 PDR# 30249 / O11400280
 CONCEPTUAL FLOOR PLAN

ARTURO C. FANJUL ASSOCIATES, LLC
Arturo C. Fanjul
 11/19/13





RECEIVED
 JUN 22 2013
 1172-0451

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

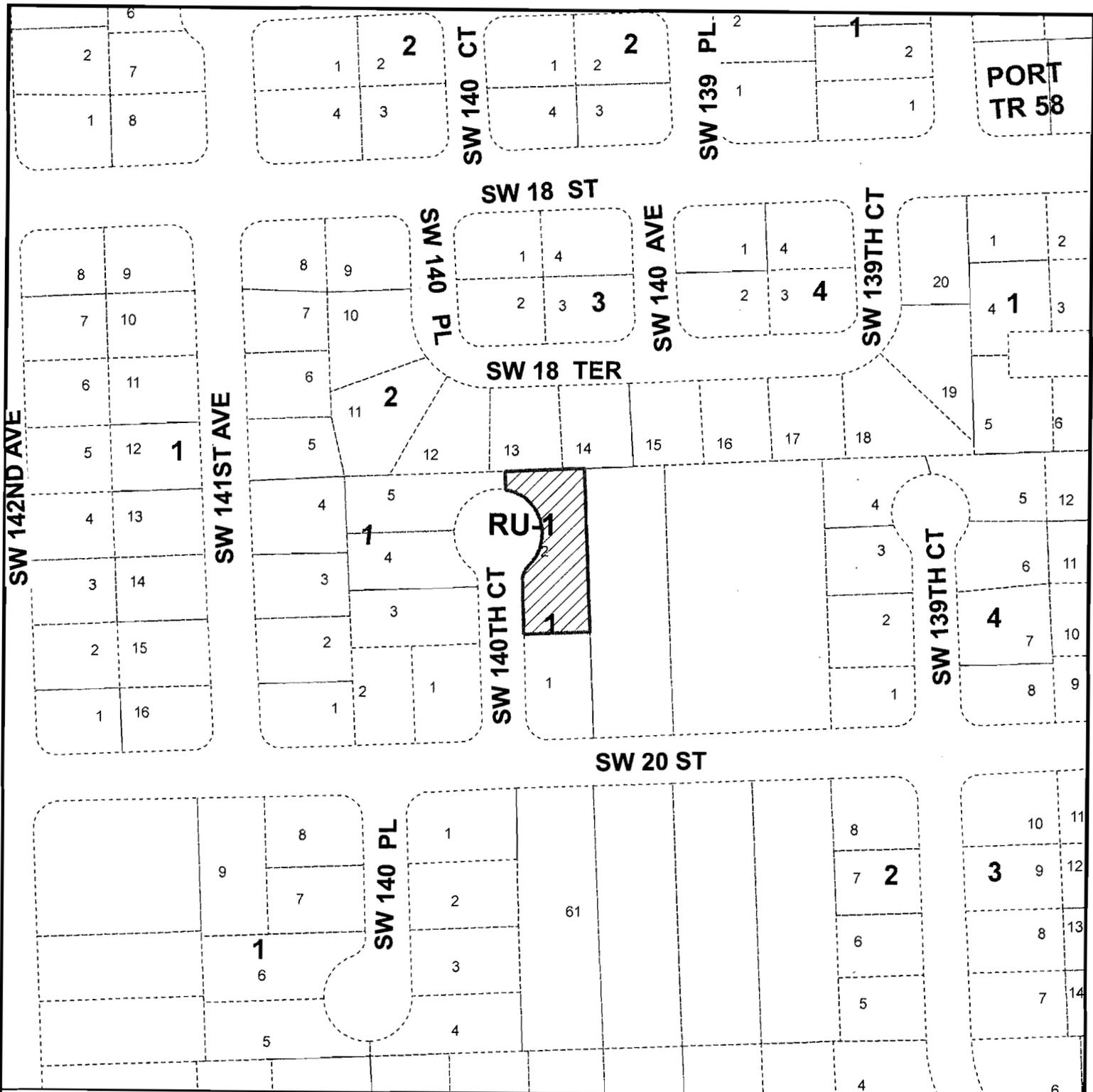
FANULLI & ASSOCIATES, LLC
 ARCHITECTURE, INTERIOR & EXTERIOR DESIGN
 ADDRESS: 007732
 ARTURO G. FANULLI, RA
 PRESIDENT
 1172 S. DIANE HANAWAY DRIVE, SUITE 103
 CORAL GABLES, FL 33134
 PH: 305 728 8813
 FAX: 305 598 5888
 email: info@fanullifirm.com
 www.fanullifirm.com
A LICENSED PROFESSIONAL ARCHITECT

PRELIMINARY DESIGN DOCUMENTS
 ABREU
 RESIDENCE
 1849 SW 140 COURT
 MIAMI, FL 33175
 FOUND: 30-4910114-0020
 CONCEPTUAL FLOOR PLAN

REVISION	NO.

OWNERSHIP
 OWNER: ABREU, ANA MARIA
 1849 SW 140 COURT
 MIAMI, FL 33175
 CONTACT: ANA MARIA ABREU
 PHONE: 305 598 5888
 EMAIL: ANA@ABREUDESIGN.COM
 THE DATE: 06/11/13

A1.1



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000037



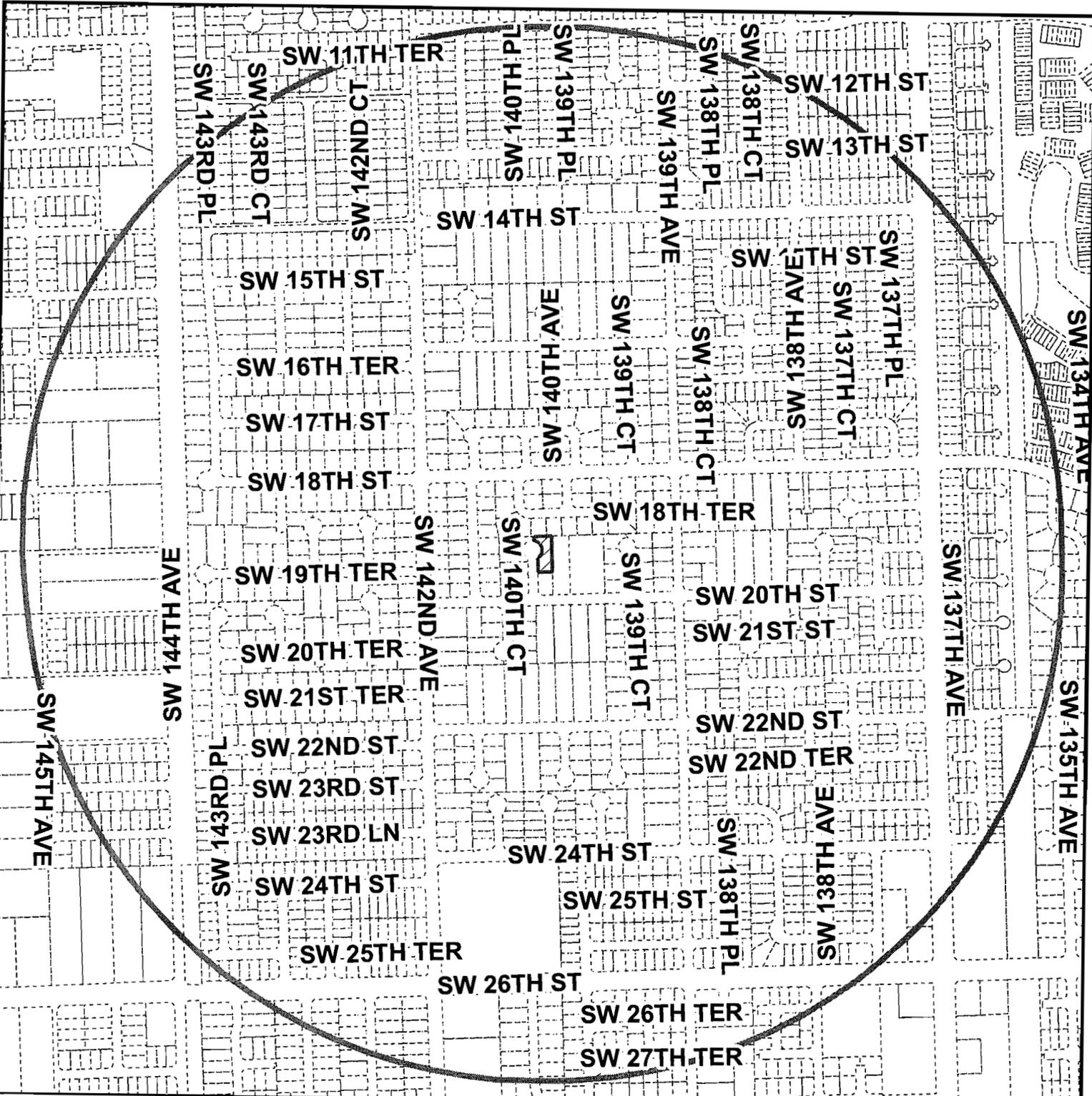
Section: 10 Township: 54 Range: 39
 Applicant: DANIEL & GRISEL ABREU
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2013000037
 RADIUS: 2640



Section: 10 Township: 54 Range: 39
 Applicant: DANIEL & GRISEL ABREU
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

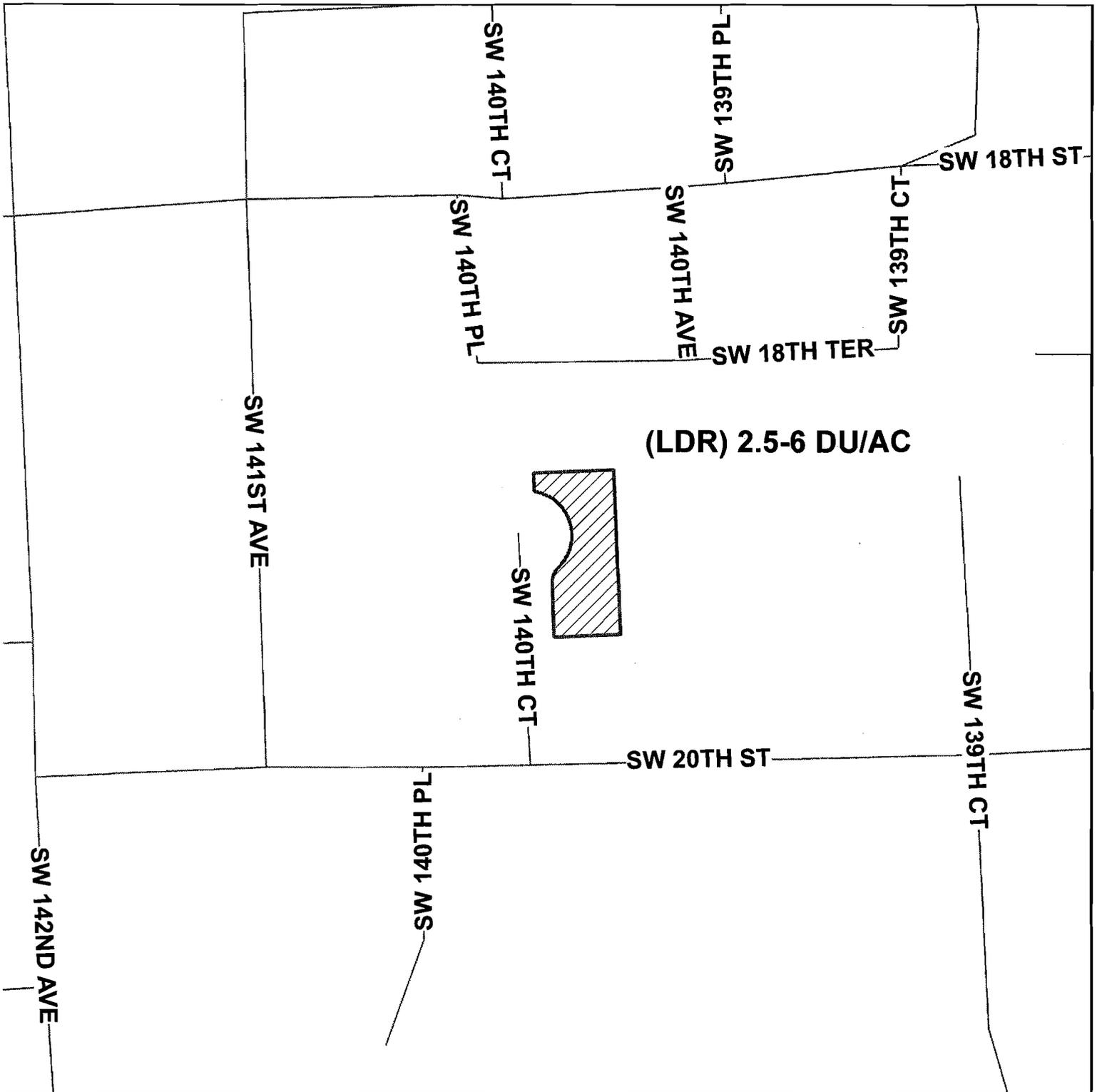
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, July 9, 2013

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000037



Section: 10 Township: 54 Range: 39
 Applicant: DANIEL & GRISEL ABREU
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, May 21, 2013

REVISION	DATE	BY
		29

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z13-038 (13-11-CZ10-2)

December 11, 2013

Item No. B

Recommendation Summary	
Commission District	11
Applicant	JCE 7, LLC
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-1M(a).
Location	Lying West of SW 144 th Ave, approximately 177' South of SW 30 th Street, Miami-Dade County, Florida.
Property Size	2.5 acres
Existing Zoning	AU
Existing Land Use	Single-family residence
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.

This application was deferred from the November 7, 2013 meeting of Community Zoning Appeals Board (CZAB) #10 to allow the applicant to submit a revised lot layout plan and to revise the covenant.

REQUEST:

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

PROJECT DESCRIPTION:

The applicant seeks to rezone the 2.5-acre parcel from AU, Agricultural District to RU-1M(a), Single Family Modified Residential District, 5,000 sq. ft. net.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 2.5 acre site currently developed with a single-family residence and is located west of SW 144th Ave and approximately 177' South of SW 30th Street. The surrounding properties to the south and west are zoned RU-1M(a), Single-Family Modified Residential District, and are developed with single-family residences and some land remains vacant. The properties to the north, as well as the properties to the east of the canal, are zoned RU-1, Single-Family Residential District, and are developed with single-family residences.

SUMMARY OF IMPACT:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, the proposed rezoning could impact traffic on the abutting roadways, and schools and emergency services in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request could allow the applicant to develop the 2.5-acre parcel with a maximum of 13 residential units. Staff notes that the RU-1M(a) zoning district allows residences at 5,000 sq. ft. net. This would allow the applicant to develop the 2.5-gross acre parcel at 8.7 dwelling units per acre for a maximum of 21 residential units. The applicant has proffered a covenant restricting the development of the property to thirteen (13) residential units which is within the maximum allowed under the density threshold of the CDMP Low-Density Density designation on the Land Use Plan (LUP) map.

The CDMP Land Use Element **Objective LU-4**, 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.* The subject property abuts properties to the south and west that are zoned RU-1M(a). As such, subject to the Board's acceptance of the proffered covenant, staff opines that the rezoning of the subject property to RU-1M(a) would be **compatible** with the surrounding area and **consistent** with the density threshold of the Low-Density Residential designation of the parcel on the CDMP LUP map and the CDMP's Land Use Element the interpretative text, **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the 2.5-acre parcel to RU-1M(a), Single-Family Modified Residential District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that subject to the Board's acceptance of the proffered covenant, the approval of the applicant's request to rezone the property will be **consistent** with the Low-Density Residential designation of the parcel on the CDMP Land Use Plan map. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application meets the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will generate **15 PM** daily peak hour trips. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory

and Economic Resources. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the residential development trend as evidenced by similar approvals in the immediate vicinity. Specifically, the properties located to the west of SW 144 Place and south of the subject property were respectively rezoned from AU to RU-1M(a), in 2004, pursuant to Resolutions #CZAB10-19-05 and #CZAB10-18-05.

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

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

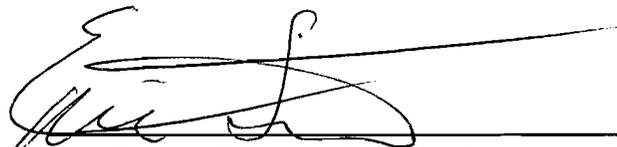
OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:JC


Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

JCE 7, LLC
Z13-038

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental and Regulatory Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and 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

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

ZONING RECOMMENDATION ADDENDUM

JCE 7, LLC
Z13-038

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

B. JCE 7, LLC
(Applicant)

13-11-CZ10-2(13-038)
Area 10/District 11
Hearing Date: 12/11/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

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

6

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 10
MOTION SLIP

#2

APPLICANT'S NAME: JCE 7, LLC

REPRESENTATIVE: Juan Martinez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-11-CZ10-2 (13-038)	November 7, 2013	CZAB10	13

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

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: December 11, 2013 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER: At applicant's request to submit revised lot survey to staff and place survey in covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	M	Julio R. CACERES	X		
COUNCILWOMAN	S	Miriam PLANAS	X		
COUNCILMAN		Gerardo RODRIGUEZ	X		
COUNCILMAN		Robert SUAREZ			X
COUNCILMAN		Manuel VALDES			X
VICE CHAIRMAN		Toufic ZAKHARIA	X		
CHAIRMAN		Richard M. GOMEZ	X		
			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: DAVID HOPE

Memorandum 

Date: June 14, 2013
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources
Subject: C-10 #Z2013000038
JCE 7, LLC
3120 SW 144th Street, Miami, FL
District Boundary Changes to RU-1M(a)
(AU) (2.50 Acres)
15-54-39



The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) 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 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.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section, prior to approval of final development orders.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed

development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

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

Stormwater Management

An Environmental Resources Permit from the South Florida Water Management District may 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 system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Site grading and development plans shall comply with the requirements of Chapter 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

A Binding Letter of Interpretation was issued for these properties on May 17, 2013, stating that the sites do not contain wetlands as defined by Section 24-5 of the Code. This letter is valid for a period of two (2) years, and is scheduled to expire on May 17, 2015. At this time a Class IV Wetland Permit will not be required for any work on these sites. However, once the Binding Letter expires, DERM may decide to re-evaluate the Class IV Wetland Permit issues on the sites.

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

An on-site inspection performed by staff on September 28, 2006, as well as photos of the sites provided to this office by the applicant on June 5, 2013, revealed that the properties contain tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The sites also contain prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from the sites prior to development.

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

The applicant is advised to contact the Tree Permitting Program at (305) 372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

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, Department of Regulatory and Economic Resources

Memorandum



Date: October 8, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From:  ~~Kaul A. Pino, PLS, Chief~~
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000038
Name: JCE 7, LLC
Location: West of SW 144 Avenue, approximately 177 feet south of SW 30 Street
Section 15 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or 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 reveals 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
9110	Bird Dr. Ext. w/o SW 137 Ave.	D	D
9112	Bird Dr. Ext. w/o SW 147 Ave.	B	B
9826	SW 147 Ave. s/o Bird Dr. Ext.	C	C
9134	Coral Way w/o SW 137 Ave.	E	E

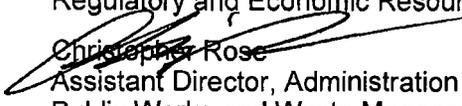
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Memorandum



Date: June 24, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: 
Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC #13-038
JCE 7, LLC

The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Application: *JCE 7, LLC* is requesting a district boundary change from Agricultural (AU) to Modified Single Family Residential (RU-1M (a)).

Size: The subject property is approximately 2.5 acres.

Location: The subject property is located on SW 31st Street and west of SW 144th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The application proposes the development of a vacant lot to build single family homes, which will meet the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential units on the property will receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste

collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

Memorandum



Date: June 21, 2013
To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department
From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department
Subject: Z2013000038: JCE 7, LLC

Application Name: JCE 7, LLC

Project Location: The site is located in that area LYING WEST OF SW 144 AVE, APPROXIMATELY 177' SOUTH OF 30 STREET, Miami-Dade County.

Proposed Development: The applicant is seeking approval for a district boundary change from AU to RU-1M(a) with a covenant limiting development to 13 new single family homes on the site.

Current Park Benefit District Area Conditions: County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Bird Lakes Park is the nearest park to the application site located about 1± mile to the south.

**Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.**

Park Facility	Classification	Acreage
Bent Tree Park	NEIGHBORHOOD PARK	5.68
Bird Basin Park	NEIGHBORHOOD PARK	9.88
Bird Lakes Park	COMMUNITY PARK	8.86
Eden Lakes Park	NEIGHBORHOOD PARK	9.64
International Gardens Park	NEIGHBORHOOD PARK	5.26
Kendale Lakes SP Tax Dist Lot 38	MINI-PARK	0.44
Kendall Green Park	NEIGHBORHOOD PARK	25.89
McMillan Park	SINGLE PURPOSE PARK	20.83
Millers Pond Park	COMMUNITY PARK	12.85
North Trail Park	COMMUNITY PARK	14.02
Royale Green Park	NEIGHBORHOOD PARK	3.38
Southern Estates Park	NEIGHBORHOOD PARK	13.00
Tamiami Canal Park	NEIGHBORHOOD PARK	1.52
Tamiami Lakes Park	NEIGHBORHOOD PARK	4.82
Tamiami Trail Park (North)	NEIGHBORHOOD PARK	1.81
Tree Island Park & Preserve	COMMUNITY PARK	119.68
West Kendale Lakes Park	NEIGHBORHOOD PARK	5.03
Westwind Lakes Park	COMMUNITY PARK	20.75
Westwind Lakes SP TX Dist TR A	NEIGHBORHOOD PARK	9.20
Westwind Lakes SP TX Dist TR FP2	NEIGHBORHOOD PARK	2.70
Westwind Lakes SP TX Dist TR G	NEIGHBORHOOD PARK	5.04

Impact Analysis: Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 2 (PBD2) which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Impact and demand: This application will generate 13 single family units resulting in an impact to Level of Service of .12 acres. The site is located in Park Benefit District 2 which has a surplus of 494.95 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 this 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, Parks Property Management Supervisor

Memorandum



Date: 28-MAY-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2013000038

Fire Prevention Unit:

No objection to Letter of Intent.

Service Impact/Demand

Development for the above Z2013000038
 located at LYING WEST OF SW 144 AVE, APPROXIMATELY 177' SOUTH OF 30 STREET, MIAMI-DADE
 COUNTY, FLORIDA.

in Police Grid 1515 is proposed as the following:

<u>13</u>	dwelling units	<u>N/A</u>	square feet
<u>residential</u>		<u>industrial</u>	square feet
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<u>Office</u>		<u>institutional</u>	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 3.65 alarms-annually.
 The estimated average travel time is: 5:04 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 37 - West Bird - 4200 SW 142 Avenue
 Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Current service impact calculated based on Letter of Intent.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

JCE 7, LLC

LYING WEST OF SW 144 AVE,
APPROXIMATELY 177' SOUTH OF
30 STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2013000038

HEARING NUMBER

HISTORY:

FOLIO:3049150010150

NC OPEN: THERE ARE NO CURRENT NEIGHBORHOOD COMPLIANCE CASES

NC CLOSED: CASE #201312000407, WAS OPENED ON JANUARY 7, 2013, FOR MAINTAINING FARM ANIMALS ON THE PROPERTY. THE CASE WAS CLOSED AS PER CERTIFICATE OF USE AND OCCUPANCY [2009006539] WHICH ALLOWS A PLANT NURSERY AND THE ZONING OF THE AREA PERMITS THE PROPERTY TO MAINTAIN FOWL.

BLDG SUPPORT: THERE ARE NO CURRENT OPENED OR CLOSED BUILDING SUPPORT CASES.

FOLIO: 3049150010191

NC: THERE ARE NO CURRENT OPENED OR CLOSED NEIGHBORHOOD COMPLIANCE CASES

BLDG SUPPORT: THERE ARE NO CURRENT OPENED OR CLOSED BUILDING SUPPORT CASES

JCE 7, LLC

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

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: JCE 7 LLC, a Florida Limited Liability Company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Juan Carlos Sainz 2423 SW 147 Avenue Miami, Florida 33185	50%
Efrain Morales 14471 SW 42 Street # 212 Miami, Florida 33175	50%

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>
<div style="text-align: center;">  </div>	
<div style="text-align: center;"> <small>ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT BY <u>Fu</u></small> </div>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____

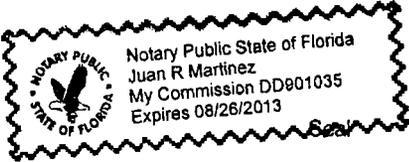
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

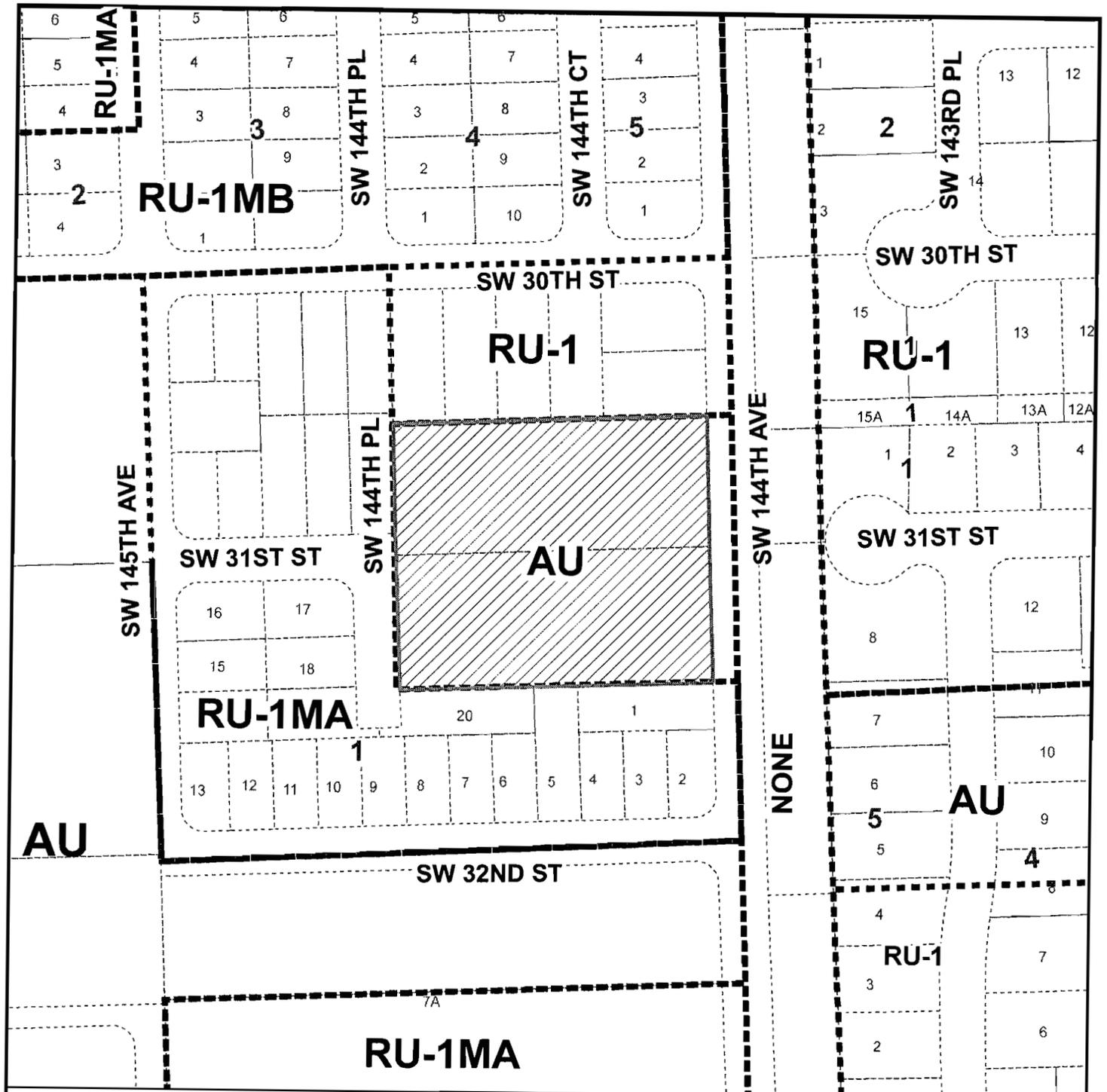
Signature: Juan R. Martinez
(Applicant)

Sworn to and subscribed before me this 12 day of April, 2013. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)
My commission expires: 8/26/2013



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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000038

Section: 15 Township: 54 Range: 39
 Applicant: JCE 7, LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, June 3, 2013

REVISION	DATE	BY
	20	



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000038

Legend

-  MDC STL Index Poly
-  Subject Property
-  Zoning

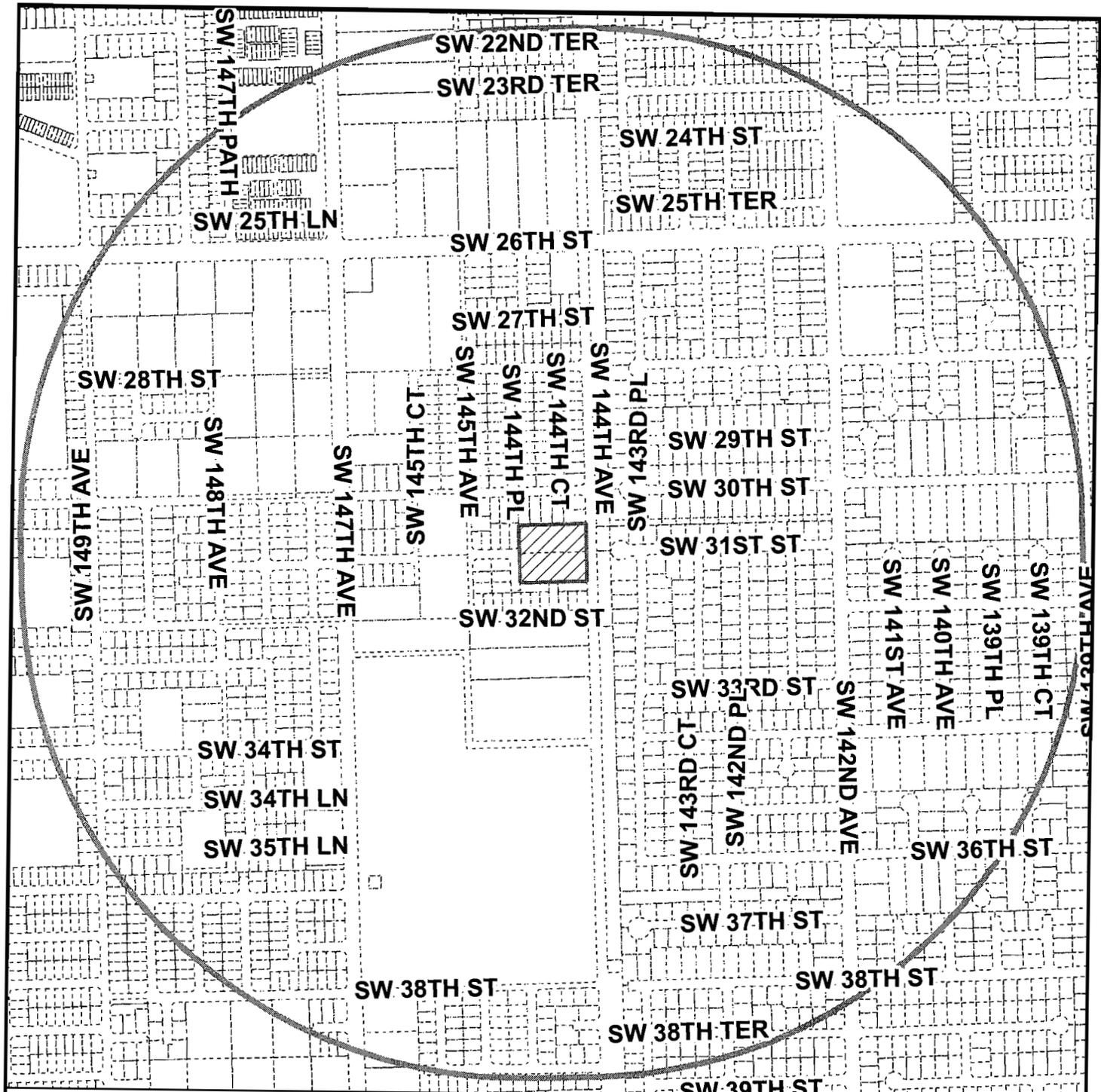


Section: 15 Township: 54 Range: 39
 Applicant: JCE 7, LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Monday, June 3, 2013

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 15 Township: 54 Range: 39
 Applicant: JCE 7, LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2013000038
 RADIUS: 2640

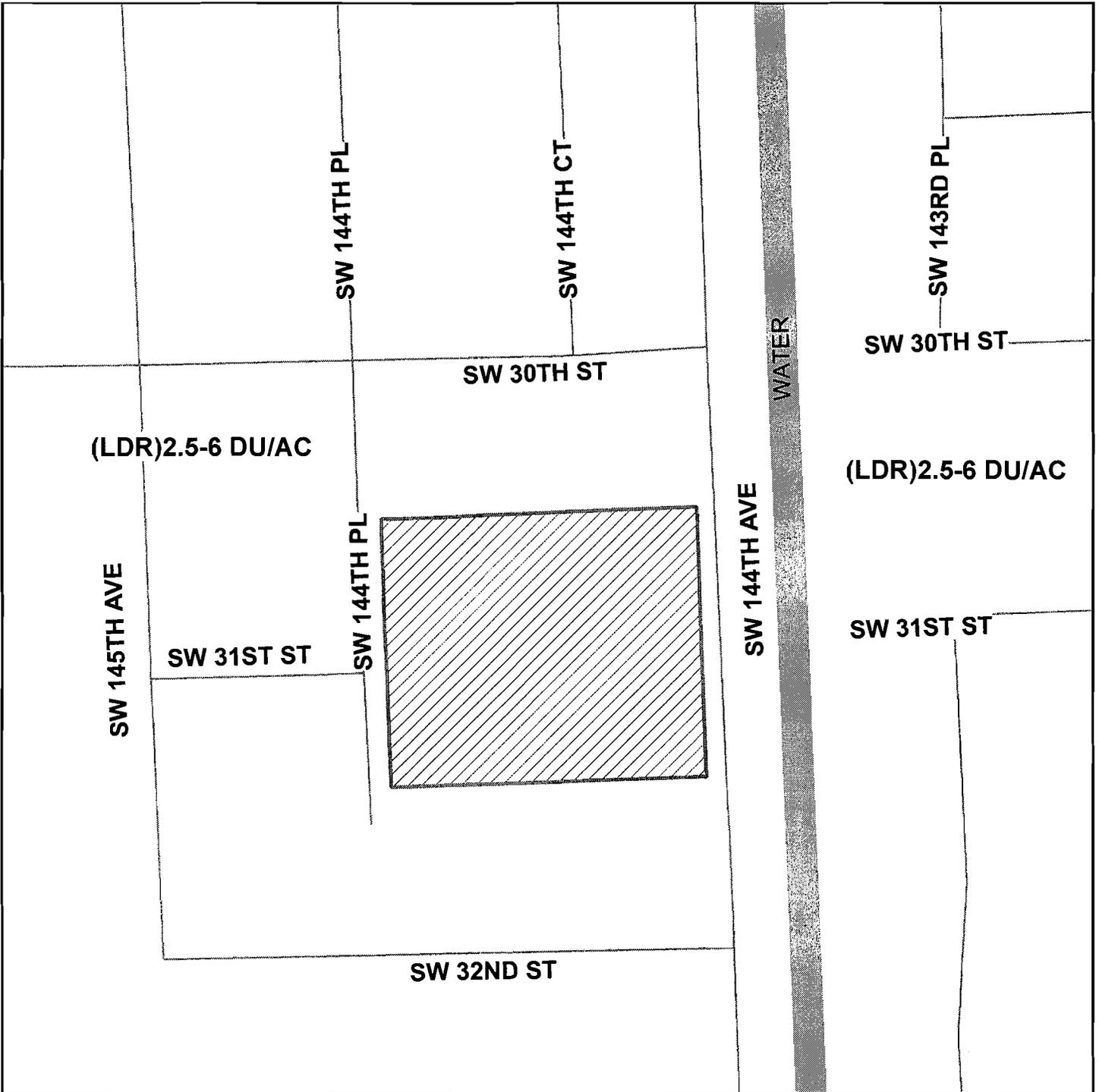


- Legend**
-  Subject Property
 -  Buffer



SKETCH CREATED ON: Monday, June 3, 2013

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000038



Section: 15 Township: 54 Range: 39
 Applicant: JCE 7, LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Monday, June 3, 2013

REVISION	DATE	BY

Revised Draft
JCE 7, LLC (13-038)
C10 12/11/13

This instrument was prepared by:

Name: Juan R. Martinez and Associates
8550 West Flagler Street Suite # 106
Miami, Fl. 33144

(Space reserved for clerk)

DECLARATION OF RESTRICTION

WHEREAS, the undersigned Owner JCE 7, LLC, 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 authority's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of public Hearing No. Z2013000038 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 plans previously submitted, prepared by Juan R. Martinez and Associates, Inc., entitled Boundary survey and tentative layout "JCE 7, LLC", stamped dated received November 12, 2013 said plans being on file with the Miami-Dade Department of Planning and Zoning and by reference made a part of this agreement.
- 2) That the development of the subject property be limited to a maximum of 6 units per gross acre for a total of 13 lots.

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. Owners 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 the 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 may be modified, amended or released as to the Property, 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. >>It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures. <<

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 services of the attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

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

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

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

[Execution Pages Follow]

(Public Hearing)

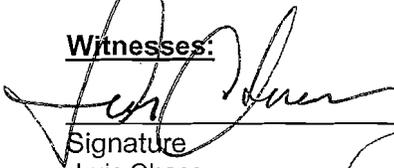
(Space reserved for Clerk)

**ACKNOWLEDGMENT
LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on this 20 day of
May, 2013.

IN WITNESS WHEREOF, JCE 7, LLC (Corporate
name) has caused these presents to be signed in its name by its proper officials.

Witnesses:



 Signature
 Luis Chacon

 Print Name



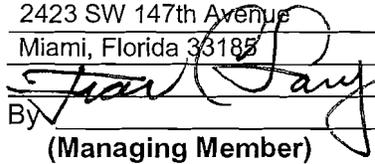
 Signature
 Arodys Izquierdo

 Print Name

JCE 7, LLC

 Name of LLC
 Address:
2423 SW 147th Avenue

Miami, Florida 33185

 By 

 (Managing Member)

Print Name: Juan Carlos Sainz

**[*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 Juan Carlos Sainz

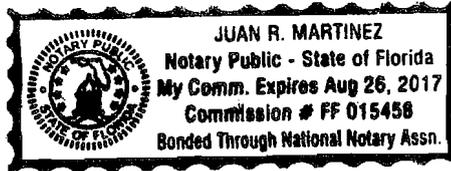
 (Name)
 the Managing Member of JCE 7, _____ LLC, on behalf

 (Title) (Name)
 of the LLC.
He/She is personally known to me or has produced _____, as
 identification.

(Space reserved for Clerk)

Witness my signature and official seal this 20 day of

May, 2013, in the County and State aforesaid.



Signature

Notary Public - State of Florida

Juan R. Martinez

Print Name

My Commission Expires: August 27, 2017

EXHIBIT "A"

Luz Marina First Addition

Folio # 30-4915-001-0150

Folio # 30-4915-001-0191

LEGAL DESCRIPTION

THE EAST 357.50 FEET OF TRACTS 5-A AND 6-A OF
J.G.HEAD'S FARMS, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 46, AT PAGE 44,
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
LYING IN SECTION 15, TOWNSHIP 54 SOUTH, RANGE 39 EAST.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z10-016 (13-12-CZ10-1)

December 11, 2013

Item No. 1

Recommendation Summary	
Commission District	10
Applicant	Tadpole Investments, Inc.
Summary of Requests	The applicant is seeking a Use Variance to allow a pawnbroker use for secondhand jewelry only in a more restrictive zoning district.
Location	2275 SW 87 Avenue, Miami-Dade County, Florida.
Property Size	18.95 acres
Existing Zoning	BU-2; Special Business District
Existing Land Use	Shopping Center
2015-2025 CDMP Land Use Designation	Business and Office (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)(a), Use Variance from other than Airport Regulations
Recommendation	Denial without prejudice.

REQUEST:

USE VARIANCE to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 07/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers - Westchester Shopping Center, as prepared by F. Galarza, dated stamped received 02/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The site has been the subject of several zoning actions from 1961 to 1999, for a special permit for shopping center promotional installation, special exception to permit the expansion of an existing shopping center, modifications to prior site plans, and variances from the zoning regulations. The applicant seeks a pawn broker use for the pawning of jewelry only in the BU-2 zone, as would be permitted in the BU-3 zone only after public hearing. The site plan submitted by the applicant depicts an existing 1,249.24 sq. ft. jewelry store within a 229,178 sq. ft. shopping center.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; shopping center	Business and Office
North	RU-1; single-family residences	Low Density Residential
South	BU-2; shopping center, office building	Business and Office
East	BU-2; medical center RU-1; single-family residences	Business and Office Low Density Residential
West	BU-2; service station and shopping center RU-1; single-family residence	Business and Office Low Density Residential

NEIGHBORHOOD COMPATIBILITY:

The subject property is located within a shopping center located at 2275 SW 87 Avenue. The area surrounding the subject property is characterized by residential and commercial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will provide an additional service for the surrounding community. However, approval of the request to allow a pawnbroker use which is typically located in a zoning district that allows more intensive commercial uses only upon approval after public hearing, could have a negative impact on the abutting residential properties. Furthermore, approval of the same could result in an increase in the intensity and types of uses that would be allowed in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Business and Office** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* As such, the existing jewelry store use and requested pawnbroker use are **consistent** with the CDMP Land Use Element interpretative text for the Business and Office designation.

The CDMP Land Use Element **Objective LU-4** 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.* The **Land Use Element Policy LU-4A** of said interpretive text provides that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff notes that the existing jewelry store is located within a shopping center that consists of various commercial uses such as a cash advance store, dry cleaners, supermarket, bank, restaurants, and a gasoline station, among other uses. Staff notes that the jewelry store is a compatible retail use within a retail shopping center.

In staff's opinion, the requested pawnbroker use for jewelry only is an accessory use to the existing jewelry store and therefore, would be **consistent** with the Business and Office designation on the CDMP Land Use Plan map and **consistent with Objective LU-4** based on the criteria outlined in **Land Use Element Policy LU-4A**.

ZONING ANALYSIS:

The applicant seeks approval of a use variance, under Section 33-311(A)(4)(a) to permit a pawnbroker use in the BU-2 (Special Business) zoning district as would be permitted in the BU-3 (Liberal; Business) district only upon approval after public hearing. The letter of intent indicates that the applicant intends to limit the pawnbroker use solely for jewelry and will not permit the pawning of other merchandise.

The existing jewelry store is located within a shopping center that is within the BU-2 zoning district, surrounded by commercially and residentially zoned properties and provides the residential properties with access to neighborhood services. However, the proposed pawnbroker use is only permitted in the BU-3 zoning district upon approval after public hearing. Staff notes that the applicant is requesting this use variance in order to establish a pawnbroker, which is not permitted in the existing BU-2 zoning district. Although the BU-3 district provides for a host of uses that are significantly more intense than those allowed in the BU-2 district, such as gun shops; secondhand stores for the disposal of furniture, fixtures and tools; locksmith shops, sharpening and grinding shops; garage and mechanical services; commercial chicken hatcheries; and pawnbrokers; the applicant has indicated that the pawn broker use would be limited to the pawning of secondhand jewelry only in conjunction with the existing jewelry store.

When the subject request, to permit a pawnbroker use in the BU-2 zone, as would be permitted in the BU-3 zone only upon approval after public hearing, is analyzed under Section 33-311(A)(4)(a), Use Variance Standards, staff opines that the request is not consistent with the general purpose and intent of the zoning regulations. Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations.* To prove an unnecessary hardship the applicant must demonstrate that without the requested use variance, the applicant, under the existing zoning, has lost all reasonable use of the property.

Based on the information provided by the applicant, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. As previously discussed, the subject property is currently in use and operating as a jewelry store; as such, provides the applicant with economic use and benefit. Furthermore, Section 33-253 of the Code lists ten (10) permitted uses in addition to all of the uses permitted in BU-1 (Neighborhood Business) district and BU-1A (Limited Business) district as permitted uses in the BU-2 zoning district, which allow for the reasonable use and benefit of the subject property. Staff is of the opinion that the approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning. **As such, staff recommends denial without prejudice of the request for the proposed pawnbroker use under the Use Variance Section 33-311(A)(4)(a).**

CIRCULATION AND PARKING:

The subject property has ingress and egress points along SW 24 Street (Coral Way) and SW 87 Avenue.

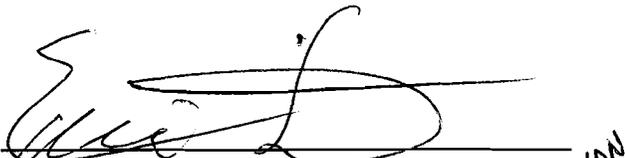
ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:AN:EJ



A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. To the right of the signature, the letters 'NDN' are handwritten vertically.

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Tadpole Investments, Inc.
Z10-016

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES,

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comments
Schools	No objection
*Subject to conditions in their memorandum.	

POLICIES AND INTERPRETATIVE TEXT

Business and Office (Pg. I-41)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
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>
Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.	<i>The Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the 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>

1. TADPOLE INVESTMENTS, INC
(Applicant)

13-12-CZ10-1(10-016)
Area 10/District 10
Hearing Date: 12/11/13

Property Owner (if different from applicant) **Columbia BBB Westchester Shopping**

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>
1960	Westchester Inc.	- Special Exception for special permit for promotional installation.	BCC	Approved with Condition(s)
1979	Lionel Leisure Inc.	- Special Exception to permit expansion of existing shopping center.	ZAB	Approved with Condition(s)
1983	Arthur Fastenberg ET AL	- Modification condition of resolution. - Special Exception to permit expansion of existing shopping center. - Non-Use Variances of zoning regulation as applied to signs and of landscaping requirements.	ZAB	Approved with Condition(s)
1983	Arthur Fastenberg ET AL	- Modification of condition of resolution.	BCC	Approved with Condition(s)
1989	Salsa Westchester Inc.	- Special Exception to permit expansion of existing shopping center. - Non-Use Variance of landscaping requirements.	ZAB	Approved with Condition(s)
1990	Columbia – BBB Westchester Shopping Cent.	- Modification of condition of resolution.	ZAB	Approved with Condition(s)
1991	Columbia Westchester Shopping Center Associates	- Non-Use Variances of zoning regulation as applied to signs.	ZAB	Approved with Condition(s)

1999 Sprint Pcs.

- Non-Use Variance of setback
requirement of landscaping.

C10

Approved with
Condition(s)

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.

Date: November 2, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-10 #Z2010000016-1st Revision
Tadpole Investments, Inc.
2275 S.W. 87th Avenue
Special Exception to Permit a Pawn Shop
(BU-2) (18.95 Acres)
10-54-40



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

Potable Water Service and Wastewater Disposal

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

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

According to the information found on this project, the proposed change 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 Class IV Wetland Permit will not be required.

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit a pawn shop will not impact tree resources. Be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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

Concurrency Review Summary

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

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: TADPOLE INVESTMENTS, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

12-APR-10

Memorandum



Date: October 19, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

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

Subject: Z2010000016: TADPOLE INVESTMENTS, INC
Includes Revised Plans Dated stamped received 9/28/12

Application Name: TADPOLE INVESTMENTS, INC

Project Location: The site is located at 2275 SW 87 AVENUE, Miami-Dade County.

Proposed Development: The applicant is requesting a use variance and special exception to permit a pawn broker. Includes Revised Plans Dated stamped received 9/28/12.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 20-NOV-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2010000016

Fire Prevention Unit:

No objection via Case # Z2010000016.

Service Impact/Demand

Development for the above Z2010000016
 located at 2275 SW 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1440 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: 5:46 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.

ENFORCEMENT EISTORY
TADPOLE INVESTMENTS, INC
10-016

FOLIO: 30-4010-000-0020

NC OPEN: CASE #201303006069, WAS OPENED ON JULY 9, 2013, FOR FAILURE TO OBTAIN A CERTIFICATE OF USE FOR THE BUSINESS. AS OF NOVEMBER 21, 2013, NO CERTIFICATE IS ON FILE. FURTHER ENFORCEMENT IS PENDING RESEARCH WITH THE ZONING DEPARTMENT.

NC CLOSED: THERE ARE NO CURRENT NEIGHBORHOOD COMPLIANCE REGULATIONS CASES.

BLDG OPEN:

BSS case A2009001270-X-8571 SW 24 ST, opened on 12/12/08. Notice of Violation issued for expired permit 2008034805. Ticket B086304 issued on 9/21/09 for non-compliance. Final Notice of Intent to lien/Demand for payment issued on 10/19/10, Lien was recorded on 8/29/11. Ticket was paid on 10/5/11, violation remains open.

BSS case A2010001484-X-2275 SW 87 AVE opened on 2/12/10. Notice of Violation issued for expired permit 2009030976. Ticket P004558 issued on 7/29/11 for non-compliance. Final Notice of Intent to lien/Demand for payment issued on 4/10/12, permit renewed however ticket was not paid. Lien was recorded on 7/9/12 and ticket paid on 7/23/12, case remains open.

BSS case A2012003331-X-8679 SW 24 ST opened on 7/11/12. Ticket 650322 issued to contractor on file for expired permit 2011057586. Case remains open.

BLDG CLOSED: THERE ARE NO CURRENT BUILDING SUPPORT CLOSED CASES

FOLIO: 30-4010-000-0033

NC OPEN: THERE ARE NO CURRENT OPEN NEIGHBORHOOD COMPLIANCE CASES

NC CLOSED:

CASE #201203001499, WAS OPENED ON FEBRUARY 27, 2012, FOR FAILURE TO MAINTAIN THE REQUIRED PARKING LOT STRIPING OR PAVEMENT MARKINGS [THE ENTIRE PARKING LOT FROM THE CVS STORE/DISABLED PARKING SPACES ARE FADED]. A WARNING LETTER WAS ISSUED THE SAME DAY. CIVIL VIOLATION NOTICE #T027878, WAS ISSUED ON MAY 23, 2012. THE VIOLATION WAS CORECTED AND THE CASE HAS BEEN CLOSED.

CASE #201302010670, WAS OPENED ON DECEMBER 17, 2012, FOR THE UNAUTHORIZED USE OF MAINTAINING TWO CARGO CONTAINERS IN THE PARKING LOT FOR STOARGE PURPOSES. A WARNING LETTER WAS ISSUED THE SAME DAY. THE VIOLATION WAS CORRECTED AND THE CASE HAS BEEN CLOSED.

BLDG SUPPORT:

3040100000033- no open/closed cases.

DISCLOSURE OF INTEREST*

If a **CORPORATION** 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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

PARTNERSHIP NAME: <u>Tadpole Investments, Inc.</u>	
NAME AND ADDRESS	Percentage of Stock
<u>Lino Alvarado, 8561 Coral Way, Miami, FL 33155</u>	<u>50%</u>
<u>Maria Alvarado, 8561 Coral Way, Miami, FL 33155</u>	<u>50%</u>

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

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

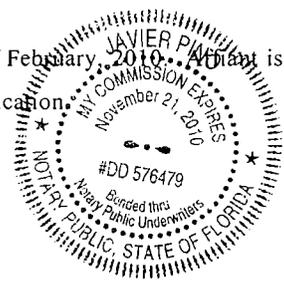
Signature: *Lino Alvarado*
 Print Name: LINO ALVARADO
 Title: SEC.

Tadpole Investments, Inc.

Sworn to and subscribed before me this 17 day of February, 2010, Lino Alvarado is personally known to me or has produced FL-7-0416-530-60-041-0 as identification.

[Signature]
 (Notary Public)

My commission expires 11/21/2010



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

210-010
[Signature]

DISCLOSURE OF INTEREST*

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

PARTNERSHIP NAME: <u>Columbia – BBB Westchester Shopping Center Associates</u>	
NAME AND ADDRESS	Percentage of Stock
Columbia – BBB Westchester Shopping Center Associates	100%

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

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

Signature: *Gary A. Brown*
 By: B.B.B. West, Inc., Its partner
 Print Name: Gary A. Brown
 Title: President

Columbia – BBB Westchester Shopping Center Associates, a Florida General Partnership

Sworn to and subscribed before me this 14th day of August, 2009. Affiant is personally known to me or has produced _____ as identification.

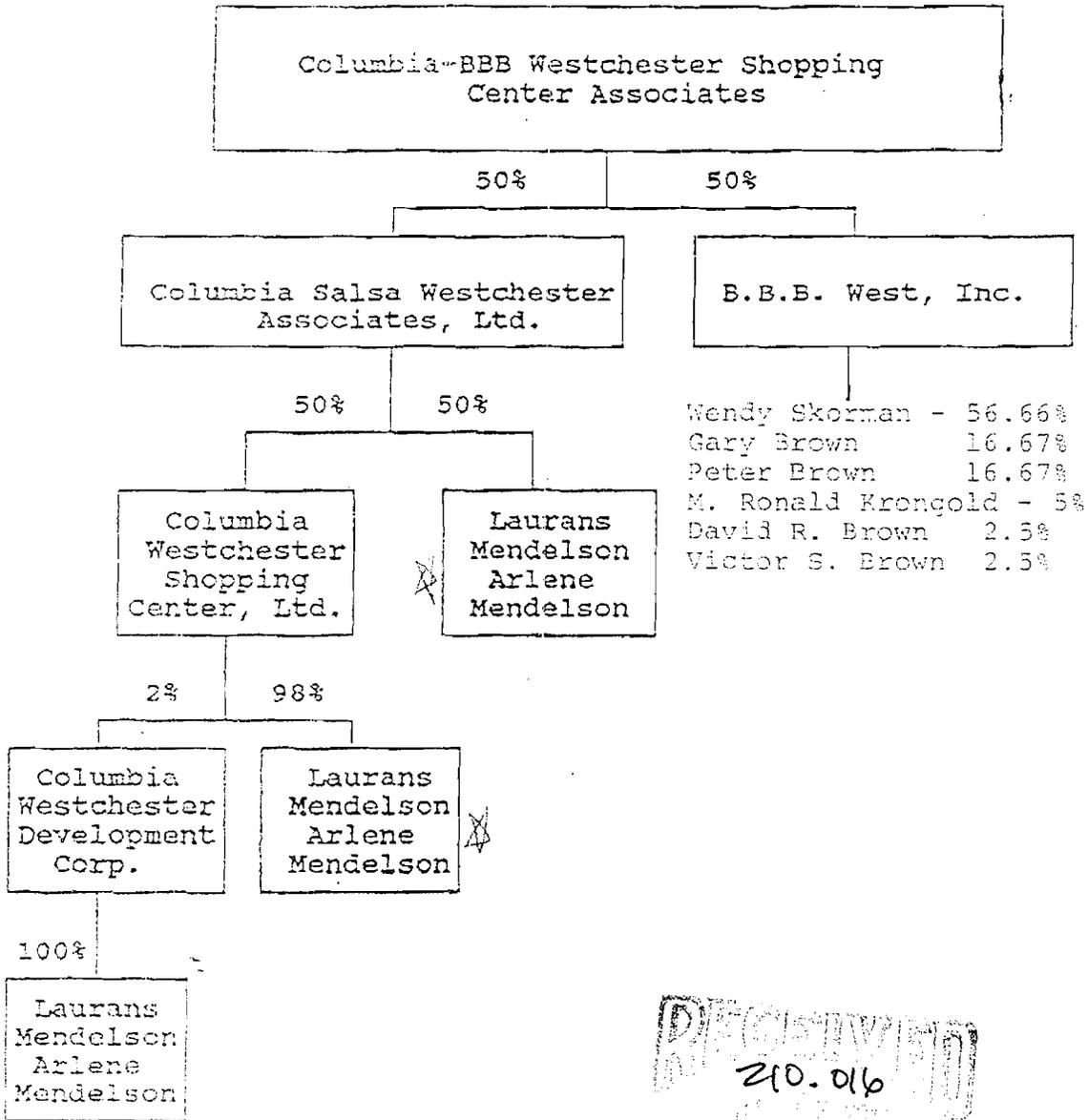
Patricia J. Wynn
 (Notary Public)



My commission expires _____

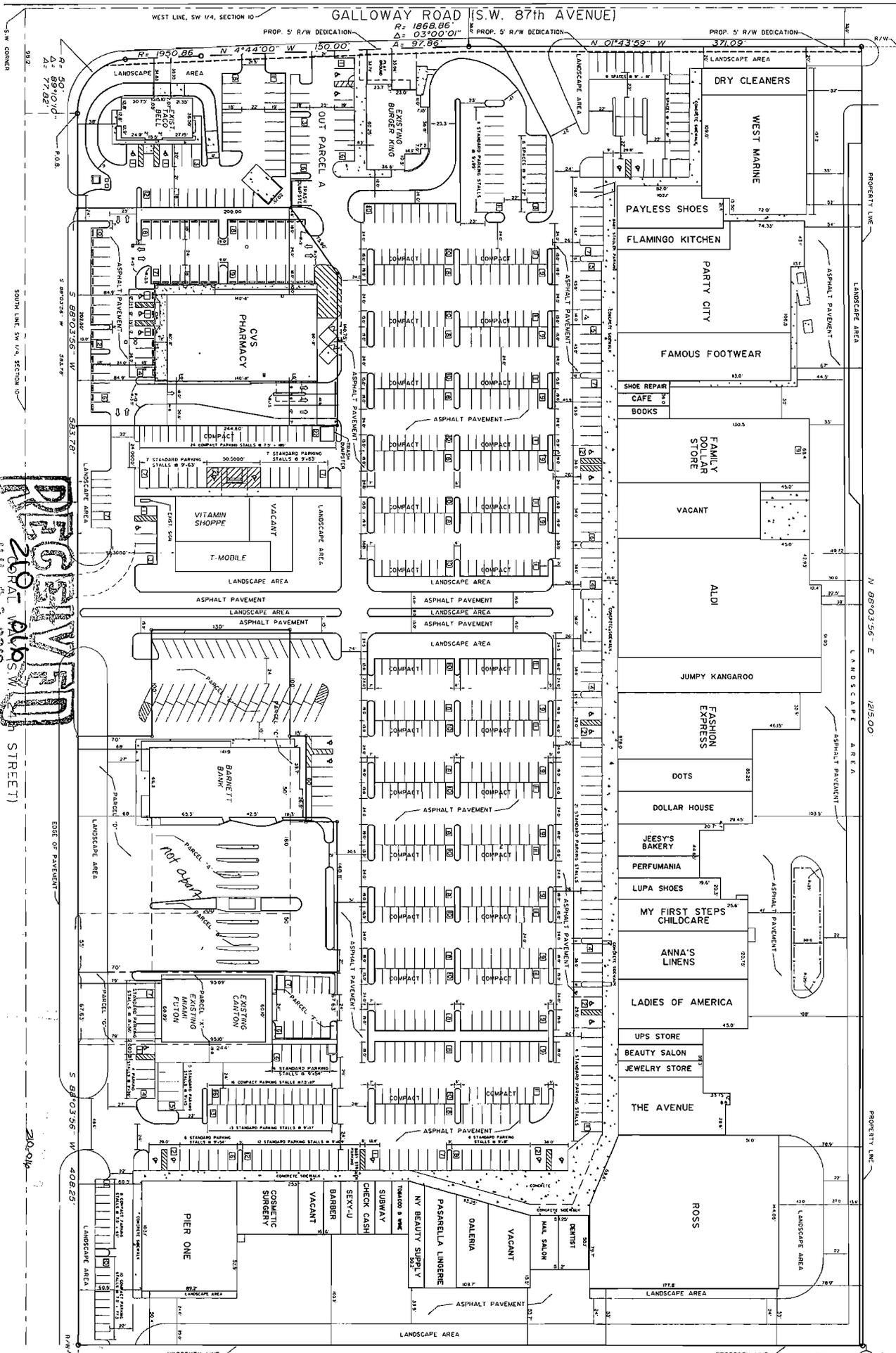
* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

210-016
 FEB 17 2010
 BY *[Signature]*



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210.016
BY *AK*
FBI DEPT.

* Laurans Mendelson & Arlene Mendelson each have a 50% share of the listed interest



ZONING HEARINGS SECTION
 MADE PLANNING AND ZONING DEPT.
 BY *AR*

RECEIVED
 2010 APR 16 10 20 AM '10

ENLARGED SITE PLAN

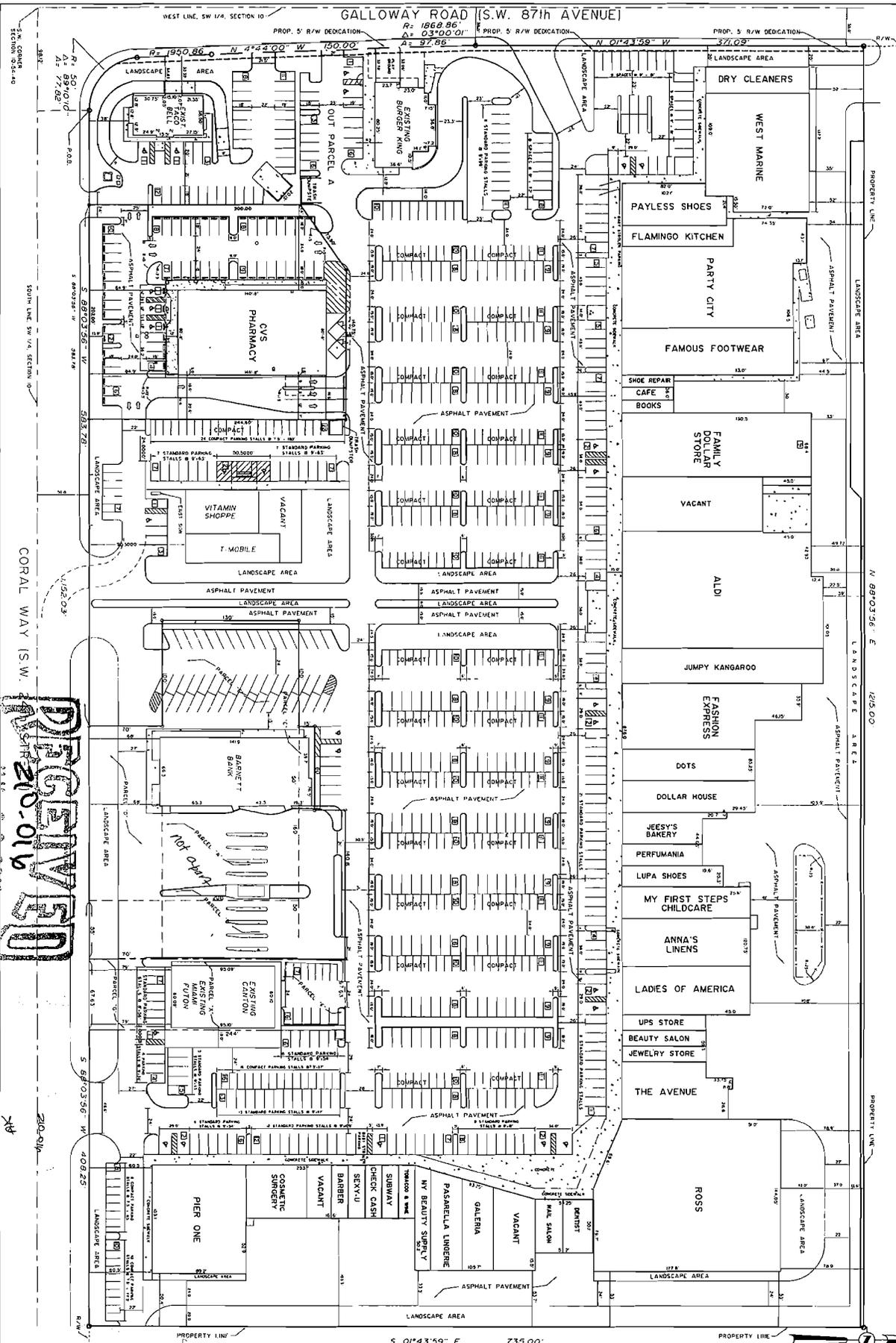
WESTCHESTER SHOPPING CENTER
 CORAL WAY & GALLOWAY RD
 MIAMI, FLORIDA

ZAMORA & ASSOCIATES, INC.

PROJECT NO. 090972
 DATE: 08/20/09
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO. [Number]

17

**MASTER SITE PLAN
WESTCHESTER SHOPPING CENTER**



RECEIVED

20-016

JUL 20 2018

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

<p>WESTCHESTER SHOPPING CENTER CORAL WAY & GALLOWAY RD MIAMI, FLORIDA</p> <p>THE FLORIDA COMMERCIAL GROUP 5901 S.W. 74th STREET, SUITE 407 SOUTH MIAMI FLORIDA, 33143</p> <p style="text-align: center;">MASTER SITE PLAN</p>	<p>ZAMORA & ASSOCIATES, INC.</p> <p>ENGINEERING LAND PLANNING</p> <p>8140 N. KENDALL DRIVE SUITE 302 MIAMI, FLORIDA 33176 (305) 273-7801 FAX (305) 273-9514</p>	<p>PROJECT OWNER:</p> <p>SHEET NO. 2017-38</p> <p>DATE: 8/29/2012</p> <p>DRAWN BY: C.J.</p> <p>CHECKED BY: C.J.</p> <p>SCALE: 1" = 40'</p> <p>STATE OF FLORIDA</p> <p>P.L. NO. 43807</p> <p>DATE OF EXPIRATION: 12-31-2012</p> <p style="text-align: right;">18</p>
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MASTER SITE PLAN WESTCHESTER SHOPPING CENTER

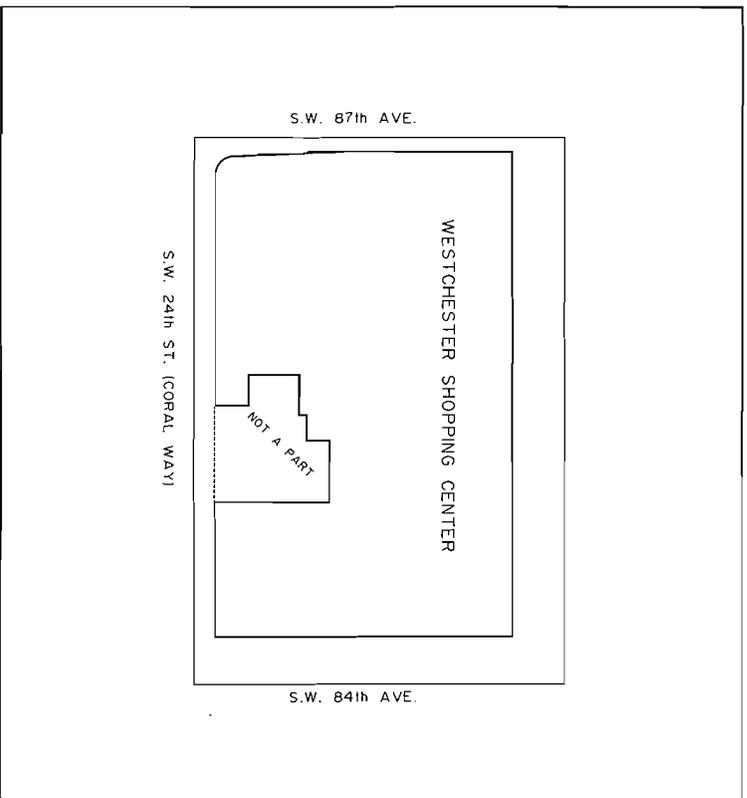
SITE DATA:
ZONING: BU-2
LAND USE: SPECIAL BUSINESS

PARKING SPACES:
 Total Retail Area Existing (old total) 109,420 square feet
 Total Retail Building Area (new total) 12,200 square feet
 Total Retail Area (new total) 121,620 square feet
 Total Retail Area (old total) 109,420 square feet
 Total Retail Area (new total) 121,620 square feet
 Total Retail Area (old total) 109,420 square feet
 Total Retail Area (new total) 121,620 square feet

Parking Spaces Required
 Retail Area (constructed under old code) 194,200 / 300 = 647.4
 Retail Area (constructed under current code) 12,200 / 250 = 48.8
 Total Required Spaces = 696.2 Spaces

Parking Spaces Provided
 427
 350
 23
 944 ✓

- NOTES:**
- BACKGROUND INFORMATION OBTAINED FROM SKETCH OF SURVEY.
 - BEARING SHOWN HEREON ARE BASED ON AN ASSUMED BEARING (N89°03'36"E) ALONG S.W. 24th STREET.
 - THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED BY THIS FIRM AND/OR SUPERVISOR REGARDING MATTERS OF INTEREST BY OTHER PARTIES, SUCH AS EASEMENTS, RIGHT-OF-WAYS, RESERVATIONS, ETC.
 - THE LEGAL DESCRIPTION THAT THE PROPERTY WAS SURVEYED FROM, WAS PROVIDED BY THE CLIENT.
 - THE PROPERTY LEGALLY DESCRIBED ON THIS SKETCH AND THE PROPERTY DESCRIBED AS PARCEL "X" ARE CONTIGUOUS WITHOUT GAPS, CORNERS OR MATRICES.



LOCATION MAP

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20-016

JUL 26 2013

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

LEGAL DESCRIPTION:

A portion of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida, being more particularly described as follows:
 Parcel A: 7,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel B: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel C: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel D: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel E: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel F: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel G: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel H: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel I: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel J: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel K: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel L: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel M: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel N: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel O: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel P: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel Q: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel R: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel S: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel T: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel U: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel V: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel W: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel X: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel Y: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.
 Parcel Z: 3,000 feet of the West 68.75 feet of the North 10,000 feet of the South 200.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.

RECEIVED

20-016

JUL 18 2013

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

ZAMORA & ASSOCIATES, INC.
 ENGINEERING LAND PLANNING
 8140 N. KENDALL DRIVE SUITE 302 MIAMI, FLORIDA 33176
 (305) 273-7801 FAX (305) 273-9514

WESTCHESTER SHOPPING CENTER
 CORAL WAY & GALLOWAY RD
 MIAMI, FLORIDA

THE FLORIDA COMMERCIAL GROUP
 5901 S.W. 74th STREET, SUITE 407
 SOUTH MIAMI FLORIDA, 33143

MASTER SITE PLAN

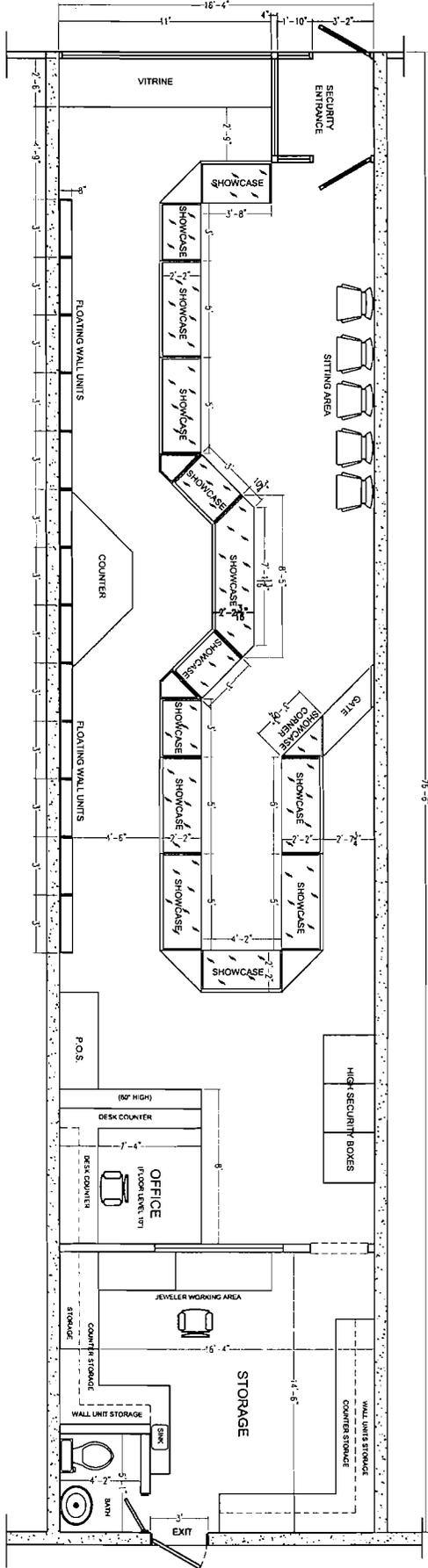
SCALE: 1"=40'

DATE: 8/20/2012
 DRAWN BY: GZ
 CHECKED BY: GZ
 PROJECT NO.: 2012-36
 SHEET NO.: C-1

19

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 210-016
 DATE: FEB 17 2010
 BY: SDR

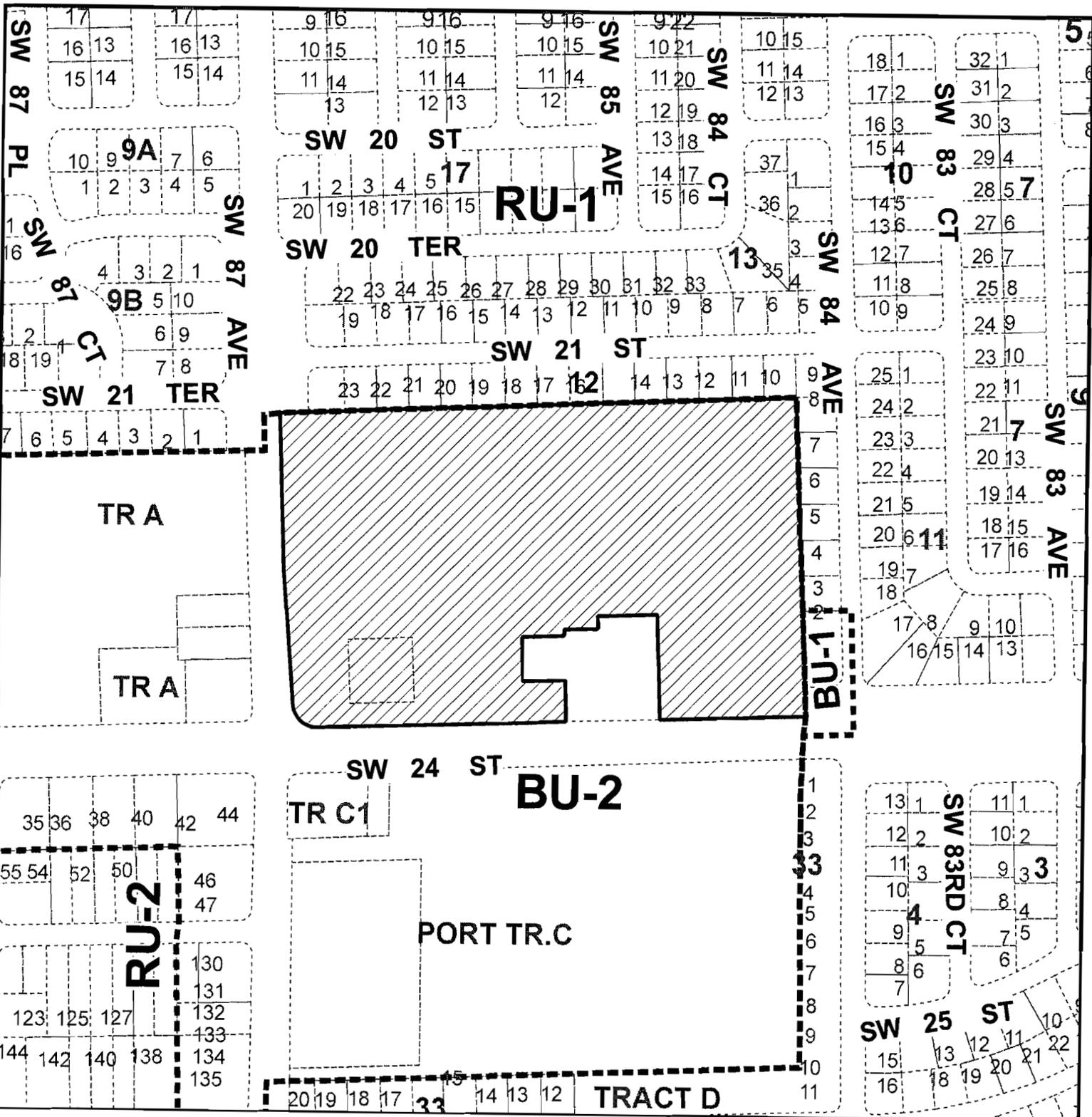
RECEIVED
 FEB 17 2010
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: *[Signature]*



PLAN LAYOUT
 SCALE 3/16"=1'-0"

REF:	SHEET TITLE
PROJECT NO. 09-27-09	PLAN LAYOUT
DATE: 02/27/2010	PROJECT
CAD DWG FILE: 2450927.DWG	Marquise Jewelers - Westchester Shopping Center
DRAWN BY: F. GALARZA	
CHK'D BY:	DRAWING
ADDRESS	1/1
8561 Carol Way (Westchester Shopping Center) Miami, Florida 33155	

[Handwritten notes and signatures]
 2/17/2010
 1/1



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000016

Section: 10 Township: 54 Range: 40
 Applicant: TADPOLE INVESTMENTS, INC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, March 12, 2010

REVISION	DATE	BY
		2/1



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2010000016



Legend

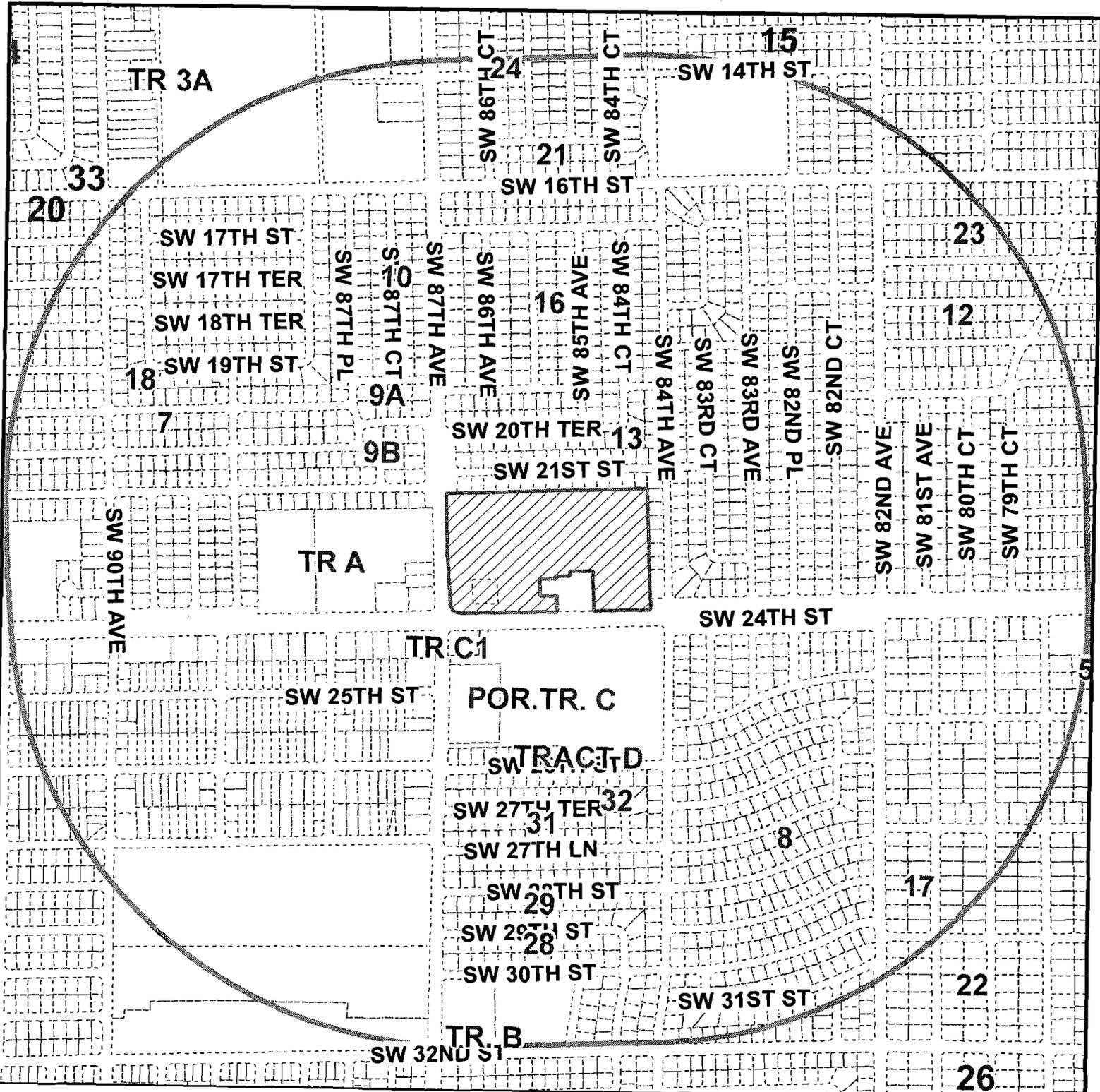
 Subject Property

Section: 10 Township: 54 Range: 40
 Applicant: TADPOLE INVESTMENTS, INC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Friday, March 12, 2010

REVISION	DATE	BY
		



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 10 Township: 54 Range: 40
 Applicant: TADPOLE INVESTMENTS, INC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2010000016
 RADIUS: 2640

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, March 11, 2010

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Development
Staff Report to Community Council No. 10**

PH: Z13-069 (13-12-CZ10-2)

December 11, 2013

Item No. 2

Recommendation Summary	
Commission District	11
Applicant	Julmar 147 Investment LLC
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-1M(a).
Location	Lying south of SW 15 street between SW 145 Avenue and SW 147 Avenue, Miami-Dade County, Florida.
Property Size	2.34 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 from AU to RU-1M(a).

PROJECT DESCRIPTION: Vacant land.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant	Low Density Residential (2.5 to 6 dua)
North	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 dua)
South	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1MA; vacant	Low Density Residential (2.5 to 6 dua)
West	RU-1MA; vacant	Environmentally Protected Park

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 2.35 acre site, located approximately south of SW 15 street between SW 145 Avenue and SW 147 Avenue, Miami-Dade County, Florida. The subject property is surrounded by single-family residences zoned RU-1M(a) to the north, vacant land zoned RU-1M(a) to the east, single family residences to the south zoned RU-1M(a), and vacant land zoned RU-1M(a) to the west.

SUMMARY OF IMPACT:

The approval of this application will allow the applicant to divide the subject parcel into a maximum of 12 lots with one (1) single-family residence on each lot. This could result in additional impacts on schools and other public services in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Low Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre, which would result in the maximum development of 14 residential units on this site. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. The applicant has proffered a covenant restricting the development of the 2.3 acre parcel to 12 residential units which is less than the maximum allowed under the density threshold of the LUP map. As such, with the acceptance of the proffered covenant, the rezoning of the subject property to RU-1M(a), Modified Single-Family, and resulting residential uses, would be **consistent** with the Low-Density Residential designation on the CDMP LUP map.

In addition, the subject property abuts properties to the north, east, south and west that are zoned RU-1M(a) respectively. As such, subject to the Board's acceptance of the proffered covenant, staff opines that the rezoning of the subject property to RU-1M(a) would be **compatible** with the surrounding area and would be consistent with the CDMP's Land Use Element Policy LU-4A.

ZONING ANALYSIS:

When the applicant's request to rezone the 2.35-acre parcel to RU-1M(a), Single-Family Modified Residential District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that subject to the Board's acceptance of the proffered covenant, the approval of the applicant's request to rezone the property will be **consistent** with the Low-Density Residential designation of the parcel on the CDMP Land Use Plan map. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application meets the traffic concurrency criteria for an Initial Development Order and will generate **16 PM** daily peak hour trips. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Furthermore, 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 similar rezonings in the surrounding area. Specifically, the abutting properties to the north, east, south and west of the subject property were respectively rezoned from AU to RU-1M(a), from 2002 to 2007, pursuant to Resolutions #CZAB10-33-02, CZAB10-53-07, CZAB10-54-07, CZAB10-77-05 and Z-4-00, respectfully.

As such, the proposed rezoning of the property to RU-1M(a) would be **compatible** with the surrounding area and would contribute to the character of the community. Additionally, staff notes that the applicant has proffered a covenant that will limit the development of the property to twelve (12) residential lots, which is within the density threshold allowed by the Low Density Residential designation on the LUP map and within the density allowed under the proposed zoning designation of RU-1M(a). **Therefore, staff opines that the application is consistent with the CDMP and recommends approval of the request under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:NN:JV:EJ



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
PH: Z13-069

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 comment
*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) <i>Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</i></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> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden</i>
--	--

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
PH: Z13-069

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

2. JULMAR 147 INVESTMENT LLC
(Applicant)

13-12-CZ10-2(13-069)
Area 10/District 11
Hearing Date: 12/11/13

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>
2013	JULMAR 147 Investment LLC	- Parcels 1 & 2 Zone change from AU to RU1-MA. - Parcel 2 Special Exception and Unusual Use to permit a private school / daycare center. - Non-Use Variance for outdoor recreation area and Non-Use Variance's.	C10	Denied without prejudice
2013	JULMAR 147 Investment LLC	- Parcels 1 & 2 Zone change from AU to RU1-MA. - Parcel 2 Special Exception and Unusual Use to permit a private school / daycare center. - Non-Use Variance for outdoor recreation area and Non-Use Variance's.	BCC	Appeal Denied, Application Denied

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

Memorandum



Date: September 5, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-10 #Z2013000069
Julmar 147 Investment, LLC
S.W. 15th Street between S.W. 145th Avenue & SW 147th Avenue
DBC from AU to RU-1AM
(AU) (2.34 Acres)
10-54-39

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) 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 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 Supply and Wastewater Disposal

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

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

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

system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater 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 with full on-site retention of the 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development plans shall comply with the requirements of Chapter 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.

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. The proposed development may be eligible to contribute to the Miami-Dade County Stormwater Compensation Trust Fund if said property has been continuously four and one-half (4.5) acres or less in size since September 30, 1997.

Wetlands

The subject property is located within the Bird Drive Wetland Basin, and contains wetlands 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.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. 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 Coastal and Wetland Resources Section at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit.

J

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 lies east of the Miami-Dade County Tree Island Park and Preserve. The Preserve is managed by the Miami-Dade County Environmentally Endangered Lands (EEL) Program and is subject to the EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. 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 directly adjacent to the EEL Preserve.

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 the Department of Planning and Zoning for a list of these controlled landscaping plants. Additionally, per Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject properties prior to development, and their sale, propagation, planting, importation or transportation is prohibited.

Be aware that management of the Preserve will include the use of periodic prescribed burning, which reduces the threat of wildfire and maintains the ecological integrity of the habitat. Prescribed burning, which may occur as frequently as every three years, is beneficial to wildlife and the rare plant species present in the Preserve. Like other developments in the area, the subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by periodic smoke events from prescribed burns or unexpected wildfires.

Please contact Tim Joyner of the Natural Resources Planning Section at (305) 372-6548 for further information about the removal of prohibited plants and Cynthia Guerra of the EEL Program at (305) 372-6687 for information about Tree Island Park and Preserve.

Tree Preservation

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

Enforcement History

The subject properties have one (1) open enforcement record and one (1) closed enforcement record for violations of Chapter 24 of the Code.

The open case is for Green World International Nursery & Growers, Inc. (FW-00094260). An inspection on April 22, 2009 revealed a repeat violation due to agricultural operations in wetlands. On May 21, 2009 a Notice of Violation (NOV) was issued. An inspection on November 23, 2009 revealed some solid waste along the fringes of the site. An inspection on April 9, 2010 showed additional impacts to wetlands on site. A Final Notice Prior to Court Action was issued on May 20, 2010 requiring the removal of solid waste, trees and fill within sixty (60) days. A Uniform Civil Violation Notice was issued on October 20, 2010 for non-compliance. An Affidavit of Non-compliance was filed on December 2, 2010. Two (2) further enforcement letters were issued and compliance was not achieved, so a lien was placed on the property on November 29, 2011 and recorded in BK 27908 pages 1208-1209 CFN 2011R079855. A Demand Letter was issued on March 13, 2013. On March 20, 2013 the

former property owner called and informed DERM the property had been foreclose upon in October 2010. DERM determined to refer the case back to a Code Enforcement Officer for the issuance of an NOV to the bank which is the new property owner.

Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: October 1, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: 
Karl A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000069
Name: Julmar 147 Investment LLC
Location: South of SW 15 Street and SW 145 Avenue
Section 10 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or 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 **16 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals 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.

Memorandum



Date: September 6, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Kathleen Woods-Richardson, Director
Public Works and Waste Management Department

Subject: Julmar 147 Investment, LLC (DIC 13_069)

A handwritten signature in black ink, appearing to read "Kathleen Woods Richardson", written over the printed name of the sender.

The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *Julmar 147 Investment, LLC*, seeks a district boundary change from Agricultural (AU) to Modified Single Family Residential (RU-1M (a)).

Size: The subject property is approximately 2.34 acres.

Location: The subject property is located south of SW 15th Street, between SW 145th Avenue and SW 147th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the re-designation to Modified Single Family Residential (RU-1M (a)) meets the County Code definition of "Residential Unit." Per the Code, residential units located within the project shall, therefore, receive PWWM waste collection service, once the vacant lot is developed. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash

and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to residential units located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Memorandum



Date: September 6, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

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

Subject: Z2013000069: JULMAR 147 INVESTMENT LLC

Application Name: JULMAR 147 INVESTMENT LLC

Project Location: The site is located in that area LYING SOUTH OF SW 15 STREET BEWEEN SW 145 AVENUE & SW 147 AVENUE, Miami-Dade County.

Proposed Development: The request is for approval of a district boundary change from AU to RU-1MA.

Impact and Demand: This application proposes 12 single-family lots which will generate an impact of .01 acres to the level of service for this park benefit district. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 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. Tree Island Park and Preserve is the nearest local park, located immediately west of SW 147 Avenue across from the application site.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. As stated, this application is in PBD2 which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS 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, Parks Property Management Supervisor

Memorandum



Date: 22-AUG-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000069

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped received August 7, 2013.

Service Impact/Demand

Development for the above Z2013000069
located at LYING SOUTH OF SW 15 STREET BETWEEN SW 145 AVENUE & SW 147 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

in Police Grid 1429 is proposed as the following:

<u>12</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: 3:37 alarms-annually.
The estimated average travel time is: 5:06 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,

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 August 7, 2013. Substantial changes to the plan will require additional service impact analysis.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

JULMAR 147 INVESTMENT LLC

LYING SOUTH OF SW 15 STREET
BEWEEN SW 145 AVENUE & SW
147 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000069

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC: Case 201312008401 was opened on November 12, 2013 for junk/trash but NCO is awaiting instructions from Derm. Case scheduled for inspection november 20, 2013. Prior case 201212006678 was opened on August 9, 2012 for Failure perform lot maintenance and a warning was issued on August 20, 2012. Citation issued September 7, 2012. Affidavit of compliance issued on October 23, 2012. Settlement letter issued October 25, 2012 and cvn electronically closed on October 27, 2012. Case closed on October 29, 2012. Case 201312006980 was opened on August 5, 2013 for Failure to perfor lot maintenance and a warning was issued. Reinspection September 16, 2013 and violation corrected by owner and case closed on November 13, 2013. BNC: No bss cases open/closed.

Julmar 147 Investment LLC

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

REPORTER NAME:

16

RECEIVED
 213.69
 AUG 07 2013

DISCLOSURE OF INTEREST*

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

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: Julmar 147 Investment, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Julio C. Batista</u> <u>13911 SW 42 St #205, Miami, FL</u>	<u>50%</u>
<u>Mario Castellanos</u> <u>2732 SW 140 Ave, Miami, FL</u>	<u>50%</u>

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<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

RECEIVED
213.00
AUG 07 2013

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

NAME OF PURCHASER: _____

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

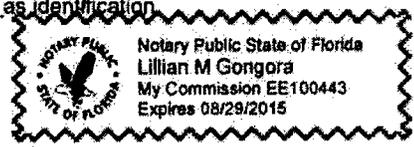
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 1 day of AUGUST 2013. Affiant is personally know to me or has produced 234-510-4150 as identification

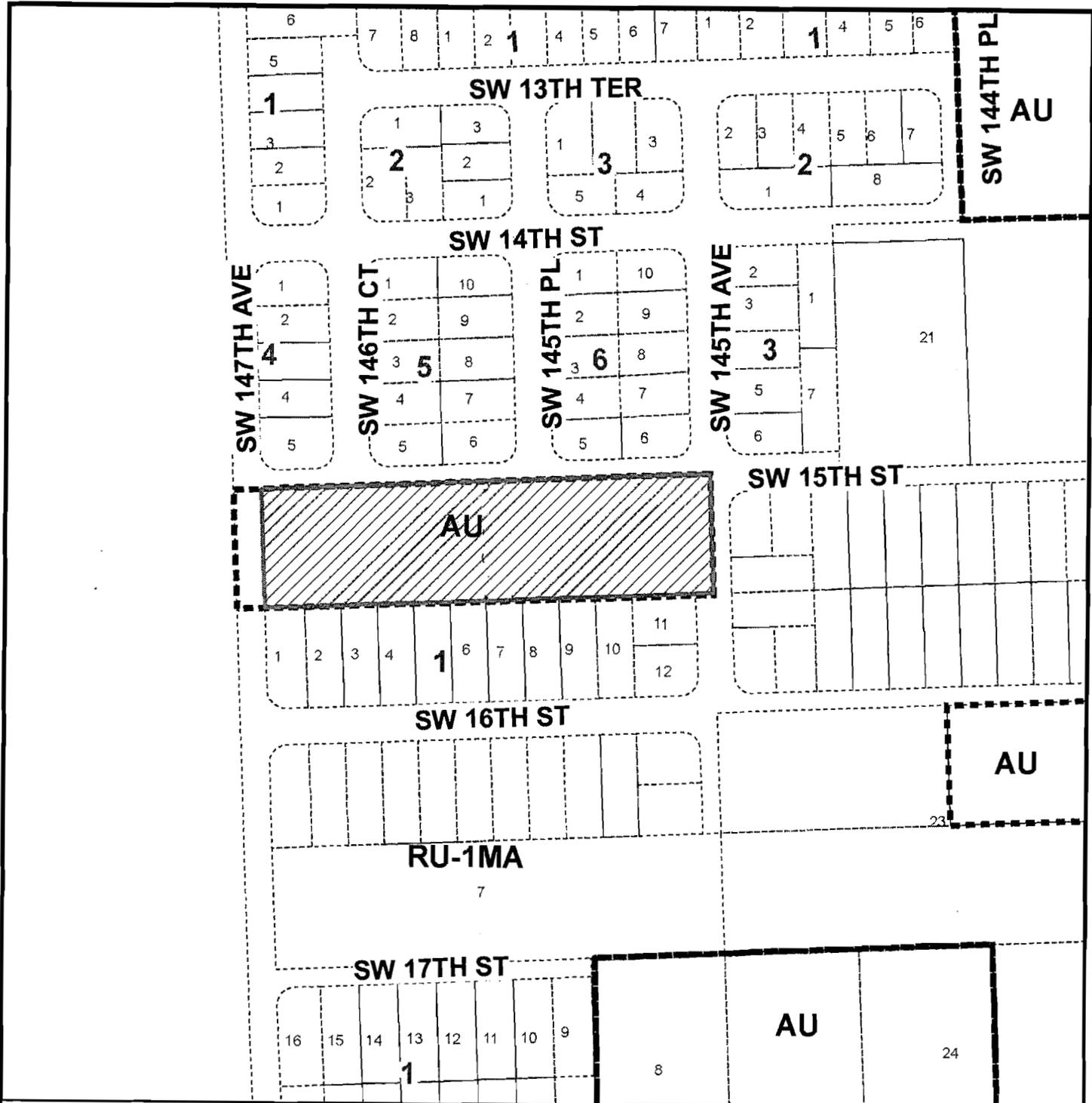
Lillian M Gongora
(Notary Public)



My commission expires: _____

Seal

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000085

Section: 10 Township: 54 Range: 39
 Applicant: JULMAR 147 INVESTMENT LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
 AERIAL YEAR 2012

Process Number

Z2013000069



Section: 10 Township: 54 Range: 39
 Applicant: JULMAR 147 INVESTMENT LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

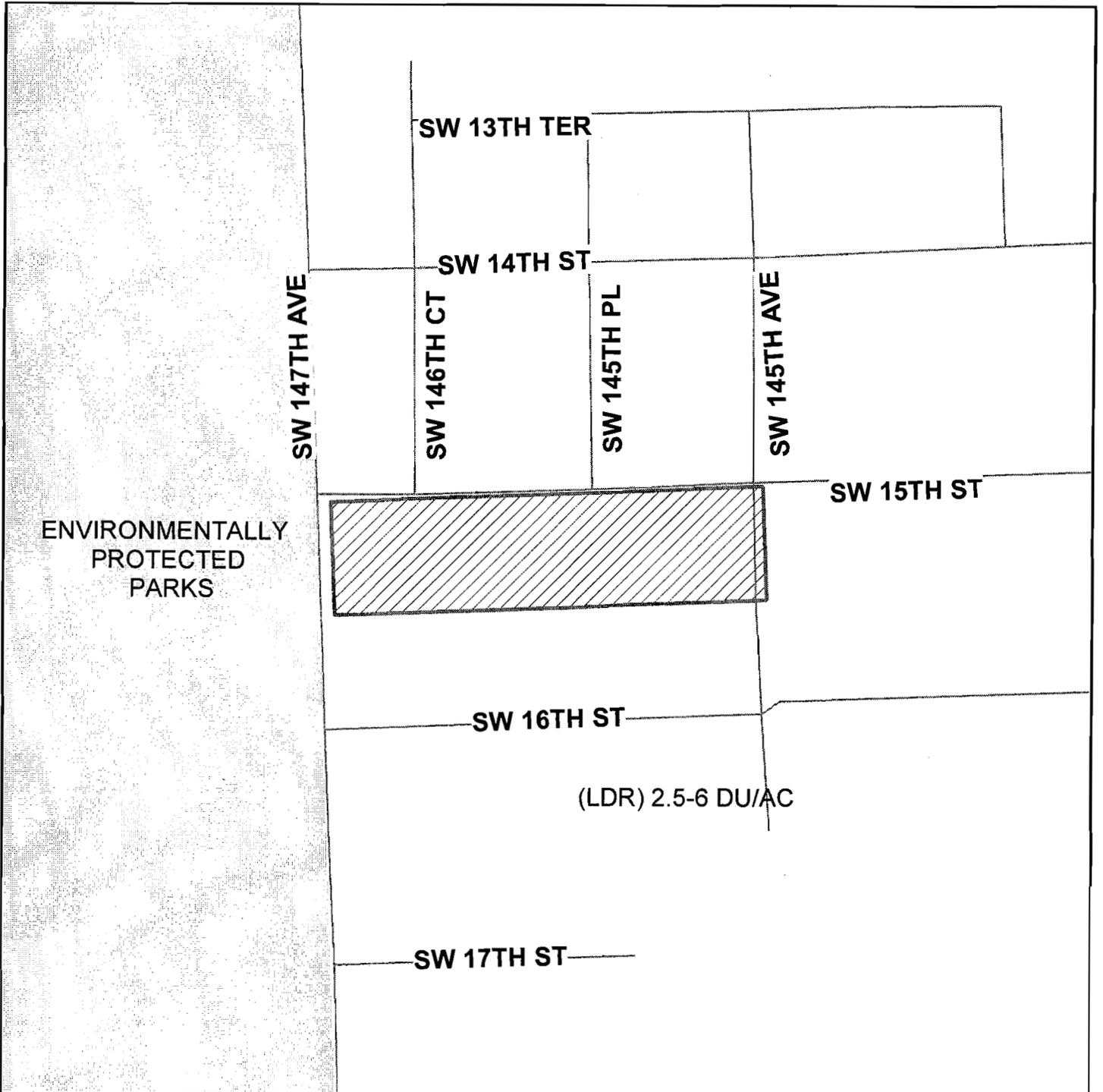
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, August 20, 2013

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2013000069



Section: 10 Township: 54 Range: 39
 Applicant: JULMAR 147 INVESTMENT LLC
 Zoning Board: C10
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, August 20, 2013

REVISION	DATE	BY

CZAB 10 — December 11, 2013

PLANNING AND ZONING
AGENDA OFFICE

Item # 2 — Z 13-069

This instrument was prepared by:

2013 NOV 18 P 1:43

Julmar 147 Investments

Name: Carlos A. Manrique
Viocam, LLC
Address: 23 Northwest 136th Place
Miami, Florida 33182

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS - REZONING

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described as the North ½ of Tract 6 lying in Section 10, Section 54 South, Range 39 East of "J.G. Heads Farms", according to the Plat thereof, recorded in Plat Book 46, at page 44, of the Public Record of Miami-Dade County, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, the undersigned Owner intends to sell or develop the Property as single family residences, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 13-069 ("Application") will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) the property shall be developed substantially in accordance with the hearing plan previously submitted, entitled Tentative Plat of "Julmar Subdivision", as prepared by American Services of Miami, Corp., with sheet 1 dated stamped received 8/7/13, and

Density. The development of the Property shall be limited to a maximum of twelve single-family residential lots.

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,

(Public Hearing)

(Space reserved for Clerk)

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 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. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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

(Public Hearing)

(Space reserved for Clerk)

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 Department of Regulatory and Economic Resources 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

(Public Hearing)

(Space reserved for Clerk)

assigns.

[Execution Pages Follow]