

KITS

6-9-2009 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION
8625 SW 124 Avenue, Miami
Tuesday, July 14, 2009 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|--------------|--|---------------|----------|---|
| 1. | 09-7-CZ-11-1 | <u>KENDALL PINES BUSINESS CENTER</u> | <u>08-144</u> | 14-55-39 | N |
| 2. | 09-7-CZ-11-2 | <u>ARIES INVESTMENTS & FINANCIAL SERVICES INC.</u> | <u>09-19</u> | 22-55-39 | N |
| 3. | 09-7-CZ-11-3 | <u>NELSON SANCHEZ</u> | <u>09-47</u> | 23-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, JULY 14, 2009

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M. AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

1. **KENDALL PINES BUSINESS CENTER (09-7-CZ11-1/08-144)**

14-55-39

Area 11/District 11

(1) MODIFICATION of Condition #2 of Resolution Z-213-91, passed and adopted by the Board of County Commissioners, last modified by 4-ZAB-354-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Mack Gym, Inc.,' consisting of three sheets prepared by G. Castel, dated 5/2/92."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Pines Business Center,' as prepared by Gene Farmer & Associates, dated stamped received 2/13/09, and 2 sheets entitled 'Mack Gym, Inc.,' as prepared by G. Castel, dated stamped received 5/2/92 for a total of 3 sheets."

The purpose of request #1 is to allow the applicant to submit a new site plan showing a new parking configuration.

(2) Applicant is requesting to permit 78 parking spaces (132 required) (130 previously required/84 previously approved).

(3) Applicant is requesting to permit a 2-way drives to be a minimum width of 17'6" (20' wide required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants after Public Hearing) and requests #2 & #3 maybe be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Department of Planning & Zoning. Plans may be modified at public hearing.

LOCATION: Lying on the southwest corner of SW 120 Street & SW 132 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.24 Acres

Department of Planning and
Zoning Recommendation:

Denial without prejudice of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial

without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

Protests: 3

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. ARIES INVESTMENTS & FINANCIAL SERVICES INC.
(09-7-CZ11-2/09-019)**

**22-55-39
Area 11/District**

11

UNUSUAL USE to permit a private recreational facility; to wit: 3 outdoor mini soccer fields with a concession stand and locker room facility.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Miniature Soccer Fields For: Aries Investments," as prepared by Aurelio J. Ramos, consisting of 3 sheets, dated stamped received 3/27/09 with 2 sheets dated last revised 4/9/09. Plans may be modified at public hearing.

LOCATION: 14275 S.W. 139 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 40,544 sq. ft.

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 2

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. NELSON SANCHEZ (09-7-CZ11-3/09-047)

**23-54-39
Area 11/District**

11

- (1) Applicant is requesting to permit a covered terrace addition to a single-family residence setback 14.5' (25' required) from the rear (south) property line.
- (2) Applicant is requesting to permit a gazebo covered jacuzzi setback 4.17' (7.5' required) from the rear (south) property line and setback 1.83' (10' required) from the interior side (west) property line and spaced 7.05' (10' required) from the residence.

- (3) Applicant is requesting to permit a storage shed setback 3.18' (5' required) from the rear (south) property line and setback 3.33' (7.5' required) from the interior side (east) property line.
- (4) Applicant is requesting to permit an above ground pool setback 8.25' (10' required) from the interior side (west) property line and setback 45' (75' required) from the front (north) property line.
- (5) Applicant is requesting to permit a rear yard coverage of 33.4% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and approval of requests #1 - #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Nelson Sanchez Metal Utility & Terrace," as prepared by Golaville K. Rao, dated stamped received 4/20/09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 13410 S.W. 50 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 78.21' x 100'

Department of Planning and
Zoning Recommendation:

Approval with conditions of requests #1, #3 and #4 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #2 and #5 under same and denial without prejudice of requests #1 through #5 under Section 33-311(A)(4)(c) (ANUV) and requests #1 through #4 under Section 33-311(A)(14) (ASDO).

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. KENDALL PINES BUSINESS CENTER
(Applicant)

09-7-CZ11-1 (08-144)
Area 11/District 11
Hearing Date: 7/14/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1991	W.I.C. Corp.	- Use Variance & Special Exception to permit a Church - Non-Use Variance for lot area - Non-Use Variance for Parking	BCC	Approved w/Conds.
1992	Mack Gym Equipment, Inc. & Kendall Pines Business Center Condo Association	- Non-Use Variance of parking for the proposed gym.	ZAB	Approved w/Conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: Kendall Pines Business Center

PH: Z08-144 (09-6-CZ11-3)

SECTION: 14-55-39

DATE: July 14, 2009

COMMISSION DISTRICT: 11

ITEM NO.: 1

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A. INTRODUCTION

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution No. Z-213-91, passed and adopted by the Board of County Commissioners, last modified by CZAB-354-92, passed and adopted by Community Zoning Appeals Board, reading as follows:

FROM: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Mack Gym, Inc.,' consisting of three sheets prepared by G. Castel, dated 5/2/92.

TO: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Pines Business Center,' as prepared by Gene Farmer & Associates, dated stamped received 2/13/09, and 2 sheets entitled 'Mack Gym, Inc.,' as prepared by G. Castel, dated stamped received 5/2/92 for a total of 3 sheets.

The purpose of request #1 is to allow the applicant to submit a new site plan showing a new parking configuration.

- (2) Applicant is requesting to permit 78 parking spaces (132 required)(130 previously required/84 previously approved).
- (3) Applicant is requesting to permit a 2-way drive to be a minimum width of 17'6" (20' wide required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to submit a new plan showing a new parking configuration with fewer parking spaces and a narrower two-way drive than required by the Zoning Code.

o **LOCATION:** Lying on the southwest corner of SW 120 Street and SW 132 Court, Miami-Dade County, Florida.

o **SIZE:** 2.24 Acres

B. ZONING HEARINGS HISTORY:

In 1991, pursuant to Resolution No. Z-213-91, the Board of County Commissioners granted a Use Variance and a Special Exception to allow a church in the IU-C District including Non-Use Variances of lot area and number of parking spaces required. Subsequently in 1992, pursuant to Resolution No. 4-ZAB-354-92, the Zoning Appeals Board granted the approval of a Non-Use Variance to allow a total of 84 parking spaces where 130 parking spaces were required for a gym facility.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular

sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
IU-C, Industrial Development	Industrial and Office
<u>Surrounding Property:</u>	
NORTH: RU-1; Single-Family Residences	Low-Density Residential
SOUTH: IU-C; Industrial Development	Industrial and Office
EAST: IU-C; Industrial Development	Industrial and Office
WEST: GU; educational facility	Industrial and Office

The subject property is located on the southwest corner of SW 120 Street and SW 132 Court. This area is characterized by industrial development to the east and south, single family homes to the north and an educational facility to the west.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

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

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

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

G. NEIGHBORHOOD SERVICES:

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

H. **ANALYSIS:**

The 2.24-acre subject parcel is located at the southwest corner of SW 120 Street and SW 132 Court, approximately 2.5 miles east of the Urban Development Boundary (UDB) Line. This area is characterized by single family homes to the north, industrial development to the east and south and a private educational facility to the west. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. The applicant's request to modify the plans to reflect the revised parking configuration is **consistent** with the Industrial and Office designation of the LUP map of the CDMP. However, staff opines that the proposed modification of plans and reduced number of parking spaces is **incompatible** with the existing industrial developments in the area and the existing IU-C zoning.

The **Department of Environmental Resources Management (DERM)** has **no objection** to this application. The **Public Works Department** has **no objections** to this application as stated in their memorandum. The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **5:18** minutes.

When request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that the proposed modification to allow the approval of a new site plan illustrating the reconfiguration of an existing parking lot resulting in a reduction of a previously approved number of parking spaces from 84 parking spaces to 78 parking spaces and a 2-way driveway with a maximum width of 17'6" where a 20' wide driveway is required would generate excessive traffic and would be incompatible with the area. Although, the Public Works Department does not have any objection to request #1, staff is of the opinion that the shortage of parking spaces could create a negative impact to the surrounding area by overflowing parking into the swale area abutting the subject property as well as the adjacent properties. Based on the aforementioned, staff is of the opinion that the approval of request #1 would be **incompatible** with the other uses in the area and, therefore, staff recommends denial without prejudice of request #1 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze request #1 under said standards and, as such, request #1 should be denied without prejudice under same.

When request #2, is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. As previously mentioned, the applicant is requesting to permit 78 parking spaces in lieu of the required 132 parking

spaces. As previously mentioned staff opines that the 54 parking spaces shortage would create a negative impact to the surrounding area. Staff opines that the 40% shortage of parking spaces is excessive and would result in overflow parking on the swale area adjacent to the subject property and the swale area adjacent to neighboring properties. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not be detrimental to the surrounding area, and would not negatively affect the appearance of the site and surrounding area. Staff notes, that the 17'6" 2-way drive is interior to the site and is an existing condition which the applicant is requesting to legalize. Staff opines that the existing facility has been able to manage the interior traffic on the site with such 2-way driveway and that the 2'6" reduction would not cause a negative impact to the neighboring properties. As such, staff recommends approval of request #3 under Section 33-311(A)(4)(b) (NUV).

Under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #2 and #3 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. These requests do not comply with the standards of said section since the property can be utilized in accordance with the previously approved Resolutions No. Z-231-91 and 4-ZAB-354-92. Therefore, staff recommends denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends denial without prejudice of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:** None.

DATE INSPECTED:	04/28/09
DATE TYPED:	04/28/09
DATE REVISED:	04/29/09
DATE FINALIZED:	05/15/09

MCL:NN:NC:AA



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

NAN

8

Memorandum



Date: July 29, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-11 #Z2008000144
Kendall Pines Business Center Condo Association, Inc.
Southwest Corner of S.W. 120th Street and S.W. 132nd Court
Modification of Resolution 4-ZAB-354-92 to Permit a Parking Lot
Reconfiguration and Request to Permit Less Parking than Required
(IU-C) (2.24 Acres)
14-55-39

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: KENDALL PINES BUSINESS CENTER

This Department has no objections to this application.

This Department has no objections to the request to permit fewer parking spaces than required.

This Department has no objections to the request to permit an existing two-way driveway with a width of less than 20 feet.

The warehouse condominium complex is currently operating with the existing parking lot layout where this Department does not foresee any problems.

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



Raul A Pino, P.L.S.

31-MAR-09



Memorandum

Date: 16-MAR-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000144

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated March 12, 2009.

APPROVAL:

Fire Engineering and Water Supply Bureau has no objection to this Zoning Hearing application.

Service Impact/Demand:

Development for the above Z2008000144

located at LYING ON THE SOUTHWEST CORNER OF S.W. 120 STREET & S.W. 132 COURT, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1952 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: 5:18 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 53 - Turnpike - 11600 SW Turnpike Hwy.
 Rescue, Squad.

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.

TEAM METRO

ENFORCEMENT HISTORY

KENDALL PINES BUSINESS
CENTER

LYING ON THE SOUTHWEST
CORNER OF SW 120 STREET &
SW 132 COURT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000144

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ENFORCEMENT - NO VIOLATIONS

MARIA PANIZO

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: Kendall Pines Business Center Condo Association, Inc.

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

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

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 MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
 BY _____

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: ✓ [Signature] Secretary
(Applicant)

Sworn to and subscribed before me this 21st day of July, 2008 at _____ is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 9/10/10

*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.

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MIAMI ZONING DEPARTMENT
BY: [Signature]

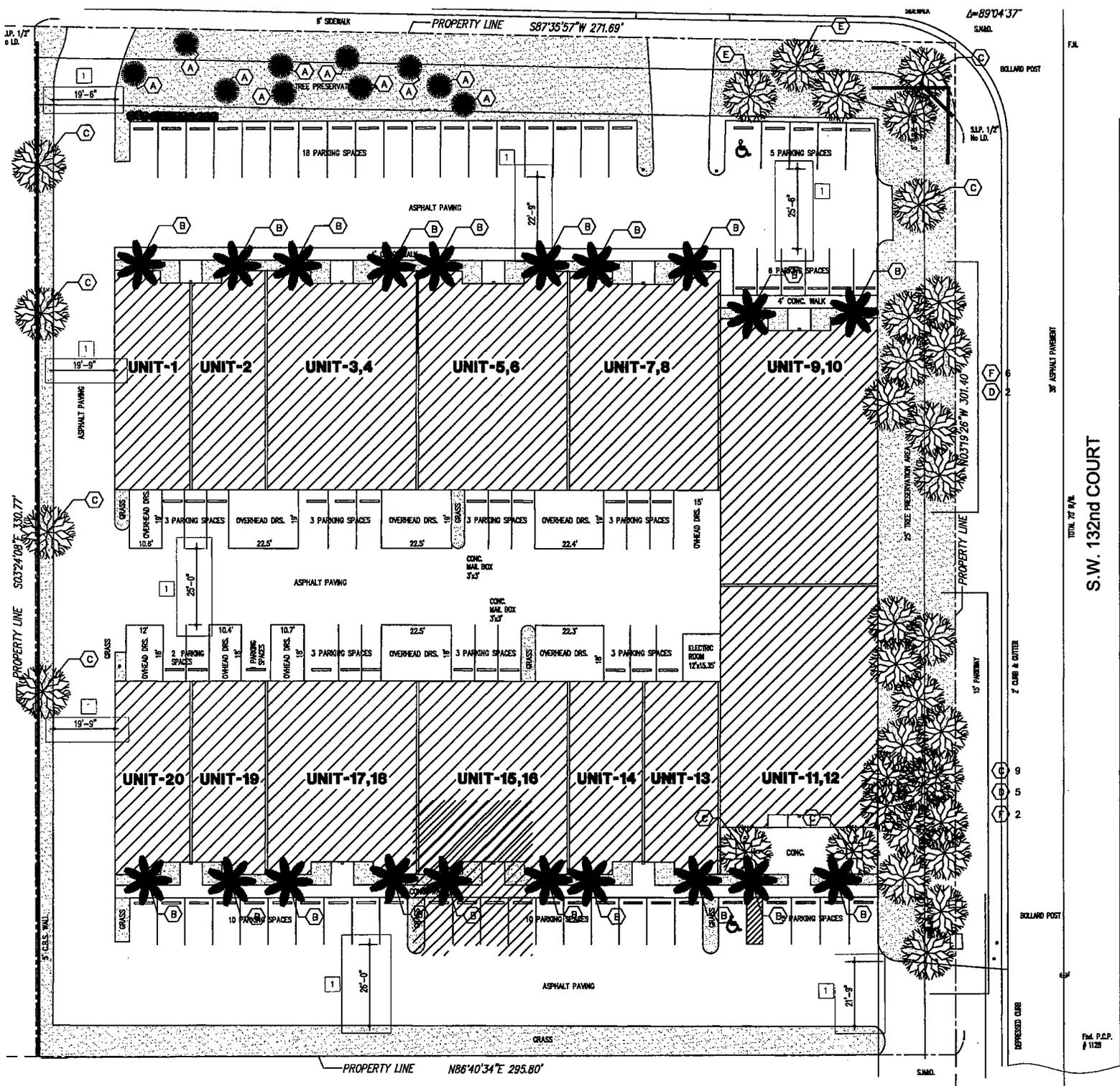
West Kendall Pines Business Center Condo Assoc
 12350 SW 132 Court Unit 211
 Miami, FL 33186

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ZORING REAL ESTATE
 MIAMI, FL 33134
 65

KENDALL PINES BUSINESS CENTER

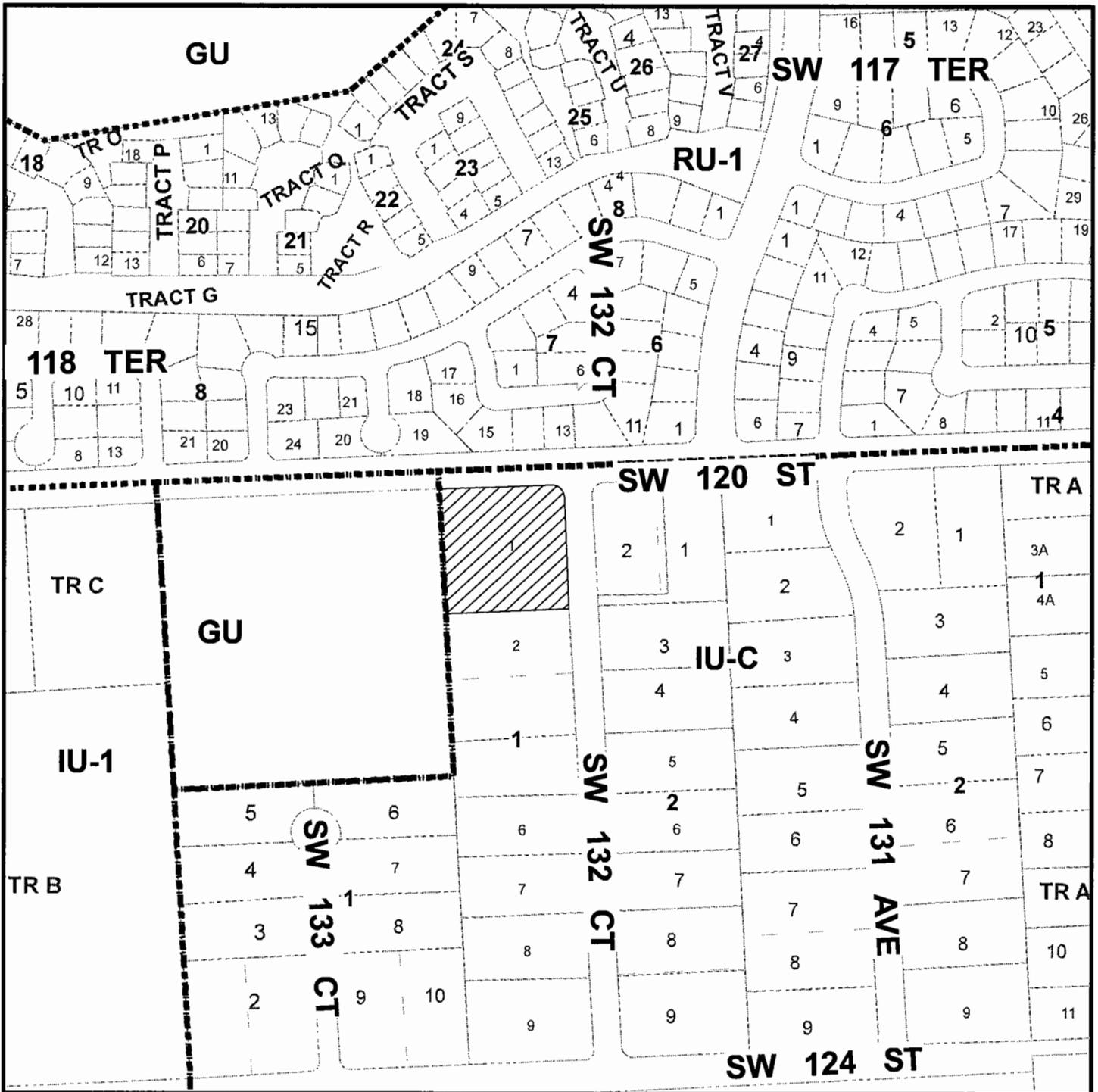
UNIT NUM	Owners	Shares Owned	Percent	Company stock owned by:	Percent Owned
1	James P Moran Inc. 13288 SW 120 St. Miami, FL 33186	1.00	5.00%	James P Moran 11465 SW 96 Terr Miami, FL 33176	100.00%
2	Crossroads Property Investment Inc. 13284 sw 120 st Miami, FL 33186	1.00	5.00%	Montserrat Galan 8320 SW 90 Street Miami, FL 33156	100.00%
3-4	Reinaldo De Armas & German Quintana 12501 sw 134 ct. Miami, FL 33186	2.00	10.00%	Reinaldo De Armas 12501 sw 134 ct. Miami, FL 33186	50/50
5-6	Genesis 1 c/o German Quintana 12501 sw 134 ct. Miami, FL 33186	2.00	10.00%	German Quintana 12501 sw 134 ct. Miami, FL 33187	50/50
7-8	James & Jean L Warring 11052 sw 162 terr Miami, FL 33157	2.00	10.00%		
9-10	Preston Construction Corp 12008 sw 132 ct Miami, FL 33186	2.00	10.00%	Orville Klencck 14216 SW 152 Terr Miami, FL 33177	100.00%
11-12	Algon Properties LLC 12010 SW 114 PL Miami, FL 33176	2.00	10.00%	Alfredo Suarez 12010 SW 114 PL Miami, FL 33176	100.00%
13	Gary Castel 12016 sw 132 Ct. Miami, FL 33186	1.00	5.00%		
14	Cannon Moller Investment Grp 6720 SW 124 St. Miami, FL 33156	1.00	5.00%	Judith Cannon 6720 SW 124 Street Miami, FL 33156	100.00%
15-16	Mazen Lewis 7628 SW 117 Avenue Miami, FL 33183	2.00	10.00%		
17-18	Alain Agramonte 12032 SW 132 Ct. Miami, FL 33186	2.00	10.00%		
19	Four S Partnership 7295 Bird Rd. Miami, FL 33155	1.00	5.00%	Chuck Saffer 2201 NW 102 Way Pembroke Lakes, FL 33026	50/50
20	Four S Partnership 7295 Bird Rd. Miami, FL 33156	1.00	5.00%	Mark Safer 7295 Bird Rd. Miami, FL 33156	50/50
Total		20.00	100.00%		



ENLARGED SITE PLAN

S.W. 132nd COURT

Phd. P.E.P. # 1128

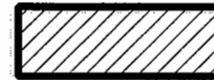


**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 54 Range: 39
 Applicant: KENDALL PINES BUSINESS CENTER
 Zoning Board: C11
 Commission District: 9
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-144



SUBJECT PROPERTY



SKETCH CREATED ON: 07/25/08

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY

AERIAL YEAR 2008
 Section: 14 Township: 54 Range: 39
 Applicant: **KENDALL PINES BUSINESS CENTER**
 Zoning Board: C11
 Commission District: 9
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-144



SUBJECT PROPERTY



SKETCH CREATED ON: 07/25/08

REVISION	DATE	BY

**2. ARIES INVESTMENTS &
FINANCIAL SERVICES INC.**
(Applicant)

09-7-CZ11-2 (09-019)
Area 11/District 11
Hearing Date: 7/14/09

Property Owner (if different from applicant) **JORGE FERRER**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	City National Bank Miami	- Zone Change from GU to IU-C	BCC	Approved on a modified Basis

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: Aries Investments & Financial Services, Inc.

PH: Z09-19 (09-7-CZ11-3)

SECTION: 22-55-39

DATE: July 14, 2009

COMMISSION DISTRICT: 11

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUEST:**

UNUSUAL USE to permit a private recreational facility; to wit: 3 outdoor mini soccer fields with a concession stand and locker room facility.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Miniature Soccer Fields For: Aries Investments," as prepared by Aurelio J. Ramos, consisting of 3 sheets, dated stamped received 3/27/09 with 2 sheets dated last revised 4/9/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

This application will permit a proposed recreational facility consisting of three (3) mini soccer fields and a concession stand.

o **LOCATION:** 14275 SW 139 Court, Miami-Dade County, Florida.

o **SIZE:** 40,544 sq. ft.

B. ZONING HEARINGS HISTORY:

In 1976, pursuant to Resolution #Z-313-76, the subject property was part of a larger parcel of land which was granted a zone change from GU, Interim District, to IU-C, Controlled Industrial District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should

front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-C; storage of construction equipment Industrial and Office

Surrounding Properties

NORTH: IU-C; single-family residences Industrial and Office

SOUTH: IU-C; warehouses Industrial and Office

EAST: RU-3M; vacant Industrial and Office

WEST: IU-C; warehouses Industrial and Office

The subject property is located at 14275 SW 139 Court, a vacant parcel lies to the east of the subject property and warehouse buildings surround the subject property to the north, south and west.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide 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 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 of and its development.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is zoned IU-C and is located at 14275 SW 139 Court. The applicant has submitted plans indicating the location of the proposed private recreational facility consisting of three (3) mini soccer fields, a concession stand and a parking area. Approval of this application will allow the applicant to establish a private recreational facility on the site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Industrial and Office** use. This category accommodates, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. The subject site's existing IU-C zoning and uses and the proposed recreational facility is **consistent** with the LUP Map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria for an Initial Development Order and that it does not generate new

additional daily peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and indicates that the estimated average travel time to the site is **7:06** minutes.

When analyzing the request under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the request for the proposed recreational facility 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 planned and budgeted for construction, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff opines that the proposed private recreational facility will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, 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 indicated by the memoranda provided by the Department of Environmental Resources Management (DERM) and the Public Works Department, the proposed recreational facility will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP. DERM indicates that the request does not entail any environmental concern and the Public Works Department indicates that this application does not generate any new additional daily peak hour vehicle trips. As per the plans submitted by the applicant, the proposed private recreational facility will consist of three (3) mini soccer fields, a concession stand, and a parking area containing a total of ten (10) parking spaces. Staff has reviewed the plans submitted by the applicant and opines that the proposed private recreational facility provides adequate parking and landscaping on the site to accommodate and provide buffering for the proposed private recreational use. Additionally the plans submitted by the applicant indicate a proposed 6' high wood fence and four (4) large trees along the rear (east) property line where the subject property abuts a residential district RU-3M (Minimum Apartment House District). However, staff opines that the use of the mini soccer fields should be limited to day light hours only in order to diminish the aural impact on the surrounding area, more specifically on the adjacent property lying to the east of the subject property which is presently vacant but could be developed with residential use. As such, staff is of the opinion that the proposed private recreational facility will be **compatible** and **consistent** with the surrounding area and recommends approval of the request subject to a condition that no lights be permitted in connection with the use of the private recreational facility. As such, staff recommends approval with conditions of this application under Section 33-311(A)(3).

- I. **RECOMMENDATION:** Approval with conditions.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Miniature Soccer Fields For: Aries Investments," as prepared by Aurelio J. Ramos, consisting of 3 sheets, dated stamped received 3/27/09 with 2 sheets dated last revised 4/9/09. Except that the light poles shown on the plans be removed.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That no lights be permitted in connection with the use of the private recreational facility.

DATE INSPECTED: 06/03/09
DATE TYPED: 06/03/09
DATE REVISED: 06/15/09
DATE FINALIZED: 06/15/09

MCL:NN:NC:TA



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

NDN

Memorandum



Date: March 17, 2009

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is fluid and cursive, written over the printed name in the "From:" field.

Subject: C-11 #Z2009000019
Aries Investments and Financial Services, Inc.
14275 S.W. 139 Court
Request to Permit an Outdoor Recreational Facility
(IU-C) (.93 Acres)
22-55-39

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

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

Wetlands

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

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

Tree Preservation

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

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

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

Enforcement History

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

Additionally, because of the nature of some land uses permitted by the underlying zoning district DERM offers the following additional comments:

Hazardous Materials Management

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

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Fuel Storage Facilities

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

Concurrency Review Summary

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

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

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

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

PH# Z2009000019
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ARIES INVESTMENTS & FINANCIAL SERVICES 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.

07-APR-09

Memorandum



Date: 23-MAR-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000019

Fire Prevention Unit:

APPROVAL
 No objection to site plan date stamped February 17, 2009.

Service Impact/Demand:

Development for the above Z2009000019
 located at 14275 S.W. 139 COURT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2018 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>24,814</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 7.36 alarms-annually.
 The estimated average travel time is: 7:06 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 43 - Richmond - 13390 SW 152 Street
 Rescue, ALS 50' Squrt (TRT)

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 17, 2009. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ARIES INVESTMENTS &
FINANCIAL SERVICES INC.

14275 SW 139 COURT, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000019

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO VIOLATION

JOSEPHINE ROMAN

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].

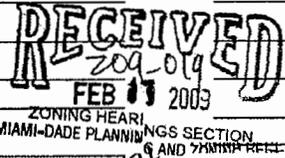
CORPORATION NAME: ARIES INVESTMENTS FINANCIAL SERVICES, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>JORGE FERRER 8507 CORAL WAY, MIAMI FL</u>	<u>100%</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

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.

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: _____

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.

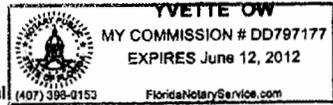
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

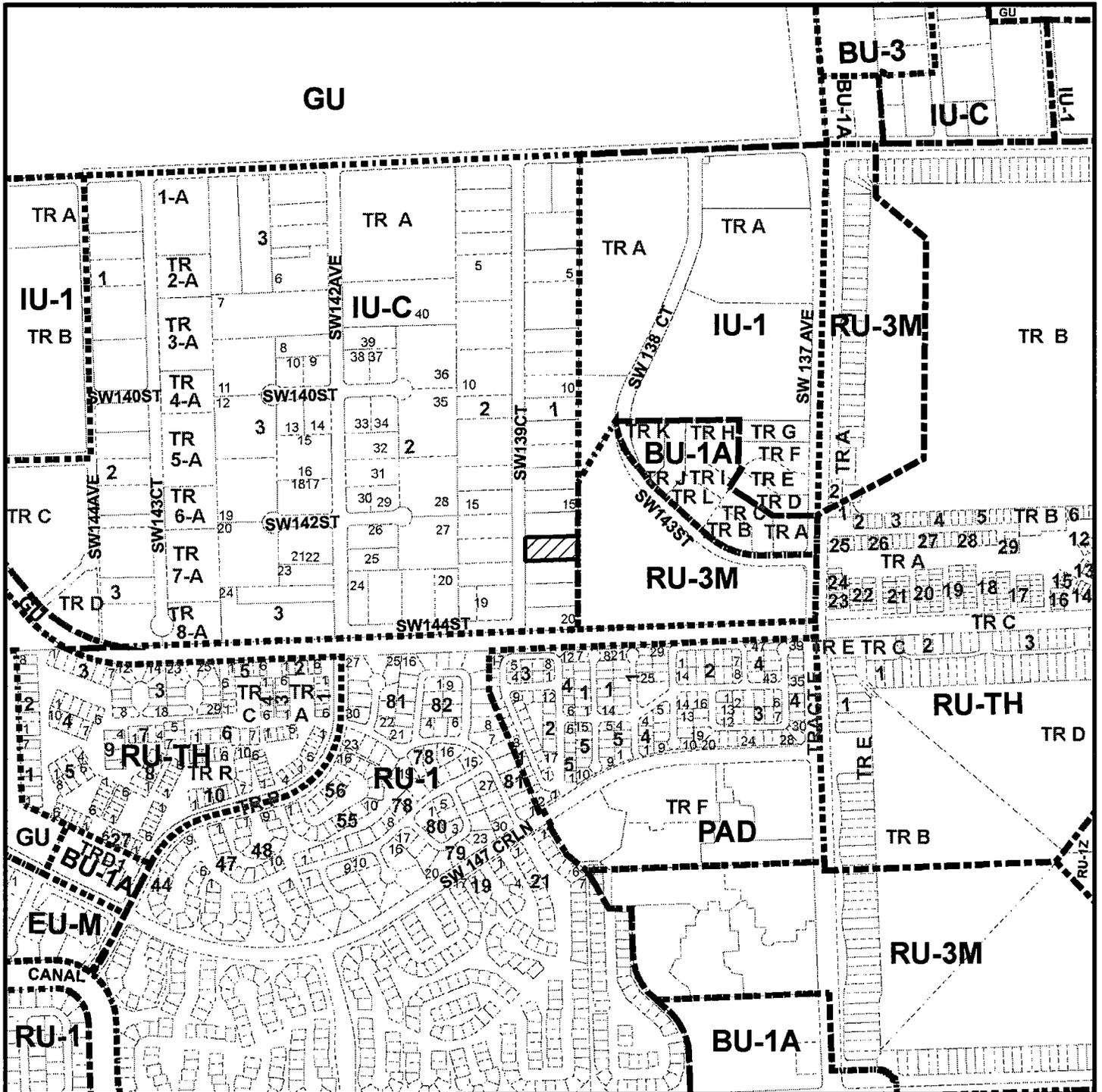
Sworn to and subscribed before me this 18 day of 12, 2008. Affiant is personally know to me or has produced _____ as identification.

 (Notary Public)

My commission expires: 6/12/12



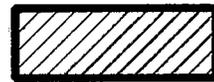
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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
09-019

Section: 22 Township: 55 Range: 39
 Applicant: ARIES INVESTMENTS & FIN. SERVICES INC.
 Zoning Board: C11
 Commission District: 11
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 22 Township: 55 Range: 39

Applicant: ARIES INVESTMENTS & FIN. SERVICES INC.

Zoning Board: C11

Commission District: 11

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

09-019



SUBJECT PROPERTY



SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY

3. NELSON SANCHEZ
(Applicant)

09-7-CZ11-3 (09-047)
Area 11/District 11
Hearing Date: 7/14/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: Nelson Sanchez

PH: Z09-047 (09-7-CZ11-3)

SECTION: 23-54-39

DATE: July 14, 2009

COMMISSION DISTRICT: 11

ITEM NO.: 3

A. INTRODUCTION

o REQUESTS:

- (1) Applicant is requesting to permit a covered terrace addition to a single-family residence setback 14.5' (25' required) from the rear (south) property line.
- (2) Applicant is requesting to permit a gazebo covered jacuzzi setback 4.17' (7.5' required) from the rear (south) property line and setback 1.82' (10' required) from the interior side (west) property line and spaced 7.05' (10' required) from the residence.
- (3) Applicant is requesting to permit a storage shed setback 3.18' (5' required) from the rear (south) property line and setback 3.33' (7.5' required) from the interior side (east) property line.
- (4) Applicant is requesting to permit an above ground pool setback 8.25' (10' required) from the interior side (west) property line and setback 45' (75' required) from the front (north) property line.
- (5) Applicant is requesting to permit a rear lot coverage of 33.4% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 through #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and requests #1 through #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Nelson Sanchez Metal Utility & Terrace," as prepared by Golaville K. Rao, dated stamped received 4/20/09 and consisting of 3 sheets. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant seeks to permit a covered terrace, a gazebo covered Jacuzzi, a utility shed and above ground pool with reduced interior side, front and rear

setbacks and to permit accessory structures with more than the permitted rear lot coverage. Additionally, the applicant seeks to permit the continued use of an existing gazebo covered Jacuzzi spaced less than required from the residence.

o **LOCATION:**

13410 S.W. 50 Street, Miami-Dade County, Florida.

o **SIZE:** 78.21' x 100'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

NORTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

EAST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable*

Location of Buildings:

Acceptable*

Compatibility:

Acceptable*

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:	Acceptable
Access:	Acceptable
Visibility/Visual Screening:	Acceptable

* Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a “blank wall”; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
 - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

- b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - a. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - b. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - c. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - d. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - e. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;
- B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-use Variance Standard. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability

and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is an interior lot located at 13410 SW 50 Street in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP. Staff recommends partial approval of this application for reasons stated below.

The Department of Environmental Resources Management (**DERM**) and the Public Works Department (**PWD**) have **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:24** minutes.

In analyzing requests #1, #3 and #4 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of these requests will not affect the stability and appearance of the area, nor are they intensive or burdensome to the area. These requests, individually or combined, would not in staff's opinion generate a negative impact on the aesthetic character of the surrounding properties nor would

approval of these requests be out of character with the surrounding area. Staff notes that the submitted plans and pictures submitted with the application indicate the location of the addition and structures within the rear yard area which is completely enclosed by an opaque wood fence. In addition, the non-conforming terrace addition has been designed to match the architectural style of the single-family residence. Research indicates that there have been similar approvals within a ¼ mile radius of the subject property. For example, a property three blocks south of the subject property located at 5274 SW 133 Court Drive, was approved for a variance for a rear setback of 12.5' for a terrace addition, pursuant to Administrative Variance #V88000022, in February 1988. Similarly, in September 1993, pursuant to Administrative Variance #V93000730, a property located one block southeast of the subject property at 4213 SW 132 Place, was approved for a rear setback variance for a covered terrace of 12.6' (25' required) along with a variance to allow a carport setback 3.75' (7.5' required) from the interior side property line. Finally, in March 2007, a property located one block to the south of the subject property at 13420 SW 51 Street, was approved for rear and interior side setback variances of 4.75' and 4.35' (5' required for both), pursuant to Resolution #CZAB11-11-07. However, staff would recommend as conditions for approval of the aforementioned requests that the covered terrace addition remains open sided and not be enclosed except by insect screening materials and that the gazebo covered Jacuzzi be removed or relocated to meet the accessory structure setback requirements in the RU-1 district. Based on the aforementioned, staff opines that approval of requests #1, #3 and #4, will not affect the appearance and stability of the area, would be **compatible** with the surrounding area, and should be approved with conditions under the NUV Standards.

When requests #2 and #5 are analyzed under Section 33-311(A)(4)(b), NUV Standards, staff however opines that approval of these requests would have a negative impact on the aesthetic character of the surrounding properties and would be too intensive and out of character with the surrounding area. Staff opines that approval of request #2, to allow reduced setbacks and spacing for the continued use of the existing gazebo covered Jacuzzi, combined with all the other requests for variances to the setback requirements will create a negative visual impact on the surrounding area. Staff notes that the abutting property to the west of the subject property was approved to allow a utility structure setback 2.5' (5' required) from the rear and spaced 9.8' (10' required) from the principal building, along with requests for a 21' rear setback and 20.81' front setback variances (25' required for both), pursuant to Resolution #CZAB11-18-04, in May 2004. Staff therefore opines that the combined requests in the aforementioned example were not as intensive as the combined effect of those requested in this application. In particular, staff opines that approval of request #2, which results in the increased rear yard coverage and hence, request #5, would have a negative visual impact on the surrounding area and set a negative precedent for the overdevelopment of residential properties in the area. Further, staff's research of the surrounding area did not indicate any similar approvals for variances of rear yard lot coverage. As such, in staff's opinion, approval of requests #2 and #5 would be **incompatible** with the surrounding area and should be denied without prejudice under the NUV standards.

When requests #1 through #5 are analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion

that this application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of the application under the Alternative Non-use Variance (ANUV) Standards.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis of requests #1 through #4 under said Standards. As such, the requests cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on the aforementioned, staff opines that the approval with conditions of requests #1, #3 and #4 would be compatible with the surrounding properties and consistent with the LUP map of the CDMP. Accordingly, staff recommends approval with conditions of requests #1, #3 and #4 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #2 and #5 under same; denial without prejudice of requests #1 through #5 under Section 33-311(A)(4)(c) (ANUV) and requests #1 through #4 under Section 33-311(A)(14) (ASDO).

I. RECOMMENDATION:

Approval with conditions of requests #1, #3 and #4 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #2 and #5 under same and denial without prejudice of requests #1 through #5 under Section 33-311(A)(4)(c) (ANUV) and requests #1 through #4 under Section 33-311(A)(14) (ASDO).

J. CONDITIONS: (for requests #1, #3 and #4 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Nelson Sanchez Metal Utility & Terrace," as prepared by Golaville K. Rao, dated stamped received 4/20/09 and consisting of 3 sheets, except as herein amended to show the removal or relocation of the gazebo covered Jacuzzi to meet the zoning regulations. 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 covered terrace addition remain open sided on 3 sides and thus, not enclosed in any manner except for approved insect screen materials.

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

DATE INSPECTED: 06/01/09
DATE TYPED: 06/15/09
DATE REVISED: 06/17/09, 07/06/09
DATE FINALIZED: 07/06/09
MCL:NN:AA:CH



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

Memorandum



Date: April 23, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-11 #Z2009000047
Nelson Sanchez
13410 S.W. 50 Street
Request to Permit Attached & Detached Additions to a Single-Family
Residence Setback less than Required from Property Lines
(RU-1) (0.18 Acres)
23-54-39

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

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

Concurrency Review Summary

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

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

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

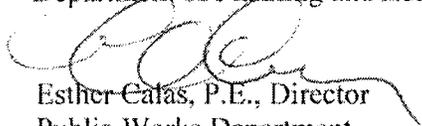
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum



Date: 28-APR-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000047

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000047
 located at 13410 S.W. 50 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1625 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: 6:24 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:

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.

TEAM METRO

ENFORCEMENT HISTORY

NELSON SANCHEZ

13410 S.W. 50 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000047

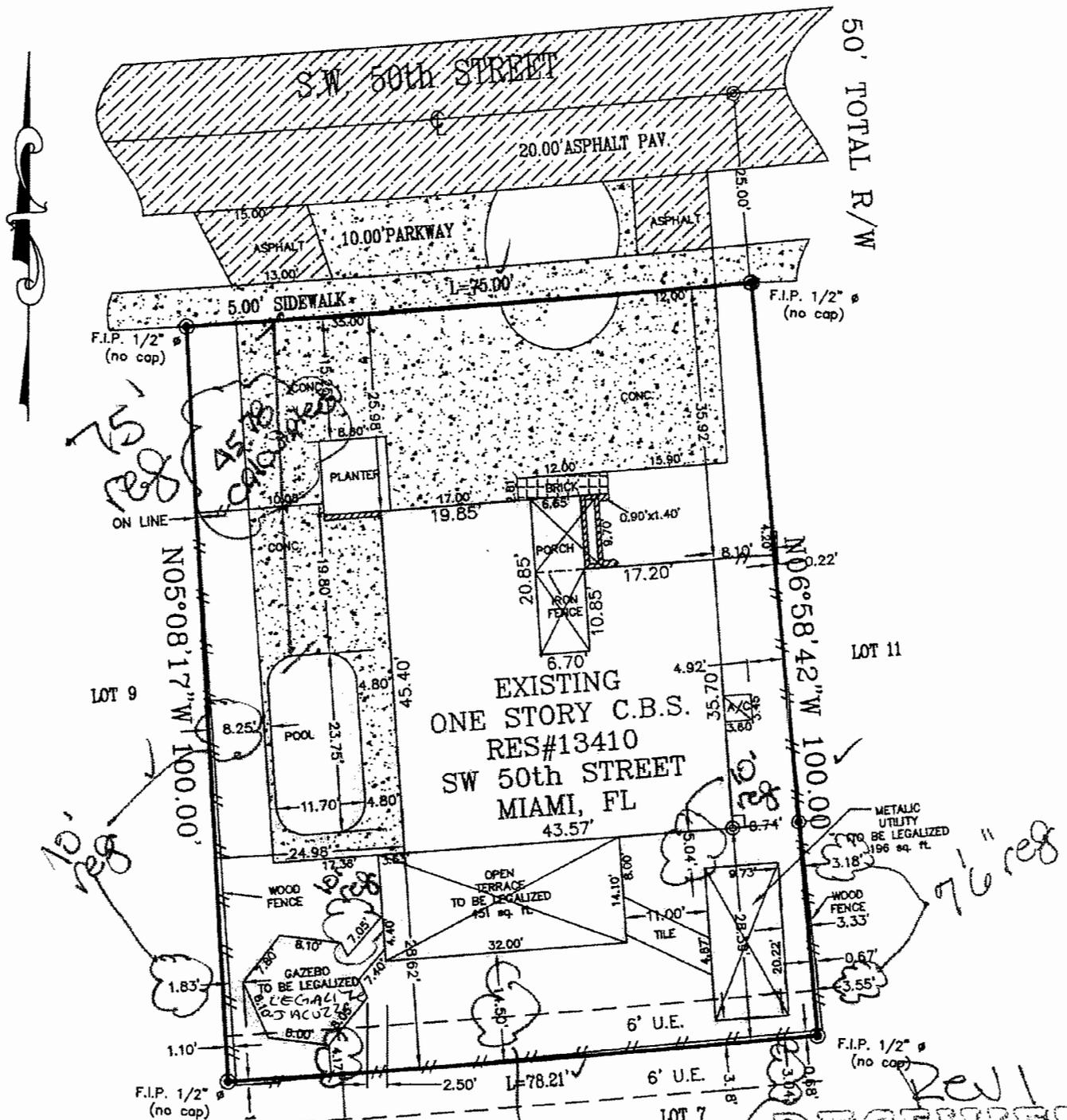
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS FOUND

NELSON SANCHEZ

MARITZA ROJAS

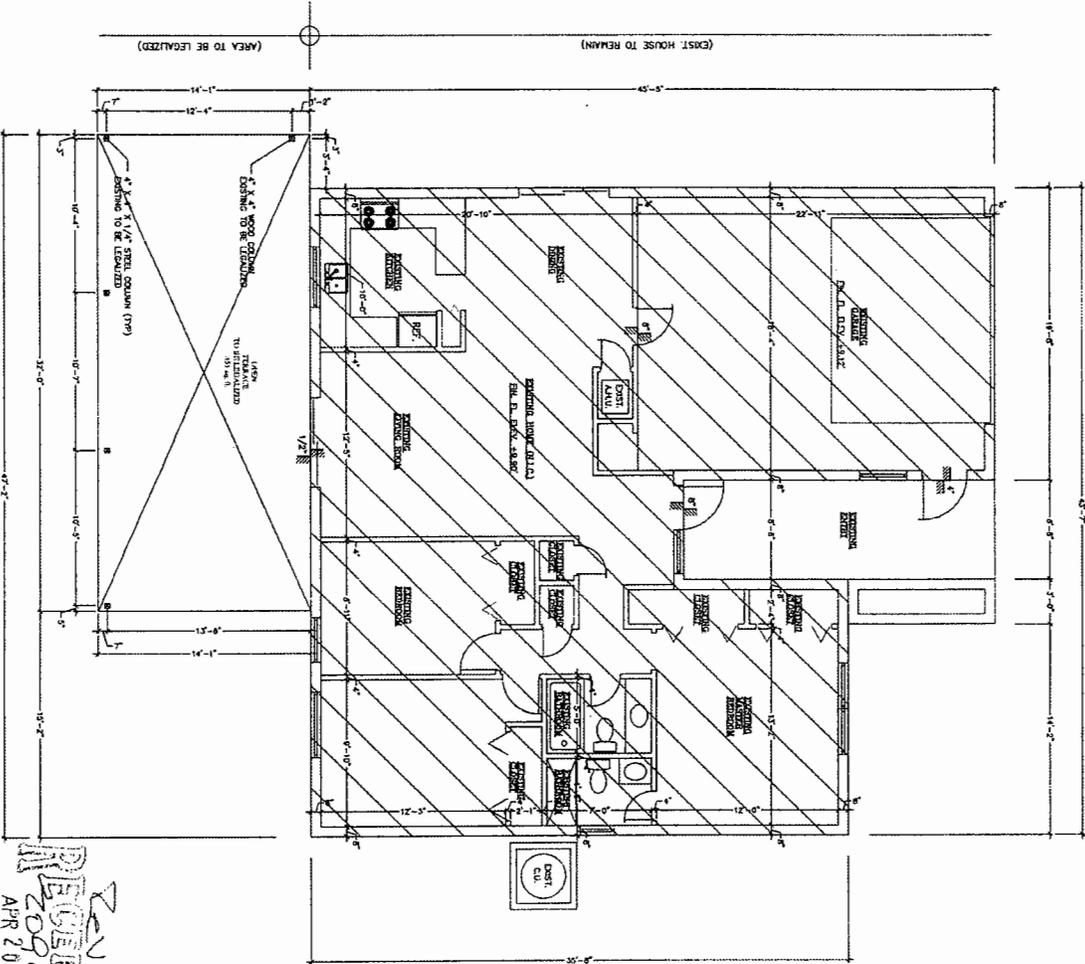


Lot Coverage
 $\frac{2262.43}{7500} = 30\% (35\%)$

SITE PLAN

RECEIVED
 209-047
 APR 20 2009

ZONING HEARINGS SECTION



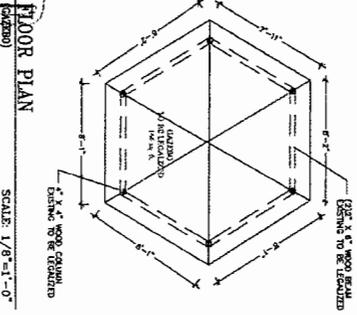
FLOOR PLAN

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

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

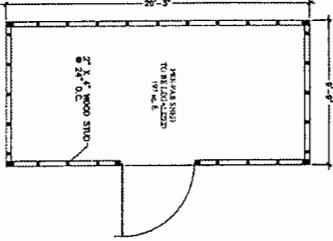
ZONING HEARING SECTION
APR 20 2005
CITY OF MIAMI
PLANNING DEPT.

RECEIVED
APR 20 2005



FLOOR PLAN

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



FLOOR PLAN

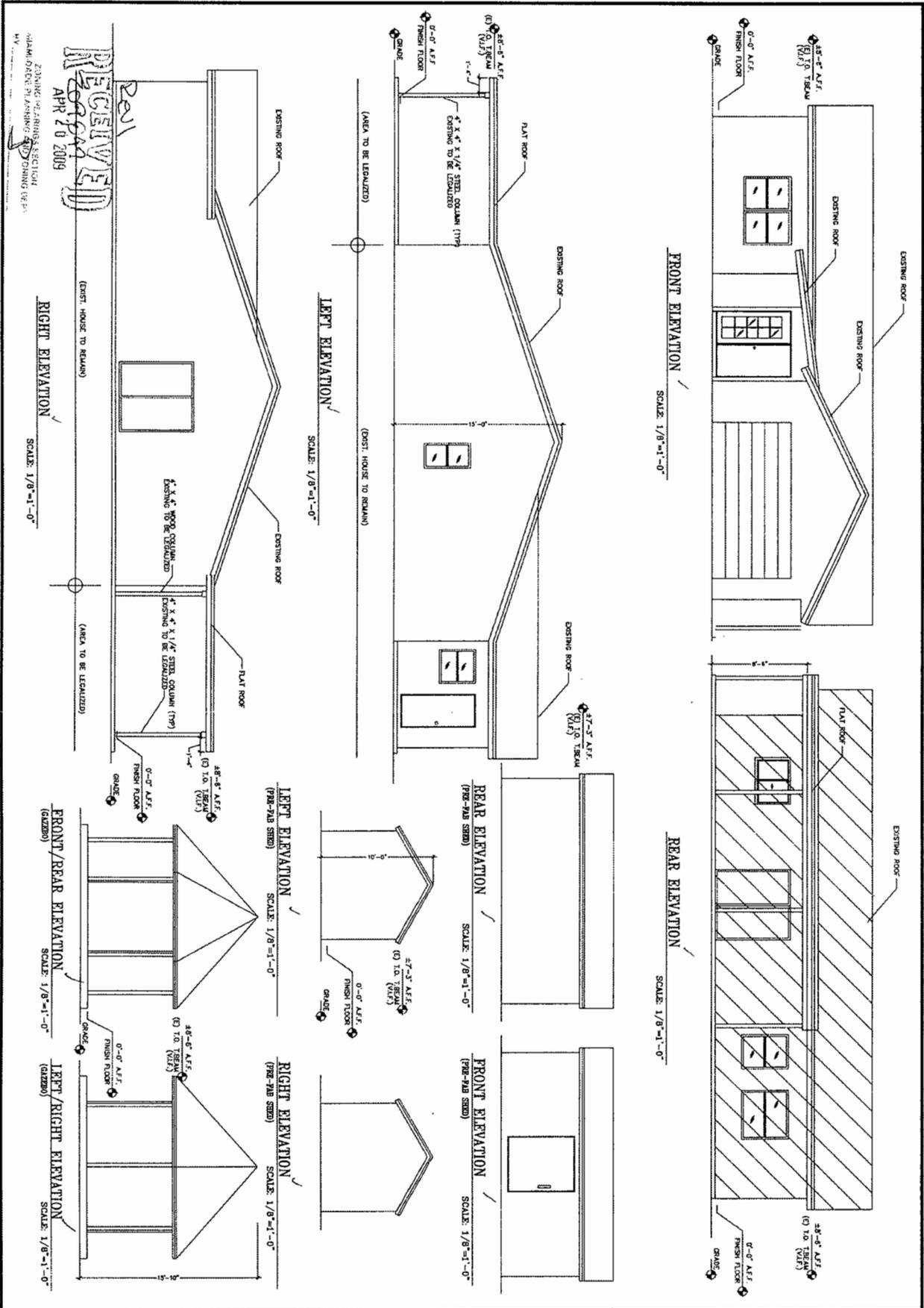
SCALE: 1/8"=1'-0"

- GENERAL NOTES:**
1. WORKS PERFORMED SHALL COMPLY WITH THE FOLLOWING OF THE PRESENT PROJECT:
 - a. ALL APPLICABLE LOCAL, COUNTY OR STATE ORDINANCE
 - b. ALL SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL VERIFY WITH THE ENGINEER IN WRITING, ANY DISCREPANCIES ARISING FROM THE INFORMATION CONTAINED WITHIN THESE SPECIFICATIONS AND DRAWINGS.
 2. CONTRACTOR AND SUBCONTRACTOR SHALL COMPLETELY FURNISH THE MATERIALS WITH LOGGING SITE CONDITIONS AND VERIFY SUBMITTING BID.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE WORK.
 4. IF ANY DISCREPANCIES ARE FOUND, STOP WORKING AND CONTACT THE OWNER & THE ENGINEER.

SHEET NO. A-1 2 OF 3	APPROVED BY: COLAVILLE K. RAO CHL. LICENSE NO. 4286	PROJECT: NELSON SANCHEZ METAL UTILITY AND TERRACE 13410 SW 50 ST MIAMI FL 33175-5208	
		DATE: 07-27-04 DRAWN BY: G.M.R. APPROVED BY: G.M.R. SEAL	REVISIONS: THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF COLAVILLE K. RAO AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

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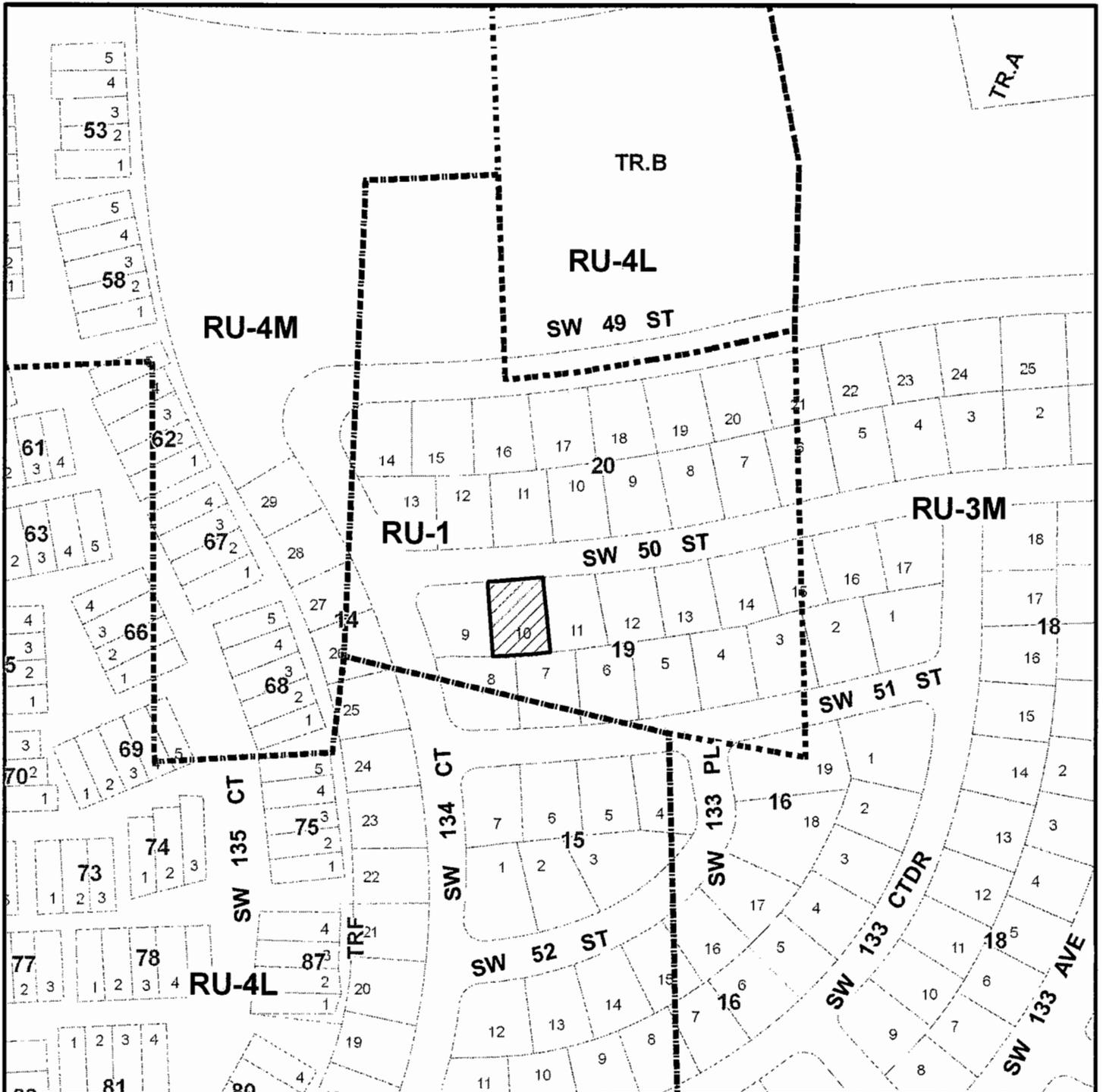
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

SHEET NO. A-2 OF 3	DATE 07-23-06 DRAWN BY A.S.M. CHECKED BY A.S.M. SCALE AS SHOWN	DESCRIPTION Project No. 07-23-06 Drawn By A.S.M. Checked By A.S.M. SCALE AS SHOWN	REVISIONS THIS DRAWING AND DESIGN ARE THE PROPERTY OF OCLAVILLE K. PNO AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.	SITE PLAN AND FLOOR PLAN	Project Title NELSON SANCHEZ METAL UTILITY AND TERRACE 13410 SW 50 ST MIAMI FL 33175-5208	APPROVED BY: OCLAVILLE K. PNO CHL. ENGINEER REG. NO. 4888 800 S.W. 87th Terr. Dania, FL 33024 P.O. BOX 422-1007

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MIAMI-DADE COUNTY

HEARING MAP

Section: 23 Township: 54 Range: 39

Applicant: NELSON SANCHEZ

Zoning Board: C11

Commission District: 11

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

09-047



SUBJECT PROPERTY



SKETCH CREATED ON: 04/13/09

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 23 Township: 54 Range: 39

Applicant: NELSON SANCHEZ

Zoning Board: C11

Commission District: 11

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SKETCH CREATED ON: 04/13/09

REVISION	DATE	BY