

FINAL AGENDA

6-15-2015 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION

8625 SW 124 Avenue, Miami

Tuesday, July 21, 2015 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|------------------------------------|-------|----------|---|
| 1. | 15-7-CZ11-1 | <u>MORE PANAS LLC</u> | 14-85 | 20-54-39 | N |
| 2. | 15-7-CZ11-2 | <u>ANTHONY & ISADORA ADAMS</u> | 15-28 | 21-55-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, JULY 21, 2015

KENDALL VILLAGE CENTER – CIVIC PAVILLION

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z14-085 (15-7-CZ11-1)

July 21, 2015

Item No. 1

Recommendation Summary	
Commission District	11
Applicant	More Panas, LLC
Summary of Requests	The applicant is seeking to permit a nursing home and to permit a wall with more height than permitted by Code.
Location	The Southwest corner of SW 52 Street & SW 157 Avenue, Miami-Dade County, Florida.
Property Size	9.36-acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

1. UNUSUAL USE to permit a nursing home.
2. NON-USE VARIANCE to permit a wall with a height of 6' within the front & side street setback (4' high maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "SW 157th Avenue and 52nd Street," as prepared by Robayna and Associates Inc, consisting of 10 sheets and plans entitled "The Club at Kendall," as prepared by Architectural Concepts Inc, consisting of 4 sheets, all sheets dated stamped received 05/01/15 for a total of 14 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

In 1987, the subject property as part of larger tract of land was approved for a district boundary change from GU, Interim District to BU-1A, Limited Business District. In addition, the Board accepted a proffered covenant, which required 26' wide landscaped areas along the north and west property lines, and also required compliance with wetland mitigation plans adopted by the Board.

In 2005, a 0.407 acre portion of the subject site was designated as an archaeological site, pursuant to Historic Preservation Board Resolution #05-06.

The site plan submitted by the applicant depicts a proposed one-story 150 bed, 96,272.32 sq. ft. nursing home facility, along with a proposed one-story, 9,000 sq. ft. retail building. In addition, the site plan show the 0.407 acre archaeological site in the northeast corner of the property and a 0.79 acre tree preserve along the northwest portion of the subject property.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1A; vacant land	Business and Office
North	RU-1A; single-family residences	Low Density Residential, 2.5 - 6 dua
South	BU-1A; shopping center	Business and Office
East	EU-1; single-family residences	Low Density Residential, 2.5 - 6 dua
West	RU-1; single-family residences	Low Density Residential, 2.5 - 6 dua

NEIGHBORHOOD COMPATIBILITY:

The subject property is a vacant 9.36 net acre tract that abuts single-family residential uses to the north, east and west, and commercial uses to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community additional congregate living facilities for the elderly and sick, which could create more traffic impacts in the area. However, based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, said impacts will not exceed the levels of service (LOS) on the abutting roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The applicant seeks to permit a nursing home and an ancillary non-use variance for wall height in the BU district. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Business and Office** land use category. The CDMP Land Use Element, **Business and Office** designation accommodates the full range of sales and service activities including **nursing homes**. The interpretive text under the Business and Office category states, *in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses. It also states the availability of highway capacity, ease of access and availability of other public services and facilities. Said text also states that uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic.*

The site plan has a floor area ratio (FAR) of 0.37, which is within the maximum floor area ratio allowed by Code. Further, memoranda from various departments, which shall be mentioned further in staff's zoning analysis, state that there shall be no negative noise or traffic impacts created on the neighboring residences in the area. Therefore, based on the foregoing review of the requests in the zoning analysis, staff opines that the requests are **consistent** with the area

based on the compatibility criteria outlined in CDMP **Policy LU4-A**, and **consistent** with the CDMP Business and Office Land Use Element interpretive text and the LUP map designation.

ZONING ANALYSIS:

The applicant seeks approval to permit an Unusual Use for a nursing home (request #1). An unusual use can be requested and approved through a public hearing process, but it is not particularly permitted in any specific zoning district. In addition, the applicant seeks approval to permit a wall that is higher than permitted by code (request #2).

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff opines that approval of the request would be **compatible** with the surrounding area and that subject to conditions outlined below, approval would not create a negative impact on the surrounding area. Further, staff opines that the requests will not result in excessive traffic as evidenced by the memorandum, dated May 7, 2015, from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), which states that the application meets the traffic concurrency criteria and does not exceed the levels of service (LOS) on the abutting roadways. Staff also notes that the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum, dated May 14, 2014 has no objections to the request and has recommended approval with conditions of the request. Staff notes that the applicant has addressed concerns from DERM, such as indicating dry retention areas to the northwest, which staff opines would prevent flooding on the subject site. In addition, staff notes that the Miami Dade Fire Rescue Department (MDFRD) does not object to the request. Staff also notes that the landscape plan indicates a continuous hedge and trees along the north, east and west property lines as a visual buffer to the neighboring.

In addition, as previously mentioned in staff's recommendation, staff notes that there is a 0.407 acre archaeological site on the northeast corner of the subject property, which was designated as an archaeological site, pursuant to Historic Preservation Board Resolution #05-06. Staff notes that the Office of Historic Preservation of RER has no objection to the requests and has recommended approval subject to conditions in their memoranda dated May 29, 2015. Said conditions are a 20' buffer abutting the west and south boundaries of the archaeological site, and that prior to any ground disturbing activities, a temporary plastic construction fence be placed along the 20' buffering line abutting the west and south boundaries of the archaeological site to protect the archaeological site on the subject property. **As such, staff recommends approval with conditions of request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

When request #3, to permit a wall with a height of 6' within the front & side street setback (4' high maximum permitted) is analyzed under the Non-Use Variance standards, section 33-311(A)(4)(b), staff opines that approval of the request would be **compatible** with the area. Staff notes from the Geographic Information System (GIS) that the property line of the subject site is approximately 48' from the neighboring residences to the north and west. Therefore, staff opines that the proposed 6' high wall would not create any visual impacts on the neighboring residences to the north and west. **As such, staff recommends approval of request #3 with conditions under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted site plans indicate access to the site through an ingress/egress drive along SW 157 Avenue and an ingress/egress for emergency

vehicles along SW 158 Avenue. In addition, the plans depict adequate parking on-site for the proposed facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "SW 157TH Avenue and 52nd Street," as prepared by Robayna and Associates Inc, consisting of 10 sheets and plans entitled "The Club at Kendall," as prepared by Architectural Concepts Inc, consisting of 4 sheets, all sheets dated stamped received 05/01/15 for a total of 14 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicants obtain a Certificate of Use for the proposed nursing home facility from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the occupancy of the proposed home for the aged facility be restricted to a maximum of one hundred fifty (150) residents at all times.
7. That the applicant comply with all applicable conditions and requirements from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources as indicated in the memorandum dated May 14, 2015.
8. That the applicant comply with all applicable conditions and requirements, if any, from the Platting and Traffic Review Section of RER as indicated in the memorandum dated May 7, 2014.

CONDITIONS #9 through #22: THE ARCHAEOLOGICAL SITE ON THE PROPERTY

9. That an archaeologist shall be present during all ground disturbing activities.
10. That a 20' buffer abutting the west and south boundaries of the archaeological preserve shall be established and staked out.
11. That prior to any ground disturbing activities, a temporary plastic construction fence shall be placed along the 20' buffer line abutting the west and south boundaries of the archaeological preserve and along the north (SW 52 St) and east (SW 157 Ave) boundaries of the archaeological preserve.
12. That initially, all efforts shall be made to remove surface trash and debris from both the project area and designated archaeological preserve. Mechanical removal with an excavator shall be allowed for heavy trash and debris without disturbing the subsurface. The excavator or heavy machinery shall not enter the archaeological preserve or project area. Please see attached "Project Area Aerial."
13. That the proposed drainage excavation area within the 20' buffer zone shall be staked out and excavated down to bedrock using standard archaeological methodology. Please see attached plans. If human remains are encountered, the provisions of State Statute 875.02 will apply. All work in the immediate area shall cease and the State Archaeologist notified. All human remains and burial items shall be reburied in the designated archaeological preserve.
14. That all vegetation within the project area shall be cleared by hand and removed.
15. That re-deposited midden and soils within the project area shall be mechanically scraped down to bedrock using a bulldozer blade while simultaneously removing visible trash and debris. Only re-deposited midden from areas known to contain human remains (based on archaeological evidence) shall be used to cap the archaeological preserve.
16. That re-deposited midden and soils shall immediately be moved to the archaeological preserve with a loader. The removed re-deposited midden and soils shall not be raked, sorted, or gone through for the purpose of recovering human remains.
17. That once bedrock is exposed, each solution hole shall be probed and excavated to determine if human remains or significant cultural deposits exist. If human remains are encountered, the provisions of State Statute 875.02 will apply. All work in the immediate area shall cease and the State Archaeologist notified. All human remains and burial items shall be reburied in the designated archaeological preserve.
18. That a Class IV Permit is obtained prior to the use of any of the heavy machinery on the property.
19. That heavy machinery shall only work from outside the boundaries of the archaeological preserve and 20' buffer zone.
20. That heavy equipment, machinery, or supplies may not be stored within the archaeological preserve or 20' buffer zone.

21. That after the archaeological preserve and buffer zone are capped with re-deposited midden, both areas shall be capped with clean fill or topsoil as soon as is practical to avoid erosion and sodded to create a green space.
22. That a revised legal description for the archaeological preserve, including the 20 ft buffer zone, shall be provided for the purpose of amending the designated archaeological preserve boundaries.

NK:MW:NN:CH:EJ



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

ZONING RECOMMENDATION ADDENDUM

More Panas LLC
PH: Z14-085

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection*</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Police</i>	<i>No objections</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Business and Office (Page I-40)	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways.</i></p> <p><i>In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic</i></p>
Policy LU-4A (Page I-11)	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses.	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p> <p><i>In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational</i></p>
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ZONING RECOMMENDATION ADDENDUM

More Panas LLC
PH: Z14-085

	<i>factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>

1. MORE PANAS, LLC.
(Applicant)

15-7-CZ11-1 (14-85)
Area 11/District 11
Hearing Date: 07/21/15

Property Owner (if different from applicant)

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>
1987	Jose Jendi Tr.	Zone change from GU to BU-1A P.U.P.	BCC	Approved

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

Memorandum



Date: May 14, 2015

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

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

Subject: C-11 #Z2014000085-2nd Revision
More Panas LLC
south of SW 52nd Street, between SW 158th Avenue and SW 157th
Avenue
Unusual Use to permit a nursing facility
(BU-1A) (9.36 Acres)
20-54-39

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

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

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

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

Potable Water Service and Wastewater Disposal

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be

permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

DERM has completed its review of the proposed fill encroachment for the referenced project, as required in Section 24-48.2(II)(B)(9) of the Code, and finds it approvable. Pursuant to the information submitted, DERM has concluded that the proposed surface water management area calculated for fill encroachment complies with the Bird Drive Basin Fill Encroachment and Water Management Criteria.

DERM final approval is subject to the following conditions:

1. A covenant running with the land binding present and future owners must be executed and submitted to DERM Water Control Section. The covenant must reserve a minimum total surface water management area of 2.02 acres (0.79 acre Tree Preserve, 0.82 acre Dry Retention and 0.41 acre Archeological site, based on the proposed site grading plan signed and sealed by Oscar Robayna, P.E. dated April 16th, 2015). Said covenant and accompanying storm water area management plan, must be submitted after preliminary approval of the plans by the Coastal & Wetlands Resources Section of DERM and prior to issuance of the Class IV Permit or final plat approval. Please call the Water Control Section of DERM at 305-372-6681 for specific instruction when submitting the draft covenant for review prior to execution.
2. The site, with exception of the proposed water management area, shall be filled to minimum County Flood Criteria or +8.5 feet NGVD.
3. No encroachment by fill or any use other than drainage is allowed in the designated surface water management areas (set-aside area).
4. Applicant must provide a berm with minimum elevation of 9.75 feet N.V.G.D along the filled area or equivalent grading to match the required berm elevation at all roadway entrances.

Wetlands

Class IV Wetlands Permit 2007-CLIV-PER-00106 was issued for this property on October 30, 2008 and authorized the impact to 8.55 acres of wetlands. The total project is 10 acres (8.55 acres of wetland impacts, 0.79 acres of a tree island preserve area located on the northwest part of the site and a 0.66 acre archaeological preservation area located on the northeast side of the property). A covenant running with the land in favor of Miami Dade County for the protection and management of the tree island and surrounding buffer area was approved by the Miami Dade Board of County Commissioners and recorded on November 21, 2008.

Please be advised that a review of aerial photographs in combination with an on-site inspection performed by staff on May 13, 2015 revealed that the work on the site had not been completed; therefore the site remains undeveloped.

Class IV Wetlands Permit 2007-CLIV-PER-00106 expired on October 30, 2010; therefore, a new Class IV Wetlands Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance,

including plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria will be required before any work can be done on the subject property. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to compensate for wetland values lost as a result of the proposed project.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. DERM has reviewed the plans submitted with this application (received on May 1, 2015), which depict the archeological site (0.407 acres) and the tree island preserve area (0.79 acres) and buffer. Please be advised that the 26 foot landscape area located along the northwest and north part of the site must not impact the tree island preserve area.

Please contact the Coastal and Wetland Resources Section at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetlands Permit.

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

Tree Preservation

The subject property revealed the presence of tree resources and contains wetlands, as well as a tree island preserve area located on the northwest and an archeological site located on the northeast part of the site. The landscape plans submitted with this application dated August 4th 2014, depict the preservation of two specimen-sized (trunk diameter 18 inches or greater) and one non specimen-sized *Ficus aurea* trees within the tree island preserve area and the archaeological site. Please note that these trees will be included under the regulations for the tree island preserve area and the archaeological site. All other tree resources on the site will be regulated through a Class IV Wetlands Permit.

Enforcement History

The subject property has no open and one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

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

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

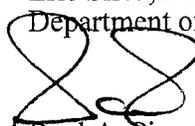
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: May 7, 2015

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

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

Subject: Z2014000085
Name: More Panas, LLC
Location: South of SW 52 Street between SW 158 Avenue and SW 157 Avenue
Section 20 Township 54 South Range 39 East

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

- 15-foot minimum turning radius required throughout site
- Eliminate first six parking spaces north of driveway entering site off of SW 157 Avenue
- Median modifications require the review and approval of the Department of Public Works and Waste Management Traffic Engineering Division

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **60 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9112	Bird Dr w/o SW 147 Ave to SW 157 Ave	B	C
9275	SW 56 St w/o SW 147 Ave to SW 152 Ave	B	B
9664	SW 72 St w/o SW 147 Ave to SW 152 Ave	C	C
9856	SW 157 Ave n/o Kendall Dr to SW 72 St	D	D
9665	SW 72 St w/o SW 147 Ave to SW 152 Ave	C	C

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

Memorandum



Date: August 18, 2014

To: Eric Silva, Development Coordinator
Regulatory and Economic Resources Department

From: 
Paul Mauriello, Deputy Director, Waste Operations
Public Works and Waste Management Department

Subject: More Panas, LLC (#14_085)

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

Application: *More Panas, LLC* is requesting an unusual use to permit a nursing home facility on the property, zoned in a Limited Business District (BU-1A).

Size: The subject property is approximately 9.36 acres.

Location: The subject property is generally located south of SW 52nd Street, between SW 158th Avenue and SW 157th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the nursing home facility proposed on the property will be considered development for a multi-family residential establishment. Per the Code, the following is required of multi-family residential establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

3. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are *strongly* advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved

More Panas, LLC
Page 3

(between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum



Date: October 1, 2014

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

From: Ysela Llort, Director
Miami-Dade Transit 

Subject: FY15 Blanket Concurrency Approval for Transit

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the August 2014 Metrobus/Metrorail service area we find that MDT meets or exceeds the Level-of-Service Standards (LOS) for mass transit established in Policy MT-1A of the County's Comprehensive Development Master Plan for Miami-Dade County.

With this memo we re-authorize your Department to review and approve concurrency applications in all areas of unincorporated Miami-Dade County.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2014 to September 30, 2015, or until canceled by written notice from my office.

Should your staff need further assistance with mass transit concurrency information, they may contact Nilia Cartaya, Principal Planner, in our Department. Thank you for your continued cooperation on these important matters.

- c: Albert A. Hernandez, P.E., MDT
- Monica D. Cejas, P.E., MDT
- Gerald E. Bryan, MDT
- Eric Zahn, MDT
- Nilia Cartaya, MDT
- Douglas K. Robinson, MDT
- Jaqueline Carranza, MDT
- Mark R. Woerner, RER
- Helen A. Brown, RER

Memorandum



Date: June 1, 2015

To: Nathan Kogon, Assistant Director
Development Services Division (RER)

From: Jeff B. Ransom, County Archaeologist
Office of Historic Preservation (RER) *JR*

Subject: Club at Kendall Development - West Kendall Archaeological Zone
Conditions of Approval - Certificate to Dig Permit 2014-49-CTD

The West Kendall Archaeological Zone was designated in 1983 by the Miami-Dade County Historic Preservation Board. As per Chapter 16A of Miami-Dade County Ordinance 81-13, any proposed ground disturbing activities within the zone or "archaeological preserve" shall be subject to review by the Miami-Dade County Office of Historic Preservation. Due to the existence of unmarked human remains, the following conditions of approval for the subject Certificate to Dig and proposed development were drafted by the Miami-Dade County Office of Historic Preservation in close coordination with the Tribal Historic Preservation Office of the Seminole Tribe of Florida and the Florida Department of State, Bureau of Archaeological Research:

- 1) A professional archaeologist shall be present during all ground disturbing activities.
- 2) A 20 foot buffer abutting the west and south boundaries of the archaeological preserve shall be established and staked out.
- 3) Prior to any ground disturbing activities, a temporary plastic construction fence shall be placed along the 20 foot buffer line abutting the west and south boundaries of the archaeological preserve and along the north (SW 52 St) and east (SW 157 Ave) boundaries of the archaeological preserve.
- 4) All efforts shall be made to remove surface trash and debris from both the project area and designated archaeological preserve.
- 5) Mechanical removal with an excavator shall be allowed for heavy trash and debris without disturbing the subsurface. The excavator or heavy machinery shall be operated from the street and shall not enter the archaeological preserve or project area.
- 6) All vegetation within the project area shall be cleared and removed by hand.
- 7) After clearing of vegetation, re-deposited midden and soils within the project area shall be mechanically scraped down to bedrock using a bulldozer blade while simultaneously removing visible trash and debris.
- 8) Re-deposited midden and soils shall immediately be moved to the archaeological preserve with a loader. The removed re-deposited midden and soils shall not be raked, sorted, or gone through for the purpose of recovering human remains.
- 9) Only re-deposited midden and soils from areas known to contain human remains (based on archaeological evidence) shall be used to cap the archaeological preserve.
- 10) Once bedrock is exposed, each solution hole shall be probed and excavated to determine if human remains or significant cultural deposits exist. If human remains are encountered, the provisions of State Statute 875.02, Florida's Unmarked Human Burial Law, shall apply. All work in the immediate area shall cease and the State Archaeologist notified. All human remains and burial items shall be reburied in the designated archaeological preserve.
- 11) Heavy equipment, machinery, or construction supplies may not be stored within the archaeological preserve or 20 ft buffer zone.
- 12) After the archaeological preserve and buffer zone are capped with re-deposited midden and soils, both areas shall be capped with clean fill or topsoil as soon as is practical to avoid erosion and sodded to create a passive green space.
- 13) A revised legal description for the archaeological preserve, including the 20 ft buffer zone, shall be provided for the purpose of amending the designated archaeological preserve boundaries.

Memorandum



Date: April 16, 2015

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

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

Subject: Z2014000085: MORE PANAS LLC
Revised Plans Submitted Dated 4/7/2015

Application Name: MORE PANAS LLC

Project Location: The site is located at the SW CORNER OF SW 52 ST & SW 157 AVE, Miami-Dade County.

Proposed Development: The request is for an unusual use for a 150-bed nursing home facility.

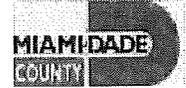
Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, PROS Park Planning Section Supervisor



Memorandum

Date: 28-AUG-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000085

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated August 27, 2014.

OBJECTIONS:

Applicant must provide 50 ft outside turning radius at entry circle and provide 13'6" minimum height for covered driveway with Zoning application received date of 08/06/2014.

Service Impact/Demand

Development for the above Z2014000085
 located at Swc OF SW 52 st & sw 157 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid _____ is proposed as the following:

N/A	dwelling units	N/A	square feet
<u>residential</u>		<u>industrial</u>	square feet
N/A	square feet	N/A	square feet
<u>Office</u>		<u>institutional</u>	
9,000	square feet	92,982	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 65 alarms-annually.
 The estimated average travel time is: 7:10 minutes

Existing services

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

Station 37 - West Bird - 4200 SW 142 Avenue
 Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on plans. Substantial changes to the plans will require additional service impact analysis.

20

DATE: 27-MAY-15
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

MORE PANAS LLC

The southwest corner OF SW 52 St
& SW 157 Ave, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000085

HEARING NUMBER

HISTORY:

NC OPEN: THERE ARE NO OPEN NEIGHBORHOOD REGULATIONS CASES
NC CLOSED: NEIGHBORHOOD REGULATIONS CASE #201412006940, WAS OPENED ON
OCTOBER 21, 2014, FOR FAILURE TO PERFORM LOT MAINTENANCE IN A RESIDENTIAL
DISTRICT [FAILURE TO MAINTAIN PERIMETER ABUTTING IMPROVED PROPERTY AND/OR
ROADS; A 10-FOOT BUFFER MUST BE CUT ALONG THE PERIMETER OF THE PROPERTY].
CIVIL VIOLATION NOTICE #T050928, WAS ISSUED ON DECEMBER 5, 2014 FOR NON-
COMPLIANCE. THE PROPERTY WAS CLEARED AND THE CITATION HAS BEEN PAID. THE
CASE HAS BEEN CLOSED.

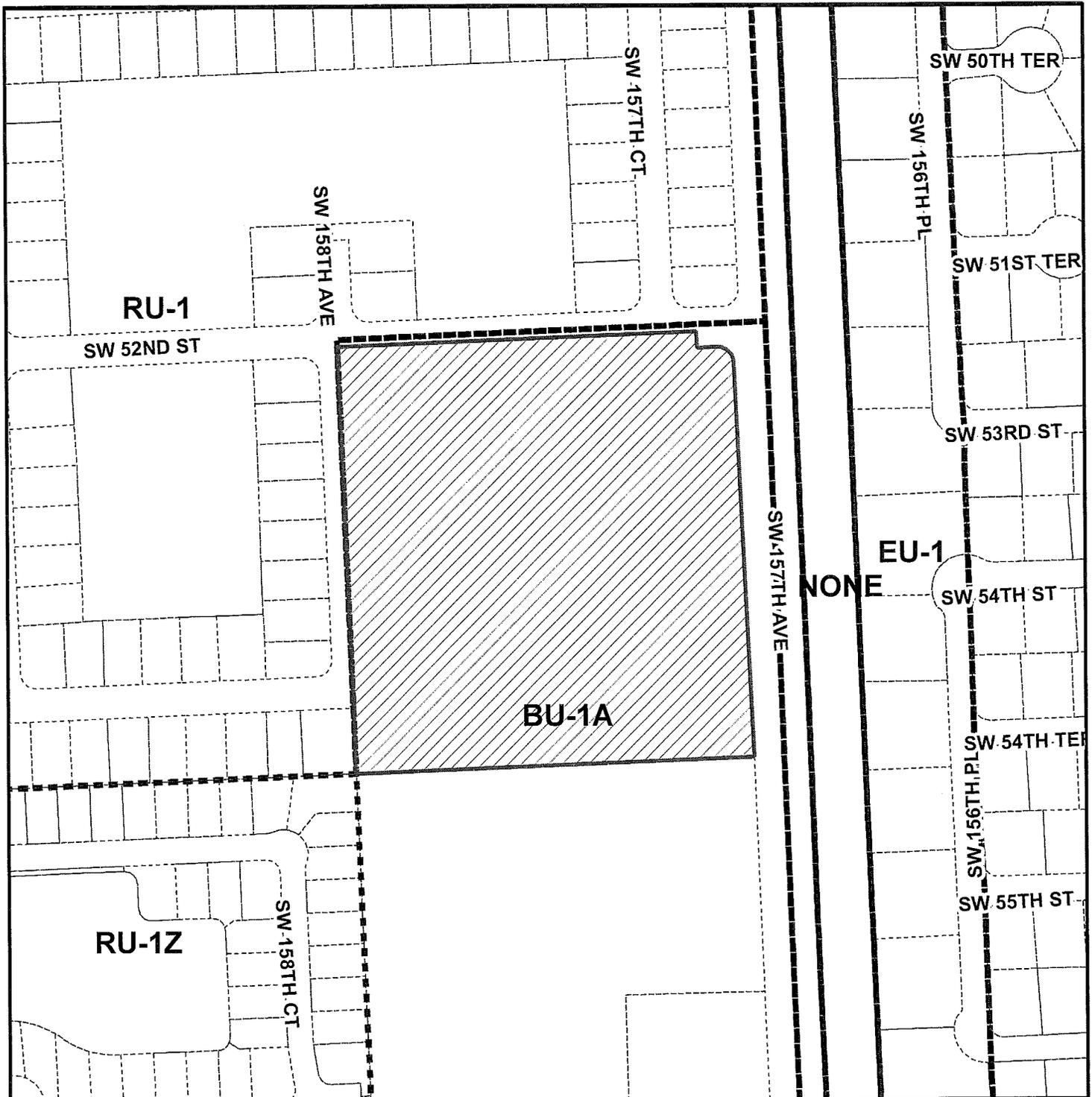
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REGULATIONS
CASES

MORE PANAS LLC

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

AS OF MAY 27, 2015, THERE ARE NO OUTSTANDING LIENS, FEE, or FINES

REPORTER NAME:



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000085

Section: 20 Township: 54 Range: 39
 Applicant: MORE PANAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: F. Arencibia
 Scale: NTS



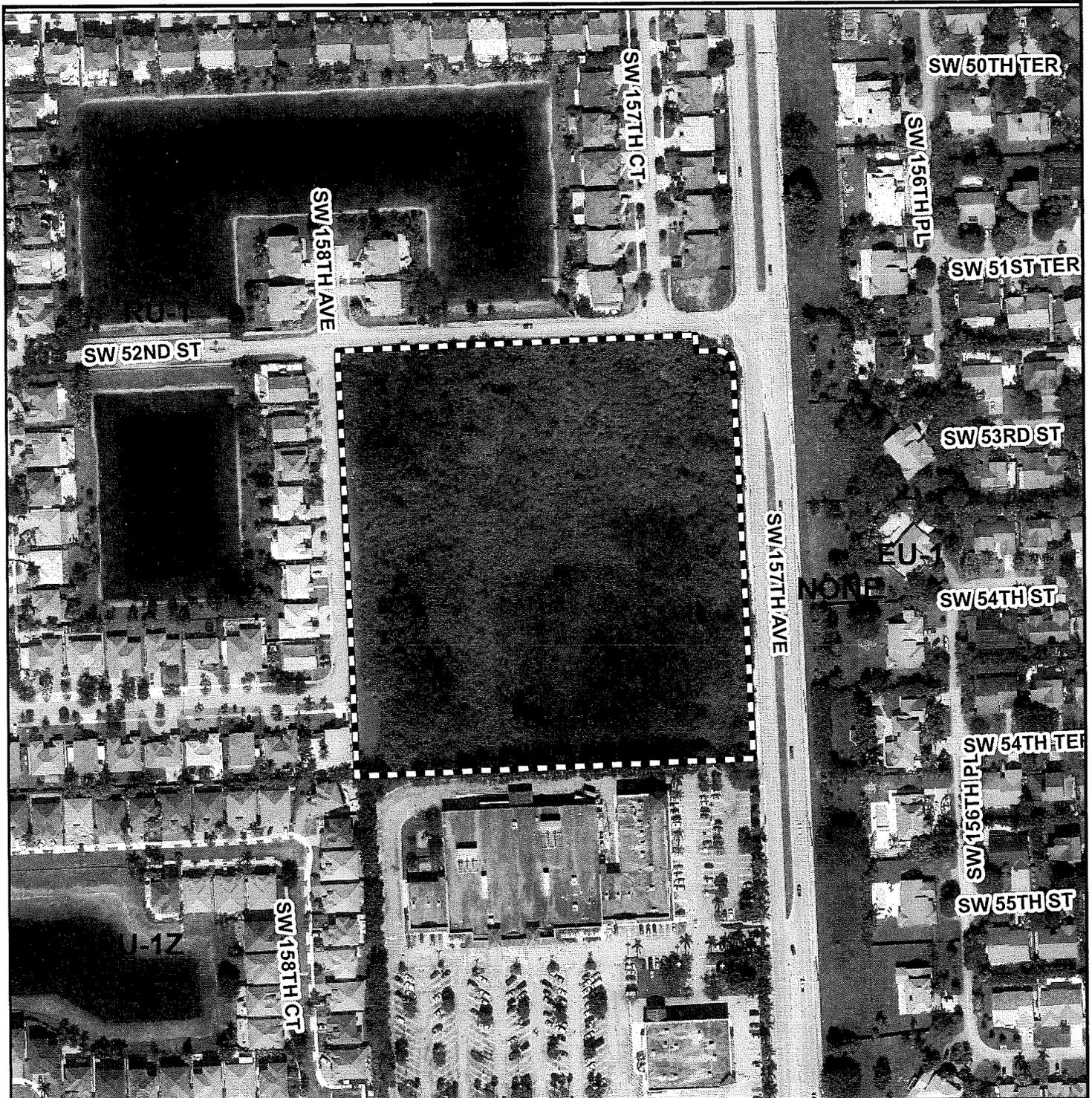
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-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, August 19, 2014

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2014000085

Legend

-  MDC STL Index Poly
-  Subject Property
-  Zoning

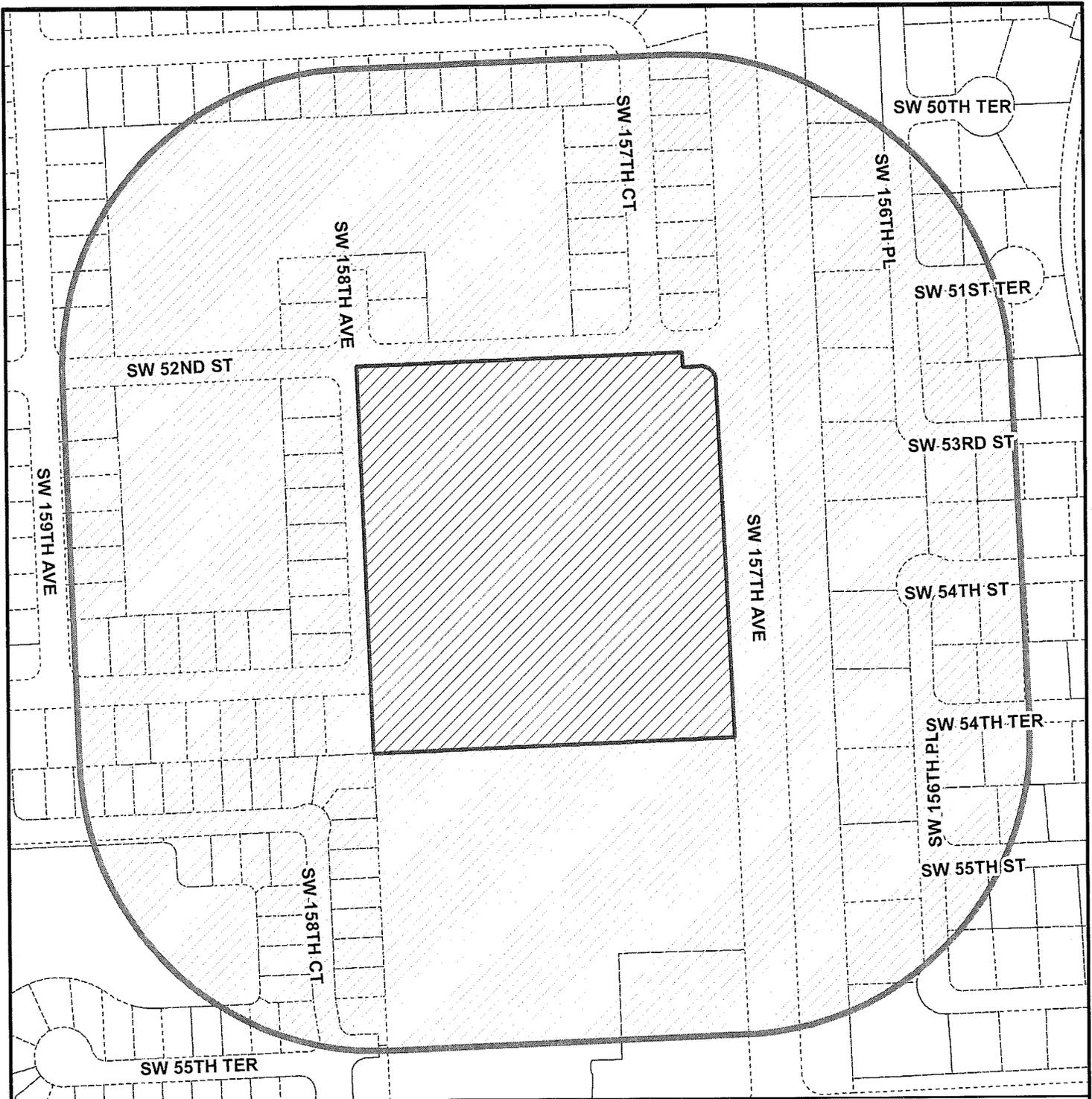


Section: 20 Township: 54 Range: 39
 Applicant: MORE PANAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: F. Arencibia
 Scale: NTS



SKETCH CREATED ON: Tuesday, August 19, 2014

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
RADIUS MAP

Section: 20 Township: 54 Range: 39
 Applicant: MORE PANAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: F. Arencibia
 Scale: NTS

Process Number
Z2014000085
 RADIUS: 500

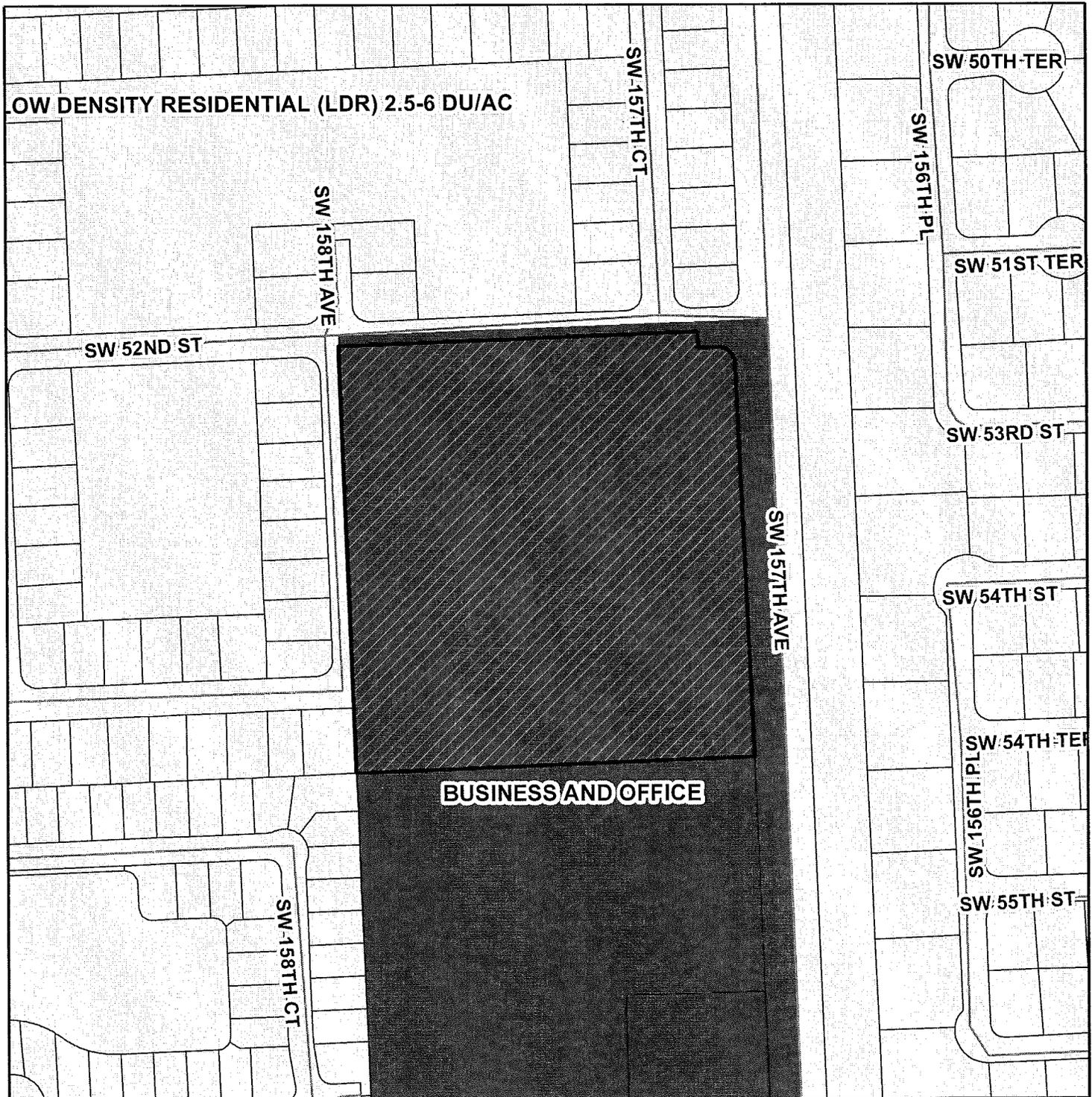
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, August 19, 2014

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000085

Section: 20 Township: 54 Range: 39
 Applicant: MORE PANAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: F. Arencibia
 Scale: NTS



Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, August 19, 2014

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z15-028 (15-7-CZ11-2)

**July 21, 2015
Item No. 2**

Recommendation Summary	
Commission District	11
Applicants	Anthony and Isadora Adams
Summary of Requests	The applicants are seeking to permit an existing residence setback less than required from the interior side property line and to permit a proposed addition to the residence setback less than required from the rear (south) property line that will result in more lot coverage than was previously approved.
Location	15330 SW 143 Street, Miami-Dade County, Florida.
Property Size	85' x 109'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low Density Residential, 2.5 to 6 du <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice of request #1 and #3, and approval with conditions of request #2.

REQUESTS:

- 1) NON-USE VARIANCE to permit a proposed covered terrace addition to a single-family residence setback 18'-6" (25' required) from the rear (south) property line.
- 2) NON-USE VARIANCE to permit the existing single-family residence setback 7'-2" (7'-6" required) from the interior side (west) property line.
- 3) NON-USE VARIANCE to permit the proposed addition resulting in a lot coverage of 45.5% (35% maximum permitted, 38% previously approved).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Proposed Terrace Addition for Residence; Anthony Adams," as prepared by Juan A. Rodriguez-Jomolca, R.A., dated stamped received 4/8/15, and consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

Staff notes that the residence was a part of a larger tract of land that was approved pursuant to Resolution #4-ZAB-225-92, to permit single-family residences with a lot coverage of 38% (35% permitted) and to permit residences to setback 15' (25' required) from the rear property lines for only 1/3 of the width of the residential structure. Said resolution also required that the rear yard area of each lot be enclosed by a 6' high opaque fence.

The plan submitted depicts the existing one-story single-family residence, of which, less than 1/3 of the width is currently setback 18'-6" from the rear (south) property line, and a 4" encroachment into the interior side (west) setback area. The plan also shows the proposed covered terrace addition setback 18'-6" (25' required) from the rear (south property line that results in the increase in lot coverage.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 0.21-net acre, RU-1, Single-Family Residential District lot, located at 15330 SW 143 Street. The submitted plans depict the parcel with the existing residence and the proposed additions. The area surrounding the subject property is primarily characterized by single-family residences developed under the RU-1 zoning district regulations.

SUMMARY OF THE IMPACTS:

Approval of this application will provide the applicants with additional living area. Staff opines that the increased lot coverage and the proposed encroachment into the rear setback area may have some visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated for **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land use Plan (LUP) map. Approval of these requests would permit additions to the existing single-family residence on the 0.21-net acre parcel. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use, the application is **consistent** with the uses allowed under the CDMP Land Use Element interpretative text for the Residential Communities, and the CDMP LUP map designation Low Density Residential designation for the subject property.

ZONING ANALYSIS:

The applicants seek to permit the proposed covered terrace addition encroaching into the rear (south) setback area (request #1), which results in an additional 7.5% increase in lot coverage (request #3), beyond the 38% (35% permitted) that was previously approved in 1992. When the aforementioned requests are analyzed under the Non-Use Variance (NUV) From Other Than Airport Regulations Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval

would be **incompatible** with the surrounding area and would be detrimental to the neighborhood. Staff notes that the residence is a part of a subdivision that was approved pursuant to Resolution #4-ZAB-225-92, to permit the residences with reduced rear setbacks for a portion of the residence and an increased lot coverage. Staff's research did not indicate that any other residences in this subdivision requested, or have been approved for an increase in lot coverage beyond the 38% that was approved in 1992. Staff opines that the request to permit the proposed terrace addition that results in the increased lot coverage, is inextricably tied to the request for a reduced setback of a greater portion of the residence than was previously approved. As such, staff opines that approval of same would be excessive, and would result in an over intensive development of the parcel. **Therefore, staff recommends denial without prejudice of requests #1 and #3, under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

However, when request #2, to permit the existing residence setback 7'-2" (7'-6" required) from the interior side (west) property line, is similarly reviewed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that approval of same would be **compatible** with the surrounding area. Staff opines that the 4" encroachment that is the subject of this request is minimal, does not have any visual impact on the abutting residence to the west, and is likely due to construction error. **Therefore, staff recommends with conditions of request #2 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

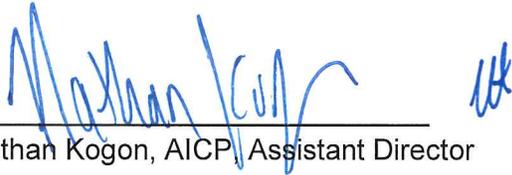
RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: (For request #2 only.)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Terrace Addition for Residence; Anthony Adams," as prepared by Juan A. Rodriguez-Jomolca, R.A., dated stamped received 4/8/15, and consisting of 3 sheets, except as herein amended to show the removal of the proposed covered terrace addition to the single-family residence. Except any future additions on the property which conform to zoning code requirements will not require further public hearing action.

NK:MW:NN:EJ:CH



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

ZONING RECOMMENDATION ADDENDUM

Anthony & Isadora Adams
Z15-028

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

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

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

15-7-CZ11-2 (15-028)
Area 11/District 11
Hearing Date: 07/21/15

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

If so, who are the interested parties? None

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

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

Memorandum



Date: April 28, 2015

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

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

Subject: C-11 #Z2015000028
Anthony & Isadora Adams
15330 SW 143rd Street, Miami, FL 33196
NUN for Setback for a SFH, Lot Coverage
(NA) (.00 Acres)
21-55-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

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.

Tree Preservation

The subject property contains tree resources. Please note that Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Based on the information submitted with this application and a review, it does not appear that specimen-sized trees (trunk diameter 18 inches or greater) would be impacted by the proposed project. Projects shall be designed to meet the requirements of Sections 24-49.2 and 24-49.4

of the Code including compliance with the specimen tree preservation requirements of the Code as well as CON 8A of the Comprehensive Development Master Plan.

In accordance with the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

The applicant is advised to contact Tree Permitting Program at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

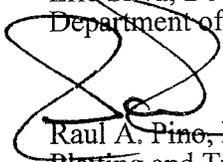
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: May 5, 2015

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

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

Subject: Z2015000028
Name: Anthony & Isadora Adams
Location: 15330 SW 143 Street
Section 21 Township 55 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and objects for the following reasons.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 6, Block 2 of Plat Book 142, Page 44.

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

Memorandum



Date: April 30, 2015

To: Eric Silva, Development Coordinator
Regulatory and Economic Resources Department

From: 
Paul Maturiello, Deputy Director, Waste Operations
Public Works and Waste Management Department

Subject: Anthony and Isadora Adams (#15_028)

The PWWM has no objections to the proposed application. The Department's review of the above-referenced item is provided below.

The application requests a non-use variance of setback requirements for a property which contains a single family home. The application will have no PWWM impact or any associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Intergovernmental and External Affairs, at 305-375-1354.

Memorandum



Date: April 16, 2015

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

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

Subject: Z2015000028: ANTHONY & ISADORA ADAMS

Application Name: ANTHONY & ISADORA ADAMS

Project Location: The site is located at 15330 SW 143 ST, Miami-Dade County.

Proposed Development: The request is for non-use variance of setbacks for an existing single-family residential lot.

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

Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, PROS Park Planning Section Supervisor



Memorandum

Date: 14-APR-15
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2015000028

Fire Prevention Unit:

No objection to the site plan with a 4/8/15 RER received date.

Service Impact/Demand

Development for the above Z2015000028
 located at 15330 SW 143 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid _____ is proposed as the following:

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

Based on this development information, estimated service impact is: No Impact. N/A alarms-annually.

Existing services

The Fire station responding to an alarm in the proposed development will be: Station # ____
 The estimated average travel time is: ____ minutes

Planned Service Expansions:

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

Fire Planning Additional Comments

None

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

Department of Neighborhood Compliances

Enforcement History

to be distributed

at a later date

LEGAL DESCRIPTION: (FURNISHED BY CLIENT)
 LOT 6 BLOCK 2
 SUBDIVISION DAXAL SUB
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 142 AT PAGE 44
 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Lot 3, Block 2
 (P.B. 142, Pg. 44)

P/L N87°54'57"E 85.00' 6'ht. WOOD F (TYP.) FIP 1/2" Ø (NO ID)

Lot 6, Block 2
 (P.B. 142, Pg. 44)

PROP. TERRACE ADDITION
 410 SQ. FT.

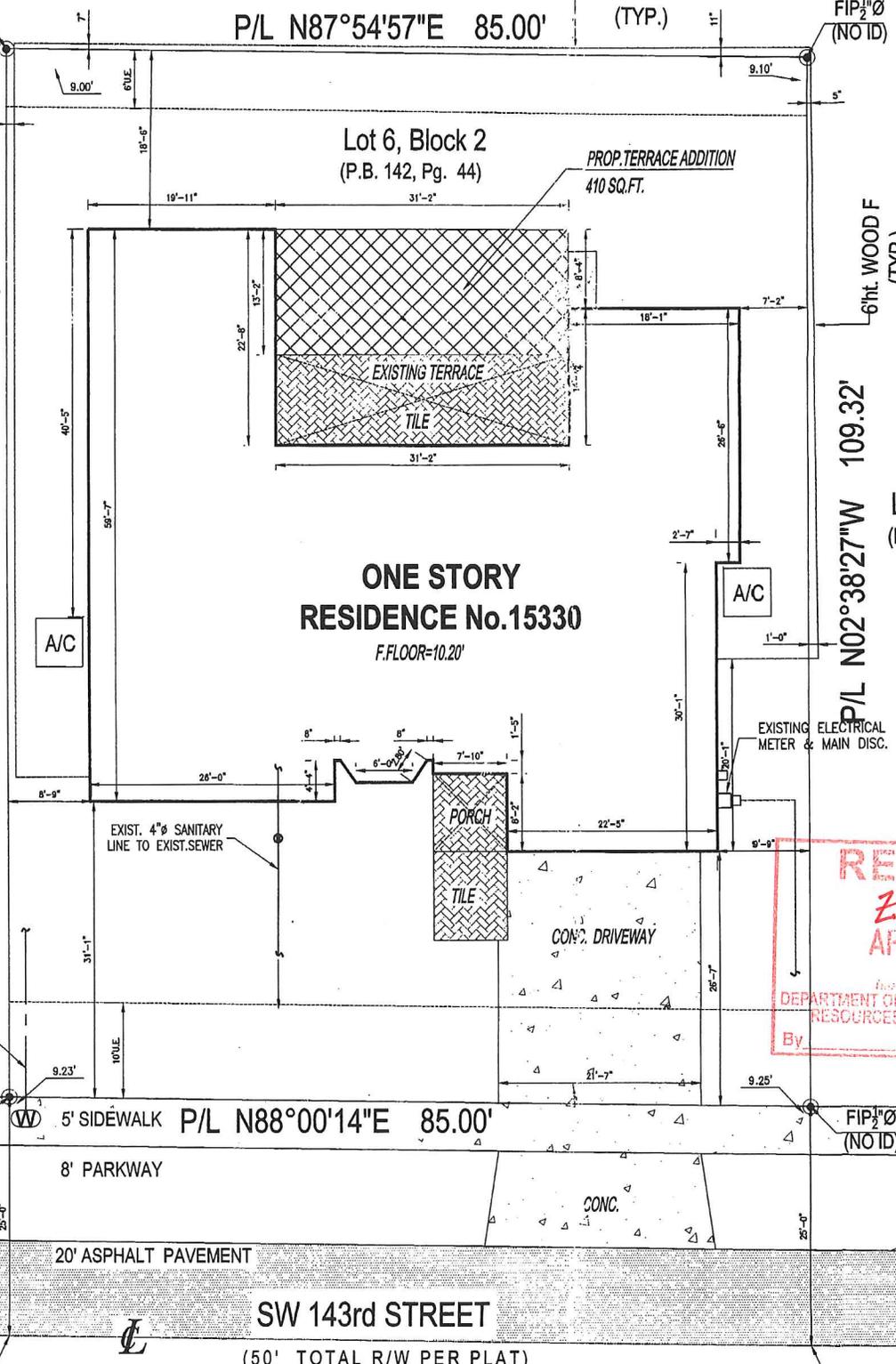
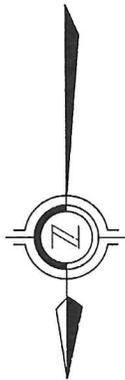
ONE STORY
 RESIDENCE No. 15330
 F.FLOOR=10.20'

Lot 7, Block 2
 (P.B. 142, Pg. 44)

P/L N02°38'27"W 109.32'

Lot 5, Block 2
 (P.B. 142, Pg. 44)

P/L N02°39'45"W 109.26'



RECEIVED
 215-028
 APR 08 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By _____



SITE PLAN 3/32"
 ENLARGED SITE PLAN

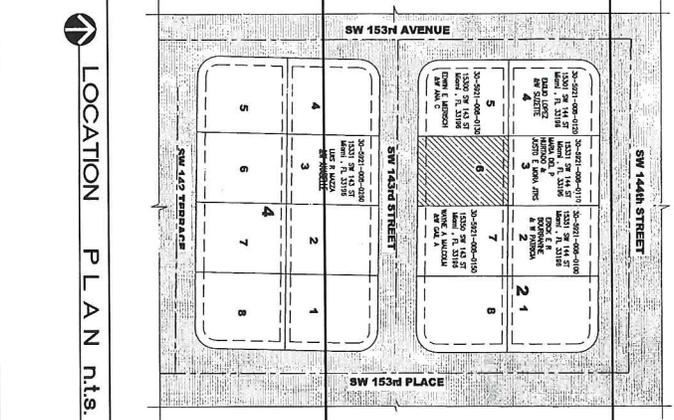
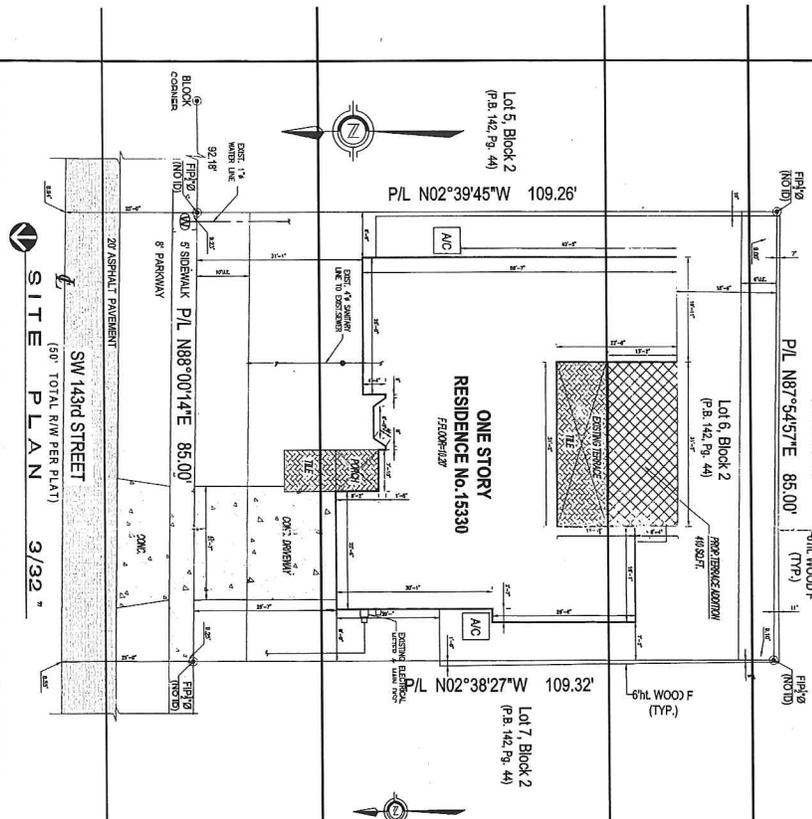
14

SUBMITTER'S STATEMENT
 ON THE OBSERVATION, I REQUESTS THE FOLLOWING: 03/03/2016
 IF ANY OTHER COMMENTS OR MATERIALS ARE DISCLOSED
 A LETTER WILL BE SUBMITTED AFTER THE GRANT HAS BEEN
 THE FOUNDATION CONDITIONS ARE SIMILAR TO THOSE UPON
 THE DESIGN IS PASSED.
 DENSITY AS DETERMINED BY THE MONROE PROCTOR TEST ASTM D-1557

A Separate Permit & Product Control Approval when applicable is required for the following items
 -Flat roof system
 -Window and Door

PROPERTY ADDRESS: 15330 SW 143 ST MIAMI, FL 33196
 LOT & DESCRIPTION: (OWNERSHIP BY CLIENT) BLOCK 2
 SUBDIVISION: DWAL SUB
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 142 AT PAGE 44
 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

We the neighbors, have no objection to these plans, which are being submitted for an Administrative Adjustment Application.



EDWIN E MIERSCH & W ANA C
 Name
 15300 SW 143 ST
 Address
 Miami, FL 33196
 Date 11-06-2014
 Signature

WAYNE A MALCOLM & W GAIL A
 Name
 15350 SW 143 ST
 Address
 Miami, FL 33196
 Date 11/7/14
 Signature

MARIA DEL P HURTADO & JUSTO E MORA JR
 Name
 15331 SW 144 ST
 Address
 Miami, FL 33196
 Date 12-29-14
 Signature

ERICK E R BOURRAVINE & W PATRICIA
 Name
 15351 SW 144 ST
 Address
 Miami, FL 33196
 Date 11/7/14
 Signature

CARLO LOPEZ & W SUZETTE
 Name
 15301 SW 144 ST
 Address
 Miami, FL 33196
 Date 11/9/14
 Signature

RECEIVED
 APR 08 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC SERVICES
 Name: LUIS R MAZZA & W ANABELLE
 Address: 15331 SW 143 ST Miami, FL 33196
 Signature: [Signature]
 Date: 4/1/15

Zoning Legend
 MIAMI DADE COUNTY
 ZONING INFORMATION ROAD
 REQUIRED: MIN. YARD SET BACKS
 Front: 25 Ft.
 Rear: 25 Ft.
 Side (Left): 7.5 Ft.
 Side (Right): 7.5 Ft.
 PROVIDED: ZONING HEIGHT ZONE 255-92
 Front: 26.60 Ft.
 Rear: 18.50 Ft.
 Side (Left): 8.76 Ft.
 Side (Right): 7.17 Ft.
 (ADMINISTRATIVE VARIANCE FOR SIDE SETBACK AND LOT COVERAGE VARIANCE)
 MAX. BUILDING COVERAGE (%): 35 %
 Lot Area Sq. Ft.: 9,290 Sq. Ft.
 Lot Covered Area(Existing): 3,829.96 Sq. Ft.
 Terrace Addition: 410 Sq. Ft.
 Total: 4,039.96 Sq. Ft.

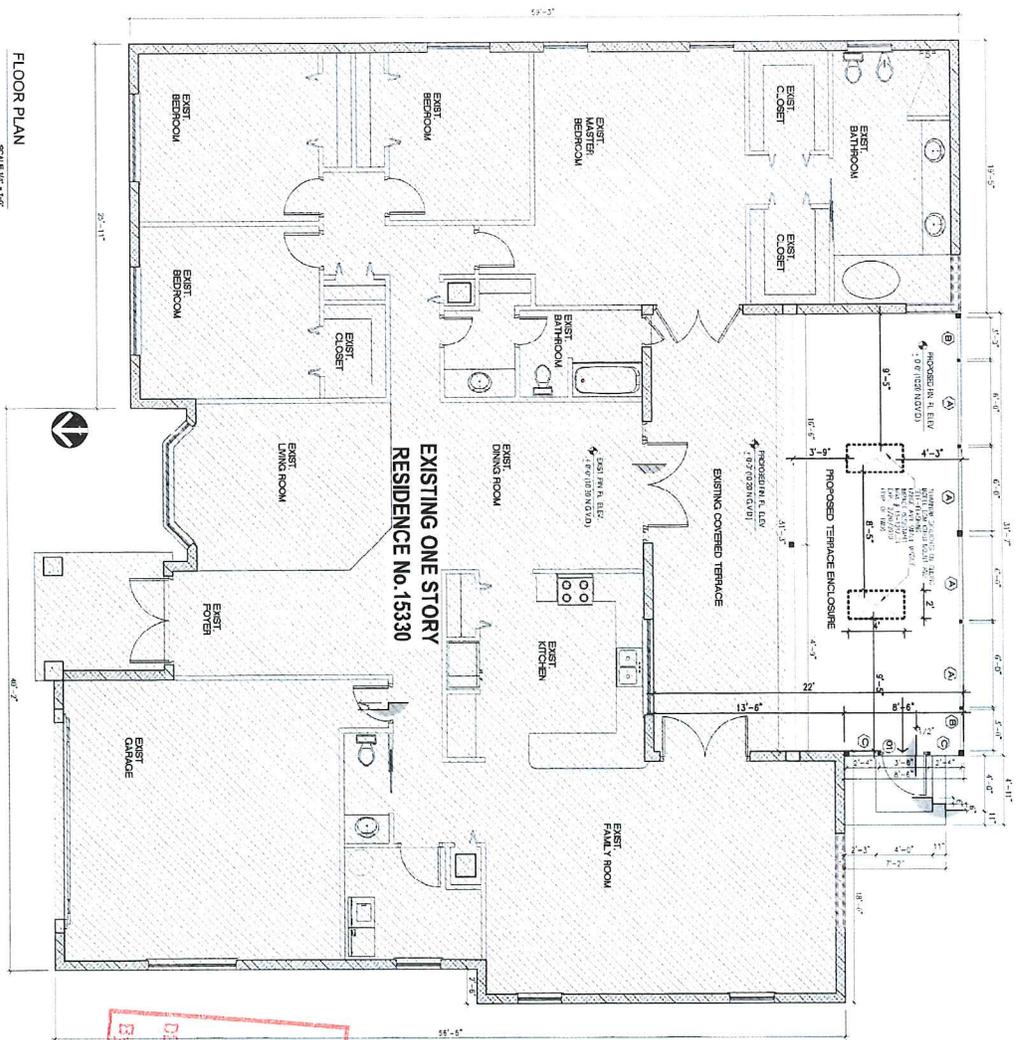
15

VERIFY AND REEVALUATE EXISTING STRUCTURE & FOUNDATION. ALL CHANGES MUST BE APPROVED BY THE COUNTY UNDER SEPARATE PERMIT.

DOOR SCHEDULE						
MARK	WIDTH	HEIGHT	THICK	TYPE	FINISHES	NOTES
D0	29	7'-0"	1-3/4"	SLIDE	ALUM. / FINISH	SEE PLAN NOTES

WINDOW SCHEDULE						
MARK	STANDARD	WIDTH	HEIGHT	TYPE	FRAME	FINISHES
W1	3030A	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W2	3030B	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W3	3030C	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W4	3030D	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W5	3030E	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W6	3030F	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W7	3030G	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W8	3030H	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W9	3030I	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH
W10	3030J	27"	67"	FIXED	ALUMINUM	WHITE CASP. FINISH

NOTES: 1 - PROVIDE WINDBORE SHIELDS ON WINDWARD SIDE TO COMPLY W/ FBC



FLOOR PLAN
SCALE 1/8" = 1'-0"

We the neighbors, have no objection to these plans, which are being submitted for or Administrative Adjustment Application.

RECEIVED
 APR 08 2015
 2:55-0:28
 DEPARTMENT OF REGISTRY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
 BY: [Signature]

STOREFRONT TO BE DESTROYED FOR WIND PRESSURE OF -55 PSF & +42 PSF.

EDWIN E WIERISCH
 & W ANA C
 Name
 15300 SW 143 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

WAYNE A MALCOLM
 & W GAIL A
 Name
 15350 SW 143 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

MARIA DEL P
 HURTADO &
 JUSTO E MORA JTRS
 Name
 15331 SW 144 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

ERICK E R
 BOURBAINNE
 & W PATRICIA
 Name
 15351 SW 144 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

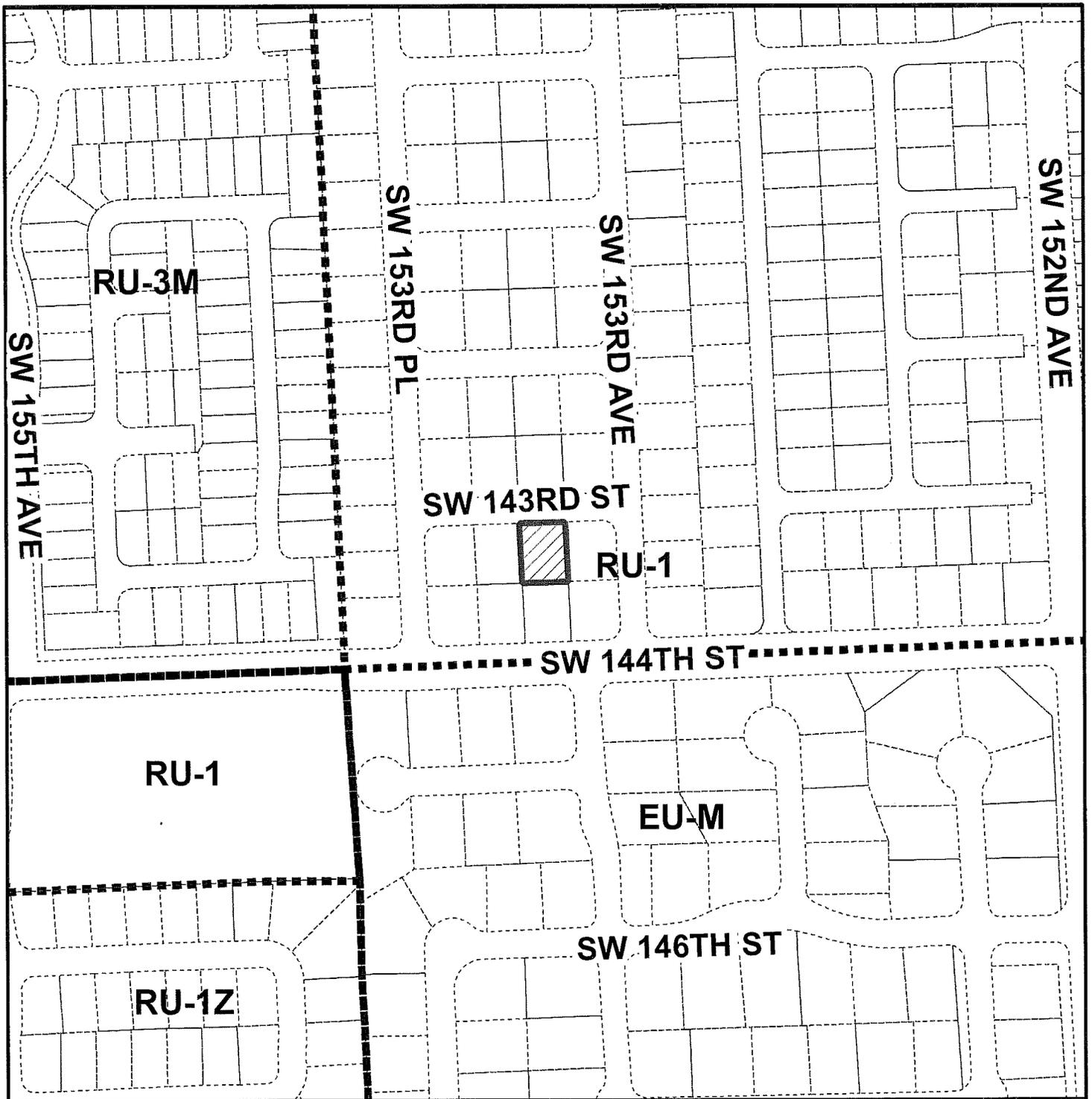
EMILIO LOPEZ
 & W SUZETTE
 Name
 15301 SW 144 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

ANITA M
 & W ANITA M
 Name
 15331 SW 143 ST
 Miami, FL 33196
 Address
 Date: 4/7/2015
 Signature: [Signature]

NOTE: ALL EXTERIOR WINDOWS SHALL BE PROVIDED WITH STORM SHUTTERS AS PER FBC 2010 CHAPTER 6.05.1.1. CONTRACTOR TO PROVIDE AND INSTALL STORM SHUTTERS FOR ALL EXTERIOR WINDOWS AND DOORS. CONTRACTOR TO PROVIDE AND INSTALL STORM SHUTTERS FOR ALL EXTERIOR WINDOWS AND DOORS. CONTRACTOR TO PROVIDE AND INSTALL STORM SHUTTERS FOR ALL EXTERIOR WINDOWS AND DOORS. CONTRACTOR TO PROVIDE AND INSTALL STORM SHUTTERS FOR ALL EXTERIOR WINDOWS AND DOORS.

PROPOSED TERRACE ADDITION FOR RESIDENCE:
 ANTHONY ADAMS
 15330 SW 143 ST MIAMI, FL.

FLOOR PLAN
 A-1



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z201500028

Legend

-  Subject Property Case
-  Zoning



Section: 21 Township: 55 Range: 39
 Applicant: ANTHONY & ISADORA ADAMS
 Zoning Board: C11
 Commission District: 11
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, April 14, 2015

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z201500028

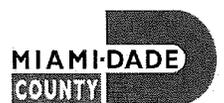
Legend



Subject Property

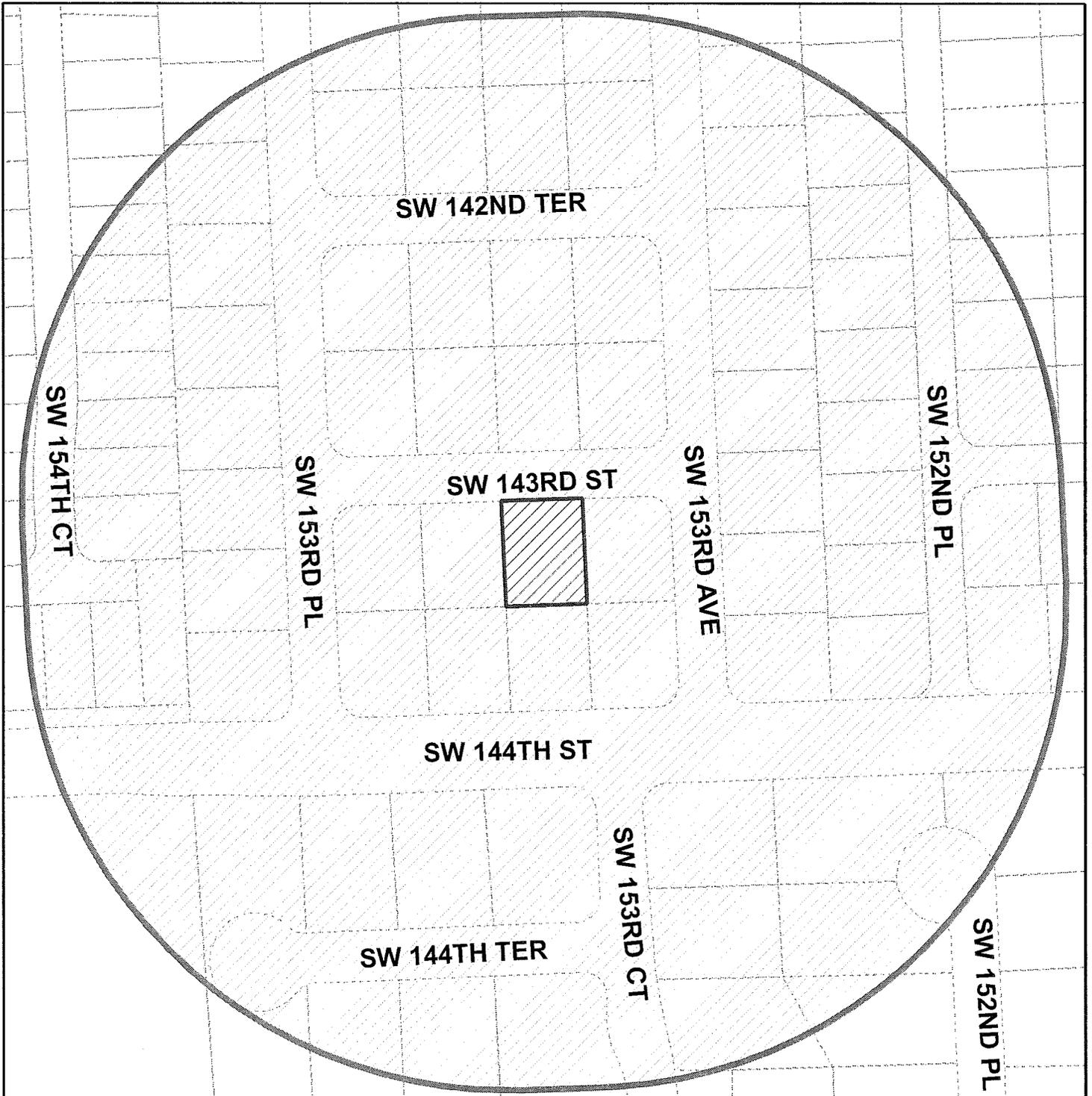


Section: 21 Township: 55 Range: 39
 Applicant: ANTHONY & ISADORA ADAMS
 Zoning Board: C11
 Commission District: 11
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, April 14, 2015

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
RADIUS MAP

Section: 21 Township: 55 Range: 39
 Applicant: ANTHONY & ISADORA ADAMS
 Zoning Board: C11
 Commission District: 11
 Drafter ID: E.CESPEDES
 Scale: NTS

Process Number
Z2015000028
 RADIUS: 500

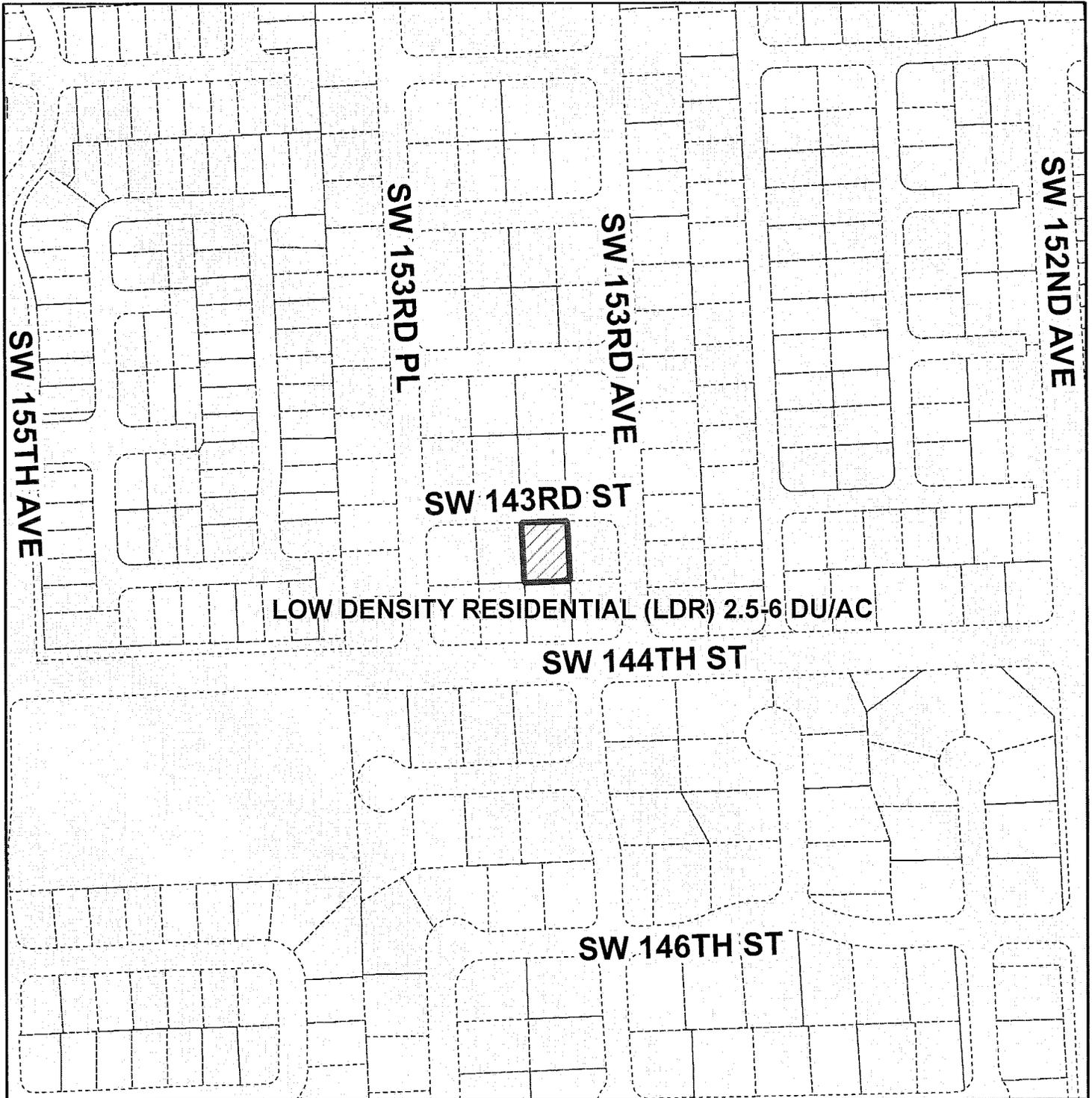
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, April 14, 2015

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2015000028

Legend

 Subject Property Case



Section: 21 Township: 55 Range: 39
 Applicant: ANTHONY & ISADORA ADAMS
 Zoning Board: C11
 Commission District: 11
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, April 14, 2015

REVISION	DATE	BY