KITS

2-23-2011 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Wednesday, March 30, 2011 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	10-11-CZ12-3	DOWNTOWN DADELAND RETAIL, LLC.	10-44	02-55-40	

CURRENT

1.	11-3-CZ12-1	CARLOS & IVETTE TORRENTS	10-21	08-55-40	N
2.	11-3-CZ12-2	VIANY SAN MIGUEL	10-165	29-54-40	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, MARCH 30, 2011

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. DOWNTOWN DADELAND RETAIL, LLC (10-11-CZ12-3/10-044) **02-55-40**
Area 12/District 07

(1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).

(2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).

(3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).

(4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

LOCATION: Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.42 Acres

Department of Planning and Zoning Recommendation: Approval with conditions.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____
Deferred from December 16, 2010

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1. CARLOS & IVETTE TORRENTS (11-3-CZ12-1/10-021) **08-55-40**
Area 12/District 08

(1) Applicants are requesting to permit a proposed Master Bedroom Suite Addition to a single-family residence setback varying from 7'-6" to 8'-4" (15' required) from the interior side (east) property line.

(2) Applicants are requesting to permit a proposed Entertainment room and Gym Addition to the single-family residence setback varying from 13'-5" to 14'-3" (15' required) from the interior side (west) property line.

(3) Applicants are requesting to permit the single-family residence with a lot coverage of 30.4% (30% permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Torrents Residence", as prepared by Solver Structural Partnership, Inc., Sheet 'A0.1', dated stamped received 1/7/11, Sheet 'A1.0' dated stamped received 11/3/10 and the remaining 2

sheets dated stamped received 5/25/10 with last hand written revision dated 11/17/10 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 10524 S.W. 118 Street, Miami-Dade County, Florida

SIZE OF PROPERTY: 120' X 125.05'

Department of Planning and Zoning Recommendation: Approval with conditions of request #2 and denial without prejudice of requests #1 and #3.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. VIANY SAN MIGUEL (11-3-CZ12-2/10-165) **29-54-40**
Area 12/District 07

(1) Applicant is requesting to permit a swimming pool setback 66.95' (75' required) from the front (west) and setback 13.30' (20' required) from the interior side (south) property lines.

(2) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to permit concrete wall and columns and metal fence 6' high within the safe-sight distance triangle along the front of (west) property line.

(3) Applicant is requesting to permit an existing 6' metal fence with concrete columns to remain within the Right-of-Way.

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey", as prepared by Thomas J. Kelly, Inc. P.S. & M. and dated stamped received 11/19/10.

LOCATION: 6111 S. W. 107 Avenue, Miami-Dade County, Florida

SIZE OF PROPERTY: 150' X 142.49'

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 and #3 and denial without prejudice of request #2.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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

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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of 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.

A. DOWTOWN DADELAND RETAIL, LLC.
(Applicant)

10-11-CZ12-3 (10-044)
Area 12/District 07
Hearing Date: 03/30/11

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:

Year	Applicant	Request	Board	Decision
1961	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	BCC	Approved
1961	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	ACC	Recommended for Approval
1968	George Williamson Cadillac Company	- Variance of sign regulation.	BCC	Appeal Approved, Application Approved
1968	George Williamson Cadillac Company	- Variance of sign regulation.	ZAB	Denied
1970	Larry Costley Chevrolet	- Variance of sign regulation.	ZAB	Approved
1971	Larry Costley Chevrolet	- Variance of sign regulation.	BCC	Appeal Denied, Application Approved
1984	George E. Williamson	- Non-Use Variance of open space requirements.	ZAB	Approved w/conds.
1986	Southeast Banking Corp.	- Non-Use Variance of setback requirement & Floor Area Ratio.	ZAB	Approved w/conds.
1999	George E. Williamson, II ET AL	- Special Exception to permit a mixed-use development. - Non-Use Variance of the fixed guide way rapid transit. - Unusual Use to permit outdoor dinning. - Non-Use Variance of zoning regulations. - Special Exception of alcoholic spacing. - Non-Use Variance of landscaping requirements.	BCC	Approved w/conds.

2002	George E. Williamson II & Thomas W. Williamson	- Deletion of a Declaration of Restrictions.	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.

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

A

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC**

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-11-CZ12-3 (10-44)	December 16, 2010	CZAB12		10

REC: Approval with conditions.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: March 30, 2011 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: To revise site plan and work with the neighbors.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA	X		
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	6	0	

EXHIBITS: ■ YES ☐ NO

COUNTY ATTORNEYS: **THOMAS ROBERTSON** **MERCEDES HOLSTON**

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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#3

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC.**

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
10-11-CZ12-3 (10-044)	November 18, 2010	CZAB12 10

REC: Approval with conditions.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Dec 16, 2010 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: Deferred due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **JOHN MCINNIS**

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MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Downtown Dadeland Retail, LLC. **PH:** Z10-044 (10-11-CZ12-3)

SECTION: 2-55-40 **DATE:** March 30, 2011

COMMISSION DISTRICT: 7 **ITEM NO.:** A

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A. INTRODUCTION

- **REQUESTS:**

  (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).

  (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).

  (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).

  (4) Applicant is requesting to permit directional signs with logos (not permitted).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant is seeking to permit more signage per tenant and cantilever signs on a street frontage than allowed by the Downtown Kendall Urban Center (DKUC) zoning regulations; to allow larger cantilever projecting signs to encroach into the right-of-way; and to permit directional signage with logos to be taller than allowed by the zoning regulations

- **LOCATION:** Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida.

- **SIZE:** 7.42 acre.

ZONING HEARINGS HISTORY:

From 1961, portions of the subject property were approved through the zoning hearings process for district boundary changes, special exceptions and variances from the zoning regulations. Significantly, in November 1968, the subject property was approved to allow a 2nd detached Class B Point of Sale sign, pursuant to Resolution #Z-314-68. Similarly, in 1971, pursuant to resolution #Z-29-71, the subject property was approved to allow more

signage on a street frontage and on the subject property than allowed by the zoning regulations. Subsequently, in 1999, the subject property was part of an area wide district boundary change that rezoned multiple properties to the Downtown Kendall Urban Center District (DKUCD), pursuant to Ordinance No. 99-166.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Downtown Kendall Urban Center**.

Urban Centers

Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; ***Metropolitan Centers*** *such as the evolving* ***Dadeland area****; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center*

policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Streets and Public Spaces

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in Urban Centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject Urban Center to the extent that it would better serve the quality and functionality of the center.

Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Buildings

Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and

interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

Policy 9B vii *of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate* ***signage****.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
DKUCD; mixed use residential and retail uses	Community Urban Center
Surrounding Properties:	
NORTH: DKUCD; shopping mall	Community Urban Center
SOUTH: DKUCD: Metro-Rail Station facility	Community Urban Center
EAST: DKUCD: retail stores	Community Urban Center
WEST: DKUCD; offices, hotels	Community Urban Center

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the conditions indicated in their memorandum.

G. PLANNING AND ZONING ANALYSIS:

This item was deferred from the November 18, 2010 meeting due to a lack of time. Subsequently, this item was deferred from the December 16, 2010 meeting, to allow the applicant to submit revised plans. The applicant has submitted revised plans with banner projecting signs that are 4.67 sq. ft. less in area than that submitted in the previous plans and is therefore within the scope of the advertisement. The subject property is located south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, approximately **9 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property, which was previously zoned BU-3, Liberal Business District, was a part of a section of land that was rezoned from multiple zones to DKUC (Downtown Kendall Urban Center) District.

The approval of this application will permit the existing retail center with more signage per tenant and cantilever signs on a street frontage than allowed; allow cantilever projecting signs to encroach into the right-of-way; and permit directional signage with logos to be taller than allowed by the zoning regulations of the DKUC District. The subject property lies within the **Downtown Kendall Urban Center** (DKUC) District as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). All of the parcels within the boundaries of the approved Downtown Kendall Urban Center District Ordinance, are regulated by plans and descriptive standards described in Ordinance #99-166. Among other things, said Ordinance contains varied restrictions on signage types, size, numbers and locations within the Urban Center.

The subject property lies within the Core Sub-District of the DKUCD and is comprised of a mixed use retail and residential development. The existing retail and residential development was built in accordance with the Core Sub-District regulations of the DKUCD, which among other things require a minimum two (2) story high colonnade frontage at the build-to line and a front- 0' build-to line for structures located along an "A" street, along with a minimum frontage length of 80% for buildings. The applicant seeks to waive the zoning regulations permitting only one of each sign type, up to a total of three (3 signs per street frontage, per tenant: to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.75 sq. ft., where only 8 sq. ft. is permitted (request #1); to permit cantilever projecting signs to encroach into the right-of-way, which is not permitted (request #2); to permit directional signs with a height varying from 10'2" to 13', where a maximum height of 4' is permitted (request #3) and finally, to permit directional signs with logos (request #4), which is also not permitted in the DKUCD. However, staff notes that the applicant has submitted revised

plans which illustrate a reduction in the size of the cantilever projecting signs from 55.75 sq. ft., to 51 sq. ft. in area. The applicant has indicated in their letter of intent that the increased signage, signage size and locations being requested is to allow for the success of the retail stores and restaurants located on the ground floors of the seven (7) buildings located within the subject property. Staff opines that the proposed signage will attract both vehicular and pedestrian traffic into the complex. Staff also opines that the proposed signs will help to identify the various types of facilities located inside the complex from the main vehicular access streets abutting the property, SW 88 Street (North Kendall Drive) and Dadeland Boulevard. Staff concurs with this and further opines that approval of the requests for additional signage, signage projecting into the right-of-way and signage that will be elevated above the height allowed by the district regulations, will allow passersby to locate and arrive at their destination within this retail and residential district faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Staff notes that **Policy 9B vii** of the Land Use Element of the CDMP indicates *that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage.* Staff opines that this development is unique and that approval of this application would not have a negative impact on the future development of the area and would maintain the basic intent and purpose of the DKUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Kendall in Miami-Dade County. Therefore, staff opines that the proposed development of the site is **compatible** with the future development of the area and is **consistent** with the DKUC designation on the LUP map of the CDMP.

When requests #1 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area and would not be detrimental or have a negative effect on the appearance of the community. The subject parcel consists of seven (7) buildings, all of which are seven (7) stories high, surrounding a central plaza area where the majority of the retail and restaurant businesses front. As such, the applicant opines, and staff concurs, that the visibility of these establishments is minimal from the abutting streets, North Kendall Drive and Dadeland Boulevard. Although staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances, staff opines, that approval of the applicant's request for additional signage, larger than permitted cantilever signage and cantilever signage projecting into the right-of-way as well as directional signage above the height that is allowed in an area with multiple high-story buildings and retail establishments, will provide the public with better access to the businesses located within the parcel and facilitate a smoother flow of traffic in the area. In addition, staff opines that the proposed signage will allow passersby to locate and arrive at their destination within this shopping center faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Further, staff notes that the subject site was previously approved for variances to the signage regulations on more than one occasion and as such, approval of this request would not be precedent setting. Staff opines that the proposed signage is not excessive given the location of the subject property, which abuts the elevated Metrorail platform and lines to the south, and multiple commercial and retail facilities to the north, east and west. Further, staff opines that the placement of the signs internally on the site would be compatible with the surrounding area and in keeping with the large retail and office component of the DKUCD. As such, staff

recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

Based on the aforementioned, staff recommends approval with conditions of requests #1 through #4, under Section 33-311(A)(4)(b) (NUV).

H. RECOMMENDATION: Approval with conditions.

I. 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, signs, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 1/14/11.

3. That the use be established and maintained in accordance with the approved plan.

DATE TYPED: 09/20/10
DATE REVISED: 09/22/10, 10/06/10, 11/22/10, 01/21/11, 02/09/11, 03/17/11
DATE FINALIZED: 03/17/11
MCL:GR:NN:AA:CH

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

NDN
GMR

Memorandum

MIAMI-DADE COUNTY

Date: May 7, 2010

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

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

Subject: C-12 #Z2010000044
Downtown Dadeland Retail, LLC
7270 N. Kendall Drive
To Permit Point of Sale and Directional Signs Throughout the Development (Not Permitted)
(DKUC) (7.42 Acres)
02-55-40

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

Potable Water Service and Wasterwater Disposal

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

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

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

Wetlands

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

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

Tree Preservation
According to the site plan submitted with this zoning application, the proposal of the point of sale and directional signs will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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

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

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

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

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

PH# Z2010000044
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DOWNTOWN DADELAND RETAIL, LLC.

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.
25-MAY-10

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Memorandum

Date: 06-MAY-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2010000044

Fire Prevention Unit:

No objection to Letter of Intent stamped received April 20, 2010.

Service Impact/Demand

Development for the above Z2010000044
located at 7270 NORTH KENDALL DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1832 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:20 minutes

Existing services

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

Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75' Ladder

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 13-OCT-10

REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

DOWNTOWN DADELAND RETAIL, LLC.	LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
Z2010000044	
HEARING NUMBER	

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
DOWNTOWN DADELAND RETAIL, LLC. Lying east of SW 77 Avenue and approximately 1300' south of SW 88 Street (Kendall Drive), aka 9355 S.W. 77 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
DATE:
10/12/2010

CURRENT ENFORCEMENT HISTORY:

Folio¿s 30-5002-097-0001, 096-001, 095-0001, 093-0001, 092-0001, 091-0001, 087-0001, and 081-0010

Open Cases:

Neighborhood Compliance:
No open cases.

Building;
Folio 30-5002-000-0600

16

Building case 20100134968 Working without Permit, NOV mailed 2-8-2010 for failure of owner-builder or contractor to obtain a permit for the installation of an exhaust fan in the electric room. Compliance inspection for NOV requested 6/16/10.
Building case 20100137550 Working without Permit, NOV mailed 6-11-2010 for failure of owner-builder or contractor to obtain a permit for the replacement of A/C Units without permits for units 222, 223, 229. Compliance inspection for NOV requested 10/15/10.

Building case 20100137551 Working without Permit, NOV mailed 6-11-2010 for failure of owner-builder or contractor to obtain a permit for the replacement of A/C Units without permits for units 232, 334, 336, 437, 439. Compliance inspection for NOV requested 10/15/10.

Closed Cases:

Neighborhood Compliance;
Folio 30-5002-081-0010 various cases for sign violations that are all closed.

Building:
Folio 30-5002-000-0600, 8 cases for Working without Permit, 3 cases for Expired Permit and 1 case for Unsafe Structures.
Compliance:
No previous cases.

_____
Sam Walthour, MSM, Assistant Director

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

REPORTER NAME:

17

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: CARL HARRISON 10/05/10

Process #:	**Applicant's Name**
Z2010000044	DOWNTOWN DADELAND RETAIL, LLC.

Locations: LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-DADE COUNTY, FLORIDA.

Size: 7.42 ACRES **Folio #:** 3050020970001

Request:

1 Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage; to permit an additional cantilever sign (1 permitted) per street frontage. 33-284.63(B)2(b)ii.
2 Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted) 33-284.63(8)(B)
3 Applicant is requesting to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted) 33-284.63(8)(B)
4 Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted) 33-284.63(8)(B)
5 Applicant is requesting to permit directional signs with logos (not permitted). 33-284.63(8)(B)
CZAB 1ST RECOMMENDED FOR APPROVAL TO BCC

EXISTING ZONING

Subject Property DKUC,

EXISTING USE RES/ COMM/

SITE CHARACTERISTICS

STRUCTURES ON SITE:
SIX 7 STORY BUILDINGS AND ONE 6 STORY BUILDING.

USE(S) OF PROPERTY:
MIXED USES TO INCLUDE RETAIL/OFFICES/RESTAURANTS AND RESIDENTIAL HIGH DENSITY.

FENCES/WALLS:
NONE

LANDSCAPING:
STREET TREES IN THE INTERIOR ROADS SOME IN PLANTERS WITH SHURBS. NO LAWN AREA.

BUFFERING:
NONE

VIOLATIONS OBSERVED:
BNC MEMO DATED 10/13/2010 & 10/07/2010 ON FILE.

OTHER:
NONE

Process #	Applicant's Name
Z2010000044	DOWNTOWN DADELAND RETAIL, LLC.

SURROUNDING PROPERTY

NORTH:

DKUC - DADELAND MALL 7535 SW 88 ST

SOUTH:

DKUC - S DADELAND METRORAIL

EAST:

DKUC - COMMERCIAL RETAIL SALES 7200-7260 SW 88 ST

WEST:

DKUC - BANK/OFFICE BLDG & HOTEL/OFFICES 7300 & 9090 S DADELAND BLVD

SURROUNDING AREA

MIX USES COMMERCIAL / RETAIL / OFFICE / RESTAURANTS WITH OUTDOOR DINING ON THE GROUND FLOORS AND CONDOS UNITS IN THE FLLOORS ABOVE.

NEIGHBORHOOD CHARACTERISTICS

THIS AREA IS PART OF THE NEW DOWNTOWN KENDALL WHICH IS MIXED USES TO INCLUDE COMMERCIAL / RETAIL / OFFICES /CONDOS AND RESTAURANTS WITH OUTDOOR DINING.

COMMENTS:

PICTURES OF THE PROPERTY WERE PROVIDED BY THE APPLICANT FOR VIEWING. THIS INSPECTOR SUPPLIED PICTURES OF THE SURROUDING PROPERTIES.

Inspector *HASSUN, PEDRO*
Evaluator *CARL HARRISON*
Process Number: *Z2010000044* **Applicant Name** *DOWNTOWN DADELAND RETAIL, LLC.*

Date: 27-OCT-10

Comments: 1. NE CORNER OF PROPERTY AT SW 88 ST & S. DADELAND BLVD.

Date: 27-OCT-10

Comments: 1. NW CORNER OF PROPERTY AT SW 88 ST & SW 72 CT.

Date: 27-OCT-10

Comments: 1. SW EXPOSURE - SW CORNER OF PROPERTY ST S. DADELAND BLVD & SW 90 WAY.

20

Inspector *HASSUN, PEDRO*
Evaluator *CARL HARRISON*
Process Number: *Z2010000044* **Applicant Name** *DOWNTOWN DADELAND RETAIL, LLC.*

Date: 27-OCT-10

Comments: 1. SE EXPOSURE - N VIEW SW 72 CT & SW 90 WAY.

Date: 27-OCT-10

Comments: 1. NW EXPOSURE - S VIEW OF S. DADELAND BLVD.

Date: 27-OCT-10

Comments: 2. DADELAND MALL 7535 SW 88 ST - N OF PROPERTY - N VIEW FROM S.DADELAND BLVD.

Inspector *HASSUN, PEDRO*
Evaluator *CARL HARRISON*
Process Number: *Z2010000044* **Applicant Name** *DOWNTOWN DADELAND RETAIL, LLC.*

Date: 27-OCT-10

Comments: 2.0 DADELAND MALL 7535 SW 88 ST - N OF PROPERTY - NE VIEW FROM SW 88 ST & SW 72 CT.

Date: 27-OCT-10

Comments: 3.0 7300 N KENDALL DR - LOT W OF PROPERTY

Date: 27-OCT-10

Comments: 3.2 7360 N KENDALL DR - LOT W OF W OF PROPERTY.

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Inspector ***HASSUN, PEDRO***
Evaluator ***CARL HARRISON***
Process Number: ***Z2010000044*** **Applicant Name** ***DOWNTOWN DADELAND RETAIL, LLC.***

Date: 27-OCT-10

Comments: 3.1 7360 N KENDALL DR - LOT W OF W OF PROPERTY.

Date: 27-OCT-10

Comments: 4. 9090 S DADELAND BLVD MARRIOTT - LOT SW OF PROPERTY.

Date: 27-OCT-10

Comments: 5. S. DADELAND METRORAIL STATION - S OF PROPERTY.

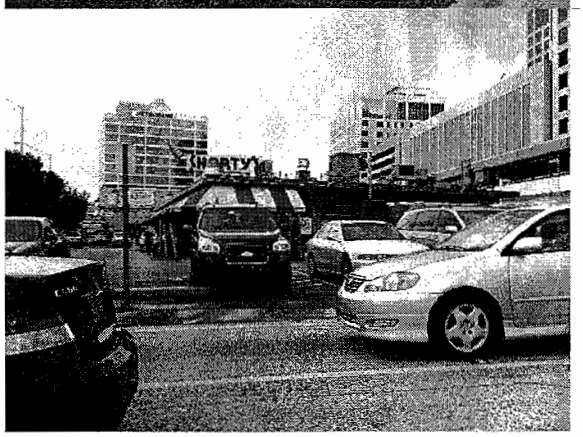
Inspector *HASSUN, PEDRO*
Evaluator *CARL HARRISON*
Process Number: *Z2010000044* **Applicant Name** *DOWNTOWN DADELAND RETAIL, LLC.*

Date: 27-OCT-10

Comments: 5.0 S. DADELAND METRORAIL- S OF PROPERTY ALONG SW 90 WAY.

Date: 27-OCT-10

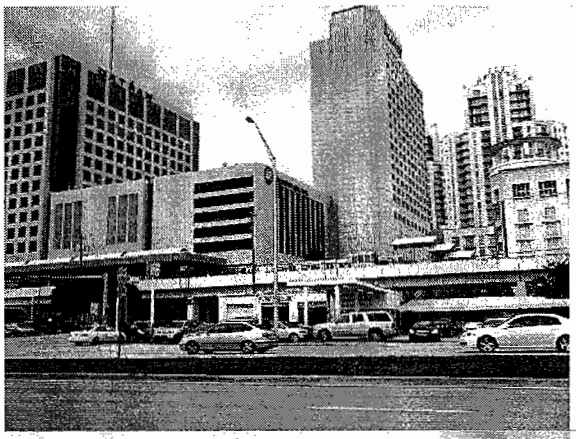
Comments: 6. 7200-7260 SW 88 ST - E OF PROPERTY - FROM SW 72 CT. STORES: CONTAINER STORE, OLD NAVY, OFFICE DEPOT & BRANDSMART USA.



Date: 27-OCT-10

Comments: 7. SHORT'S 9200 S DIXIE HWY - SW OF PROPERTY.

Inspector *HASSUN, PEDRO*
Evaluator *CARL HARRISON*
Process Number: *Z2010000044* **Applicant Name** *DOWNTOWN DADELAND RETAIL, LLC.*



Date: 27-OCT-10

Comments: 8. AUTO PERFECTION WINDOW TINTING 9180 S DIXIE HWY - SW OF PROPERTY.

Date: 27-OCT-10

Comments: 9.0 BARE NECESSITY - ROLLO'S LOUNGE 9100 S DIXIE HWY.

Date: 27-OCT-10

Comments: 10. SUBWAY 9060 S DIXIE HWY - S OF PROPERTY.

Inspector ***HASSUN, PEDRO***
Evaluator ***CARL HARRISON***
Process Number: ***Z2010000044*** **Applicant Name** ***DOWNTOWN DADELAND RETAIL, LLC.***

Date: 27-OCT-10

Comments: 11. HAVANA SPICE CAFE 9050 S DIXIE HWY - SE OF PROPERTY.

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: Downtown Dadeland Retail, LLC

NAME AND ADDRESS	Percentage of Stock
Dadeland Retail, LLC	100% membership interest
6011 Connection Drive	(a wholly owned subsidiary
Irving, TX 75039	of the Goldman Sachs
	Group, Inc. and publically
	traded on the NYSE as GS)

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 _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: _____
(Applicant)
Assistant Secretary of Managing Member

Sworn to and subscribed before me this 16th day of March, 2010. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 6/03/13

AMY K. COLLINS
My Commission Expires
June 03, 2013

Seal

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

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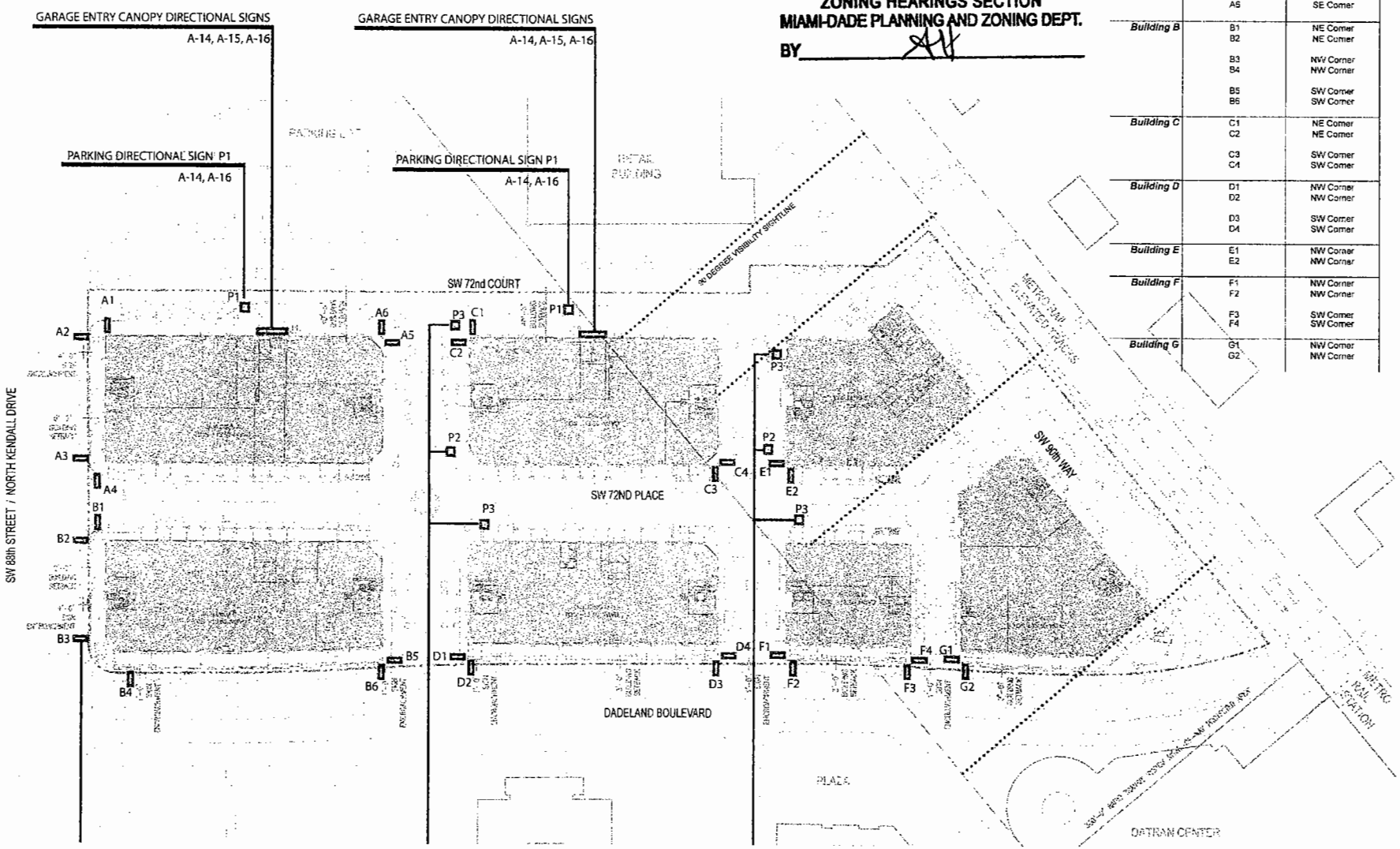
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



	A4	NW Corner
	A5	SE Corner
	A6	SE Corner
Building B	B1	NE Corner
	B2	NE Corner
	B3	NW Corner
	B4	NW Corner
	B5	SW Corner
	B6	SW Corner
Building C	C1	NE Corner
	C2	NE Corner
	C3	SW Corner
	C4	SW Corner
Building D	D1	NW Corner
	D2	NW Corner
	D3	SW Corner
	D4	SW Corner
Building E	E1	NW Corner
	E2	NW Corner
Building F	F1	NW Corner
	F2	NW Corner
	F3	SW Corner
	F4	SW Corner
Building G	G1	NW Corner
	G2	NW Corner

ENLARGED SITE PLAN

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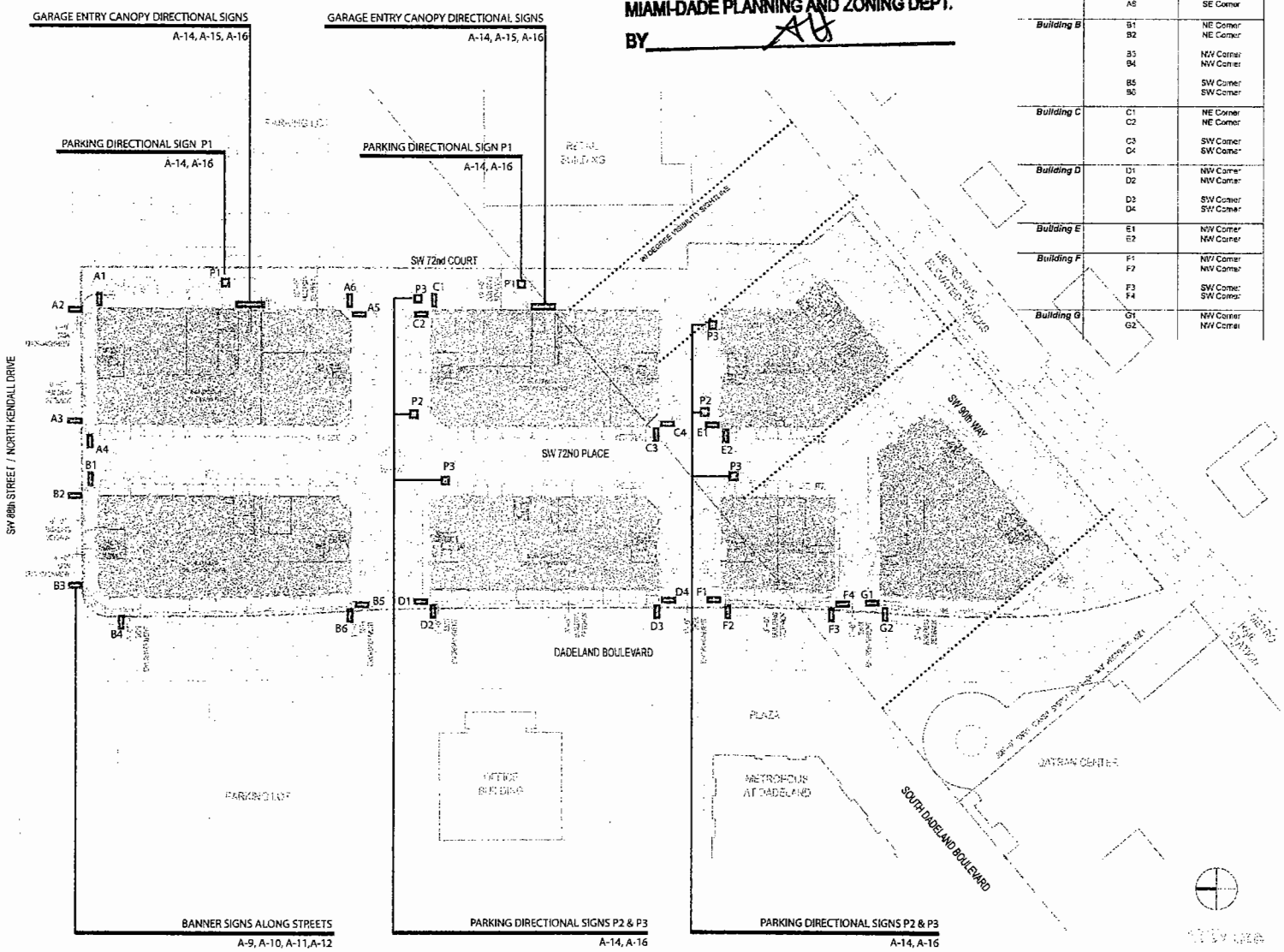
Banner Sign Schedule

Building Name	Banner Designation	Location
Building A	A1	NE Corner
	A2	NE Corner
	A3	NW Corner
	A4	NW Corner
	A5	SE Corner
	A6	SE Corner
Building B	B1	NE Corner
	B2	NE Corner
	B3	NW Corner
	B4	NW Corner
	B5	SW Corner
	B6	SW Corner
Building C	C1	NE Corner
	C2	NE Corner
	C3	SW Corner
	C4	SW Corner
Building D	D1	NW Corner
	D2	NW Corner
	D3	SW Corner
	D4	SW Corner
Building E	E1	NW Corner
	E2	NW Corner
Building F	F1	NW Corner
	F2	NW Corner
	F3	SW Corner
	F4	SW Corner
Building G	G1	NW Corner
	G2	NW Corner



DOWNTOWN DADELAND

PROPOSED SITE MODIFICATIONS

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

ARCHITECTURE + DESIGN

PROJECT #09163.00

PROPOSED SITE PLAN
1"=50'

A-8

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PROCESS #: 210-044
DATE: JAN 14 2011
BY: SDE

31

Project Information

Site Information

		Remarks
Net Lot Area	323,000 square feet (7.42 acres)	
Zoning Designation	Downtown Kendall Urban Center District	
Main Use & Occupancy Classification	Residential / Mercantile / Assembly	

Sign Requirements

	Allowed	Proposed (Variance Items are Bold Underlined)	Remarks
Development Parameters Section 33-284.62 (B)(3)(h)	Awnings, balconies, roof eaves, signs, porches, stoops, and ramps may encroach into setbacks. Awnings, balconies, roof eaves, and signs may encroach into rights-of-way; however, they shall not extend a distance closer than six (6) inches from the curb face. All right-of-way encroachments shall be a minimum one hundred thirty-two (132) inches above the sidewalk. Encroachments shall not be taller than the building or pedestal, whichever is lower.	4'-0" encroachment into r.o.w. and 4'-0" from curb face	For Banner Signs along North Kendall Drive
		1'-0" encroachment into r.o.w. and 6'-10" from curb face	For Banner Signs along Dadeland Boulevard
		134" from sidewalk to bottom of sign	For Banner Signs
		Encroachment is lower than building	For Banner Signs
Permanent Point of Sale Signs [in Core and Center Sub-Districts] Section 33-284.63 (B)(2)(b)			
(i) Size	24 square feet maximum	***51.00 square feet***	For Banner Signs
	8 square feet maximum for cantilever projecting	***51.00 square feet***	For Banner Signs
(ii) Number	One (1) of each sign type, up to a total of three (3) per street frontage for each tenant	***ADDITIONAL cantilever projecting signs for each tenant at NON-FRONTAGE locations***	For Banner Signs
(iii) Building Identification Wall Sign	Permitted above eight floor. One (1) sign per frontage is permitted, each sign shall be a maximum of three hundred (300) square feet	N/A	
(iv) Setbacks and Spacing	The outer edge of the sign shall be no closer than zero (0) feet from the right-of-way and five (5) feet minimum from side or rear property line	North Kendall Drive = ***4 foot encroachment beyond north property line***	For Banner Signs along North Kendall Drive
		Dadeland Boulevard = ***1 foot encroachment beyond west property line***	For Banner Signs along Dadeland Boulevard
		SW 72nd Court = 36'-5" setback from east property line	For Banner Signs
(v) Illumination	Section 33-96, Illumination, of this Code, shall apply, except that revolving, rotating, and otherwise moving signs shall be prohibited	N/A	
(vi) Maximum Height	Four (4) feet maximum height above grade to top of sign for detached sign	N/A	
(vii) Special Conditions	No permit required for awnings following these regulations. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property. Back-lit awnings and balloon signs are not allowed. Decorative neon may be used only inside windows. Building name and quotations carved into stone or stucco relief may occupy up to ten (10) percent of a façade.	N/A	
(viii) Prohibited	No sign shall exhibit thereon any lewd or lascivious matter.	N/A	
Directional Signs [to direct traffic flow and locate entrances and exits] Section 33-284.63 (B)(3)			
(i) Size	Do not exceed three (3) square feet in area	2.65 & 2.30 square feet	For parking directional signs
		14.25 square feet	For lettering on top of parking garage entrance canopy
(ii) Height	Do not exceed four (4) feet in height above grade	***10'-6" above grade to top***	For parking directional signs on lamp posts
		10'-2" above grade to top	For parking directional signs on parking garage entrance canopy
		13'-0" above grade to top	For parking garage entrance canopy lettering sign
(iii) Approval	Providing they are shown and approved on site plans which indicate size, location, copy, etc.	Provided	
(iv) Prohibited	Logos, names, and advertising are not permitted on such signs	***Logo sign provided: 4.91 square feet & 10'-10" above grade to top***	On parking garage entrance canopy

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BY AH

DOWNTOWN DADELAND

ZONING DATA

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

One Biscayne Tower
Suite 1470
Two South Biscayne Blvd
Miami, FL 33131
T. 305.442.8700
F. 305.442.8770
www.adidas.com

ADD Inc
Lic#. AA3/001507
Jonathan Candella
Lic#. AR93551

ARCHITECTURE + DESIGN

PROJECT #09163.00

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MIAMI-DADE COUNTY
PROJECT # 210.040
DATE: JAN 14 2011
BY: SDR

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JAN 14 2011
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BY AV

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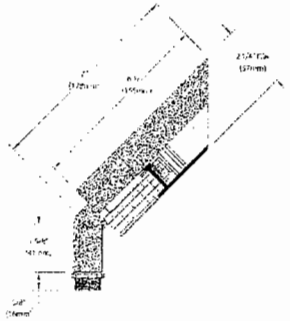
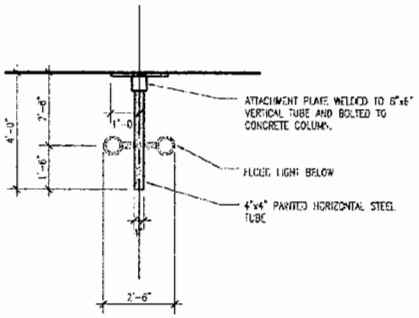
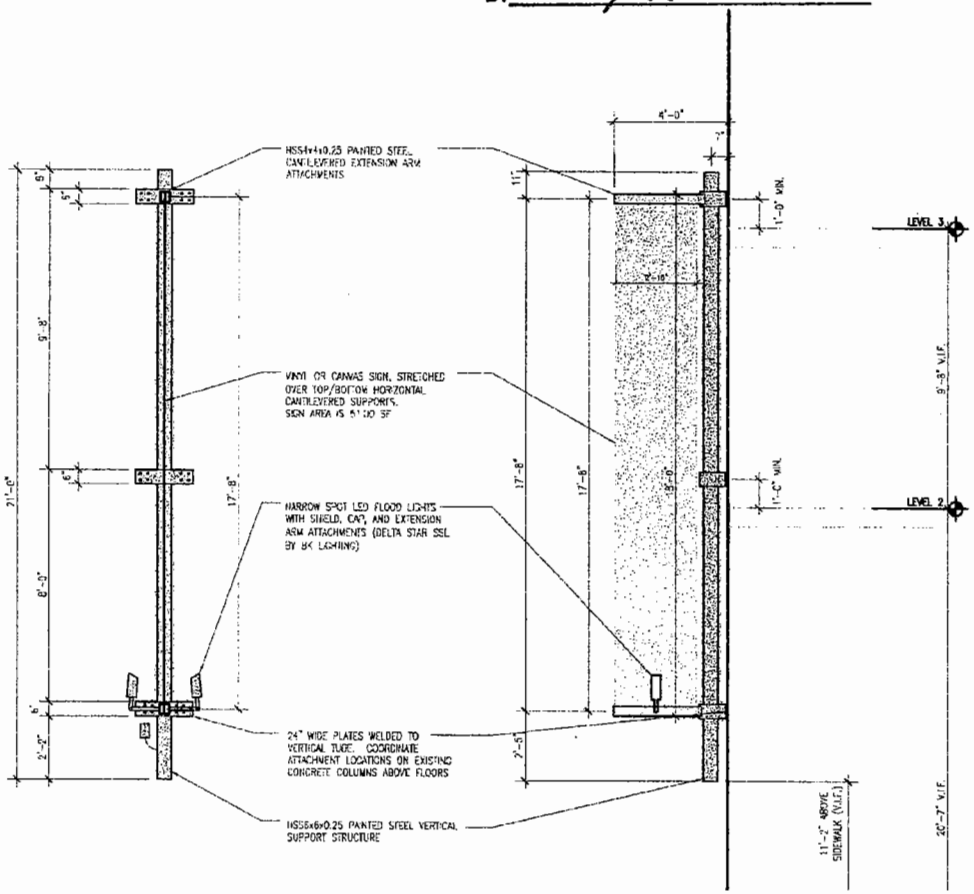


BANNER SIGN LIGHT FIXTURE - CUTAWAY VIEW
NO SCALE



BANNER SIGN PLAN
1/2"=1'-0"



BANNER SIGN ELEVATIONS
1/2"=1'-0"

DOWNTOWN DADELAND

BANNER SIGN DETAILS

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

City National Tower
Suite 1470
Two South Biscayne Blvd
Miami, FL 33131
T 305.442.8700
F 305.442.8701
www.ADDinc.com

ADD Inc
Uriel Cabral, LEED AP
Jonathan Cardella
Lic# AR93394

ARCHITECTURE + DESIGN

PROJECT #09163.00

A-9

RECEIVED
MIAMI-DADE COUNTY
PROCESS # Z10-044
DATE: JAN 14 2011
BY: SDK

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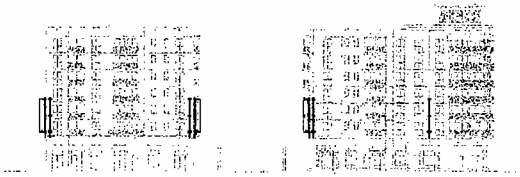
Z10-044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY AV

33

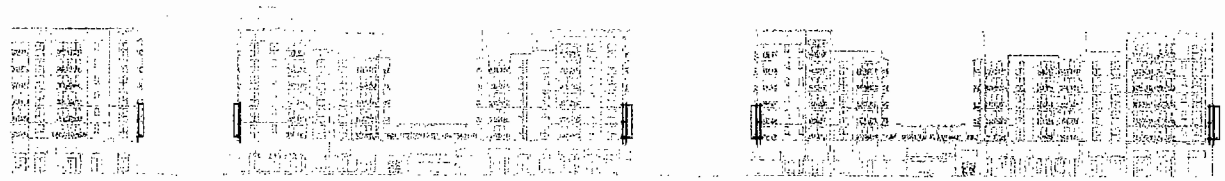
DOWNTOWN DADELAND



NORTH ELEVATION ALONG KENDALL DRIVE
NO SCALE

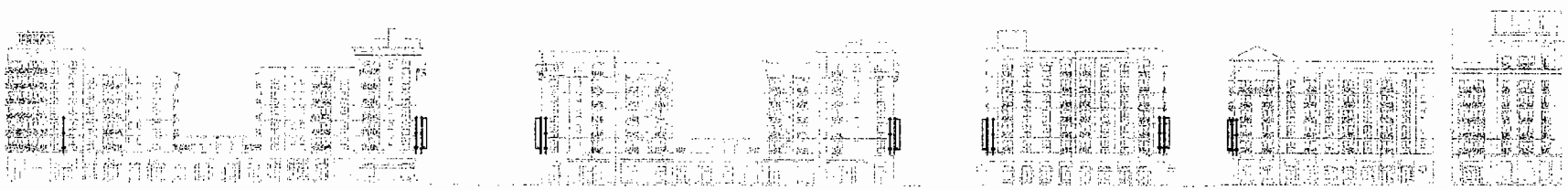
BANNER SIGN OVERALL ELEVATIONS

Zoning Hearing Application
01.14.11



EAST ELEVATION ALONG SW 72ND COURT
NO SCALE

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156



WEST ELEVATION ALONG DADELAND BOULEVARD
NO SCALE

One Biscayne Tower
Suite 5070
Two South Biscayne Blvd
Miami, FL 33131
T 305.492.8700
F 305.492.8770
www.add.ac.com

ADD Inc
Lic: AA26001347
Jonathan Cordello
Lic: AR0[illegible]

ARCHITECTURE + DESIGN

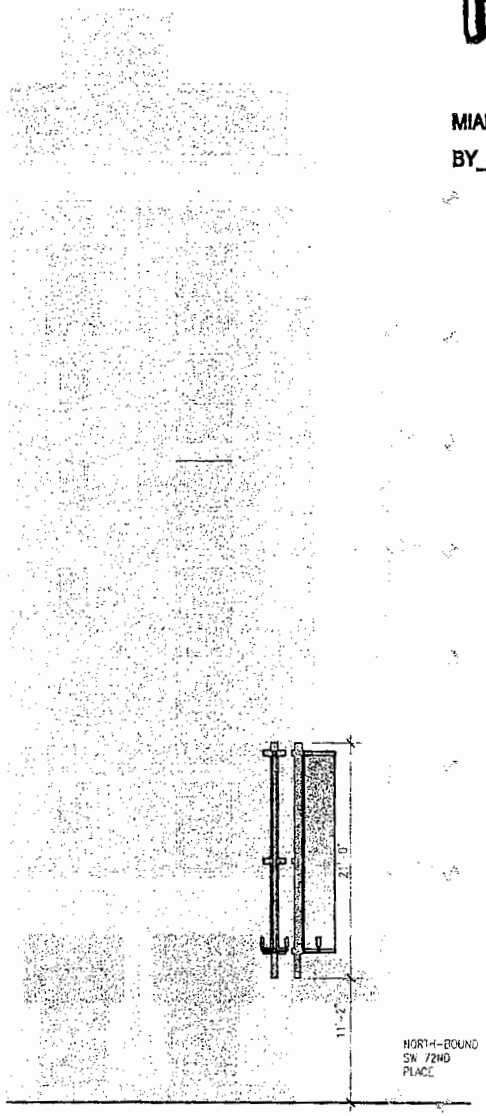
PROJECT #09163.00

A-10

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 210-044
DATE: JAN 14 2011
BY: SDE

RECEIVED
210-044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AV

34



PROPOSED PARTIAL ELEVATION
ALONG NORTH KENDALL DRIVE
1/8"=1'-0"

PROPOSED PARTIAL ELEVATION
ALONG SW 72ND PLACE
1/8"=1'-0"

DOWNTOWN DADELAND

BANNER SIGN BUILDING
ELEVATIONS

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

ARCHITECTURE + DESIGN

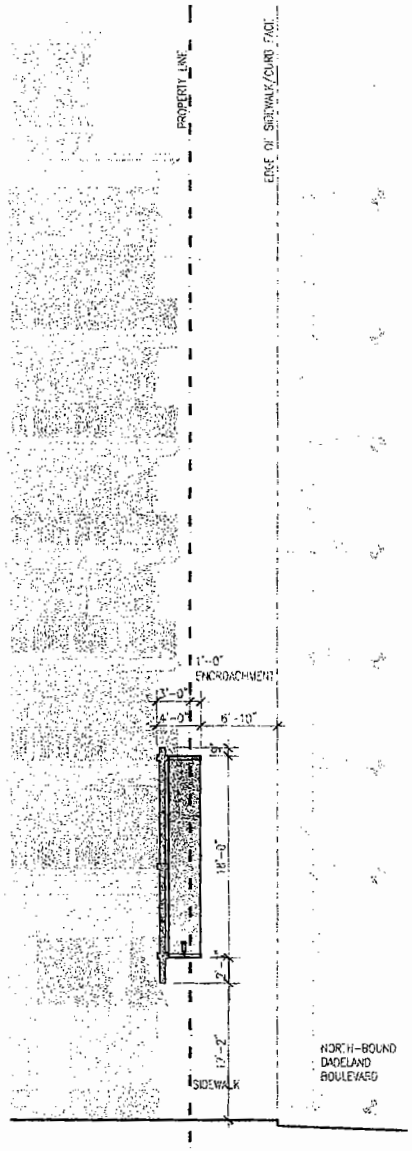
A-11

PROJECT #09163.00

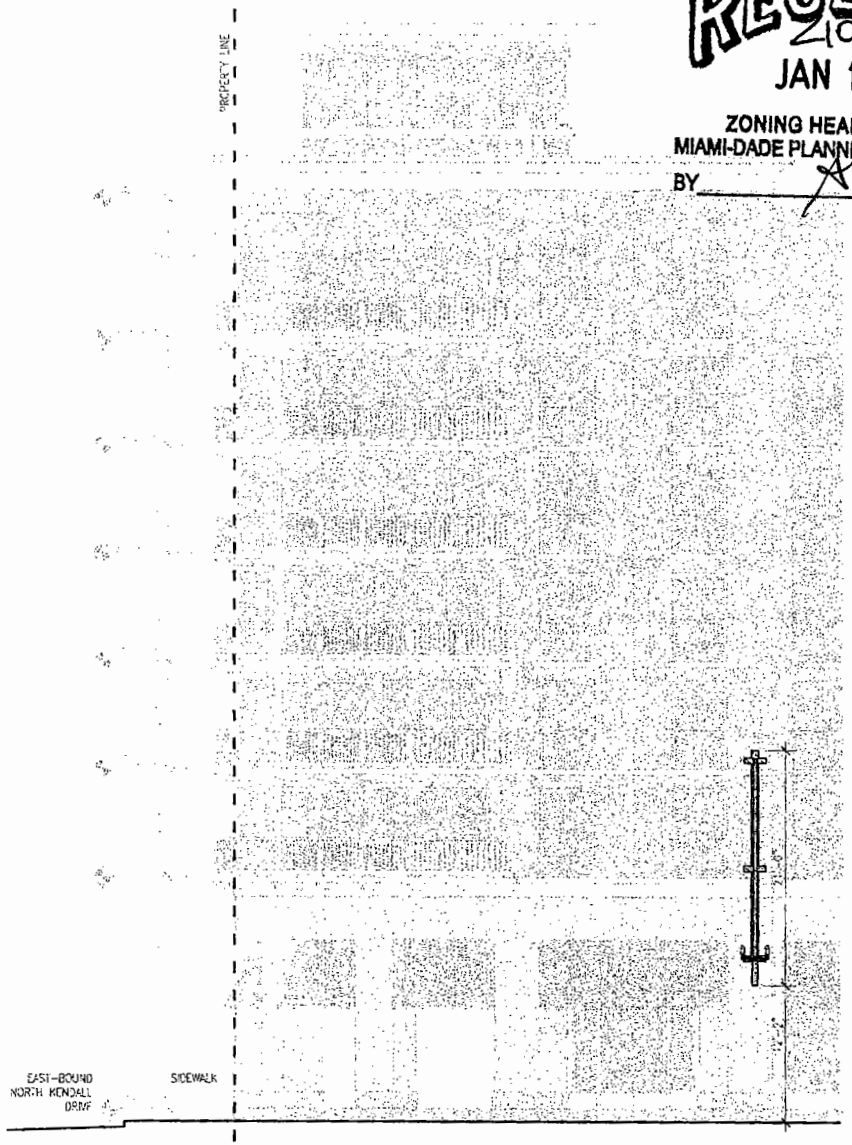
RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 210-044
DATE: JAN 14 2011
BY: KDE

RECEIVED
210-044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

35



PROPOSED PARTIAL ELEVATION
ALONG NORTH KENDALL DRIVE
1/8"=1'-0"



PROPOSED PARTIAL ELEVATION
ALONG DADELAND BOULEVARD
1/8"=1'-0"

BANNER SIGN BUILDING
ELEVATIONS

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

ARCHITECTURE + DESIGN

PROJECT #09163.00

A-12

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z10-044
DATE: JAN 14 2011
BY: SCR

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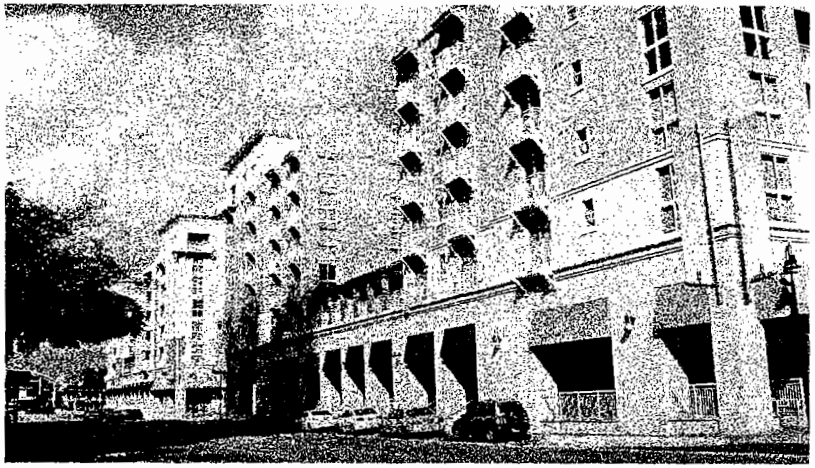
Z10-044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

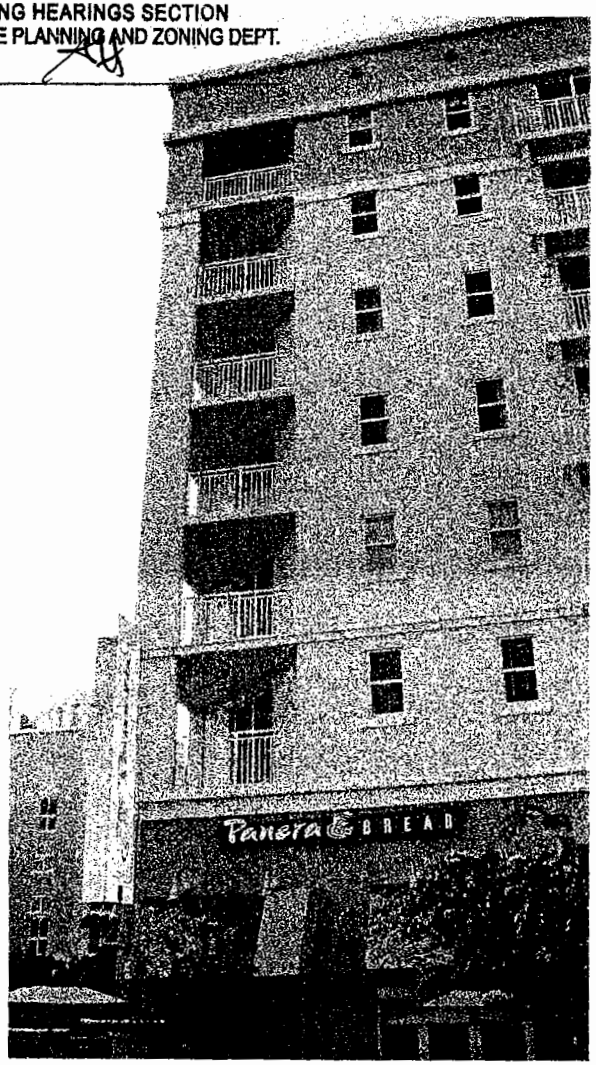
36

DOWNTOWN DADELAND

AT NORTH KENDALL DRIVE
NO SCALE



ALONG DADELAND BOULEVARD
LOOKING NORTH
NO SCALE



AT SW 72nd COURT
NO SCALE

BANNER SIGN PHOTO-MONTAGES

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
72 NORTH KENDALL DRIVE
MIAMI, FL 33156

Dine Bergman Tower
Suite 1673
Two South Biscayne Blvd
Miami, FL 33131
T: 305.402.8750
F: 305.402.8770
www.dadeland.com

ALD Inc
Lic#: AA26001507
Jonathan Cordello
Lic#: AR93391

ARCHITECTURE + DESIGN

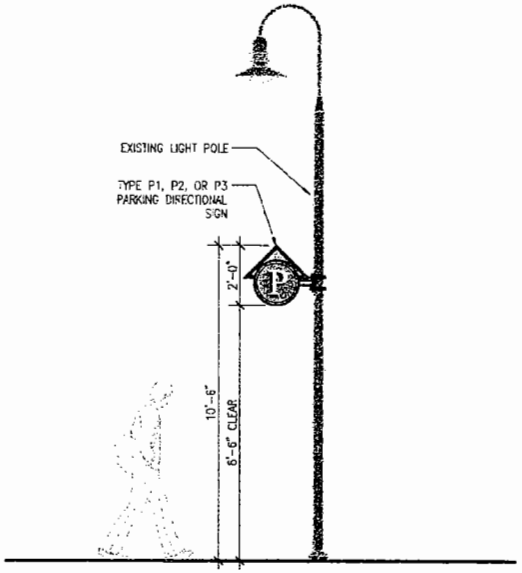
PROJECT #09163.00

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 210-044
DATE: JAN 14 2011
BY: SDK

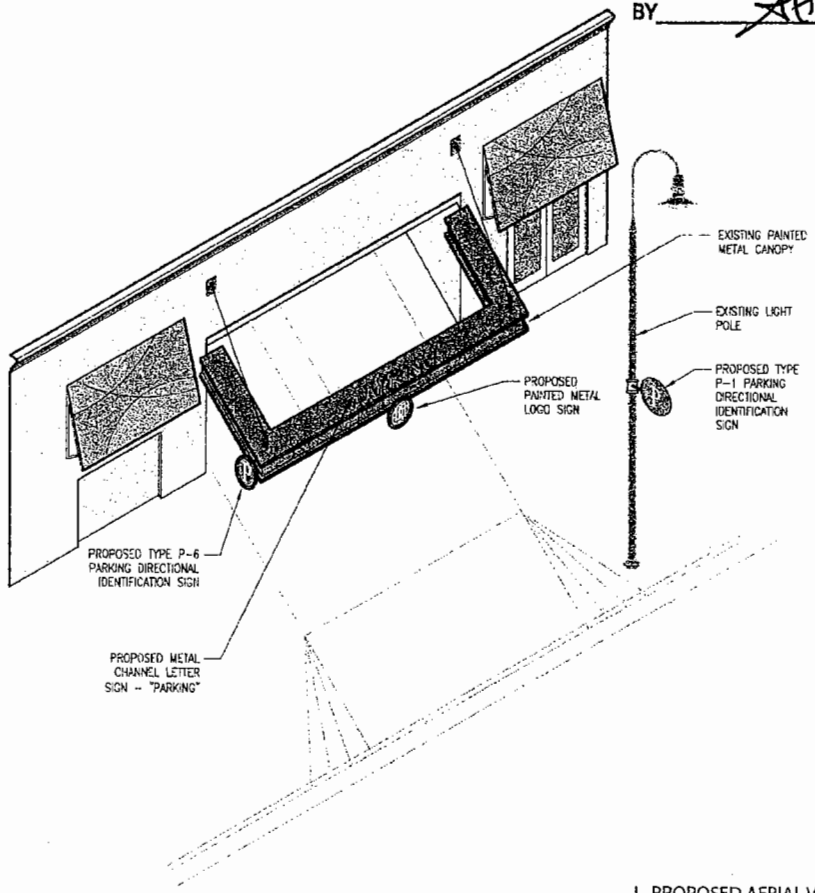
RECEIVED
210-044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

37

DOWNTOWN DADELAND



PROPOSED SIGN ELEVATION
1/2"=1'-0"



PROPOSED AERIAL VIEW OF GARAGE ENTRANCE AND EXIT
NO SCALE

PARKING DIRECTIONAL SIGNS - AXONOMETRIC

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

One Biscayne Tower
Suite 1675
Two South Biscayne Blvd
Miami, FL 33131
T 305.482.8700
F 305.482.8720
www.aidlinc.com

AIDLinc
Lic# AA26001507
Jonathan Cardello
LIC# AR93251

ARCHITECTURE + DESIGN

PROJECT #09163.00

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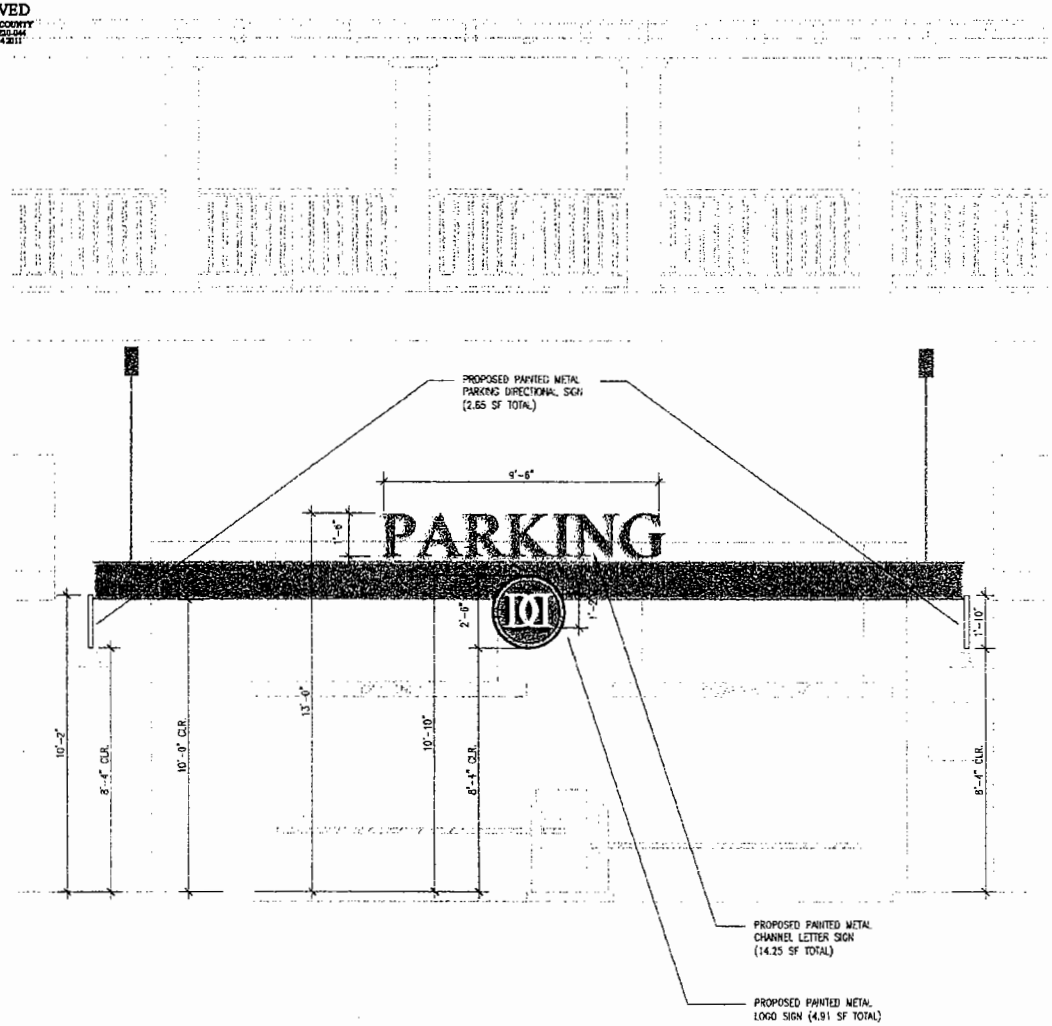
MIAMI-DADE COUNTY
PROCESS #: 210.044
DATE: JAN 14 2011
BY: SDE

RECEIVED
210.044
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

38



PROPOSED FRONT ELEVATION
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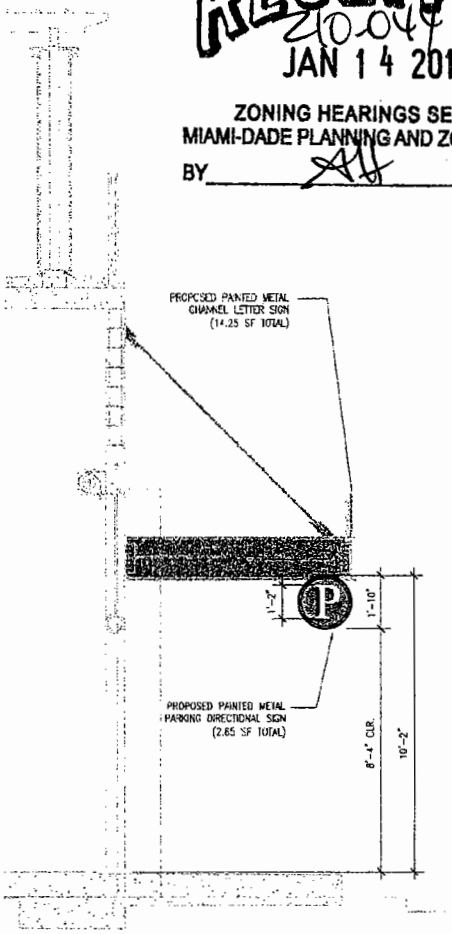

PROPOSED SIDE ELEVATION
1/2"=1'-0"

PARKING
GARAGE ENTRY/EXIT
SIGN ELEVATION

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

ARCHITECTURE + DESIGN

PROJECT #09163.00

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 210-044
DATE: JAN 14 2011
BY: BDX

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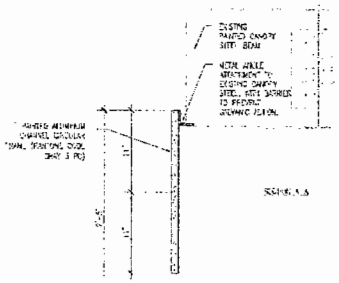
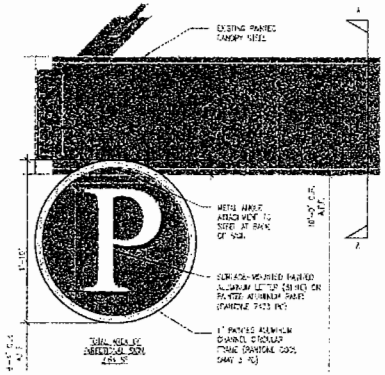
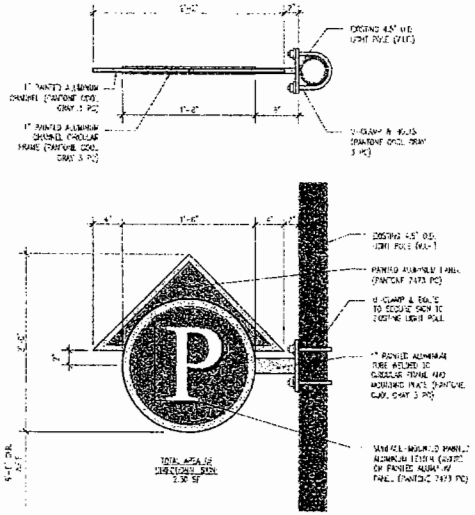
JAN 14 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

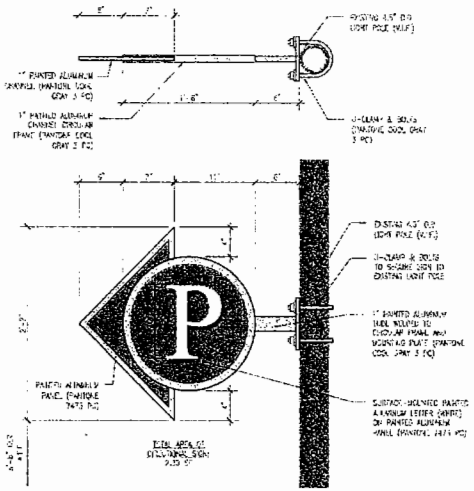




GARAGE ENTRY / EXIT SIGN
1-1/2"=1'-0"



DIRECTIONAL SIGN TYPE P2
1-1/2"=1'-0"



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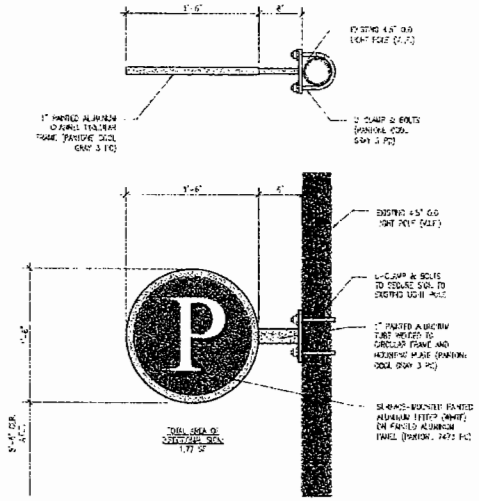


DIRECTIONAL SIGN TYPE P1
1-1/2"=1'-0"

PROJECT #09163.00

DOWNTOWN DADELAND

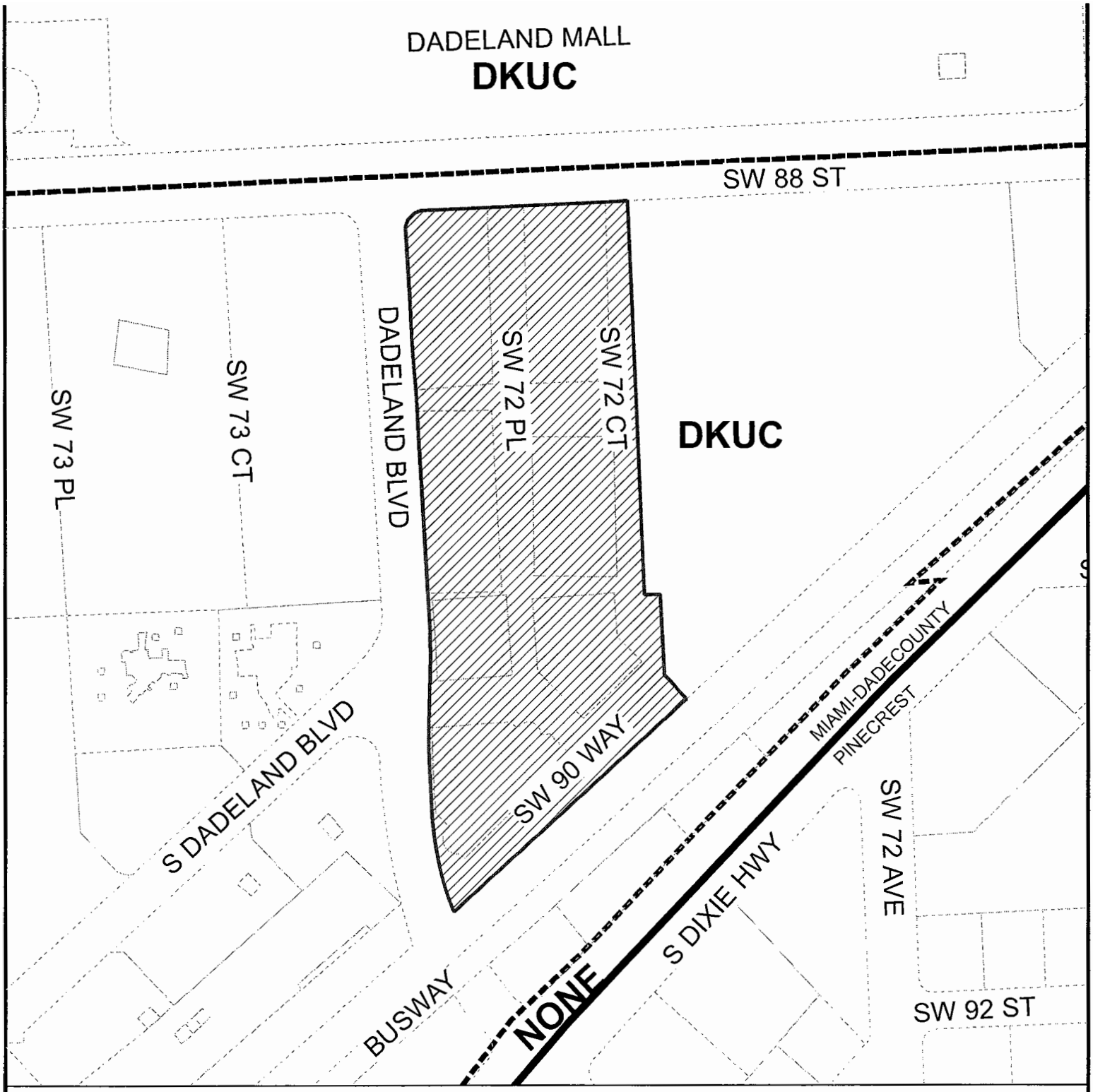
PARKING
GARAGE DIRECTIONAL
SIGN DETAILS

Zoning Hearing Application
01.14.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

ARCHITECTURE + DESIGN

A-16



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000044

Legend
Subject Property Case
Zoning

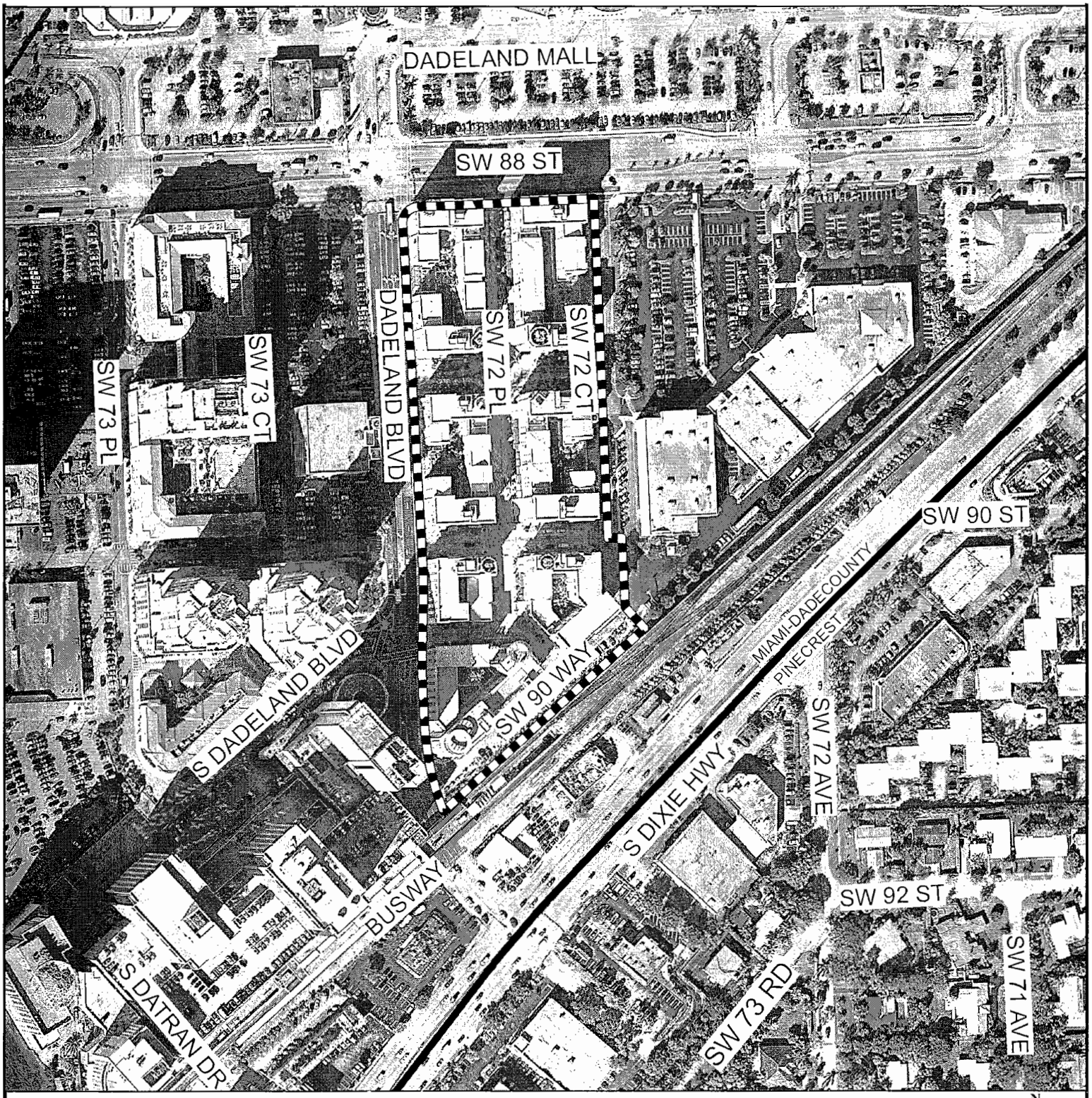
N W E S

Section: 02 Township: 55 Range: 40
Applicant: DOWNTOWN DADELAND RETAIL, LLC.
Zoning Board: C12
Commission District: 7
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY
	40	



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000044

Legend
Subject Property

N W E S

Section: 02 Township: 55 Range: 40
Applicant: DOWNTOWN DADELAND RETAIL, LLC.
Zoning Board: C12
Commission District: 7
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY

1. CARLOS & IVETTE TORRENTS
(Applicant)

11-3-CZ12-1 (10-021)
Area 12/District 08
Hearing Date: 03/30/11

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:

Year	Applicant	Request	Board	Decision
1956	Dade-County Planning and Zoning Department	- Zone change from AU to LRU (EU-M).	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.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANTS: Carlos & Yvette Torrents **PH:** Z10-21 (11-3-CZ12-1)

SECTION: 8-55-40 **DATE:** March 30, 2011

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION:

- **SUMMARY OF REQUESTS:** The applicants are requesting to permit additions to an existing single-family residence encroaching into the interior sides (east and west) setback areas which also result in a greater lot coverage than that allowed by the Zoning Code.

- **REQUESTS:**

  (1) Applicants are requesting to permit a proposed master bedroom suite addition to a single-family residence setback varying from 7'6" to 8'4" (15' required) from the interior side (east) property line.

  (2) Applicants are requesting to permit a proposed entertainment room and gym addition to a single-family residence setback varying from 13'5" to 14'3" (15' required) from the interior side (west) property line.

  (3) Applicants are requesting to permit the residence to have a lot coverage of 30.4% (30% permitted).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Torrents Residence," as prepared by Solver Structural Partnership, Inc., sheet A.01 dated stamped received 1/7/11, sheet A1.0 dated stamped received 11/3/10, and the remaining sheets dated stamped received 5/25/10 for a total of 4 sheets. Plans may be modified at public hearing.

- **LOCATION:** 10524 S.W. 118 Street, Miami-Dade County, Florida.

- **SIZE:** 120' x 125.05'

B. ZONING HEARINGS HISTORY: None.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property subject property as being approximately 3,258' east of and within the Urban Development Boundary for ***Estate Density Residential****. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
Surrounding Properties:	
NORTH: EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
SOUTH: EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
EAST: EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
WEST: EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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.*

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

H. PLANNING AND ZONING ANALYSIS:

This subject property is an interior lot located at 10524 SW 118 Street and is improved with a single-family residence in an established area zoned EU-M, Single-Family Modified Estate District. The subject property is designated for **Estate Density Residential** on the LUP map of the CDMP. Because the approval of this application will not add additional dwelling units to the property, the EU-M zoned subject property is **consistent** with the LUP Map designation of the CDMP.

When request #1 to permit the proposed master bedroom addition to the single-family residence setback 7'6" to 8'4" from the interior side (east) property line where 15' is required is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of this request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff notes that the subject property has an existing 6' high wood fence enclosing the entire rear yard area, which includes the interior sides (east and west) property lines that provides a visual buffer of any encroachments that will result from the proposed additions. However, staff notes that no approvals for similar requests for relief of interior side setback as intense as the one sought in this request have been granted in the surrounding area. As such, staff opines that approval of this request would set a negative precedent and could result in a proliferation of requests for the approval of intensive setback encroachments as is being requested herein. Staff also opines that request #3, for a 0.4% increase in the lot coverage, is germane to request #1. As such, when request #3 is similarly analyzed under the NUV Standards, staff opines that this request should also be denied. **Therefore, staff recommends denial without prejudice of requests #1 and #3 under Section 33-311(A)(4)(b) (NUV)**.

However, when request #2, to permit a proposed gym and entertainment room addition to the single-family residence, is similarly analyzed under the under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of this request would be **compatible** with the area and would not affect the stability of the area. Staff opines that the proposed setback varying from 13'5" to 14'3" (15' required) from the interior side (west) property line is minimal and would not have a negative visual impact on the surrounding area and would not cause the property to exceed the maximum allowable lot coverage of 30%. Further, staff notes that other properties within the subdivision in which the subject property is located received similar approvals for variances to the setback regulations as is being requested in request #2. For example, in 1980, a property located to the west of the subject property, at 10340 SW 118 Street, was approved for a variance to allow a garage addition to the residence setback 11' 4" from the side (west) property line, pursuant to Administrative Variance #v19800000012. As such, staff opines that approval of this request would not set a precedent for overly intensive setback encroachments in this area. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV)**.

Based on the aforementioned, staff opines that the approval of the proposed entertainment room and gym addition, the subject of request #2, is **compatible** with the surrounding area and should be approved with conditions under Section 33-311(A)(4)(b) (NUV). However, staff opines that the approval of requests #1 and #3 would be out of character with the area and would set a negative precedent for similar requests for intensive setback encroachments in this area. **Therefore staff recommends that requests #1 and #3 should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).**

I. <u>RECOMMENDATION:</u> **Approval with conditions of request #2 and denial without prejudice of requests #1 and #3.**

J. <u>CONDITIONS:</u> (For request #2 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 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 "Torrents Residence," as prepared by Solver Structural Partnership, Inc., sheet A.01 dated stamped received 1/7/11, sheet A1.0 dated stamped received 11/3/10, and the remaining sheets dated stamped received 5/25/10 for a total of 4 sheets except as except as herein amended to show the removal of the proposed master bedroom suite addition from the plans.

3. That the use be established and maintained in accordance with the approved plan.

DATE TYPED: 10/27/10
DATE REVISED: 02/02/11, 02/02/11, 02/08/11, 03/21/11
DATE FINALIZED: 03/21/11
MCL:GR:NN:NC:CH

For

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

NDN

Department of Environmental Resources Management
Plan Review and Development Approvals Division
701 NW 1st Court Ste-200
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6543

miamidade.gov

January 31, 2011

Carlos Torrents
10524 S.W. 118th Street
Miami, FL 33176

Re: Zoning Hearing #Z2010000021-3rd Revision
Carlos and Yvette Torrents

Dear Mr. Torrents:

Enclosed, please find the Department of Environmental Resources Management (DERM) comments concerning the subject application filed for a zoning hearing. As noted in the attached comments, your application has been reviewed and approved by DERM, and it may be scheduled for hearing.

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

Sincerely,

Jose Gonzalez, P.E.
Assistant Director

Enclosure

Memorandum

MIAMI-DADE COUNTY

Date: January 31, 2011

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

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

Subject: C-12 #Z2010000021-3rd Revision
Carlos and Yvette Torrents
10524 S.W. 118th Street
To Permit a Single-Family Residence Have a Greater Lot Coverage than Permitted, and to Permit a Single-Family Residence Addition Setback Less than Required
(EU-M) (0.34 Acres)
08-55-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

Site grading and development shall comply with the requirements of Section 11C of the Miami-Dade County Code (the Code), as well as with all State and Federal Criteria.

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

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

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

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

Tree Preservation
The applicant has submitted a revised site plan of record entitled "Torrents Residence" sheet A0.1, prepared by Solver Structural Partnership, Inc, and dated May 14, 2009 (submitted January 07, 2011), that depicts the two palms to be impacted by the proposed west addition as non specimen coconut palms #8 and #9. These two palms will be relocated to the SW corner of the site; however a tree removal permit is not required for this relocation.

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

The applicant is required to comply with the above tree permitting requirements. 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 tree permitting procedures and requirements prior to site development.

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

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

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

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

Memorandum

MIAMI-DADE COUNTY

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: 10-MAR-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2010000021

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2010000021
located at 10524 S.W. 118 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1923 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 8:23 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.

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

DATE: 28-JUN-10

REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

CARLOS & IVETTE TORRENTS

APPLICANT

10524 S.W. 118 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000021

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
CARLOS & IVETTE TORRENTS 10524 S.W. 118 ST
DATE:
6/28/2010

CURRENT ENFORCEMENT HISTORY:

Folio 30-5008-012-0530

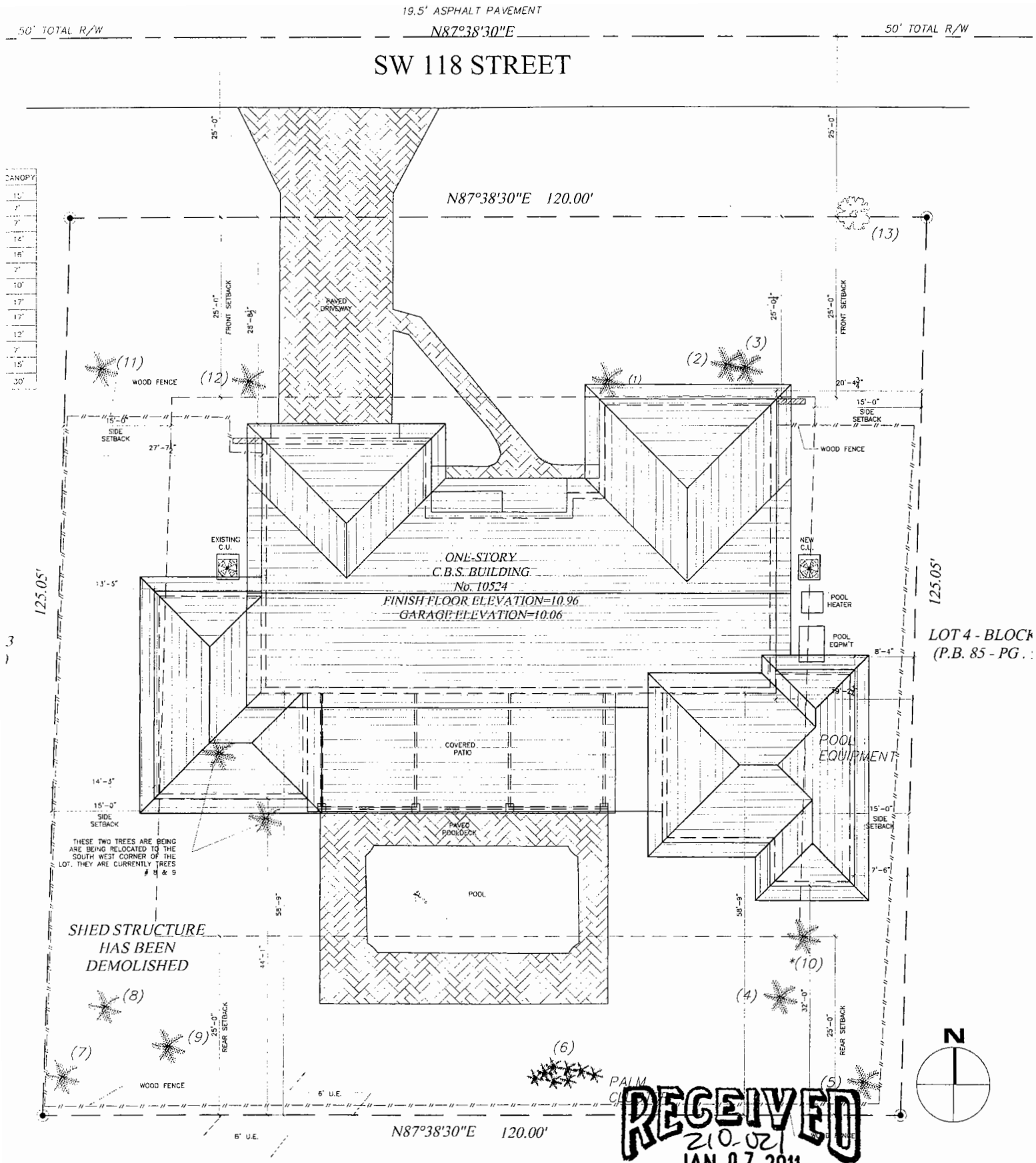
Open Cases:

Building and Neighborhood Compliance:
No open cases.

Closed Cases:

Building and Neighborhood Compliance:
No previous enforcement cases.

11



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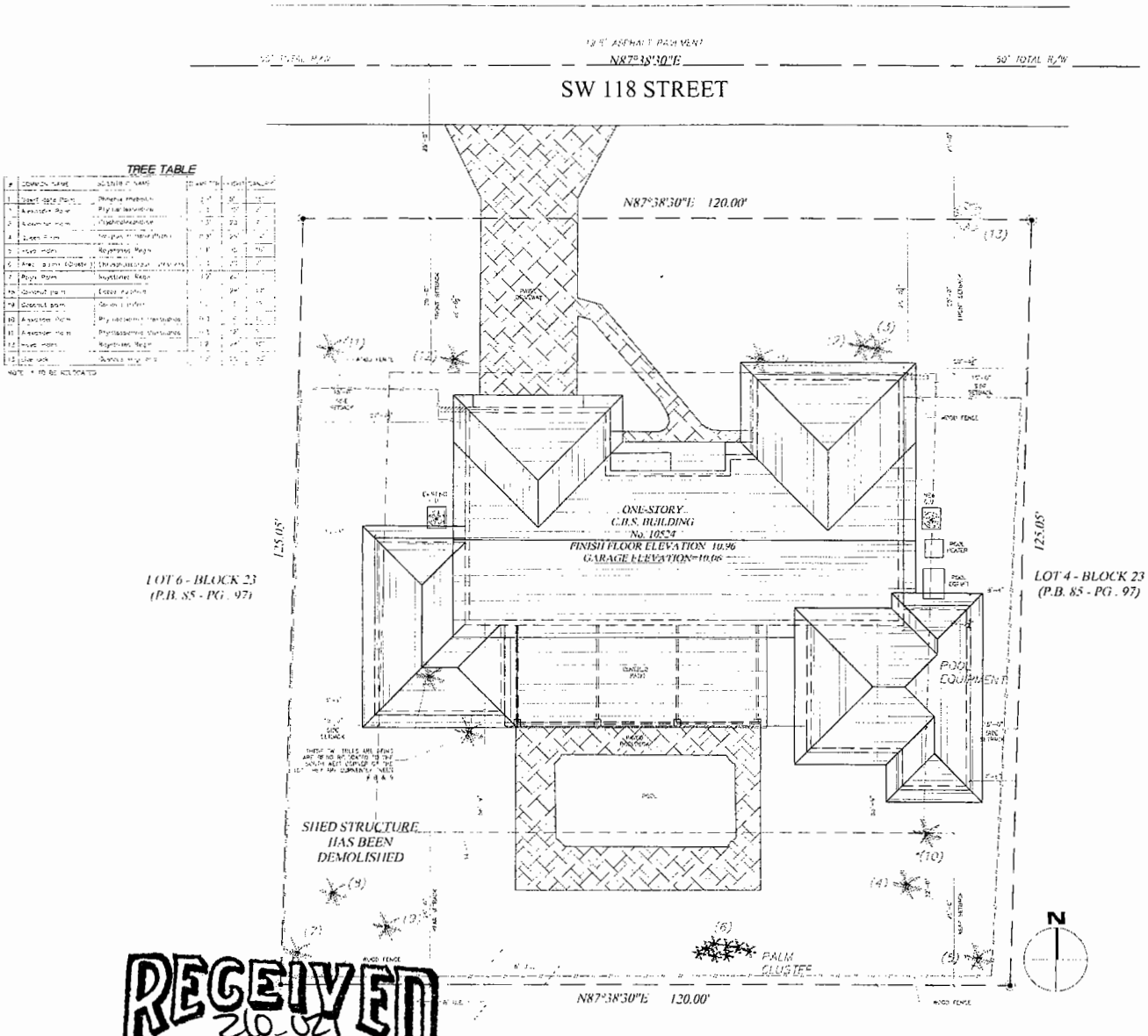
MIAMI-DADE COUNTY
PROCESS # 22A201
DATE: JAN 07 2011
BY: CORNALL



TREE TABLE

#	COMMON NAME	SCIENTIFIC NAME	TO BE KEPT	HEIGHT	SPREAD
1	Sweet date palm	Phoenix dactylifera		30'	15'
2	Alexander palm	Ptychosperma elegans		30'	15'
3	Alexander palm	Ptychosperma elegans		30'	15'
4	Queen palm	Syagrus romanzoffiana (Cocos)		30'	20'
5	Royal palm	Roystonea regia		40'	20'
6	Area palm (Clump)	Chrysalidocarpus lutescens		15'	15'
7	Pigeon plum	Coccoloba diversifolia		30'	20'
8	Coconut palm	Cocos nucifera		30'	15'
9	Coconut palm	Cocos nucifera		30'	15'
10	Alexander palm	Ptychosperma elegans		30'	15'
11	Alexander palm	Ptychosperma elegans		30'	15'
12	Royal palm	Roystonea regia		40'	20'
13	Live oak	Quercus virginiana		30'	15'

NOTE: * TO BE RELOCATED

SITE AND BUILDING DATA CALCULATIONS

ZONING CLASSIFICATION: CITY OF MIAMI DADE COUNTY
ZONE: GU

SETBACKS:

REQUIRED FRONT (NORTH)	25'-0"	PROPOSED FRONT (NORTH)	EXIST
REQUIRED REAR (SOUTH)	25'-0"	PROPOSED REAR (SOUTH)	35'-0"
REQUIRED SIDE (WEST)	15'-0"	PROPOSED SIDE (WEST)	19'-9"
REQUIRED SIDE (EAST)	15'-0"	PROPOSED SIDE (EAST)	9'-3"

LOT AREA: 13,006.99 FT.

LOT COVERAGE AREA:

MAXIMUM LOT COVERAGE ALLOWED	13,006 X 35% =	4,551.95 FT.
EXISTING LOT COVERAGE		3,245.95 FT.
LOT COVERAGE PROPOSED: INCLUDING, WAR PATIO =	24.9% LOT COVERAGE	3,512.95 FT.

BUILDING HEIGHT:

MAXIMUM ALLOWED HEIGHT: 35' 2.5 OR 2 STORIES

MAXIMUM PROPOSED HEIGHT:

FLOOD ZONE:

BASE FLOOD ELEVATION: ZONE X

SCOPE OF WORK:

THIS PROJECT CONSISTS OF A 1,72 TRADITIONAL STYLE, ONE-STORY REINFORCED CMU AND CONCRETE STRUCTURE WITH A HIP AND GABLE ROOF.

LEGAL DESCRIPTION:

LOT 5 IN BLOCK 23 OF "PINE ACRES, SECTION 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, AT PAGE 97 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FL

TERMITE PROTECTION NOTES TYP.:

TERMITE PROTECTION. TERMITE PROTECTION SHALL BE PROVIDED BY REGISTERED TERMITICIDES OR OTHER APPROVED METHODS OF TERMITE PROTECTION LABELED FOR USE AS A PREVENTATIVE TREATMENT TO NEW CONSTRUCTION.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, THE INITIAL CHEMICAL SOIL TREATMENT INSIDE THE FOUNDATION PERIMETER SHALL BE DONE AFTER ALL FORMATION, BACKFILLING AND COMPACTION IS COMPLETE.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, SOIL AREA DISTURBED AFTER INITIAL CHEMICAL SOIL TREATMENT SHALL BE RETREATED WITH A CHEMICAL SOIL TREATMENT, INCLUDING SPACES BEHIND OR REMOVED.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, SPACE IN CONCRETE FLOORS WHICH ARE OR MEANT FOR THE SUBSEQUENT INSTALLATION OF PLUMBING TRAPS, DRAINS OR ANY OTHER PURPOSE SHALL BE CREATED BY USING PLASTIC OR METAL PERMANENTLY PLACED FORMS OF SUFFICIENT DEPTH TO ELIMINATE ANY PLANNED SOIL DISTURBANCE AFTER INITIAL CHEMICAL SOIL TREATMENT.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, CHEMICALLY TREATED SOIL SHALL BE PROTECTED WITH

A MINIMUM 6 MIL VAPOR RETARDER TO PROTECT AGAINST RAINFALL DILUTION. IF RAINFALL OCCURS BEFORE VAPOR RETARDER PLACEMENT, REPLACEMENT IS REQUIRED. ANY WORK, INCLUDING PLACEMENT OF REINFORCING STEEL, DONE AFTER CHEMICAL TREATMENT UNTIL THE CONCRETE FLOOR IS POURED, SHALL BE DONE IN SUCH MANNER AS TO AVOID PENETRATING OR DISTURBING TREATED SOIL.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, CONCRETE OVERPOUR OR MORTAR ACCUMULATED ALONG THE EXTERIOR FOUNDATION PERIMETER SHALL BE REMOVED PRIOR TO EXTERIOR CHEMICAL SOIL TREATMENT, TO ENHANCE VERTICAL PENETRATION OF THE CHEMICALS.

IF SOIL TREATMENT IS USED FOR SUBTERRANEAN TERMITE PREVENTION, CHEMICAL SOIL TREATMENTS SHALL ALSO BE APPLIED UNDER ALL EXTERIOR CONCRETE OR GRADE WITHIN 1 FOOT (305 MM) OF THE PRIMARY STRUCTURE, SIDEWALKS. ALSO, A VERTICAL CHEMICAL BARRIER SHALL BE APPLIED PROMPTLY AFTER CONSTRUCTION IS COMPLETED, INCLUDING INITIAL LANDSCAPING AND IRRIGATION/SPRINKLER INSTALLATION. ANY SOIL DISTURBED AFTER THE CHEMICAL VERTICAL BARRIER IS APPLIED SHALL BE PROMPTLY RETREATED.

TERMITE PROTECTION. ALL BUILDINGS SHALL HAVE PRECONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES. THE RULES AND LAWS AS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES SHALL BE DEEMED AS APPROVED WITH RESPECT TO PRE-CONSTRUCTION SOIL TREATMENT FOR PROTECTION AGAINST SUBTERRANEAN TERMITES. A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT.

"THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES."

PENETRATION. APPROPRIATE SOLVENTS AROUND METALLIC PIPING PENETRATING CONCRETE SLAB-ON-GRADE FLOORS SHALL NOT BE OF CELLULOSE-CONTAINING MATERIALS AND SHALL REQUIRE APPLICATION OF A TERMITICIDE IN ADJACENT SPACE BETWEEN SLEEVE AND PIPE.

Z-P-021

Denis K. Solano
P.E. 50902 S.I. 3346

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

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BY_____

ENLARGED SITE PLAN

△ REV.	REVISION

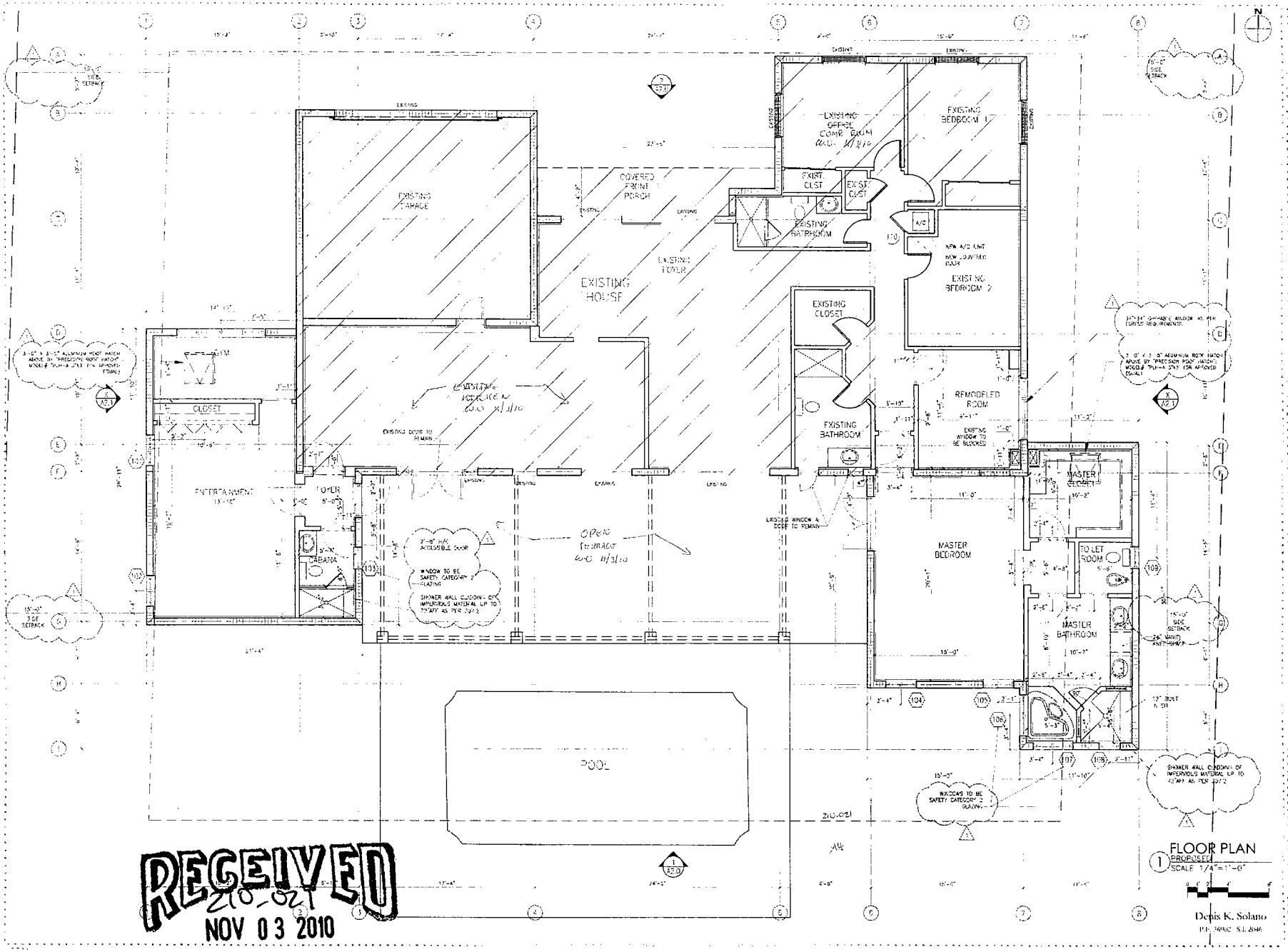
CONSULTANTS:
Solver Structural Partnership, Inc.
1100 N.W. 25th ST Ste 215 Miami, Florida 33127 Phone (305) 690-8066 Fax (305) 690-8047 E-Mail: solver@solverstructural.com
REGION INSPECTIONS - NOVA STRUCTURAL - MEMPHIS

TORRENTS RESIDENCE
10524 SW 118 ST, MAIMI FL 33176

SITE PLAN

date: 05-14-08
issued:
drawn: W. DIVONTE
checked: D.S.
project #:

A0.1



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BY_____

CONSULTANTS:

Solver Structural Partnership, Inc.
2500 N.W. 29th ST Ste 205 Phone (305) 592-9098
Miami Florida 33122 Fax (305) 599-9047
E-Mail solver@ix.netcom.com
DESIGN · INSPECTION · INVESTIGATION · REPORTS

TORRENTS RESIDENCE

10524 SW 118 ST, MAIMI FL 33176

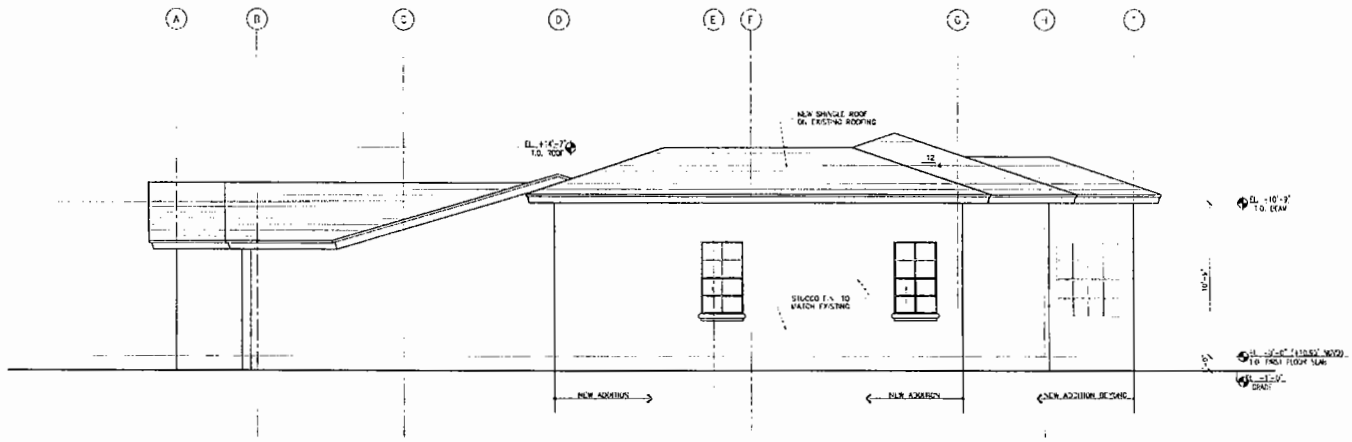
FLOOR PLAN

date 05.14.09
issue
drawn W. OMONTE
checked D.S.
project no.

sheet no.

A1.0

15



2 WEST ELEVATION
PROPOSED
SCALE 1/4"=1'-0"

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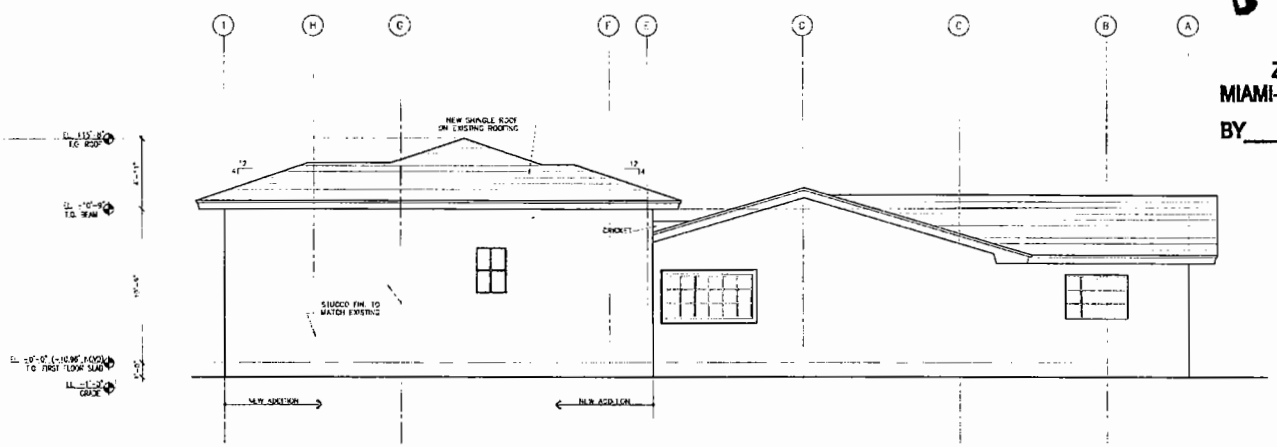

1 EAST ELEVATION
PROPOSED
SCALE 1/4"=1'-0"

Denis K. Solano
P.E. 56962 S.I. 2046

CONSULTANTS:
Solver Structural Partnership, Inc.
7500 N.W. 25th ST Ste 205 Phone (305) 592-0366
Miami, Florida 33122 Fax (305) 599-9047
E-MAIL: solverstruct@gis.com
DESIGN - INSPECTION - INVESTIGATION - REPORTS

job name: TORRENTS RESIDENCE
10524 SW 118 ST, MAIMI FL 33176

title: BUILDING ELEVATIONS

date: 05-14-09
issued:
drawn: W. OMONTE
checked: D.S.
project no.:

sheet no.
A2.1

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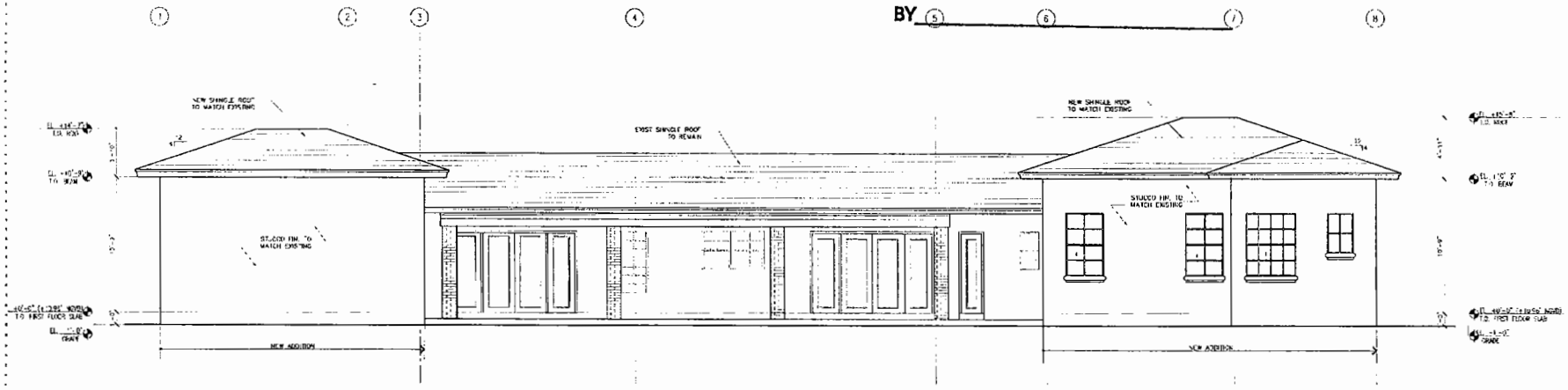
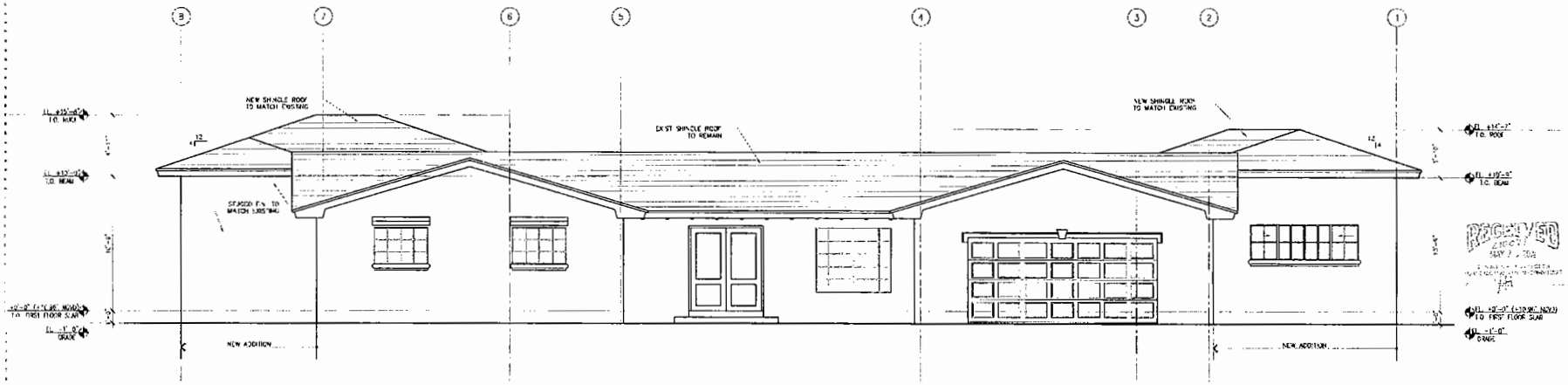
BY



2 SOUTH ELEVATION
PROPOSED
SCALE 1/4"=1'-0"



1 NORTH ELEVATION
PROPOSED
SCALE 1/4"=1'-0"

Denis K. Solano
P.E. 56002 S.I. 2016

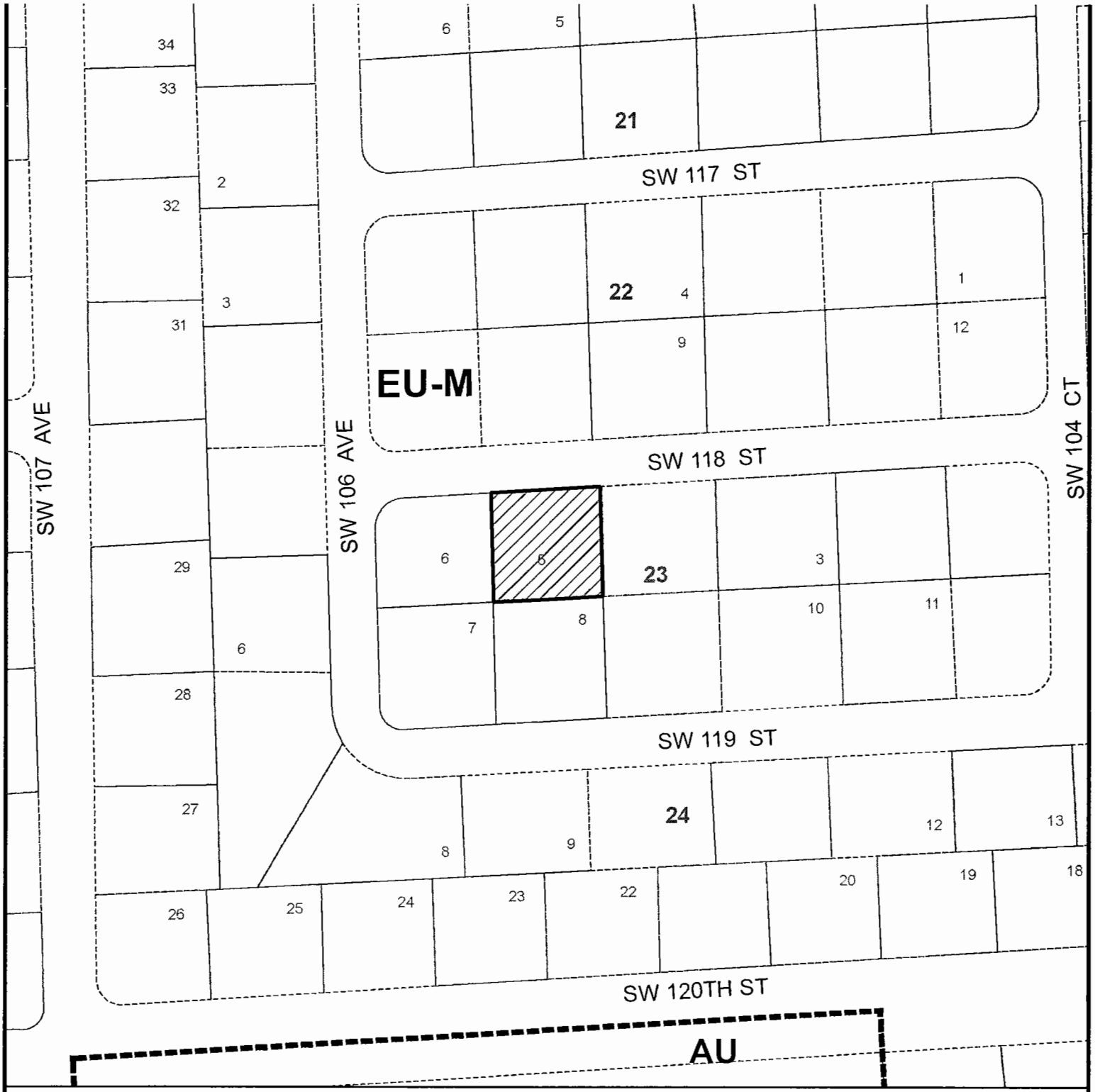
CONSULTANTS:
Solver Structural Partnership, Inc.
7500 N.W. 25th ST Ste 225 Phone (305) 592-8696
Miami, Florida 33122 Fax (305) 509-9047
E-Mail solverstructural@cs.com
DESIGN - INSPECTION - INVESTIGATION - REPORTS

job name: TORRENTS RESIDENCE
10524 SW 118 ST, MAIMI FL 33176

title: BUILDING ELEVATIONS

date: 05-4-09
revised
drawn: W. OMONTE
checked: D.S.
project no.

sheet no.
A2.0



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000021

Section: 08 Township: 55 Range: 40
Applicant: CARLOS & IVETTE TORRENTS
Zoning Board: C12
Commission District: 8
Drafter ID: KEELING
Scale: NTS

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 4, 2010

REVISION	DATE	BY
		17

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000021

N
W E
S

Legend

Subject Property

Section: 08 Township: 55 Range: 40
Applicant: CARLOS & IVETTE TORRENTS
Zoning Board: C12
Commission District: 8
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 4, 2010

REVISION	DATE	BY

2. VIANY SAN MIGUEL
(Applicant)

11-3-CZ12-2 (10-165)
Area 12/District 07
Hearing Date: 03/30/11

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:

Year	Applicant	Request	Board	Decision
1980	Joaquin Lopez	- Zone Change from AU to EU-M.	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.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Viany San Miguel **PH:** Z10-165 (11-3-CZ12-2)

SECTION: 29-54-40 **DATE:** March 30, 2011

COMMISSION DISTRICT: 7 **ITEM NO.:** 2

==========

A. INTRODUCTION:

- **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing pool setback closer to the interior side and front property lines, to permit an existing concrete wall with columns and metal fence within the safe sight distance triangle that exceeds the maximum height permitted by the Zoning Code, and to permit an existing metal fence with concrete columns to remain within the SW 107 Avenue right-of-way.

- **REQUESTS:**

  (1) Applicant is requesting to permit a swimming pool setback 66.95' (75' required) from the front (west) and 13.30' (20' required) from the interior side (south) property lines.

  (2) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to permit concrete wall and columns and metal fence 6' high within the safe-sight distance triangle along the front of (west) property line.

  (3) Applicant is requesting to permit an existing 6' metal fence with concrete columns to remain within the Right-of-Way.

  A Plan is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey", as prepared by Thomas J. Kelly, Inc. P.S. &M. and dated stamped received 11/19/10.

- **LOCATION:** 6111 S.W. 107 Avenue, Miami-Dade County, Florida.

- **SIZE:** 150' x 142.49'

B. ZONING HEARINGS HISTORY: None.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for ***Low Density Residential****. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 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:	
EU-M; Single-family residence	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: EU-M; Single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: EU-M; Single-family residence	Low Density Residential, 2.5 to 6 dua
EAST: AU; Single-family residence	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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.*

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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. PLANNING AND ZONING ANALYSIS:

This subject property is an interior lot located at 6111 SW 107 Avenue and is improved with a single-family residence in an established area zoned EU-M, Single-Family Modified Estate District, AU, Agricultural District, and RU-1, Single-family Residential District. The subject property is designated for **Low Density Residential** use on the

LUP map of the CDMP. Because the approval of this application will not add additional dwelling units to the property, the EU-M zoned subject property is **consistent** with the LUP Map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1, to permit a swimming pool setback 66.95' (75' required) from the front (west) and 13.30' (20' required) from the interior side (south) property lines, and #3, to permit an existing 6' metal fence with concrete columns to remain within the Right-of-Way, would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that the requested setback 66.95' (75' required) from the front (west) and 13.30' (20' required) from the interior side (south) property lines are not intrusive and are effectively buffered by an existing 6' high CBS wall that runs along the interior side (south) property line. Moreover, staff notes that the existing residence is designed as a semi-circle around the pool and effectively conceals the pool from view from SW 107 Avenue. In addition, it should be noted that property located at 10721 SW 63 Street was granted approval of a request to permit a gazebo setback 71' from the front property line, pursuant to Resolution No. CZAB12-5-07. Staff has no objections to request #3 and notes that the Public Works Department also has no objections to request #3 subject to a condition that the existing CBS fence be removed within 30 days of such request from the Public Works Department and that the County be held harmless for any damages arising from the location of said fence. It should be noted that approval of a similar request to permit an existing CBS wall within the right-of-way was granted on the property located immediately to the north of the subject site, pursuant to Resolution No. Z-122-90. As such, staff opines that the approval of requests #1 and #3 would not be out of character with the surrounding area and would not set a precedent for requests of similar intensity. Therefore, staff recommends approval with conditions of requests #1 and #3 under Section 33-311(A)(4)(b) (NUV).

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of request #2, to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to permit concrete wall and columns and metal fence 6' high within the safe-sight distance triangle along the front of (west) property line, would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff's research did not reveal any similar approvals in the surrounding area. Furthermore, staff notes that the subject site fronts on a major section line roadway that is heavily trafficked and as such, opines that the existing 6' high wall within the safe sight distance triangle will impede visibility for the applicant and guests that enter and exit the property. As such, staff opines that the approval of request #2 does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV).

I. **RECOMMENDATION:** Approval with conditions of request #1 and #3 and denial without prejudice of request #2.

J. **CONDITIONS:** for requests #1 and #3 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; said plan to include, 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 "Boundary Survey," as prepared by Thomas J. Kelly, Inc. P.S. & M., dated stamped received 11/19/2010, except as herein modified to show the lowering of the portions of the existing metal fence with concrete columns that lie within the safe sight distance triangle to a maximum height of 2.5' along the front (west) property line. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant complies with all applicable conditions and requirements of the Public Works Department.

5. That an agreement be proffered by the property owner stating that they will remove the CBS wall within 30 days of such request from the Public Works Department and that Miami-Dade County will be held harmless for any damages arising from the location of said wall. Said agreement shall be recorded no later than 90 days after final public hearing approval of this application.

6. That the applicant obtain a building permit for the existing metal fence with concrete columns located within the SW 107 Avenue right-of-way from the Building Department within 90 days after the expiration of the appeal period of this application.

DATE TYPED: 01/31/31
DATE REVISED: 02/01/11; 02/03/11; 02/22/11
DATE FINALIZED: 02/28/11
MCL:GR:NN:TA:NC

for

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: December 7, 2010

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

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

Subject: C-12 #Z2010000165-1st Revision
Viany Miguel
6111 S.W. 107th Avenue
To Permit a Swimming Pool Setback Less than Required from Property Lines and to Permit an Existing CBS Fence Encroach into the Right of Way
(EU-M) (0.508 Acres)
29-54-40

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

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management

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

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

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

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

Tree Preservation
According to the site plan submitted with this zoning application, the proposal to permit an existing CBS fence and pool will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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

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

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

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

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

PH# Z2010000165
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: VIANY SAN MIGUEL

This Department has no objections to this application.

This Department has no objections to the request to permit an existing CBS fence within the right-of-way of SW 107 Avenue, however said CBS fence must be removed within 30 days of such request from the Public Works Department and that the County be held harmless for any damages arising from the location of said fence.

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.
13-JAN-11

8

Memorandum

Date: 16-DEC-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2010000165

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated November 1, 2010.
APPROVAL
No objection to site plan date stamped November 19, 2010.

Service Impact/Demand

Development for the above Z2010000165
located at 6111 S.W. 107 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1669 is proposed as the following:

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

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

Existing services

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

Station 9 - Kendall - 7777 SW 117 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.

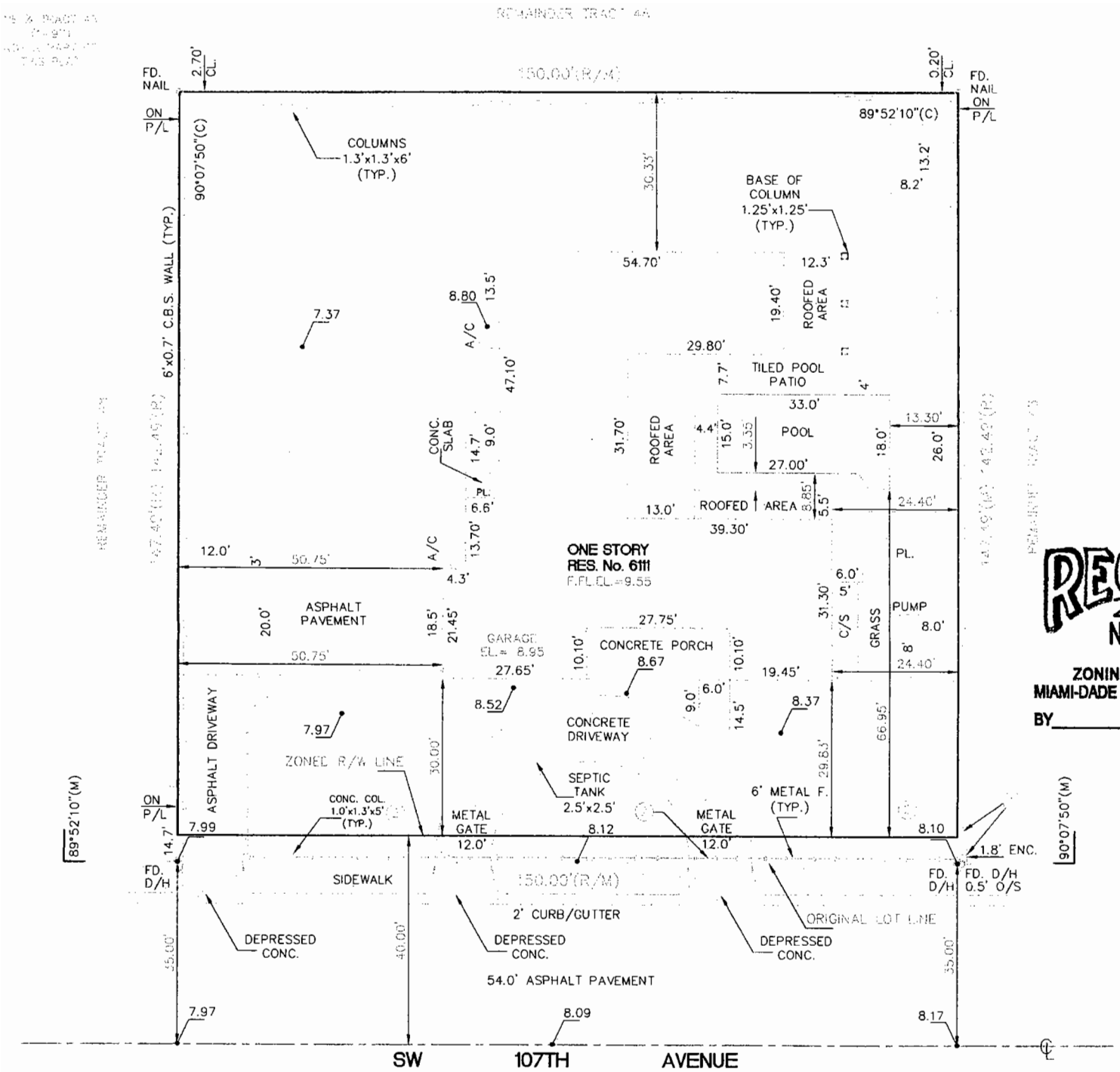
For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

Office of Building and Neighborhood Compliance

Enforcement History

to be distributed

at a later date



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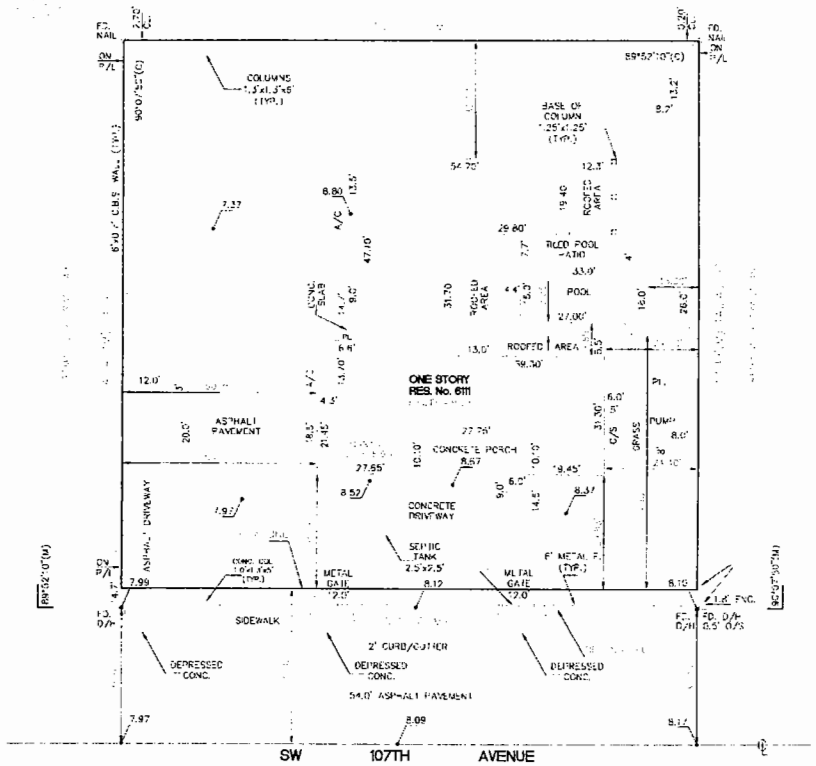
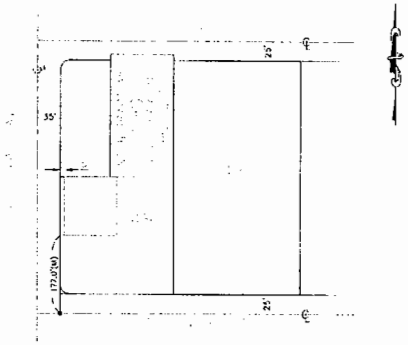
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ENLARGED SITE PLAN

12

PLAN OF SURVEY





LEGEND OF SURVEY ABBREVIATIONS

A.....ARC DISTANCE
A/C....AIR CONDITIONER
C.B.S....CONCRETE BLOCK STRUCTURE
NGVD..NATIONAL GEODETIC VERTICAL DATUM
C.....CALCULATED
C.B.....CATCH BASIN
O.U.L...OVERHEAD UTILITY LINE
P.R.C....POINT REVERSE CURVATURE
CL.....CLEAR
C/L....CENTER LINE
P.C.C...POINT OF COMPOUND CURVE
RAD....RADIAL
ENC....ENCROACHMENT
P.C.....POINT OF CURVATURE
(R/M) RECORD & MEASURED
D/H DRILL HOLE
FIRE HYDRANT

P.O.C...POINT OF COMMENCEMENT
R/W....RIGHT OF WAY
F.I.P....FOUND IRON PIPE
P.O.B....POINT OF BEGINNING
BLDG....BUILDING
SEC....SECTION
O/H.....OVER HANG
W.M....WATER METER
CH.....CHORD DISTANCE
SCR....SCREENED
P.B.....PLAT BOOK
M.....MEASURED
D.E....DRAINAGE EASEMENT
S.I.P....SET IRON PIPE
MAN HOLE
CATCH BASIN
WATER METER

P.L....PROPERTY LINE
CONC..CONCRETE
F.H....FIRE HYDRANT
U.E....UTILITY EASMENT
U.P.....UTILITY POLE
FD....FOUND
R.....RADIUS
SWK...SIDE WALK
CH.L.F....CHAIN LINK FENCE
W.F.....WOODEN FENCE
M.E....MAINTENANCE EASEMENT
B/C.....BLOCK CORNER
C/G....CURB/GUTTER
0.00....EXISTING ELEVATION

CERTIFY TO: VIANY SAN MIGUEL
BELMORE TITLE CORP.
CHICAGO TITLE INSURANCE COMPANY
WELLS FARGO BANK, S.A., ITS SUCCESSORS AND/OR ASSIGNS
AS THEIR INTEREST MAY APPEAR

ADDRESS 6111 SW 107 AVENUE
MIAMI, FLORIDA 33175

LEGAL DESCRIPTION:
THE NORTH 150 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF LOT 48, LESS THE WEST 5.00 FEET FOR ROAD RIGHT OF WAY, MILLER DRIVE ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGE (S) 37, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

FLOOD ZONE: AH
_X_ THIS IS A FLOOD HAZARD ZONE ___ THIS IS NOT A FLOOD HAZARD ZONE
COMMUNITY PANEL NO.: 120635
PANEL NO.: 453 SUIT IX-1 DATE OF FIRM: 09/11/2009
BASE FLOOD ELEV.: 8.00' FINISH FLOOR ELEV. ELEVATION LOWEST ADJ. GRADE CERTIFICATE

NOTE: UNDERGROUND ENCROACHMENTS, IF ANY, NOT LOCATED. ENCROACHMENTS NOTED: TWO
I HEREBY CERTIFY THAT THIS SKETCH OF THIS PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEET THE MINIMUM REQUIREMENTS ADOPTED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND THE FLORIDA LAND TITLE ASSOCIATION AND ALSO 53-17.59 THRU 17.52 F.A. CODE. THERE ARE NO ENCROACHMENTS, EXCEPT AS SHOWN.

NOTES:
1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN PLAT)
2. IF SHOWN, ELEVATIONS ARE REFERRED N.G.V. DATUM 1929
3. THIS IS A BOUNDARY SURVEY
CLOSURE ABOVE 1:2500
4. LICENSE BUSINESS NO. 6486
5. B.M. OF ORIGIN:
DADE COUNTY BENCHMARK No. 15608
ELEVATION = 7.26 N.G.V.D. 1929

Rev#1

210-165

JLH

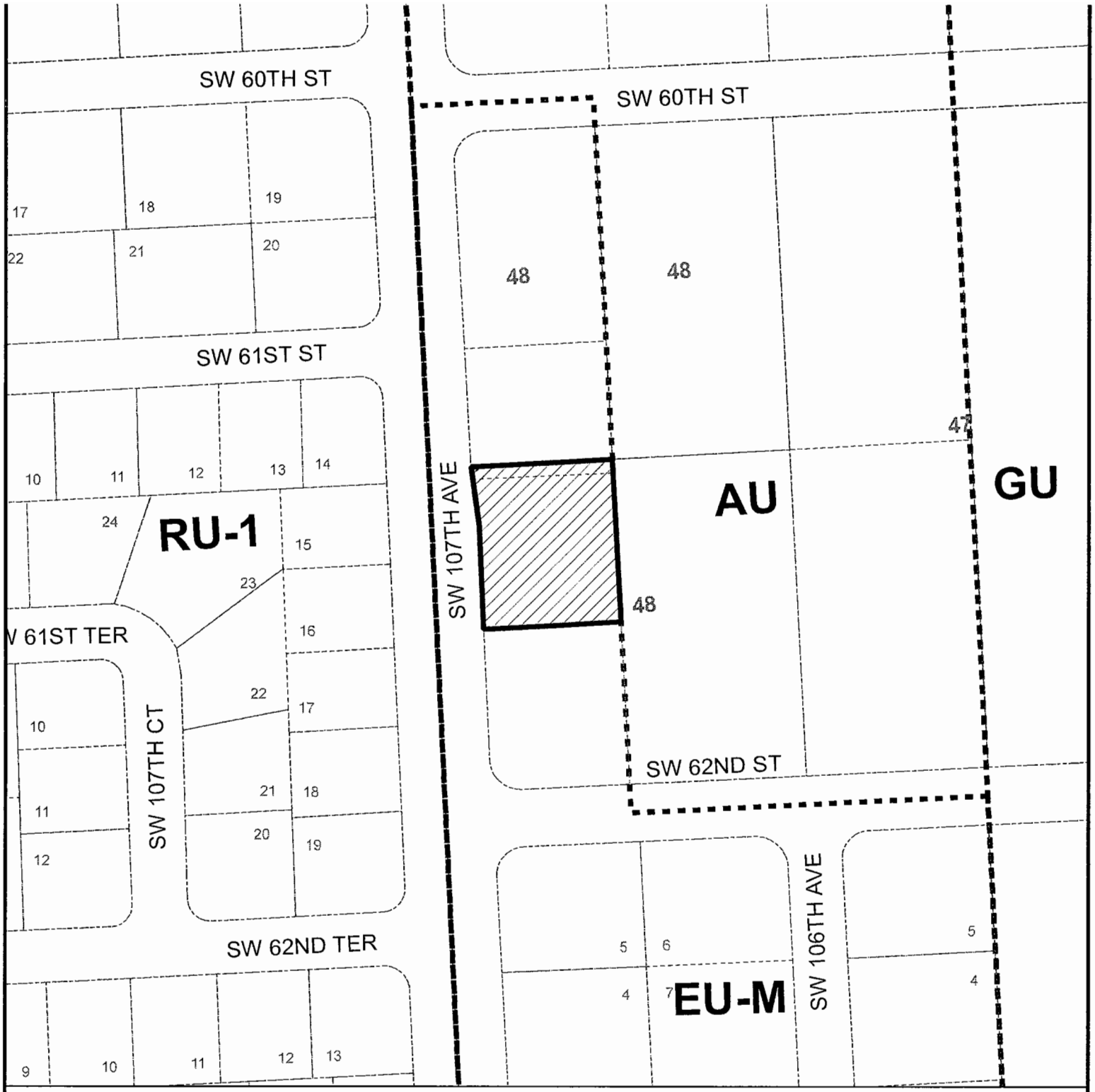
06/09/2010
JOSE A. PEREA (DATE OF FIELD WORK)
PROFESSIONAL LAND SURVEYOR #4865
STATE OF FLORIDA
(NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL)

THOMAS J. KELLY, INC. P.S. & M.
8125 SW 120 STREET
PINECREST, FL 33156

Date: 06/09/2010
Survey No.: 10-0823

Revised 06/21/2010
Revised for setbacks 08/25/2010
Revised 09/27/2010
Revised 11/09/2010

RECEIVED
210-165
NOV 19 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000165

Section: 29 Township: 54 Range: 40
Applicant: VIANY SAN MIGUEL
Zoning Board: C12
Commission District: 7
Drafter ID: KEELING
Scale: NTS

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, October 13, 2010

REVISION	DATE	BY
		13