

FINAL AGENDA

10-10-2012 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, November 13, 2012 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|---------------|--|--------|----------|---|
| 1. | 12-11-CZ12-1 | <u>GERARDO PORTILLA AND VANESSA PORTILLA</u> | 11-91 | 24-54-40 | N |
| 2. | 12-11-CZ12-2 | <u>KENDALL ASSOC & KENDALL HEALTH CARE</u> | 11-117 | 31-54-40 | N |
| 3. | 12-11-CZ152-3 | <u>JOSE MILTON DADELAND, LLC</u> | 12-108 | 05-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, NOVEMBER 13, 2012

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

**1. GERARDO PORTILLA AND VENESSA PORTILLA (12-11-CZ12-1/11-091) 24-54-40
Area 12/District 07**

- (1) NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 6.50' (25' required) from the rear (east) property line.
- (2) NON-USE VARIANCE to permit the existing single family residence setback a maximum of 55.85' (50' permitted).
- (3) NON-USE VARIANCE to permit a lot coverage of 38% (35% permitted).
- (4) NON-USE VARIANCE to permit an existing pool setback 5.42' (7.5' required) from the rear (east) property line and setback 8.30' (10' required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resource entitled "Legalization of Addition for Mr. & Mrs. Gerardo Portilla's Residence" prepared by Gema Construction Group, Inc., dated stamped received 7/16/12 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 4335 SW 60 Place, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 135' X 140'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. KENDALL ASSOCIATES, ET AL (12-11-CZ12-2/11-117) 31-54-40
Area 12/District 10**

- (1) MODIFICATION of Condition #2 of Resolution 4ZAB-444-87, last modified by Resolution 5ZAB-148-96, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates, dated 11/30/95 and consisting of 9 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations", as prepared by Carr Smith Associates dated 1/23/96 and consisting of 4 sheets."

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " New Emergency Generator and Emergency System distribution The Palace Nursing Home" as prepared by Octavio J. Oliu, P.E., dated stamped received 9/21/11, consisting of 7 sheets and plans entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates,

dated 11/30/95 and consisting of 9 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations" as prepared by Carr Smith Associates dated 1/23/96 and consisting of 4 sheets."

- (2) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded on Official Record Book 13629, Pages 1112 through 1119, last modified by Modification of Declaration of Restrictions, recorded in Official Record Book 28260, Pages 2555 through 2576, reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted, for the hearing entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates", dated 11/30/95 and consisting of 8 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Booth, Entry Drive and Perimeter Wall Reconfigurations", as prepared by Carr Smith Associates, dated 1/23/96 and consisting of 4 sheets."

TO: " 1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Emergency Generator and Emergency System Distribution The Palace Nursing Home" as prepared by Octavio J. Oliu, P.E., dated stamped received 9/21/11 and plans previously submitted entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates, dated 11/30/95 and consisting of 8 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations", as prepared by Carr Smith Associates, dated 1/23/96 and consisting of 4 sheets."

The purpose of request #1 & #2 is to submit a revised site plan showing a new accessory structure for the previously approved home for the aged.

- (3) NON-USE VARIANCE to permit the accessory structure setback 10'- 2" (75' required) from the front (east) property line on a dual frontage lot and to be in front of the principal building (not permitted).

The afore-mentioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

LOCATION: 11215, 11355 & 11377 SW 84 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 12.48 Acres

Department of Regulatory and Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

- (1) MODIFICATION of Condition #3 of Resolution Z-38-85, passed and adopted by the Board of County Commissioners, last modified by Resolution No. CZAB12-14-10, passed and adopted by the Community Zoning Appeals Board #12, shall read as follows:

FROM: "3. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex 'The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1" dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed 92 Units Apartment Building on the Existing Complex The Colony at Dadeland", as prepared by Frances Anillo Toledo, LLC consisting of 7 sheets: Sheet A-1.1 dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled "Then Colony of Dadeland" as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets and plans entitled "New Parking Structure The Colony at Dadeland" as prepared by Axiona3/architects. Sheet A-100 dated stamped received 10/10/12 and the remaining 4 sheets dated stamped received 9/4/12 for a total of 5 sheets.

- (2) MODIFICATION of Paragraph #1 of Declaration of Restriction, recorded in Official Record Book 27525 Pages 3716 - 3721, reading as follows:

FROM: "1. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets."

TO: "1. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets and plans entitled "New Parking Structure For The Colony At Dadeland" as prepared by Axioma3 Architects. Sheet A-100 dated stamped received 10/10/12 and the remaining 4 sheets dated stamped received 09/04/12 for a total of 5 sheets.

The purpose of the above request is to allow the applicant to submit a revised site plan showing a proposed parking structure within the previously approved multi-family residential development.

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z11-091 (12-11-CZ12-1)

November 13, 2012

Item No. 1

Recommendation Summary	
Commission District	7
Applicants	Gerardo and Vanessa Portilla
Summary of Requests	The applicants are requesting to permit an existing addition to a single-family residence setback closer to the rear (east) and interior side (south) property lines and farther from the front (west) property line than permitted. The applicant is also seeking a greater lot coverage than permitted.
Location	4335 SW 60 Place, Miami-Dade County, Florida.
Property Size	135' x 140'
Existing Zoning	RU-1
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 6.50' (25' required) from the rear (east) property line.
- (2) NON-USE VARIANCE to permit the existing single family residence setback 55.85' (50' maximum permitted) from the front (west) property line.
- (3) NON-USE VARIANCE to permit a lot coverage of 38% (35% permitted).
- (4) NON-USE VARIANCE to permit an existing pool setback 5.42' (7.5' required) from the rear (east) property line and setback 8.30' (10' required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resource entitled "Legalization of Addition for Mr. & Mrs. Portilla's Residence" prepared by Gema Construction Group, Inc., dated stamped received 7/16/12 for a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: An existing single-family residence with additions that is setback more than required from the front (west) property line and to permit the existing residence and the pool encroaching into the rear (east) setback area. The applicants also seek to permit the residence with a greater lot coverage than allowed by the zoning regulations.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located adjacent to a park in an area characterized by single-family residences developed under the RU-1, Single-Family Residential District zoning regulations.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to maintain the existing residence with a greater lot coverage than allowed, to setback more than required from the front property line and with encroachments of the existing residence and pool into the rear setback area. Although the existing additions provide the applicant with additional living and an outdoor recreational amenity, staff opines that they may have a minimal visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Low Density Residential** on the Adopted 2015-2025 LUP map. *This designation permits a density range of a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The Land Use Element Interpretive Text under Residential Communities provides that this density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses.* The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family use. Therefore, staff opines that the request is **consistent** with the uses allowed in the Low Density Residential category and the density threshold for this land use category and is consistent with the designation of the site on the CDMP LUP map.

ZONING ANALYSIS:

When requests #1, #2, #3 and #4, are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that for all the reasons stated below, approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. The approval of the subject requests will allow the applicant the continued use of the existing additions, which provides additional indoor and outdoor living space for the residents. The aforementioned additional indoor living space consists of a master bedroom, closet, living room, kitchen, laundry room, and garage. The additional outdoor living

space consists of a terrace and covered porch that are interior to the site. Staff opines that the additions have been designed, as depicted on the submitted plans, to match the same architectural style and scale as the existing single-family residence.

Staff opines that request #1, to permit existing additions to a single-family residence setback a minimum of 6.50' (25' required) from the rear (east) property line does not create any negative visual impact on any residential property, due to the unique location of this lot which is next to a park and is located to the rear (east) of the subject property. The plans and photographs submitted by the applicant show an existing 4' high chain link fence along the rear (east) property line, which staff opines does not provide an adequate visual buffer from the existing additions on the neighboring park to the east. Therefore, staff recommends that as a condition for approval of this application, that the applicants install an opaque 6' high fence or wall, or a hedge at least 3' high at the time of planting, to grow to and be maintained at a height of at least 6' along the rear (east) property line as a visual buffer to mitigate any negative visual impact from the aforementioned encroachment. In addition, staff notes that the chain link fence and wall located along the rear of the subject property extends beyond the subject property line, encroaching into the park. Therefore, staff recommends that as additional conditions for approval that the applicant remove the chain link fence and wall that encroach into the adjacent park and relocate the same along their own rear (east) property line and that the terrace addition not be enclosed in any manner except for approved insect screen materials.

When analyzing request #2, to permit the existing single-family residence setback 55.85' (50' maximum permitted) from the front (west) property line, staff opines that approval would be **compatible** with the surrounding residential uses. Staff is of the opinion that although the proposed 55.85' front (west) setback still exceeds the maximum 50' permitted front setback by 5.85', the difference is minimal and will at least bring the residence closer to conformity with abutting residences along this block and will not create any new visual impacts on the surrounding properties. Further, staff's review of aerial photographs of the subject property in relation to other single-family residences along this block face through the County's Geographical Information Systems (GIS), does not indicate a major difference in the setback of the subject property from the front property line from the other residences. Furthermore, the Miami-Dade County aerials show abundant vegetation in the front setback area of the subject property that provides an adequate buffer of the location of the residence from the adjacent properties.

Staff opines that request #3, to permit a lot coverage of 38% (35% permitted) is germane to requests #1 and #2. Staff further opines that the requested lot coverage will not detract from the aesthetic character of the area and will be compatible with same, as similar requests have been approved in the area. For example, pursuant to Administrative Variance No. V2001000035 a property southwest of the subject property located at 6190 SW 44 Terrace, was granted approval for a non-use variance to permit a lot coverage of 41.76% (35% permitted).

Staff opines that request #4, to permit an existing swimming pool setback 5.42' (7.5' required) from the rear (east) property line and setback 8.30' (10' required) from the interior side (south) property line will not have a negative visual or aural impact on visitors to the park or the abutting residence to the south. In staff's opinion, the encroachment is adequately buffered by the existing 6' high CBS wall along the rear (east) and interior side (south) property lines. However, as previously stated, the existing 6' high wall along the rear (east) property line, extends beyond the rear (east) property line; therefore, the applicants are required to remove the wall that encroaches into the adjacent park and relocate the same along their own rear (east) property

line and to maintain a visual buffer along the rear (east) property line to mitigate any visual impact from the encroachment.

Consequently, staff is of the opinion that approval of requests #1 through #4 will not result in an obvious departure from the aesthetic character of the surrounding neighborhood and would be **compatible** with the surrounding residential developments and the abutting park located to the east. **Staff therefore, recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

In addition, based on the configuration of the floor plans, staff opines that future owners could easily convert the existing residence to allow a multiple residential use. Therefore, staff recommends as an additional condition for approval, that the applicant submit a Declaration of Use agreement which restricts the use of the subject property to a single-family use only.

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval with conditions.

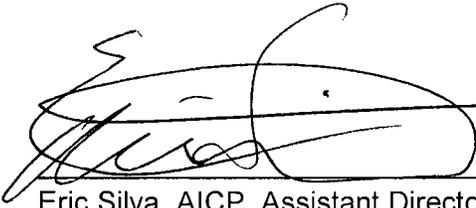
CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Legalization of Addition for Mr. & Mrs. Portilla's Residence" prepared by Gema Construction Group, Inc., dated stamped received 7/6/12 for a total of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants install an opaque 6' high fence or wall, or a hedge, at least 3' high at the time of planting, to grow to and be maintained at a height of at least 6' along the rear (east) property line as a visual buffer.
5. That the applicants remove the existing chain link fence and wall that encroach into the adjacent park and relocate the same along their own rear (east) property line.
6. That the existing terrace not be enclosed in any manner except for approved insect screen materials.
7. That the applicants obtain a building permit for all non-permitted additions on the property where applicable from the Department of Regulatory and Economic Resources.

8. That the applicants submit a Declaration of Use Agreement restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

9. That the applicants comply with all applicable conditions and requirements of the Environmental Resources Division of the Department of Regulatory and Economic Resources and all other departments as contained in their memoranda pertaining to this application.

ES:MW:NN:CH:JC



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

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

ZONING RECOMMENDATION ADDENDUM

Applicant: *Gerardo and Vanessa Portilla*
PH: Z11-091

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

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

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

**12-11-CZ12-1 (11-091)
Area 12/District 07
Hearing Date: 11/13/12**

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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No History

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

Memorandum

Date: September 25, 2012

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

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

Subject: C-12 #Z2011000091-1st Revision
Gerardo Portilla
4335 S.W. 60 Place
To Permit Additions to a Single-Family Residence. Setback Less
than Required from Property Lines and to Permit a Greater Lot
Coverage than Permitted
(RU-1) (0.43 Acres)
2454-40

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

Flood Protection

The application site does not lie within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County, however it is required to comply with Chapter 11C of the Code regarding requirements for floodplain management. The proposed legalization of several additions as depicted in the zoning request for a variance of set backs appears to be a substantial improvement as defined in the Code. Based on the floor plan provided with this submittal the existing and proposed elevations are in compliance with the Code. For more information please contact the Floodplain Program at (786)-315-2800.

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 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. The Department 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. 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 Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Wetlands

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 additions 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

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

Concurrency Review Summary

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

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

In summary, this application cannot be approved at this time and therefore should not be scheduled for public hearing.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GERARDO PORTILLA

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required will be accomplished thru the recording of a plat.

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



Raul A Pino, P.L.S.

29-SEP-11

Memorandum



Date: August 30, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *WJ* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000091: GERARDO PORTILLA

Application Name: GERARDO PORTILLA

Project Location: The site is located at 4335 SW 60 PLACE., Miami-Dade County.

Proposed Development: The applicant is requesting non-use variances for rear setback and lot coverage for an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

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

Memorandum



Date: 29-AUG-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
Miami-Dade Fire Rescue Department
Subject: Z2011000091

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2011000091
located at 4335 SW 60 PLACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1599 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:45 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 14 - South Miami - 5860 SW 70 Street
Rescue, ALS Engine, Battalion 8

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: 20-SEP-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

GERARDO PORTILLA AND
VANESSA PORTILLA

4335 SW 60 PLACE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000091

HEARING NUMBER

HISTORY:

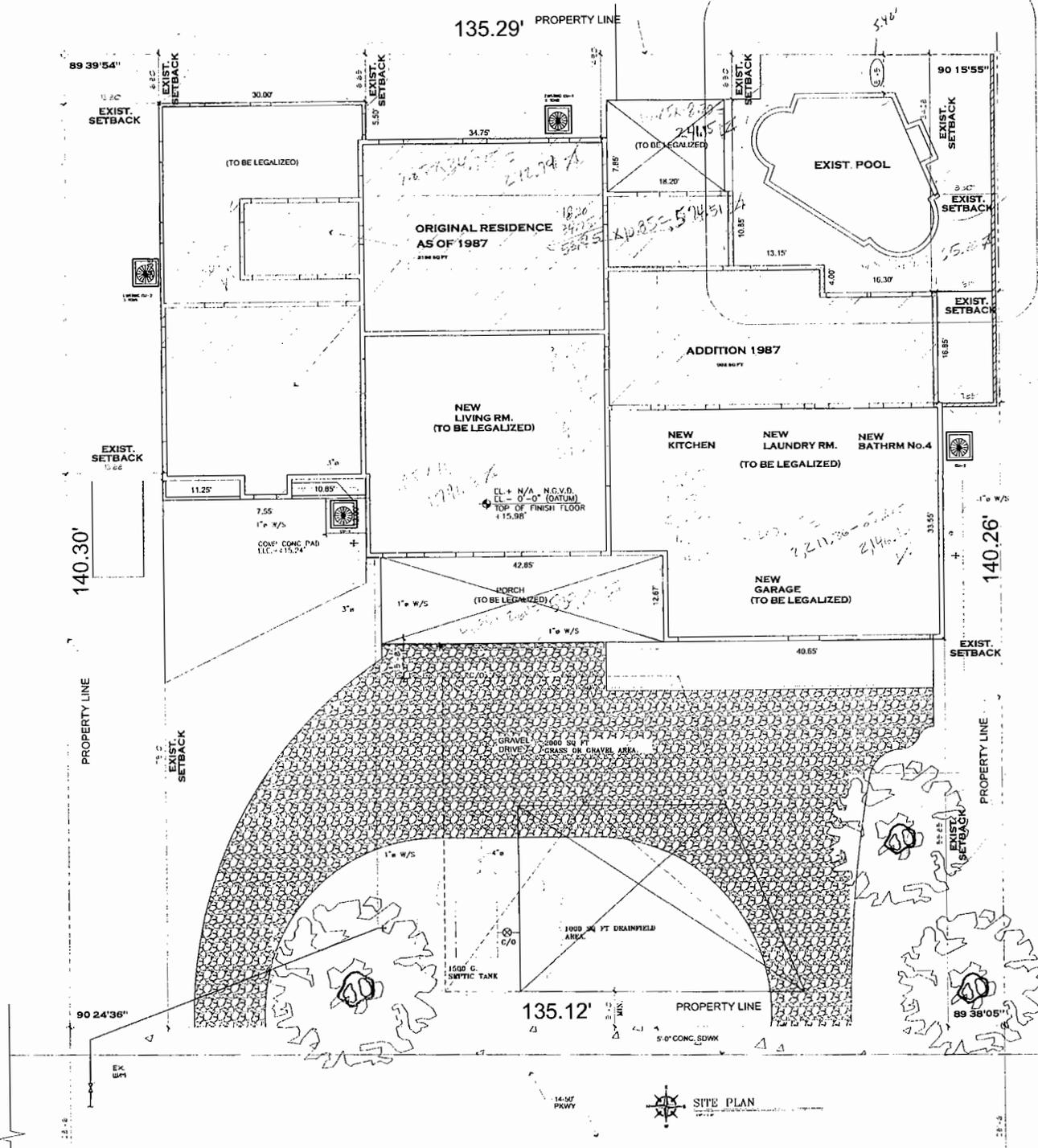
ENFORCEMENT HISTORY: NC; No open cases. BNC: BSS case 20090132538-B opened on 9/21/2009. Notice of Violation issued for Failure to obtain required permit(s) prior to commencing work on: Interior and exterior renovations to include all trades plumbing, electrical, building and mechanical, new windows, new front porch, new ac ducts, condensing units and terrace on south side built in the setback. Civil Violation Notice B089252 issued on January 4, 2010. Ticket was paid on April 29, 2010. Final Notice of Intent to Lien/Demand for payment was issued on August 23, 2010. Lien was recorded on April 29, 2011. Case remains open. BSS case A2011001432-X opened on February 11, 2011. Notice of Violation issued for expired permit 2009048319. Civil Violation Notice P00389 was issued on June 3, 2011. Final Notice of Intent to Lien/Demand for payment issued on August 31, 2011. Ticket was paid on September 30, 2011. Case remains open.

Gerardo Portilla & Vanessa Portilla

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

REPORTER NAME:

POOL APPROVED UNDER SEPARATE PERMIT.



LOT
 135.09 X 140.26 =
 18,142.11 sq ft
 6,443.00 sq ft
 11,699.11 sq ft

1000 G.
 212.71
 241.15
 374.51
 179.112
 21.00
 24.00
 11.00 = 1000 G.

RECEIVED
 JUN 13 2012

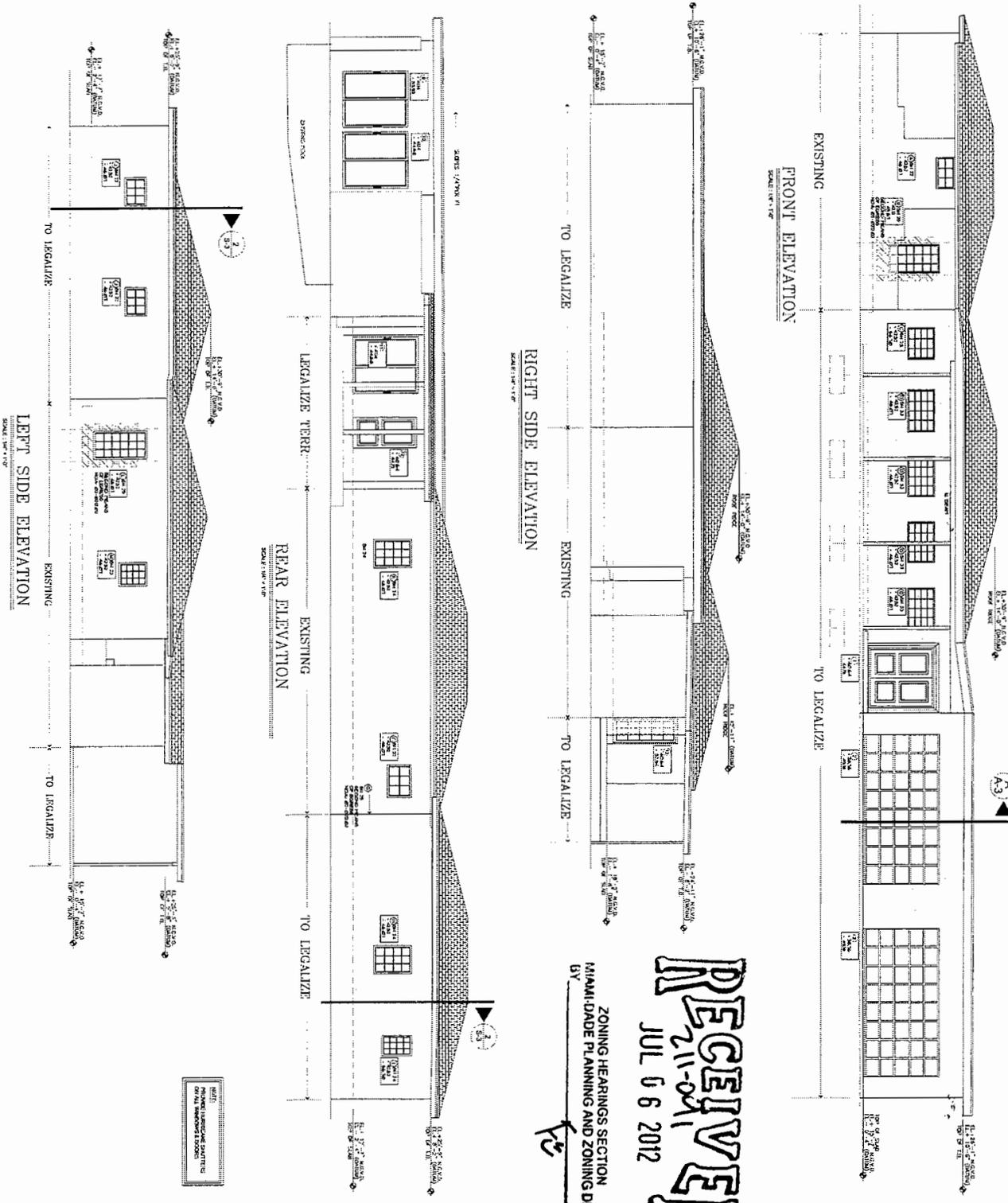
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 21-091
 JUL 06 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY FC

ENLARGED SITE

14



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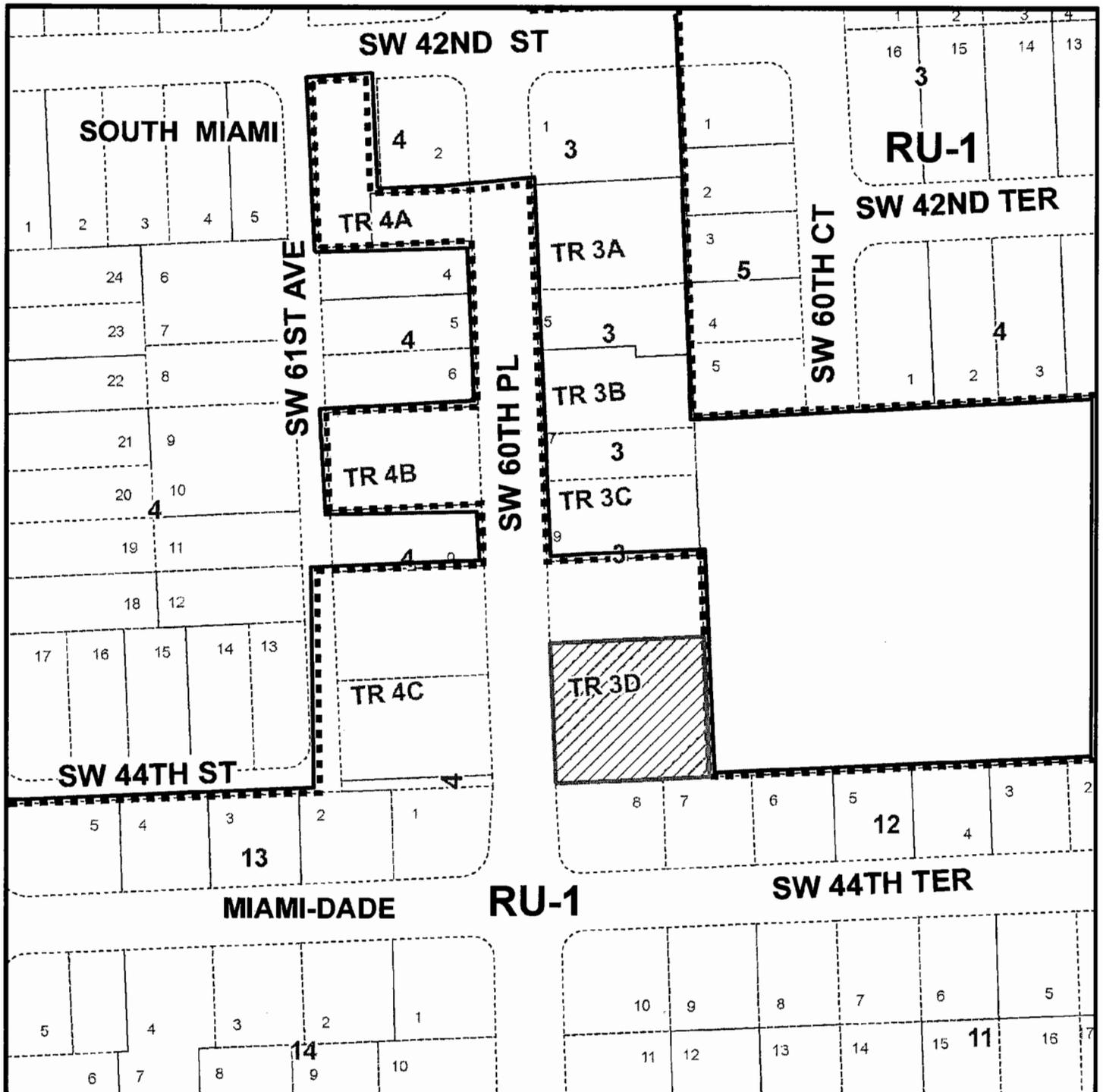
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY FC

17

211-041
 07/06/2012
 10:30 AM
 [Signature]

NOTE:
 REMOVE UNLAWFUL EXISTING
 ON ALL UNLAWFUL DOORS

SHEET NO. A-2 2 OF 3	LEGALIZATION OF ADDITION FOR MR & MRS. GERARDO PORTILLA'S RESIDENCE 4335 S. W. 60 PL MIAMI, FLORIDA 33155	Gama Construction Group, Inc. 6800 SW 40th Street Miami, Florida 33155	FERNANDO GOMEZ-PRIA, P.E. CONSULTING ENGINEER P.E. No. 04790 (FL) 3100 CALADAMA AVE. #204 CORAL GABLES, FL 33134 TEL: (305) 461-2228 FAX: (305) 461-2228 FERNANDEZ@GAMA-FL.COM
	SITE PLAN REVISIONS DATE: 07/06/2012 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: AS SHOWN	BE NOTED THAT THE PROPERTY, THE EXISTING STRUCTURE AND THE PROPOSED ADDITION ARE SUBJECT TO ALL APPLICABLE ZONING ORDINANCES AND REGULATIONS. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER OR FOR THE CONSEQUENCES OF ANY VIOLATION OF ANY APPLICABLE ZONING ORDINANCES OR REGULATIONS.	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000091



Section: 24 Township: 54 Range: 40
 Applicant: GERARDO PORTILLA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, August 19, 2011

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z201100091



Section: 24 Township: 54 Range: 40
 Applicant: GERARDO PORTILLA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

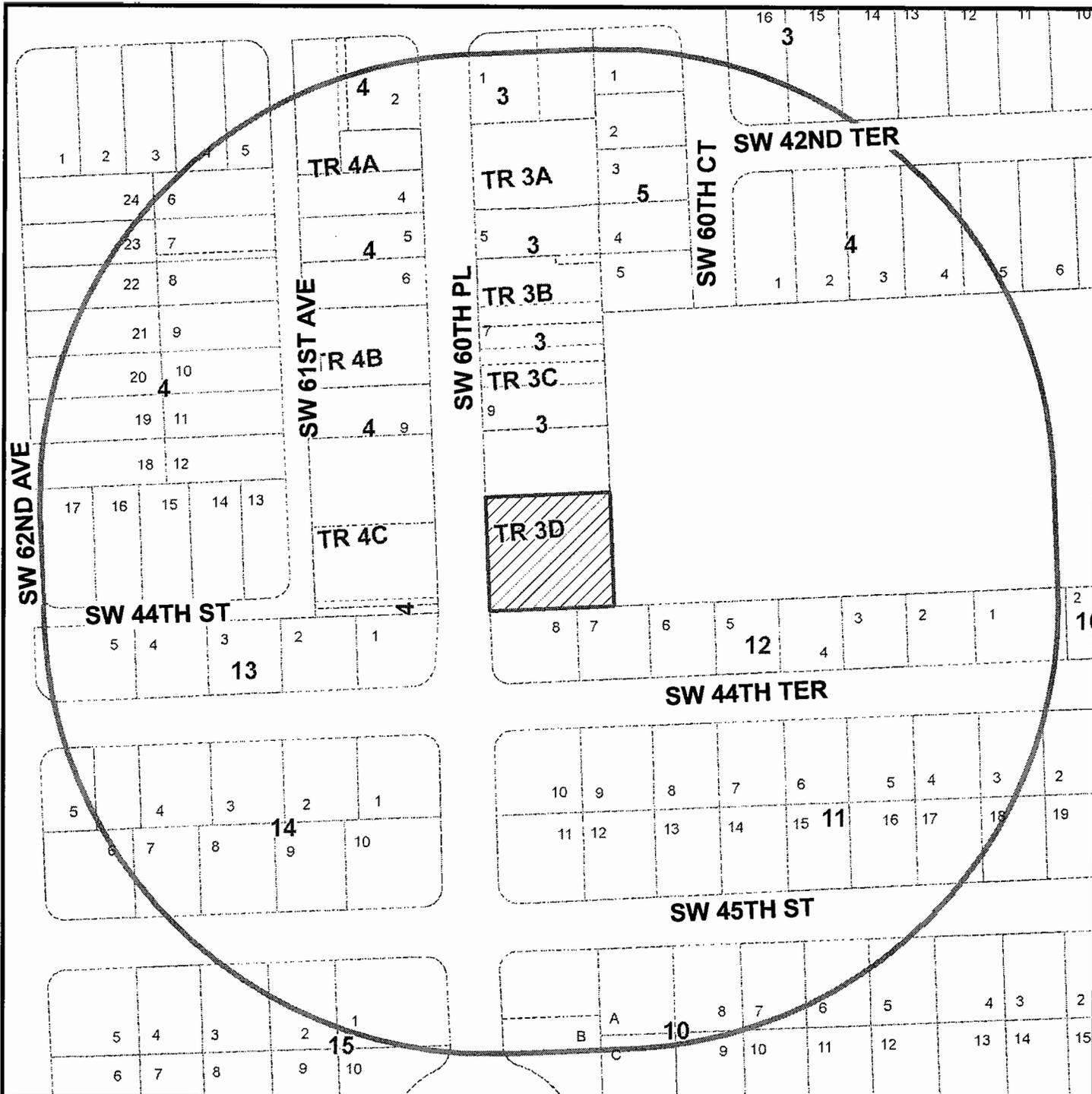
Legend

 Subject Property



SKETCH CREATED ON: Friday, August 19, 2011

REVISION	DATE	BY
		19
		17



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 24 Township: 54 Range: 40
 Applicant: GERARDO PORTILLA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2011000091
 RADIUS: 500



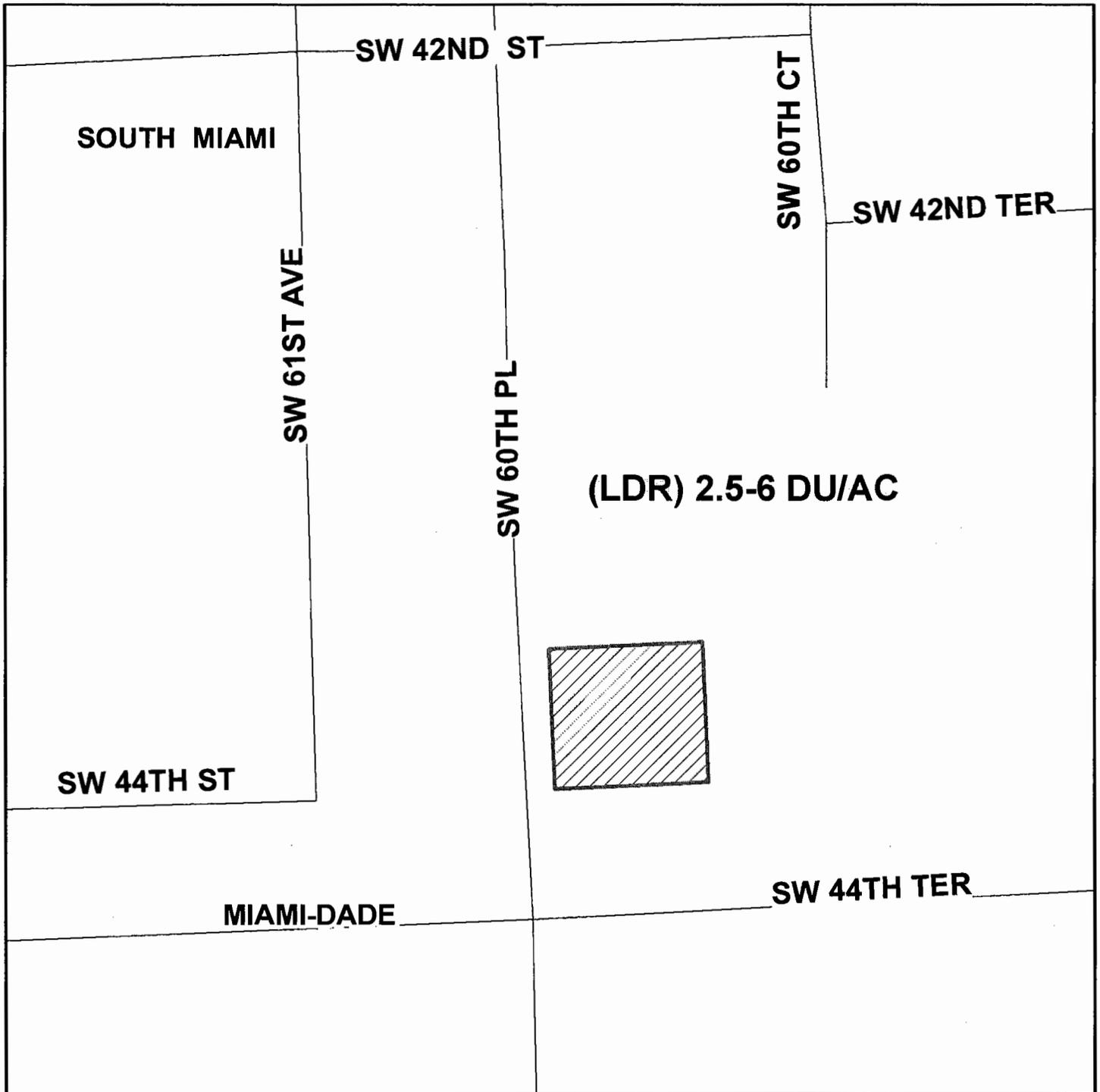
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, August 19, 2011

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000091



Section: 24 Township: 54 Range: 40
 Applicant: GERARDO PORTILLA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, August 19, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z11-117 (12-11-CZ12-1)

November 13, 2012

Item No. 2

Recommendation Summary	
Commission District	10
Applicant	Kendall Associates, et al
Summary of Requests	The applicant is seeking to modify a condition of a previously approved resolution and declaration of restrictive covenant. Additionally, the applicant is seeking to permit an accessory building to setback less than required from property lines and be located in front of a principal building on a dual frontage lot.
Location	11215, 11355 & 11377 SW 84 Street, Miami-Dade County, Florida.
Property Size	12.48-acres
Existing Zoning	GU, Interim
Existing Land Use	Home for the Aged
2015-2025 CDMP Land Use Designation	Institutions, Utilities and Communication (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) MODIFICATION of Condition #2 of Resolution 4ZAB-444-87, last modified by Resolution 5ZAB-148-96, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Place at Kendall: Adult Congregate Living Facility' as prepared by Carr Smith Associates, dated 11-30-95, and consisting of 9 sheets, along with plans entitled 'The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations', as prepared by Carr Smith Associates dated 1-23-96, and consisting of 4 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Emergency Generator and Emergency System Distribution The Palace Nursing Home" as prepared by Octavio J. Oliu, P.E., dated stamped received 9/21/11 and plans entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates, dated 11/30/95 and consisting of 9 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations" as prepared by Carr Smith Associates dated 1/23/96 and consisting of 4 sheets."

- (2) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded on Official Record Book 13629, Pages 1112 through 1119, last modified by Modification of Declaration

of Restrictions, recorded in Official Record Book 28260, Pages 2555 through 2576, reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted, for the hearing entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates", dated 11/30/95 and consisting of 8 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Booth, Entry Drive and Perimeter Wall Reconfigurations", as prepared by Carr Smith Associates, dated 1/23/96 and consisting of 4 sheets."

TO: " 1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Emergency Generator and Emergency System Distribution The Palace Nursing Home" as prepared by Octavio J. Oliu, P.E., dated stamped received 9/21/11 and plans previously submitted entitled "The Palace at Kendall: Adult Congregate Living Facility" as prepared by Carr Smith Associates, dated 11/30/95 and consisting of 8 sheets, along with plans entitled "The Palace at Kendall: Adult Congregate Living Facility Visitor Booth, Entry Drive and Perimeter Wall Reconfigurations", as prepared by Carr Smith Associates, dated 1/23/96 and consisting of 4 sheets."

The purpose of requests #1 & #2 is to submit a revised site plan showing a new accessory structure for the previously approved home for the aged.

- (3) NON-USE VARIANCE to permit an accessory structure to setback 10' 2" (85' required) from the front (east) property line on a dual frontage lot and to be in front of the principal building (not permitted).

The aforementioned plans are on file and may be examined in the Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The site plan depicts the existing 225,411 sq. ft. facility with a new 12'8" x 22' accessory structure located in front of a principal building on the southeast side of the subject property.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	GU; home for the aged	Institutions, Utilities & Communications
North	GU; vacant	Institutions, Utilities & Communications
South	RU-4L & RU-TH; residential condominiums & townhouse residences	Low-Medium Density Residential (6 – 13 dua) Medium Density Residential (13 – 25 dua)
East	GU; Miami-Dade County Park	Institutions, Utilities & Communications
West	RU-1; single-family residences	Low Medium Density Residential (6 – 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing home for the aged facility located at 11215, 11355 & 11377 SW 84 Street. The surrounding area is characterized by residential and institutional uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to install an accessory structure to house a new emergency generator on the subject property located in front of the principal structure on the dual frontage lot. The proposed generator will allow the applicant to supply power to the facility in case of an emergency. However, the encroachment into the setback area could have a negative visual impact on the property to the east.

CDMP ANALYSIS:

The subject property is designated as **Institutions, Utilities and Communications** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. The approval of the requests sought in this application will allow the applicant to submit a revised site plan for the home for the aged facility. Staff notes that the revised site plan depicts a new accessory structure to house an emergency generator located in front of a principal building on a dual frontage lot. Staff is of the opinion that because the home for the aged use will not change, the existing use remains **consistent** with the uses allowed in the Institutions, Utilities and Communications land use designation on the CDMP LUP map.

ZONING ANALYSIS:

When requests #1 and #2, to permit the modification of a condition of a previously approved resolution and declaration of restriction, are analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that said requests would not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance and would be **compatible** with the surrounding area for the reasons stated below and as evidenced by the memoranda submitted by the Departments of Public Works and Waste Management; Regulatory and Economic Resources the Environmental Division; and Miami-Dade Fire Rescue. Additionally, said departments indicate in their memoranda that they do not object to the application.

Staff opines that the approval of requests #1 and #2 would not have negative visual, noise, traffic impacts or unduly burden County services in the surrounding area as evidenced in the memoranda submitted by reviewing departments. Additionally, staff notes that approval of requests #1 and #2 is contingent upon the approval of the non-use variance listed as request #3. Approval of requests #1 and #2 will allow the applicant to submit revised plans which depict the existing home for the aged facility with a new accessory structure located in front of a principal building. The accessory structure will be used to house an emergency generator. As such, staff opines that the requests would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area based on the analysis for request #3. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) Generalized Modification Standards.**

Staff notes that while the subject property is zoned GU, Interim District; the Code states that if no trend in development has been established the minimum standards of the EU-2, Estates Single-Family Five Acre Estate District shall apply, notwithstanding that there is no EU-2 zoning in the surrounding area; therefore request #3, to permit an accessory structure setback less

than required from the front (east) property line on a dual frontage lot and to be in front of the principal building is necessitated based on the EU-2 zoning district standards.

When analyzing request #3, to permit an accessory structure to setback 10' 2" (85' required) from the front (east) property line on a dual frontage lot and to be in front of the principal building (not permitted) under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b); staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff opines that the 74'-10" encroachment of the proposed accessory structure into the front setback area is the result of the configuration of the existing buildings on the site. The site is a dual frontage lot with frontage along SW 114 Avenue on the west and SW 112 Avenue on the east. The site has been configured so that the buildings are oriented toward SW 84 Street, the longest part of the site. Additionally, the only ingress/egress points are also located along SW 84 Street. Staff notes that the submitted site plan depicts the proposed accessory structure located along SW 112 Avenue, abutting one of the buildings on the east side of the subject property. Further, staff's review of the submitted plans and aerial photographs from the County's GIS system, indicate that the visual impact of the proposed accessory structure on passersby along SW 112 Avenue, is mitigated by a rows of trees and shrubs planted along the front (east) property line. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

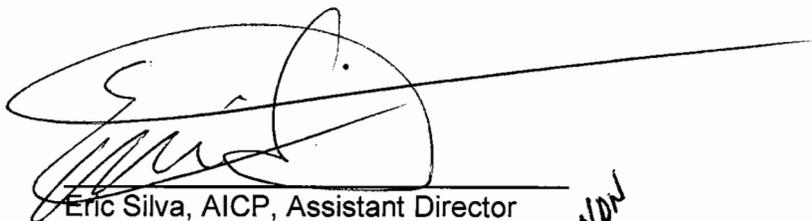
OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITION FOR APPROVAL:

1. That all the conditions of Resolutions 4-ZAB-444-87, 5-ZAB-32-95 and 5-ZAB-148-96 remain in full force and effect, except as herein modified.
2. That all the conditions of Declaration of Restrictions recorded on Official Record Book 13629, Pages 1112 through 1119, last modified by Modification of Declaration of Restrictions, recorded in Official Record Book 28260, Pages 2555 through 2576, remain in full force and effect except as herein modified.

ES:MW:NN:CH:AN



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

NDW

ZONING RECOMMENDATION ADDENDUM

Kendall Associates, et al
11-117

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management – RER	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p><i>Institutions, Utilities and Communications</i> <i>(Pg. I-52.4)</i></p>	<p><i>The Plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. Internally integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. If the owner of land designated as Institutions, Utilities and Communications chooses to develop the land for a different use and no public agency intends to use the site for a public facility, the land may be developed for a use or a density comparable to and compatible with surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP especially Policies LU-4A and LU-4B.</i></p> <p><i>The Homestead Air Reserve Base is also included in this category on the Land Use Plan map. The range of uses that may occur on the Base as it is redeveloped shall emphasize military aviation and related uses, national security, recreation uses, educational and other institutional uses. All future uses on the former Base will be consistent with the Record of Decision issued by the Secretary of the Air Force as it pertains to County use of the Base property.</i></p> <p><i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i></p> <p><i>Electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in</i></p>
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ZONING RECOMMENDATION ADDENDUM

Kendall Associates, et al
11-117

	<i>transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.</i>
--	--

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>

**2. KENDALL ASSOC &
KENDALL HEALTH CARE**
(Applicant)

12-11-CZ12-2 (11-117)
Area 12/District 10
Hearing Date: 11/13/12

Property Owner (if different from applicant) **KENDALL ASS & KENDALL HEALTH CARE.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1987	The Haven Center Inc.	- Unusual Use to permit a home for the aged & nursing home. - Non-Use Variance of setback requirement to permit the proposed nursing home setback 25' from the North Property Line.	ZAB	Approved with Condition(s)
1995	Kendall Health Care Properties & Kendall II Health Care Prop. II	- Modification of condition #2 of resolution 4-ZAB-444-87, passed and adopted by the ZAB on the 4 th day of November 1987.	ZAB	Approved with Condition(s)
1996	Kendall Health Care Prop.	- Unusual Use to expand an existing home for the aged. - Unusual Use to permit a proposed Entrance Feature consisting of landscaping, a visitor booth, a gate card control device.	ZAB	Approved with Condition(s)
1996	Kendall Health Care Prop.	- Reformation of resolution 5-ZAB-148-96.	ZAB	Approved

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

Memorandum

Date: October 17, 2011
To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs



Subject: C-12 #Z2011000117
Kendall Associates and Kendall Health Care Properties
11215-11355 S.W. 84th Street
Modification of a Previous Plan and to Permit a Proposed Generator
Structure Setback Less than Required from Property Lines
(GU) (8.8 Acres)
31-54-40

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

Flood Protection

The application site does not lie within a Special Flood Hazard Zone as determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 8.0 ft NGVD. The proposed concrete slab for the emergency generator as depicted in the zoning request for a variance of set backs, must be 4 inches above the highest crown of road and County Flood Criteria. Based on the site plan submitted the elevation for the proposed concrete slab for the emergency generator is 10.97 ft, which is in compliance with the Code.

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area of the Alexander Orr wellfield complex. Development of the subject property shall be in accordance with the regulations established in Section 24.43 of the Code.

Potable Water Service and Wastewater Disposal

The subject property is currently connected to public water and public sanitary sewers. Therefore, any proposed development requiring public water and sanitary sewers shall connect to public water and public sanitary sewers, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Stormwater Management

The proposed installation of Emergency Generator will not affect the existing stormwater management system.

Wetlands

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

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

Fuel Storage Facilities

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

Tree Preservation

According to the site plan submitted with this zoning application, the emergency generator will not impact tree resources. 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

The subject property has one (1) closed enforcement record for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

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

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

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

PH# Z2011000117
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: KENDALL ASSOC & KENDALL HEALTH CARE

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 application meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

25-OCT-11

Memorandum



Date: October 26, 2011

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

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

Subject: Z2011000117: KENDALL ASSOC & KENDALL HEALTH CARE

Application Name: KENDALL ASSOC & KENDALL HEALTH CARE

Project Location: The site is located at 11215-11355 SW 84 ST, Miami-Dade County.

Proposed Development: The applicant is requesting approval for modification to plans including a variance request of setbacks for the installation of an emergency generator for an existing assisted care senior living facility.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

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

Memorandum



Date: 11-OCT-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2011000117

Fire Prevention Unit:

No objection via Case Z2011000117.

Service Impact/Demand

Development for the above Z2011000117
located at 11215 11355 SW 84 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1788 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:34 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.

DATE: 20-SEP-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

KENDALL ASSOC & KENDALL
HEALTH CARE

11215, 11355 & 11377 SW 84 ST,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000117

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: Folio 3040310430030 - No open cases. Folio 3040310510010 - No open cases. BNC: Folio 3040310430030 - No open/ closed cases. Folio 3040310510010 - No open/closed cases.

Kendall Assoc & Kendall Health Care

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

REPORTER NAME:

Memorandum



Date: October 22, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2011000117

An inspection was conducted on October 22, 2012, at the property known as 11215, 11355 & 11377 SW 84 Street.. This is the property known as The Palace, a nursing and rehab facility. No violations were observed. Certificate of Uses have been obtained.

If you have any questions or need further information, please let me know!

Francie Boellard

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 211-117
 DATE: SEP 21 2011

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, LIST PURCHASERS (INCLUDING PRINCIPAL OFFICERS, STOCKHOLDERS, BENEFICIARIES OR PARTNERS).
 (Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, partnerships or similar entities, further disclosure shall be made to identify natural persons having beneficial ownership interests).

BY: DAH
 NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

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

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

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

X Signature: [Signature]
 (Applicant)

Sworn to and subscribed before me this 19 day of September 2011. Affiant is personally known to me or has produced _____ as identification.

X [Signature]
 (Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
 Patricia R. Artiles
 Commission # DD773903
 Expires: MAY 16, 2012
 BONDED THRU ATLANTIC BONDING CO., INC.

My Commission expires: _____

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

RECEIVED
 211-117
 SEP 21 2011

DISCLOSURE OF INTEREST*

RECEIVED

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

MIAMI-DADE COUNTY
PROCESS # 21-117
DATE: SEP 21 2011

BY: DAH
CORPORATION NAME: Kendall Associates

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See attached Exhibit "A"</u>	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
21-117
SEP 21 2011

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

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 21-117
DATE: SEP 21 2011
BY: DAH

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, LIST PURCHASERS INCLUDING PRINCIPAL OFFICERS, STOCKHOLDERS, BENEFICIARIES OR PARTNERS.
[Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, partnerships or similar entities, further disclosure shall be made to identify natural persons having ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

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

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

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

X Signature: _____
(Applicant)

Sworn to and subscribed before me this 19 day of September, 2011. Affiant is personally known to me, or has produced _____ as identification.

X Patricia R. Ariles
(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
Patricia R. Ariles
Commission # DD773903
Expires: MAY 16, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

My Commission expires: _____

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

RECEIVED
21-117
SEP 21 2011

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z11-117
DATE: SEP 21 2011
BY: DAH

EXHIBIT "A"

Kendall Associates aka Kendall Healthcare
Properties III, LLC

66.6% - KHCPCI, LLC

*100% owned by Jacob and Helen
Shaham*

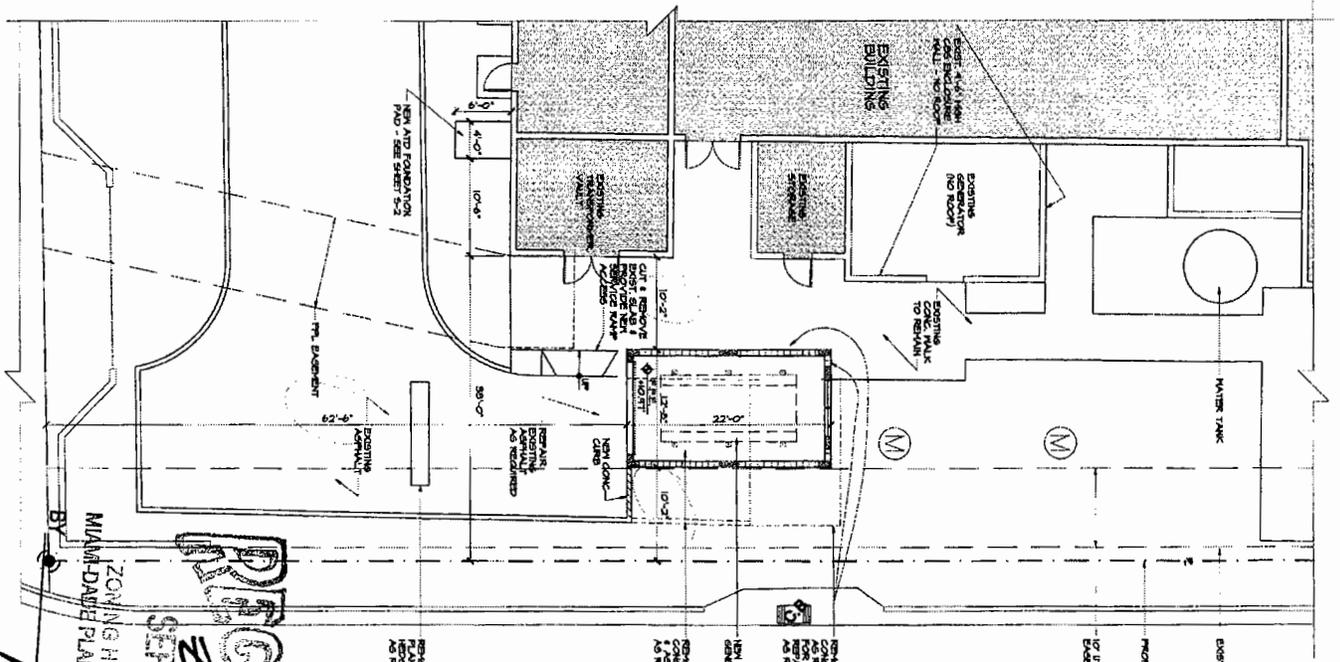
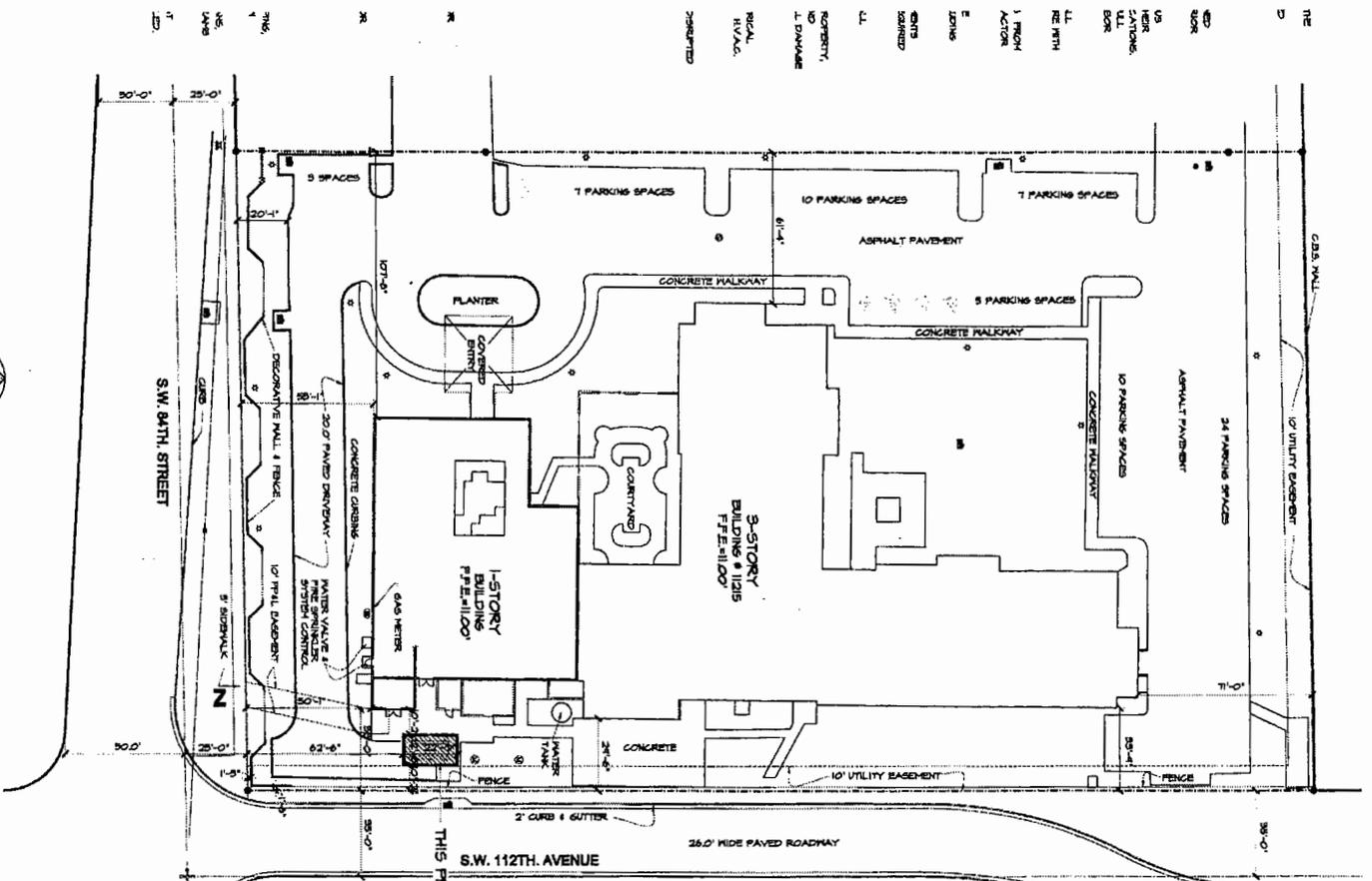
33.3 % - Kendall Health Care, Inc.

*100% owned by Jacob and Helen
Shaham*

RECEIVED
Z11-117
SEP 21 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: _____



SITE PLAN
SCALE 1/32"=1'-0"

ENLARGED SITE PLAN

AREA OF WORK DETAIL
SCALE 1/8"=1'-0"

RECEIVED
SEP 21 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

ZONING: GU	20
LAND USE:	
GROSS LAND AREA	
LESS ROADWAY	
LESS WATER	
LESS OTHER	
NET LAND AREA	
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GENERAL NOTES

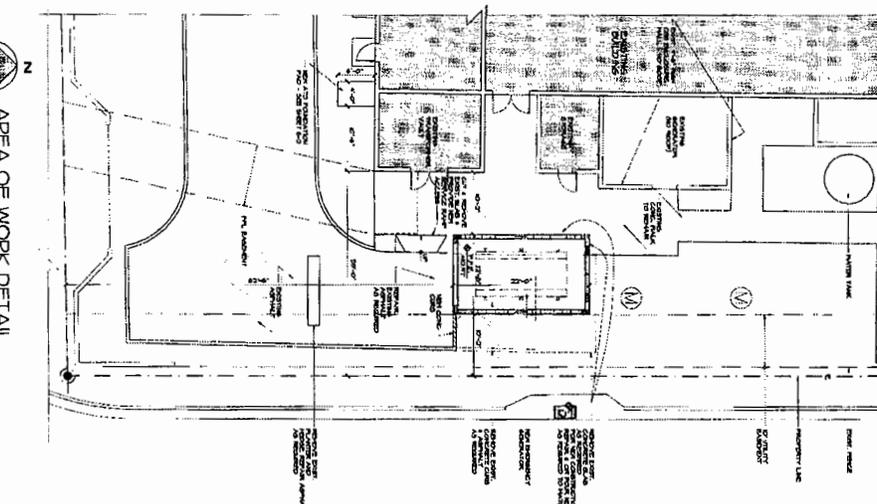
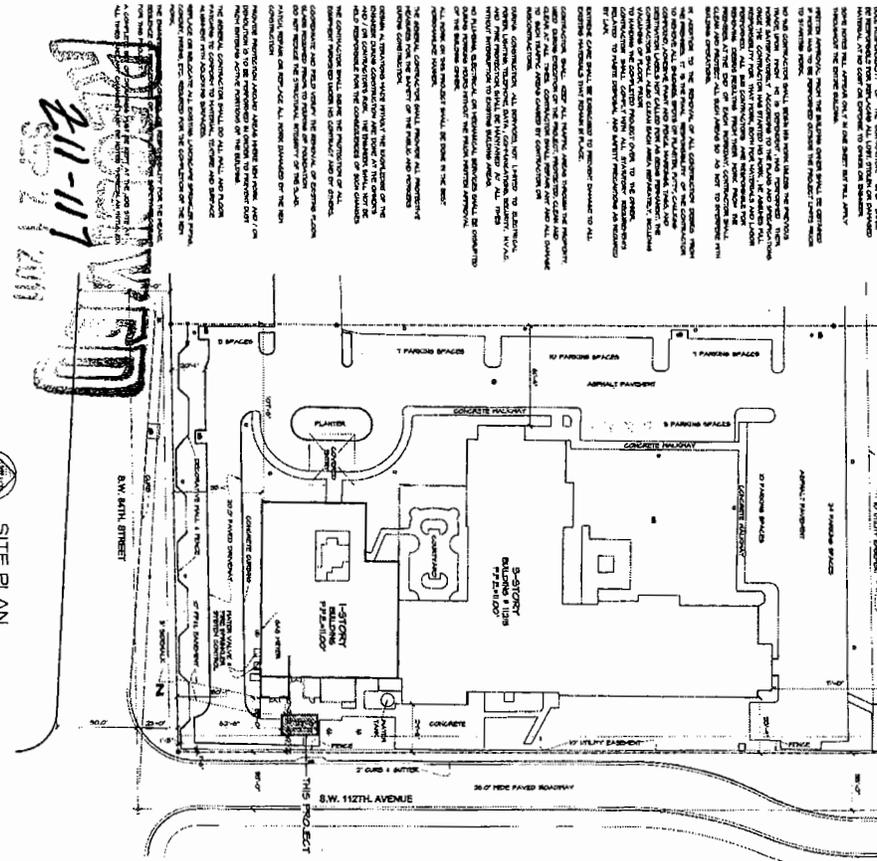
1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, INCLUDING BUT NOT LIMITED TO, THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, INCLUDING BUT NOT LIMITED TO, THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA.

FINISH SPECIFICATION NOTES

1. INTERIOR FINISHES: INTERIOR WALLS AND CEILING TO MATCH EXISTING. INTERIOR FLOORING TO MATCH EXISTING. INTERIOR DOORS AND WINDOWS TO MATCH EXISTING. INTERIOR PAINT TO MATCH EXISTING. INTERIOR LIGHTING TO MATCH EXISTING. INTERIOR FIXTURES TO MATCH EXISTING.

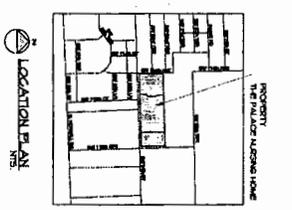
BID NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, INCLUDING BUT NOT LIMITED TO, THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA, INCLUDING BUT NOT LIMITED TO, THE CITY OF MIAMI, FLORIDA, AND THE STATE OF FLORIDA.



FLOOD LEGEND

SYMBOL	DESCRIPTION
(Symbol)	100 YEAR FLOOD
(Symbol)	500 YEAR FLOOD
(Symbol)	1000 YEAR FLOOD



ZONING LEGEND

SYMBOL	DESCRIPTION
(Symbol)	RESIDENTIAL SINGLE-FAMILY
(Symbol)	RESIDENTIAL MEDIUM-DENSITY
(Symbol)	RESIDENTIAL HIGH-DENSITY

AREA OF WORK DETAIL

ITEM	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE FOUNDATION	100	sq. ft.
2	FOUNDATION WALLS	200	sq. ft.
3	FOUNDATION SLABS	150	sq. ft.
4	FOUNDATION BEAMS	100	sq. ft.
5	FOUNDATION PILES	50	sq. ft.

NEW EMERGENCY GENERATOR AND EMERGENCY SYSTEM DISTRIBUTION

THE PALACE NURSING HOME

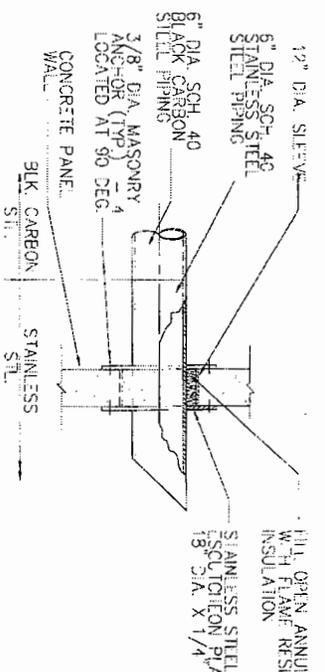
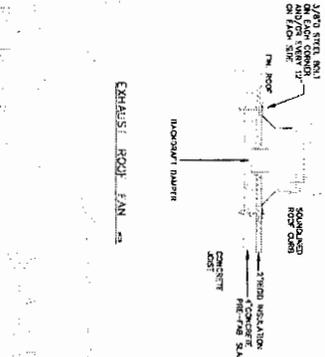
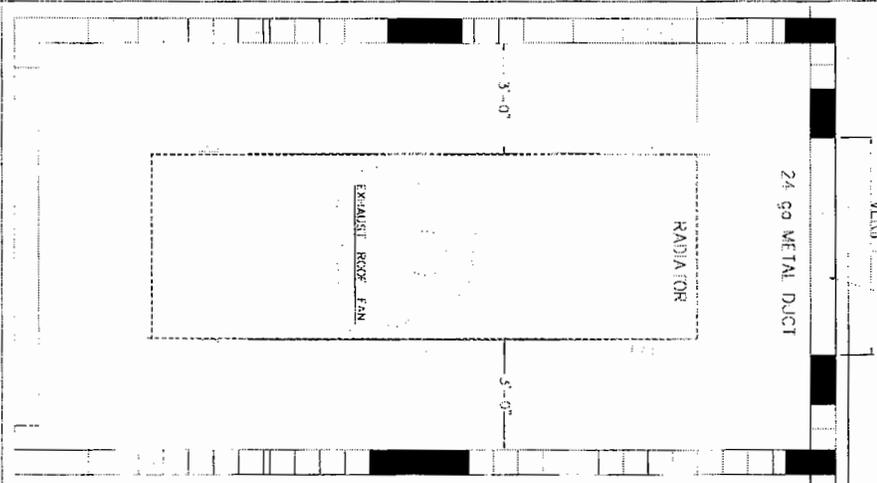
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Miami, FL 33173

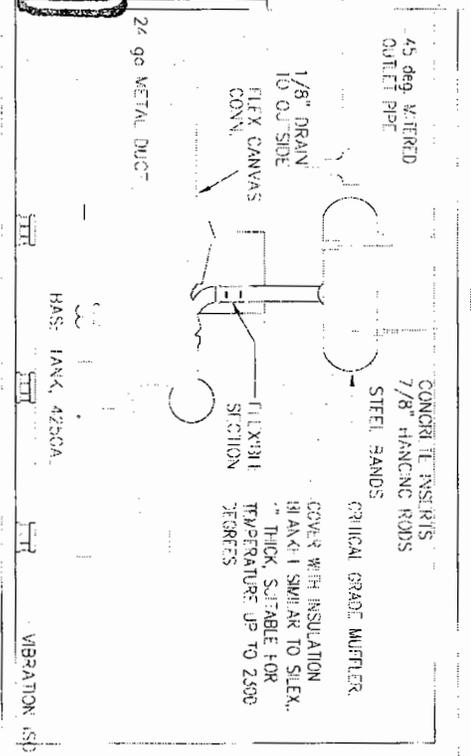
305-270-7000

BY JOHN H. BUSCHER, P.E. Structural Engineer

LOWER RUSKIN MODEL EYEBROW
 LARGE AND SMALL BATTLE RESISTANT
 WGA 01-0912.02 (CONTRACTOR TO VERIFY EXPIRATION DATE
 PRIOR TO INSTALLATION)



EXHAUST PIPE WALL PENETRATION



RECEIVED
 411-117
 SEP 27 2011

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 EMERGENCY GENERATOR ELEVATION

GENERATOR PLAN 3/4"=1'-0"

M. JURADO & ASSOCIATES, INC.
 VANESSA R. JURADO, REGISTERED PROFESSIONAL ENGINEER
 P.E. NO. 1130
 11745 SW 10TH ST. SUITE 100
 MIAMI, FL 33156
 TEL: (305) 551-9718 FAX: (305) 551-9799

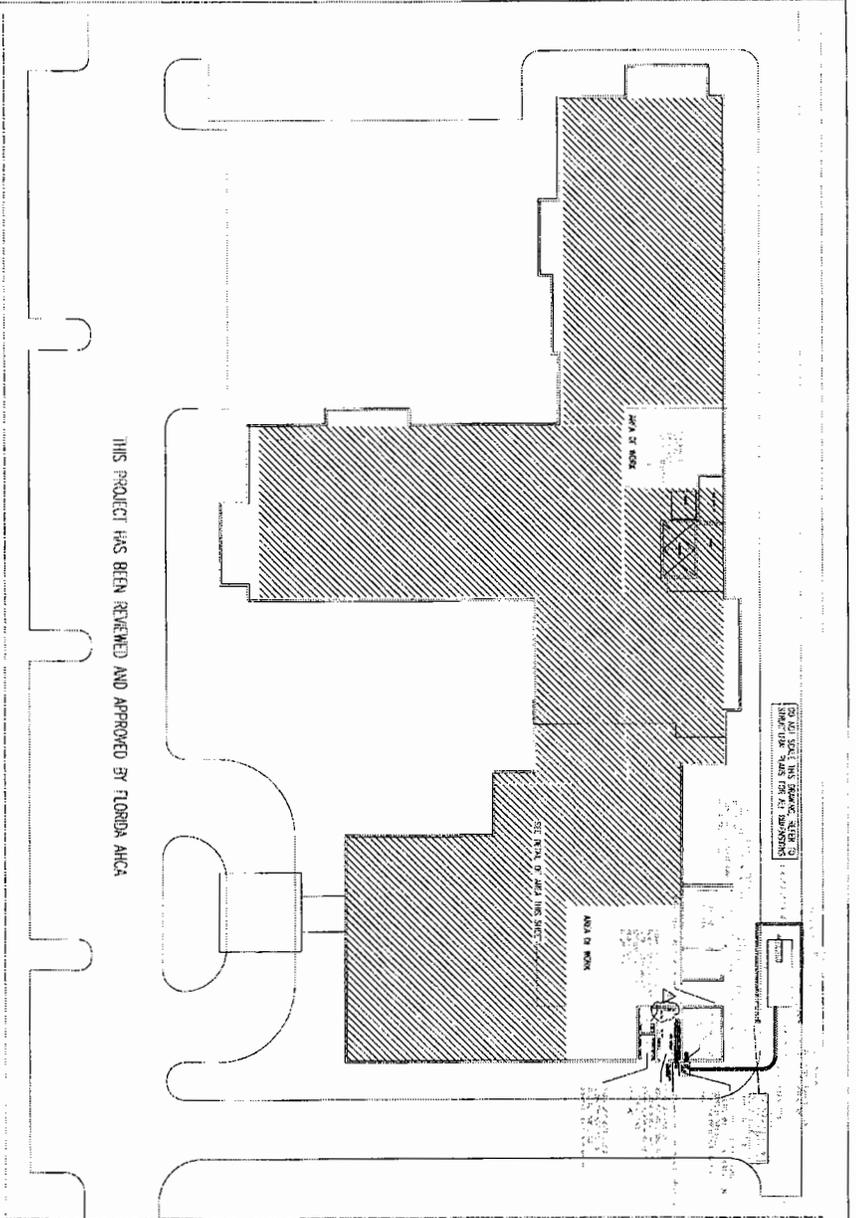
GENERATOR MECHANICAL INSTALLATION PLAN

**NEW EMERGENCY GENERATOR
 OPTIONAL EMERGENCY
 SYSTEM**

THE PALACE NURSING HOME
 11215 SW 84TH STREET
 Miami, FL 33173
 305-270-7000

OCTAVO J. OLIVERA, P.E.
 ELECTRICAL CONSULTING ENGINEER
 F.L.A. REG. 15070
 10278 SW 10TH ST. SUITE 100
 MIAMI, FL 33156
 TEL: (305) 551-9718 FAX: (305) 551-9799

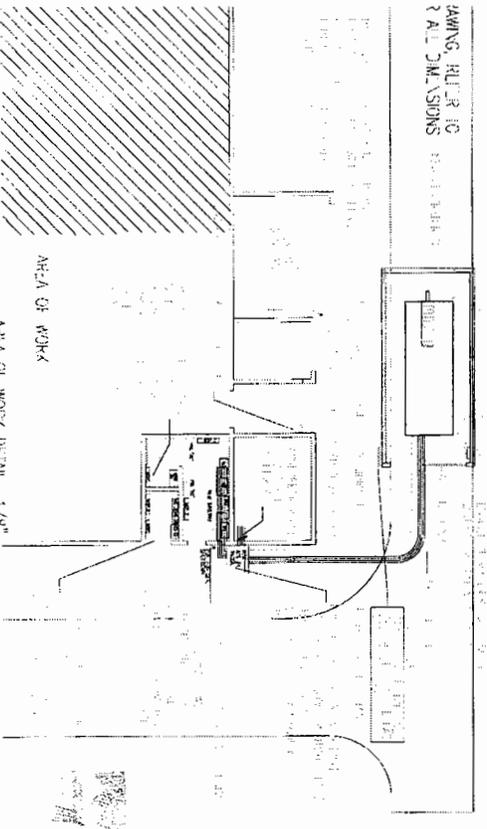
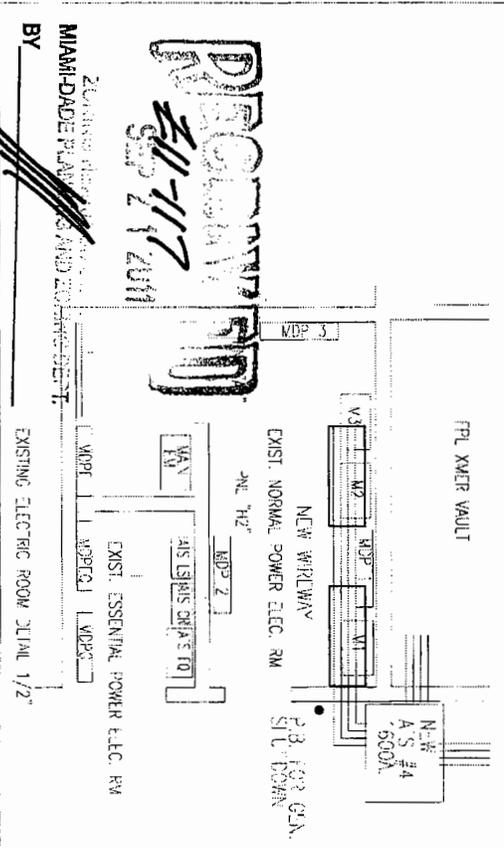
24



TO ALL PARTS THIS DRAWING, REFER TO THE ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS

THIS PROJECT HAS BEEN REVIEWED AND APPROVED BY FLORIDA AHCA

SITE PLAN 1/16"



SCOPE OF WORK
 CONTRACTOR TO VERIFY DIMENSIONS OF GENERATOR AND CLEARANCES REQUIRED AROUND IT IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS PRIOR TO BEGIN CONSTRUCTION OF GENERATOR BUILDING. IN THE EVENT OF DISCREPANCIES IN DIMENSIONS CONTRACTOR SHALL NOTIFY STRUCTURAL ENGINEER IMMEDIATELY.
 DO NOT SCALE THESE DRAWINGS. REFER TO ARCHITECTURAL DRAWINGS AND SITE PLAN FOR ALL DIMENSIONS.

MIAMI-DADDE PLANNING AND ZONING DEPARTMENT
 BY _____

PROJECT
 SEP 27 1977

NEW EMERGENCY GENERATOR AND EMERGENCY SYSTEM DISTRIBUTION

THE PALACE NURSING HOME

11215 SW 84TH STREET

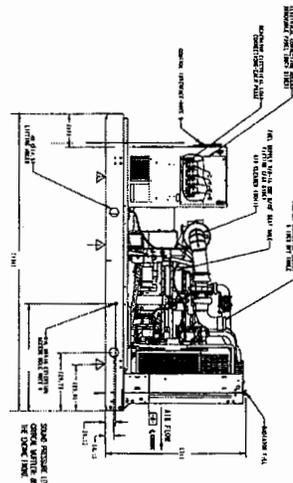
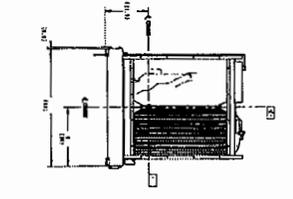
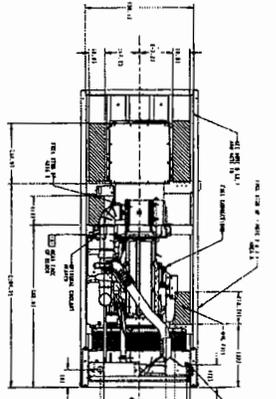
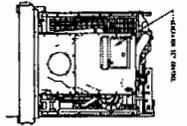
Miami, FL 33173
 305-270-7000

CCOVARO J.
 CLU, P.E.
 CONSULTING
 ENGINEER
 15070
 MIAMI, FL 33187

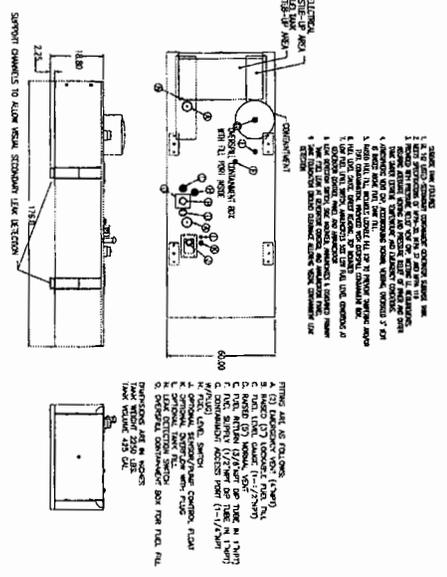
25

POWER SITE PLAN

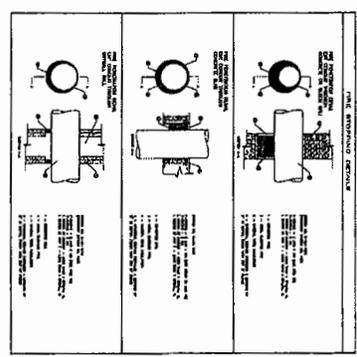
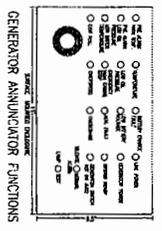
E 1



GENERATOR DIMENSIONS AND CONNECTIONS DETAIL NIS



SUBBASE 425 GALLON TANK DETAIL NIS



CONTRACTOR TO VERIFY DIMENSIONS OF GENERATOR AND CLEARANCES REQUIRED AROUND IT IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS PRIOR TO BEGIN CONSTRUCTION OF GENERATOR BUILDING. IN THE EVENT OF DISCREPANCIES IN DIMENSIONS CONTRACTOR SHALL NOTIFY STRUCTURAL ENGINEER IMMEDIATELY.



ZONING HEADLINE: TRANSFER SWITCH MOUNTING DETAIL 1/2" MAMI-DADE PLANNING AND ZONING DEPT. BY [Signature]

THIS PRODUCT HAS BEEN REVIEWED AND APPROVED BY FLORIDA ACHC

EMERGENCY GENERATOR AND RELATED EQUIPMENT DESIGNATION FOR EQUIPMENT SUPPLIER

EMERGENCY GENERATOR AND RELATED EQUIPMENT DESIGNATION FOR EQUIPMENT SUPPLIER. THE GENERATOR SHALL BE CAPABLE OF DELIVERING 100% OF ITS RATED OUTPUT AT ALL TIMES UNDER ALL LOADS AND AT ALL TIMES UNDER ALL LOADS. THE GENERATOR SHALL BE CAPABLE OF DELIVERING 100% OF ITS RATED OUTPUT AT ALL TIMES UNDER ALL LOADS AND AT ALL TIMES UNDER ALL LOADS. THE GENERATOR SHALL BE CAPABLE OF DELIVERING 100% OF ITS RATED OUTPUT AT ALL TIMES UNDER ALL LOADS AND AT ALL TIMES UNDER ALL LOADS.

ELECTRIC NOTES

PROVIDE ALL CONDUIT, INTERCONNECTIVE WIRING, AND ALL OTHER ELECTRICAL MATERIALS TO BE USED THROUGHOUT THIS JOB. ALL CONDUIT IS TO BE USED THROUGHOUT THIS JOB. ALL CONDUIT IS TO BE USED THROUGHOUT THIS JOB. ALL CONDUIT IS TO BE USED THROUGHOUT THIS JOB.

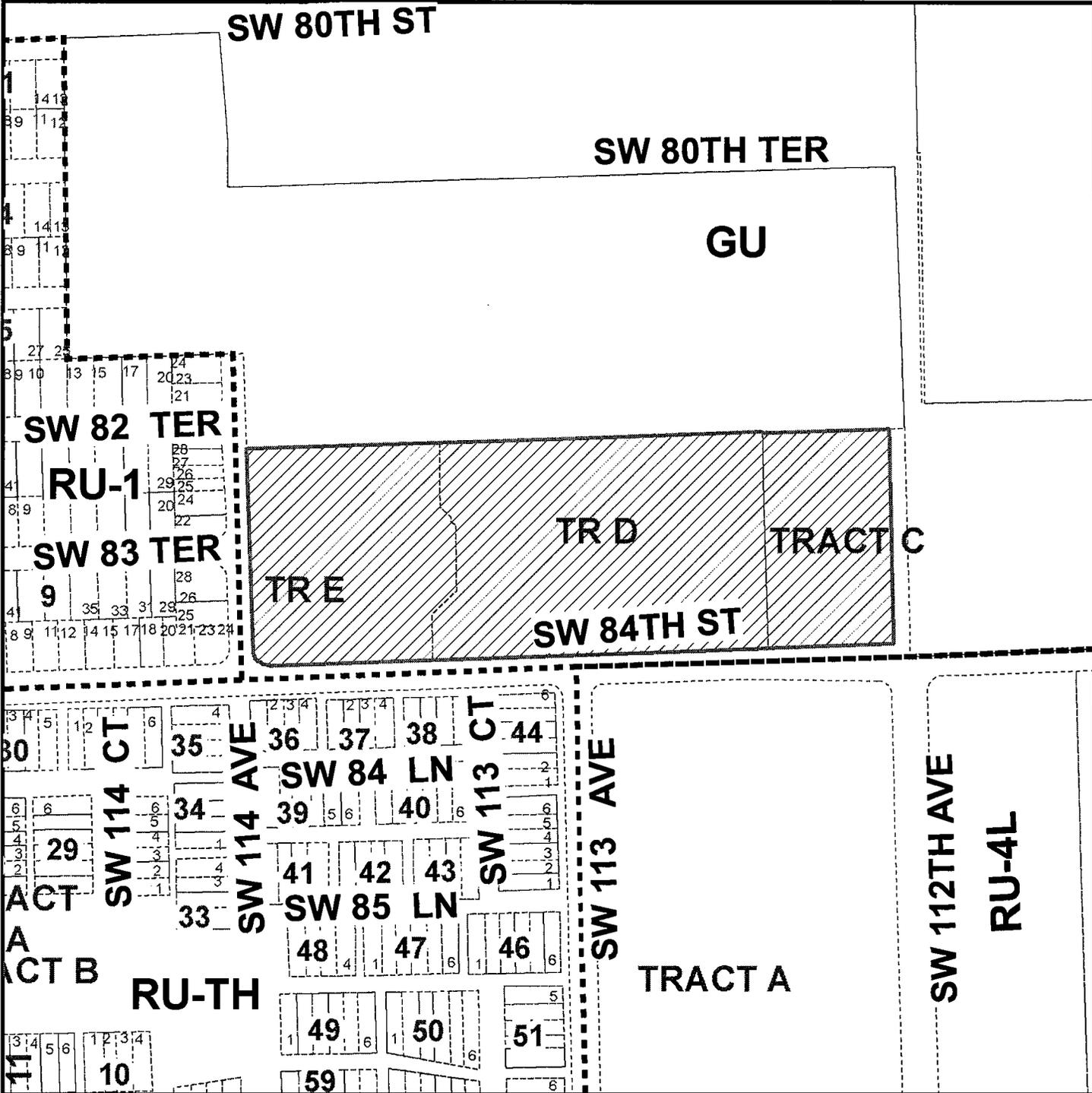
OSCARINO & O'LEARY P.E. ELECTRICAL ENGINEERING FLA. REG. NO. 12345

THE PALACE NURSING HOME
11215 SW 84TH STREET
Miami, FL 33173
305-270-7000

NEW EMERGENCY GENERATOR AND EMERGENCY SYSTEM DISTRIBUTION

DETAILS AND NOTES
E-3

21



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000117



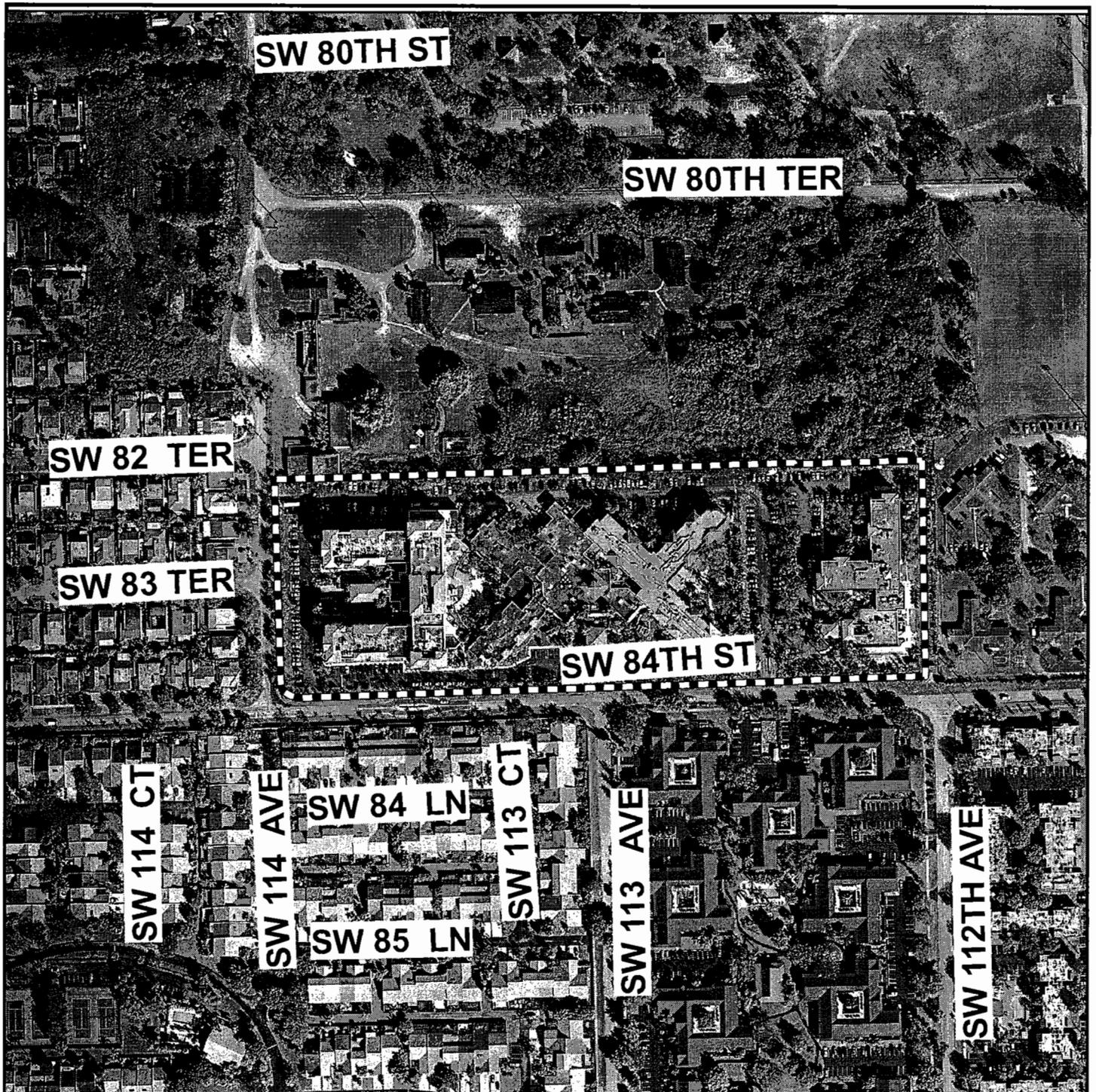
Section: 31 Township: 54 Range: 40
 Applicant: KENDALL ASSOC & KENDALL HEALTH CARE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Monday, March 5, 2012

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2011000117



Section: 31 Township: 54 Range: 40
 Applicant: KENDALL ASSOC & KENDALL HEALTH CARE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

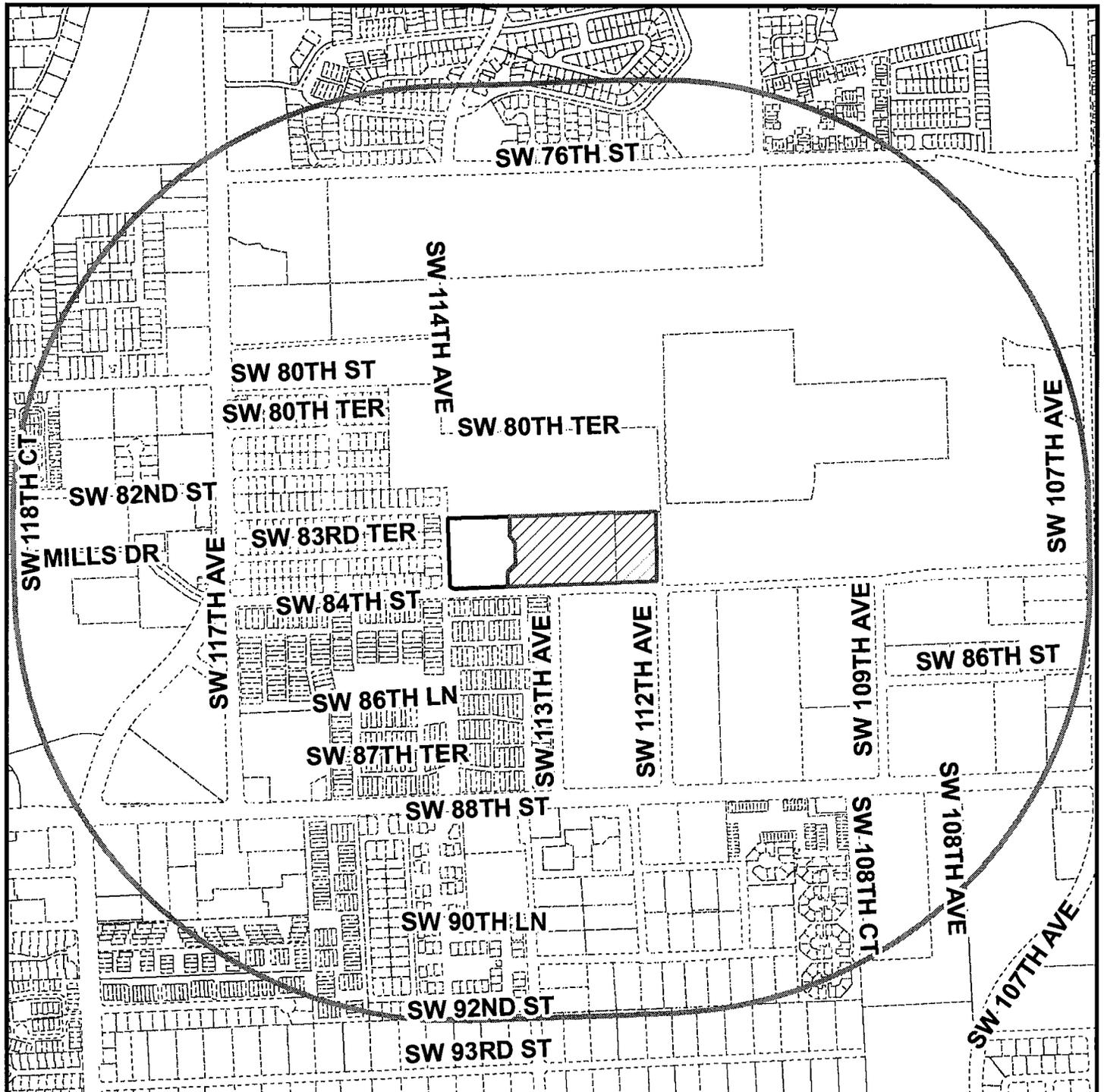
Legend

 Subject Property



SKETCH CREATED ON: Monday, March 5, 2012

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2011000117

RADIUS: 2640

Section: 31 Township: 54 Range: 40
 Applicant: KENDALL ASSOC & KENDALL HEALTH CARE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Tuesday, October 4, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12**

PH: Z12-108 (12-11-12-3)

November 13, 2012

Item No. 3

Recommendation Summary	
Commission District	7
Applicant	Jose Milton Dadeland, LLC
Summary of Requests	The applicant is requesting a modification of a previously approved resolution and declaration of restrictions.
Location	Lying east of SW 77 Avenue and approximately 1,300' south of SW 88 Street (Kendall Drive) A/K/A 9355 SW 77 Avenue, Miami-Dade, County, Florida
Property Size	10.64 acres
Existing Zoning	RU-4M Modified Apartment House
Existing Land Use	Multi-family residential
2015-2025 CDMP Land Use Designation	Medium High Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 (A)(7) General Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions

REQUEST:

1. Modification of Condition #3 of Resolution Z-38-85, passed and adopted by the Board of County Commissioners, last modified by Resolution No. CZAB12-14-10, passed and adopted by the Community Zoning Appeals Board #12, shall read as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex 'The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets."

To: "2. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex 'The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets and plans entitled "New Parking Structure For The Colony At Dadeland" as prepared by Axioma3 Architects. Sheet A-100 dated stamped received 10/10/12 and the remaining 4 sheets dated stamped received 09/04/12 for a total of 5 sheets."

2. Modification of Paragraph 1 of a Declaration of Restrictions recorded in Official Record Book 27525 Pages 3716 – 3721, reading as follows:

From: "1. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed 92 Units Apartment Building on the Existing Complex 'The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets."

To: "1. That in the approved plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed 92 Units Apartment Building on the Existing Complex 'The Colony at Dadeland,' as prepared by Frances, Anillo, Toledo L.L.C., consisting of 7 sheets: Sheet 'A-1.1' dated stamped received 4/7/10 and the remaining 6 sheets dated stamped received 3/3/10 and plans entitled 'The Colony of Dadeland,' as prepared by EGS2 Corp., consisting of 4 sheets, dated stamped received 4/7/10 for a total of 11 sheets and plans entitled "New Parking Structure For The Colony At Dadeland" as prepared by Axioma3 Architects. Sheet A-100 dated stamped received 10/10/12 and the remaining 4 sheets dated stamped received 09/04/12 for a total of 5 sheets."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing a proposed parking garage building within the previously approved multi-family residential development.

PROJECT DESCRIPTION: Existing approximately 10.64 acres multi-family residential development.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4M; multi-family residential	Medium High Density Residential (25 to 60 dua)
North	RU-4; multi-family residential	Medium High Density Residential (25 to 60 dua)
South	RU-4M; multi-family residential	Medium High Density Residential (25 to 60 dua)
East	SR 826 Extension	Transportation
West	RU-4L & RU-5A; office buildings and multi-family	Medium High Density Residential (25 to 60 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing multi-family residential development located 1300' south of SW 88 Street (Kendall Drive) between SW 77 Avenue and SR 826 (Palmetto Expressway). The surrounding area is characterized by multi-family residential apartments, condominiums and office uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to modify a condition of a previously approved resolution and a paragraph of a declaration of restrictions in order to submit revised site plans that depict a new 3-story parking structure on the subject site. The applicant indicates that the proposed parking structure is needed to address parking issues at the subject site; however, the location and height of the proposed parking structure could have a minimal visual impact on the surrounding condominium residences to the south.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Medium High Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.* The approval of this application will allow the applicant to modify a previously approved resolution and declaration of restrictive covenant in order to submit revised site plans that depict a 3-story parking structure on the subject site. Staff notes that the existing multi-family residential development use will not change and is **consistent** with the density range of the Medium High Density Residential CDMP LUP map designation. As indicated below, the proposed project is **compatible** with the surrounding area and **consistent** with Policy LU-4A.

ZONING ANALYSIS:

When requests #1 and #2, to permit the modification of a condition of a previously approved resolution and a paragraph of a declaration of restrictions, are analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that the approval of said requests would be **compatible** with the surrounding area for the reasons stated below. In staff's opinion, approval of the proposed modification which would allow the applicant to submit a revised site plan for the multi-family residential development to now include a proposed 3-story parking garage would not generate excessive noise, traffic, provoke excessive overcrowding of people or tend to provoke a nuisance based on the analysis below and as evidenced by the memoranda submitted by the Departments of Public Works and Waste Management, the Environmental Resources Management Division of the Department of Regulatory and Economic Resources and the Miami-Dade Fire Rescue Department. Further, said memoranda also indicate that the approval of said requests would not have negative noise, traffic impacts or unduly burden County services in the surrounding area. Additionally, said departments indicate in their memoranda that they do not object to the application.

The submitted plans indicate that the proposed parking garage will be located in the rear, southeast corner of the 10.64-acre parcel where it abuts the elevated exit ramp for the southbound State Road 826 expressway which is located to the east. Elevation plans submitted by the applicant indicate that at its maximum height of 36', the proposed parking garage will be equivalent to the height of the nearest existing building on the subject site located to the west. Further, staff notes that to the east of the expressway is an existing parking garage and office building that is more than six stories in height. To the south of the property is an existing three-story condominium development.

Staff notes that the applicant met several times with the Department and revised the plans based on comments and suggestions from staff. The applicant has designed the 3-story parking garage with attractive fenestrations along the south elevation of the parking garage along with additional landscaping comprised of a continuous hedge and trees in order to prevent a blank wall view on the existing condominiums located to the south. In addition, the plans also indicate an approximately 4' high wall on the second and third story as well as the roof slab along the south elevation of the proposed garage building which staff opines will mitigate any light spillage from vehicles within the parking garage on the building to the south. In addition, staff notes that the location and design of the proposed parking garage meets current zoning regulations and does not require variances. Based on the aforementioned, staff opines that the physical location and the scale of the proposed parking garage will be **compatible** with the existing multi-family residential development and the surrounding multi-family residential condominium developments in this area.

Further, the applicant has indicated in the letter of intent that the proposed 182 space parking garage will provide the rental community with an additional 105 parking spaces which will bring the development into conformity with the current parking regulations which have changed since this development was approved in 1968 and reduce the likelihood of residents and their guests parking in the right-of-way along SW 77 Avenue. As such, staff opines that the requests would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: An increase of 105 parking spaces in the existing development.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution Z-38-85, last modified by Resolution No. CZAB12-14-10 remain in full force and effect, except as herein modified.
2. That all other restrictions of the Declaration of Restrictions recorded in Official Record Book 27525, Pages 3716 – 3721 remain in full force and effect, except as herein modified.
3. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:AN:CH

A handwritten signature in black ink, appearing to read 'Eric Silva', written over a horizontal line.

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

NDW

ZONING RECOMMENDATION ADDENDUM

Jose Milton Dadeland, LLC
12-108

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

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

<p>Medium High Density Residential (Pg. I-31)</p>	<p><i>This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-90, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.</i></p>
<p>Policy LU-4A (Page I-11)</p>	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(7) Generalized Modification Standards</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
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**3. JOSE MILTON DADELAND, LLC
(Applicant)**

**12-11-CZ12-3 (12-108)
Area 12/District 07
Hearing Date: 11/13/12**

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1965	Arvida	<ul style="list-style-type: none">- Zone change from AU & GU to RU-4M & GU to RU-4L.- Special Exception to permit a multi-family development.- Non-Use Variance of parking setbacks.	ZAB	Recommended for Approval
1965	Arvida	<ul style="list-style-type: none">- Zone change from GU & AU to RU-4M & GU to RU-4L.- Special Exception to permit a multi-family development.- Variance of parking.	BCC	Approved with Condition(s)
1967	Sheres and Meyers	<ul style="list-style-type: none">- Special Exception of condition #3 of resolution.- Unusual Use to permit a entrance feature.- Non-Use Variance of zoning regulations.	ZAB	Approved In Part with Conditions
1969	Sheres and Meyers	<ul style="list-style-type: none">- Special Exception & condition of resolution.- Unusual Use for entrance feature.	ZAB	Approved
1976	Ralph Shere & Estate of Ben Meyers	<ul style="list-style-type: none">- Special Exception of lighting of existing tennis court.	ZAB	Approved with Condition(s)
2010	J. Milton Dadeland, LLC	<ul style="list-style-type: none">- Modification & deletion of condition of resolution & declaration of restrictions.	C12	Approved with Condition(s)

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

Memorandum

Date: October 3, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources



Subject: C-12 #Z2012000108
J. Milton Dadeland, LLC
9355 SW 77th Avenue, Miami, FL 33156
Modification of a Previous Resolution to Permit a Four (4) Story
Parking Structure to a Previous Approved Multi-Family
Development
(RU-4M) (10.643 Acres)
02-55-40

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

Stormwater Management

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

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

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

Wetlands

The subject properties do 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

Tree Removal Permit TREE-002146-2012 was issued for these properties on April 9, 2010, and expired on April 9, 2012. Be advised that the proposed garage will impact trees #38 through #52, which are shown on the permitted site plans to be preserved. Section 24-49.2(II) of the Code requires that

specimen-sized trees (trunk diameter equal to or greater than 18 inches) be preserved whenever reasonably possible. The trees that will be impacted (#38 through #52) are non specimen-sized trees; however a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said 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. This Department's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

Be advised that Tree Removal Permit TREE-002146-2012 has expired, therefore the required replanting and final inspection as per this permit must take place. The applicant should request a final inspection to avoid violation of permit conditions. A two weeks notice is required prior to the final inspection.

Please contact the Tree Permitting Program at (305)-372-6600, voice option #2, for information regarding tree permits.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: JOSE MILTON DADELAND, LLC

This Department objects to this application.

Provide a minimum of 15 feet turning radii throughout the parking garage.

Proposed aisle end parking space on ground floor across from "Stair-2" does not meet back-out requirements.

Please contact Jeff Cohen of the Traffic Division of Public Works and Waste Management at 305-375-2746 for details.

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



Raul A Pino, P.L.S.

17-OCT-12

Memorandum



Date: September 26, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: DIC # 12-108
Jose Milton Dadeland, LLC

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

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-108
Jose Milton Dadeland, LLC

Application: *Jose Milton Dadeland, LLC* is requesting to modify Resolution CZAB12-14-10 by submitting revised plans to include a three story parking structure for a previously approved multi-family development (apartment building). The property is located in an area currently zoned Modified Apartment House district (RU-4M).

Size: The subject property is approximately 10.64 acres.

Location: The subject property is located at 9375 SW 77th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued in September of 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The modification of Resolution CZAB12-14-10 regarding a parking structure for an existing apartment building on the property will likely be considered development for a "multi-family residential unit". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Multifamily Units

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

1) Newspaper

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

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: 24-SEP-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000108

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped received 09/04/12.

Service Impact/Demand

Development for the above Z2012000108
located at 9375 SW 77 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1832 is proposed as the following:

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

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

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

JOSE MILTON DADELAND, LLC

9375 SW 77 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000108

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: No prior case. Folio 3050020000600- No cases, Folio 3050020000590-No cases, Folio 3050020000580- Prior case opened January 4, 2011 for parking lot striping and warning issued. Extension granted until March 8, 2011. Citation issued August 30, 2011. Non compliance November 17, 2011. CVN paid November 17, 2011 and violation corrected December 30, 2011. CVN electronically closed April 11, 2012. Case opened January 4, 2011 for junk/trash, warning issued. Extension requested on January 13, 2011 and granted til March 11, 2011. Violation corrected March 8, 2011 and case closed. Case opened January 4, 2011 for unauthorized use and warning issued. Extension requested January 13, 2011 and granted til March 11, 2011. Citation issued August 30, 2011, appeal filed September 27, 2011. CVN submitted for closure November 8, 2011 per DPZ. Case closed December 13, 2011. Case opened July 24, 2012 for unauthorized use in single family district and warning issued, case closed September 7, 2012. BNC: fOLIO 3050020000600- BSS case 20100137551-B opened on June 10, 2010. Notice of violation issued for failure to obtain required building permit(s) prior to commencing work on: Replaced a/c units without permit for units 232,334,336,437,439. Civil Violation Notice P002621 was issued on February 2, 2011 for non compliance. Ticket was paid on april 11, 2012 and compliance met, case was closed on April 13, 2012. BSS case 20120152820-B opened on May 16, 2012. Notice of Violation issued for failure to maintain a bldg or structure or devices in safe condition, as a result of fire damage. Case remains open in review by inspector, permit 2012044681 obtained. BSS case 20120152662-U opened on May 10, 2012. Case opened due to a fire, no violation, no structural damage, other case opened 20120152820-B for failure to maintain. Case closed on June 30, 2012. Folio 3050020000590 - BSS case A2011003768-X opened on August 11, 2011. Civil Violation Notice 649809 issued for expired permit 2010059001. Ticket paid on January 3, 2012 and permit renewed. Case closed on January 4, 2012. Folio 3050020000580 - BSS case 20120151635-U opened on March 22, 2012, site does not exist, see case 20120152662. Case closed administratively on June 30, 2012.

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: J. MILTON DADE/AND, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>JOSE MILTON</u>	<u>100%</u>
<u>3211 TONCE DE LEON BLVD. #301</u>	
<u>CORAL GABLES, FL. 33134</u>	

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

TRUST/ESTATE NAME _____

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

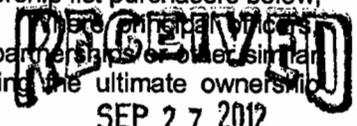
If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

262-108



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)

Sworn to and subscribed before me this 26 day of SEPT. 2012. Affiant is personally know to me or has produced _____ as identification.

Yvonne A. Bodden
(Notary Public)

My commission expires MAR. 4, 2016



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.

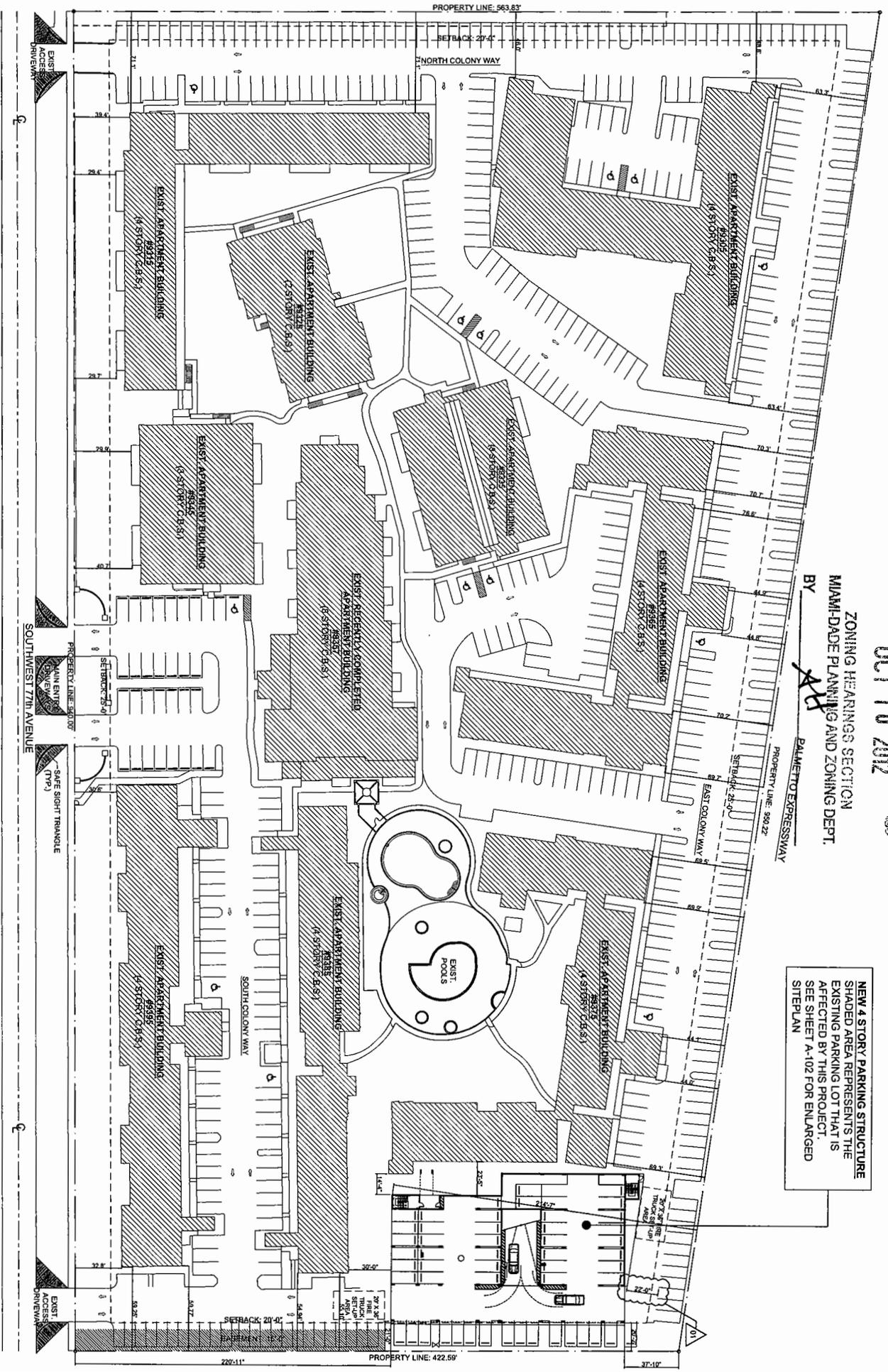
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20-108
SEP 27 2012

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

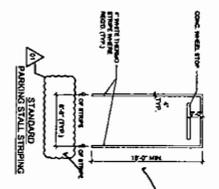
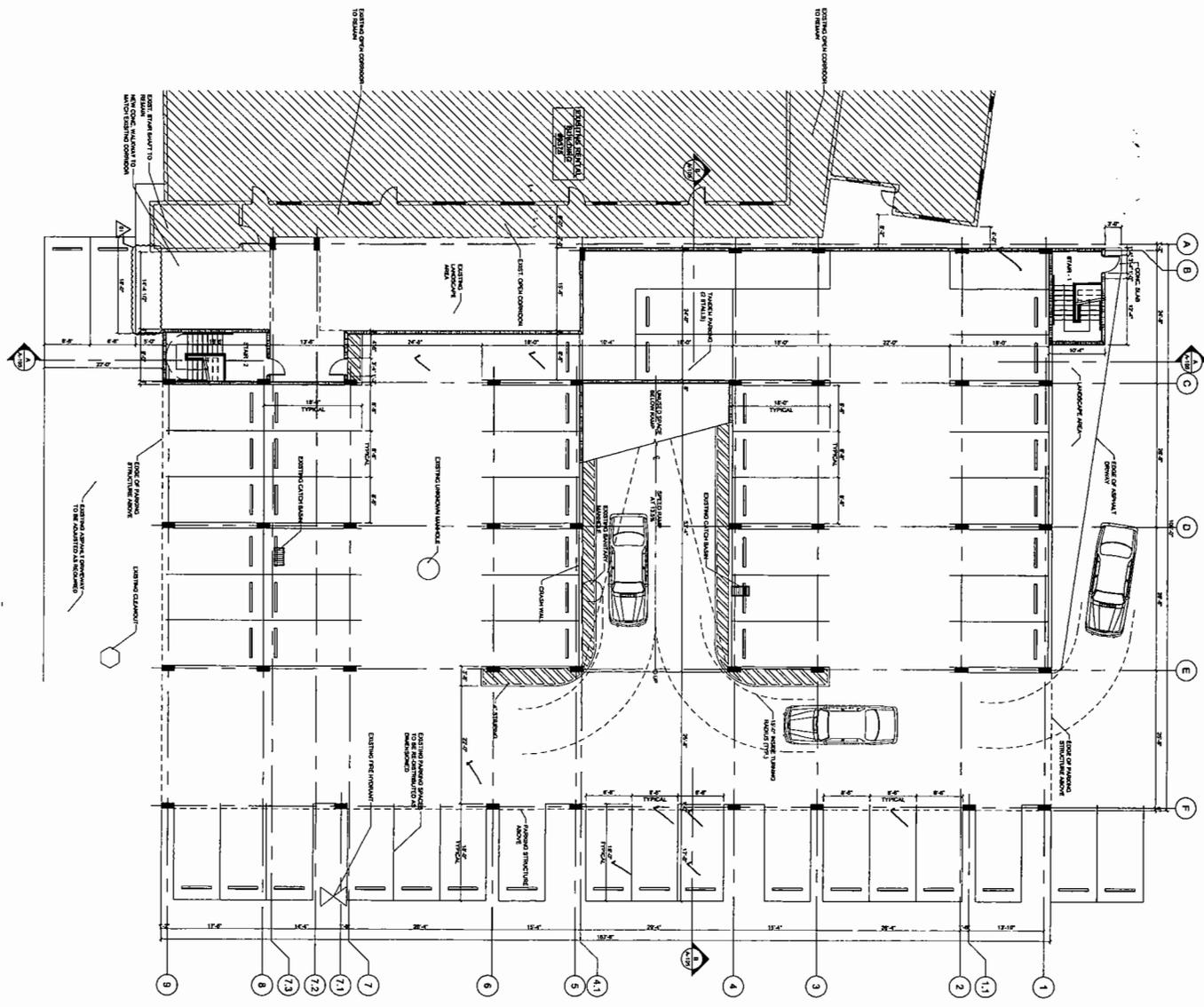
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 2-12-108
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ZONING HEARINGS SECTION
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 BY ATX
 PALMETTO EXPRESSWAY

NEW 4 STORY PARKING STRUCTURE
 SHADED AREA REPRESENTS THE
 EXISTING PARKING LOT THAT IS
 AFFECTED BY THIS PROJECT.
 SEE SHEET A-102 FOR ENLARGED
 SITEPLAN



ENLARGED SITE PLAN



TYP. PARKING STALL DETAILS
 SCALE: 1/4" = 1'-0"

RECEIVED
 2/2/108
 SEP 04 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY PH

GROUND LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"

RECEIVED
 SEP 04 2012
 PLANNING DEPARTMENT

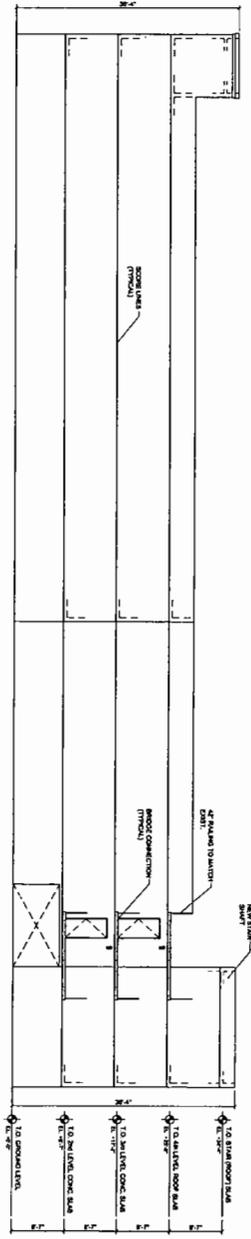
axiom3 architects
 1000 Biscayne Blvd., Suite 2000
 Miami, Florida 33132
 TEL: 305.375.3333
 FAX: 305.375.3334
 WWW.AXIO3ARCHITECTS.COM

PROJECT NAME: [REDACTED]
 PROJECT NUMBER: [REDACTED]
 PROJECT LOCATION: [REDACTED]
 PROJECT PHASE: [REDACTED]
 PROJECT CLIENT: [REDACTED]
 PROJECT ARCHITECT: [REDACTED]
 PROJECT ENGINEER: [REDACTED]

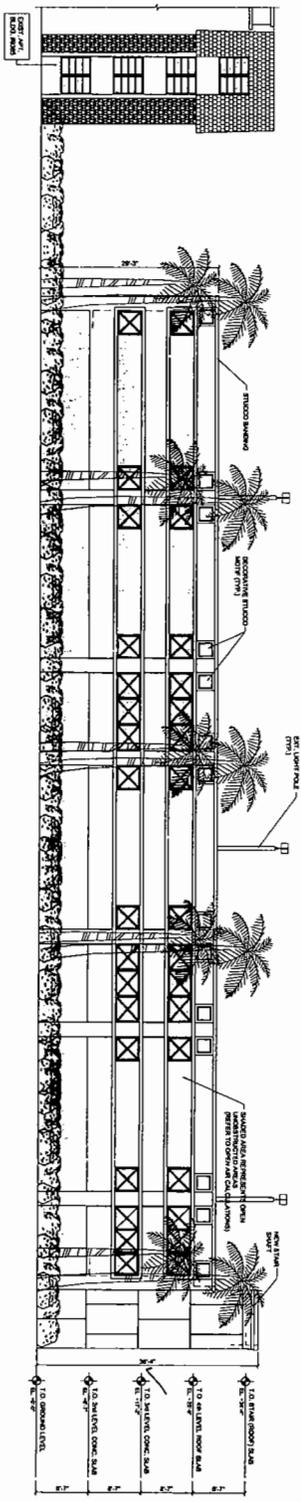
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 DRAWING NO.: A-200
 SCALE: AS SHOWN
 PROJECT PLAN

DESIGNED BY: [REDACTED]
 CHECKED BY: [REDACTED]
 DRAWN BY: [REDACTED]
 APPROVED BY: [REDACTED]

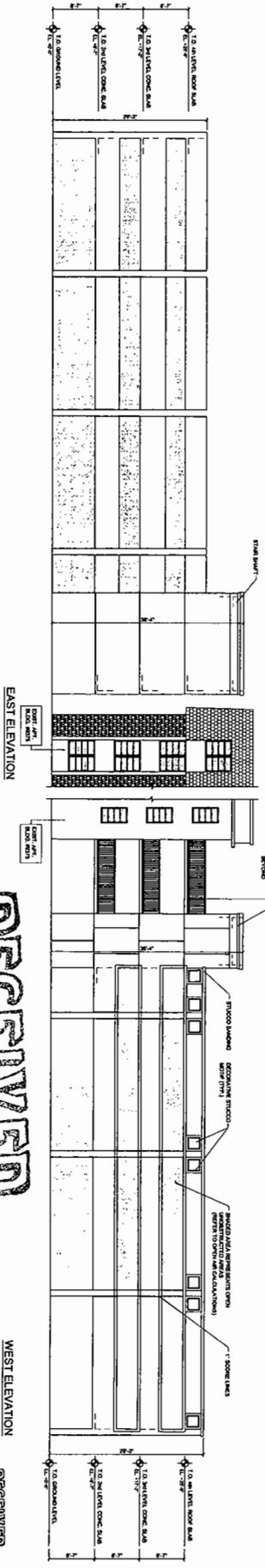
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 PROJECT: 10714.01.13.004
 DRAWING: 10714.01.13.004
 DATE: 10/13/11
 DESIGNER: [Name]
 CHECKER: [Name]
 APPROVED: [Name]
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

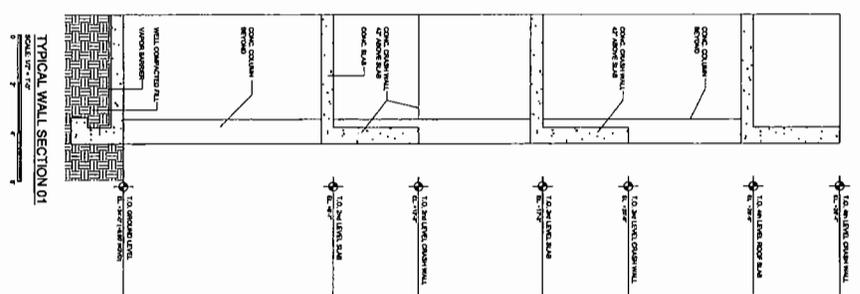
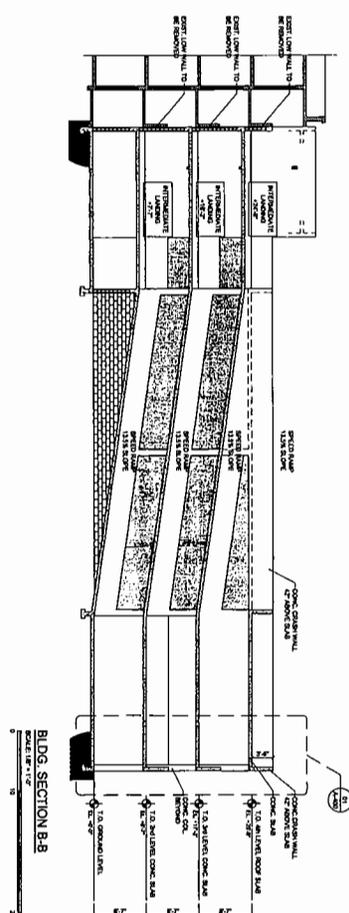
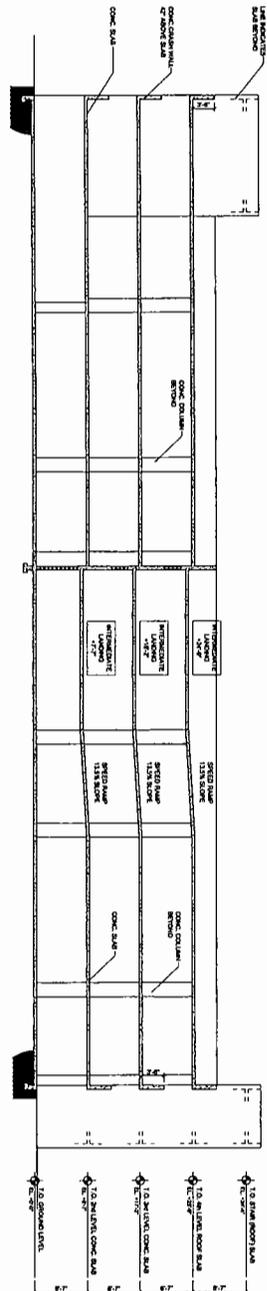
WEST ELEVATION

RECEIVED
 212-108
 SEP 04 2012

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

RECEIVED
 212-108
 SEP 11 2012

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



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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY PH

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 2012 SEP 11 10:01 AM

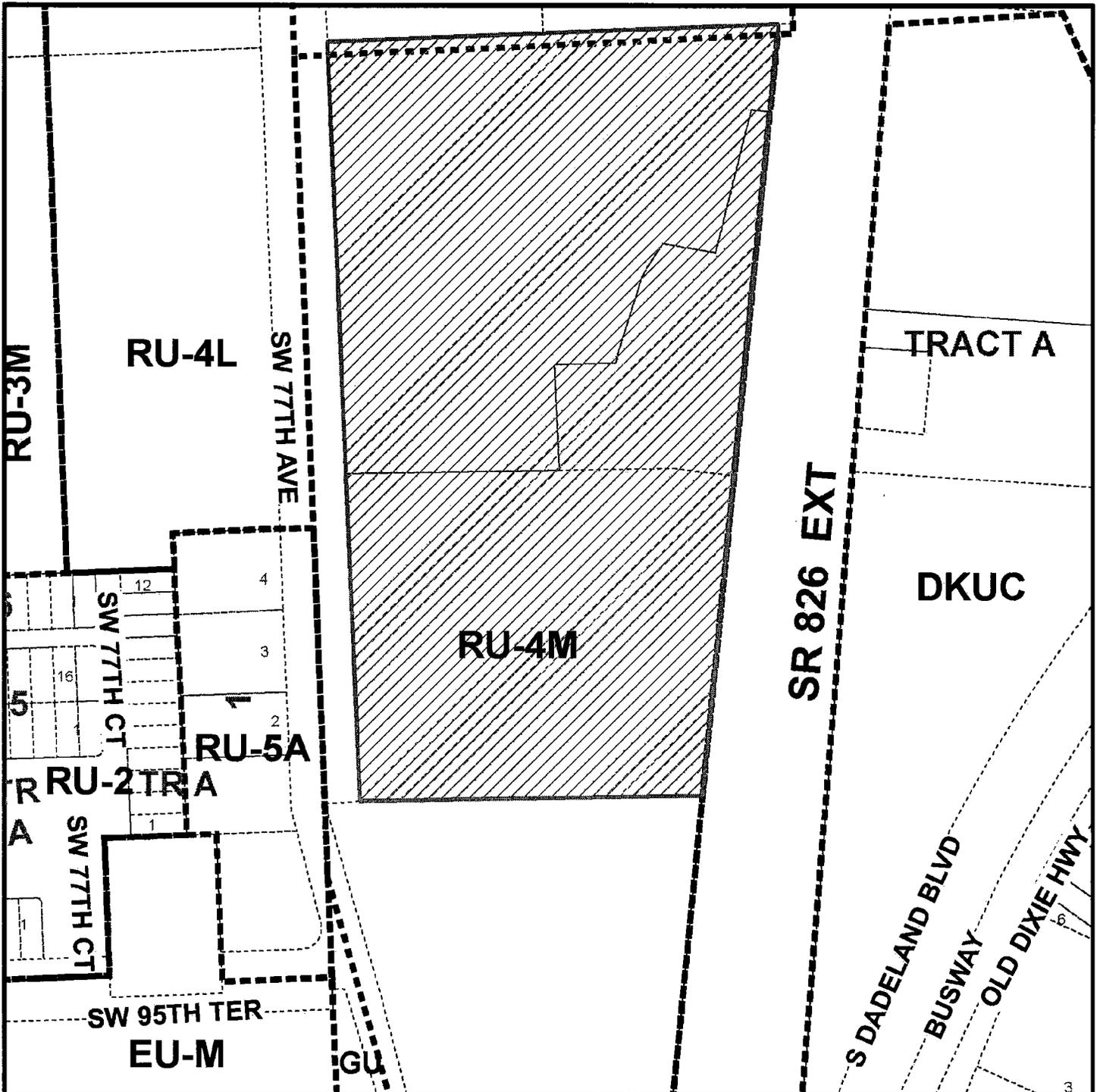
23

axiom33 architects
 1000 Biscayne Blvd., Suite 1000
 Miami, FL 33132
 305.371.3333
 www.axiom33.com
 PROJECT NAME: [REDACTED]
 PROJECT NUMBER: [REDACTED]
 DATE: 08/27/12

DATE: 08/27/12
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 PROJECT NUMBER: [REDACTED]

DATE: 08/27/12
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 PROJECT NUMBER: [REDACTED]

SCALE: 1/8" = 1'-0"
 A-400



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000108



Section: 02 Township: 55 Range: 40
 Applicant: J. MILTON DADELAND, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

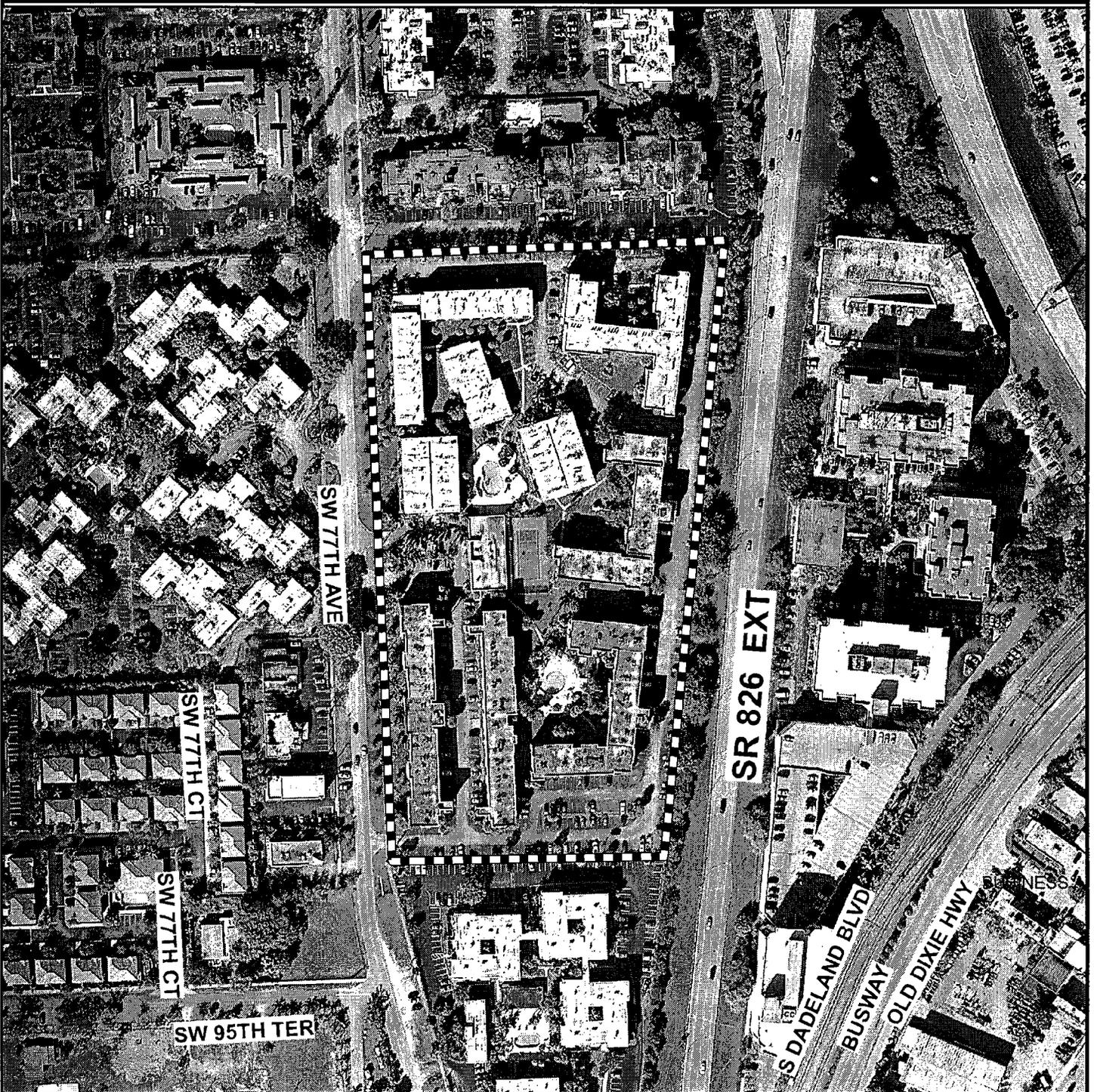
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-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, October 2, 2012

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000108



Section: 02 Township: 55 Range: 40
 Applicant: J. MILTON DADELAND, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

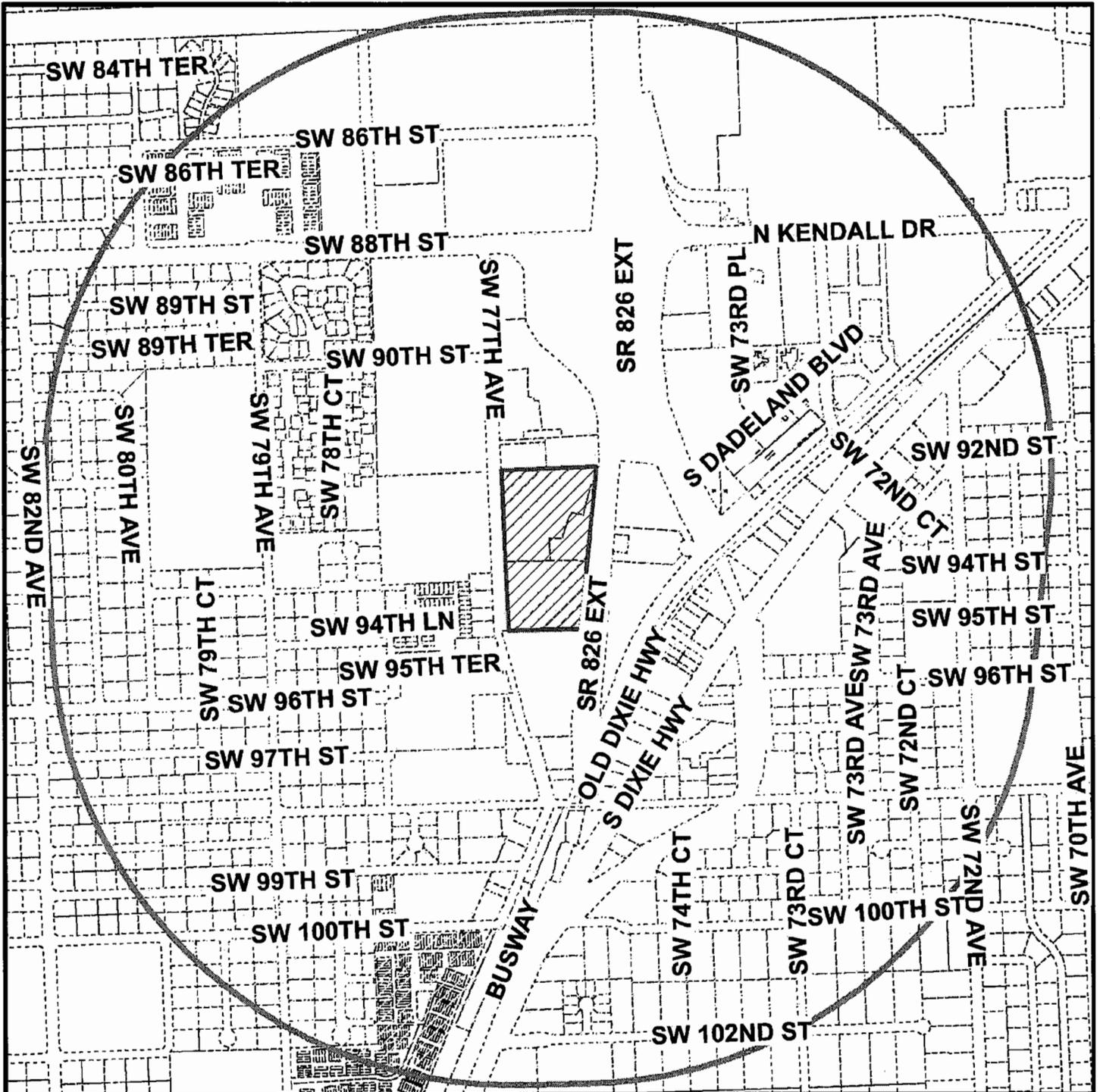
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 Subject Property



SKETCH CREATED ON: Tuesday, October 2, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2012000108

RADIUS: 2640



Section: 02 Township: 55 Range: 40
 Applicant: J. MILTON DADELAND, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

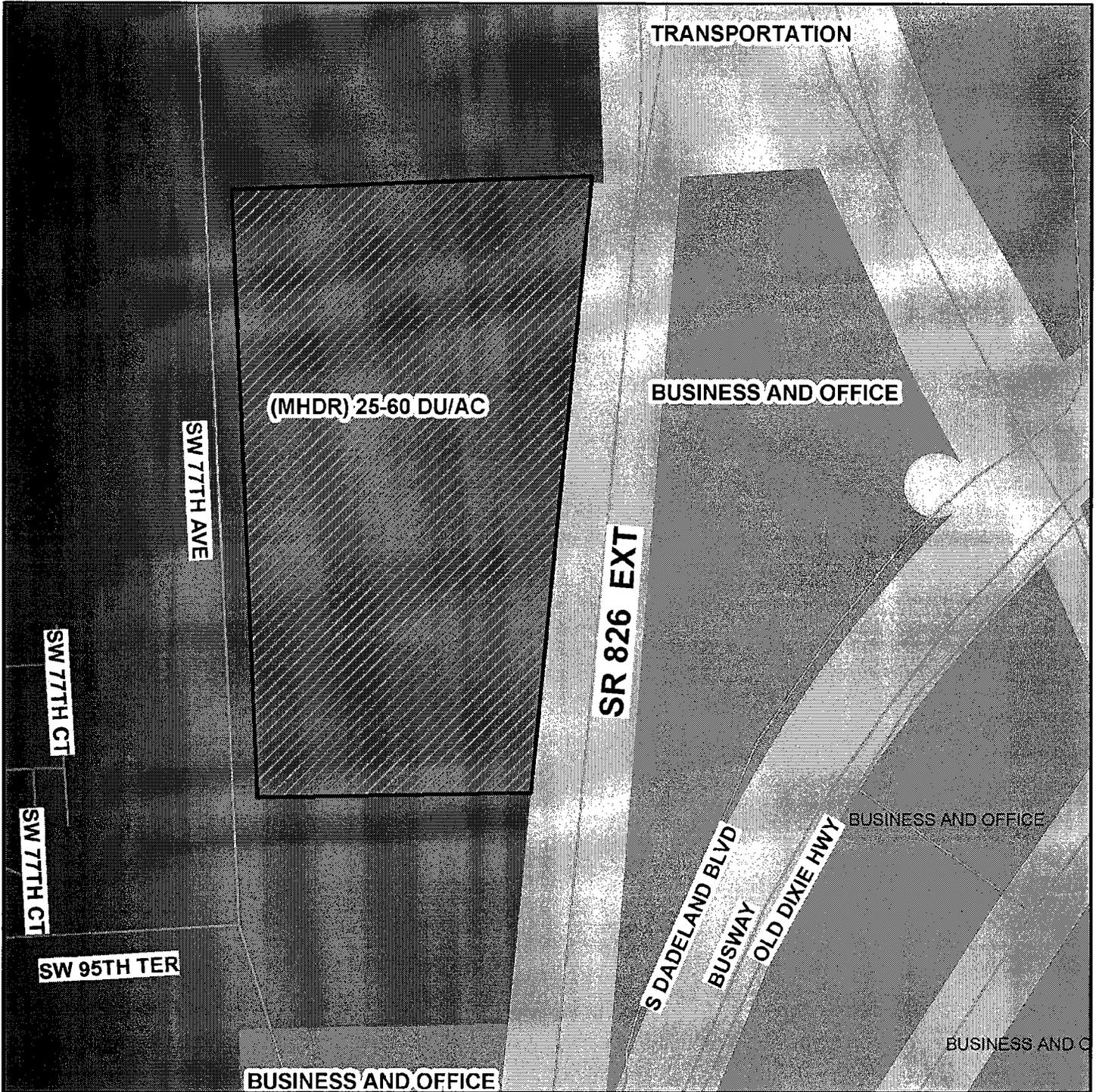
 Subject Property

 Buffer



SKETCH CREATED ON: Tuesday, October 2, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000108

Section: 02 Township: 55 Range: 40
 Applicant: J. MILTON DADELAND, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, October 2, 2012

REVISION	DATE	BY