

FINAL AGENDA

4-30-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, June 4, 2013 at 6:30 p.m.

PREVIOUSLY DEFERRED

A.	13-4-CZ12-2	<u>ROBERTO SURIS, JR. IRREVOCABLE TRUST</u>	12-134	26-54-40
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CURRENT

1.	13-6-CZ12-1	<u>NEXUS LIVING, LLC</u>	12-81	28-54-40	N
2.	13-6-CZ12-2	<u>ARIANA KUMPIS, TRUSTEE</u>	12-151	16-55-40	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, JUNE 4, 2013

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. ROBERTO SURIS, JR. IRREVOCABLE TRUST (13-4-CZ12-2/12-134) 26-54-40
Area 12/District 07

- (1) NON-USE VARIANCE to permit a parcel of land with a lot frontage of 100' (125' required), a lot depth of 100' (115' required) and a lot area of 10,000 sq. ft. (15,000 sq. ft. required).
- (2) NON-USE VARIANCE to permit a single family residence setback 7'-6" (15' required) from the interior side (north) property line.
- (3) NON-USE VARIANCE to permit a coverage of 31% (30% permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Robert J. Suris Residence" as prepared by Architect Julio Acosta and dated stamped received 11/6/12, consisting of 6 sheets. Plans may be modified at public hearing.

LOCATION: 6826 SW 70th Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100' X 100'

Department of Regulatory and
Economic Resources
Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from April 9, 2013

1. NEXUS LIVING, LLC (13-6-CZ12-1/12-081) 28-54-40
Area 12/District 07

- (4) UNUSUAL USE to permit a home for the aged.
- (5) NON-USE VARIANCE to permit the home for the aged to setback 15' (25' required) from the rear (east) property line.
- (6) NON-USE VARIANCE to waive the zoning regulations requiring a dissimilar land use buffer along the south and east property lines.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled J.C.D. Architect, Inc., with sheets A-1.0 & A-2.0 dated stamped received 3/22/13 and the remaining 4 sheets dated stamped received 3/1/13 for a total of 6 sheets. Plans may be modified at public hearing.

LOCATION: Lying East of SW 89th Court approximately 93' South of SW 69th Street
A/K/A 6925 SW 89th Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1 Acre

Department of Regulatory and
Economic Resources
Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. ARIANA KUMPIS, TRUSTEE (13-6-GZ12-2/12-151)

**16-55-40
Area 12/District 08**

NON-USE VARIANCE to permit an addition to a townhouse residence setback 4' (10' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Den Addition to a Residence" as prepared by Cesar M. Cano A.I.A. and dated stamped received 4/13/13, consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 9078 SW 129th Lane, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2,644 sq. ft.

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

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

PH: Z12-134 (13-04-CZ12-2)

June 4, 2013

Item No. A

Recommendation Summary	
Commission District	7
Applicant	Roberto Suris Jr. Irrevocable Trust
Summary of Requests	The applicant is requesting to permit a new single-family residence with less lot width, depth, area and interior side setback than required. The applicant is also seeking a greater lot coverage than allowed.
Location	6826 SW 70 Avenue, Miami-Dade County, Florida.
Property Size	100' x 100'
Existing Zoning	EU-M
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Estate 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 of requests #1 and #3; denial without prejudice of request #2.

This item was deferred from the April 9, 2013 meeting of the Community Zoning Appeals Board (CZAB) 12 to allow the applicant to submit revised plans, additional permit information and a revised letter of intent addressing a setback request and for additional information from staff. At the time of this writing, the applicant has not submitted revised plans or any new information for this application.

REQUESTS:

- (1) NON-USE VARIANCE to permit a parcel of land with a lot width of 100' (125' required), lot depth of 100' (115' required), and a lot area of 10,000 sq. ft. (15,000 sq. ft. required).
- (2) NON-USE VARIANCE to permit a single family residence setback 7'-6" (15' required) from the interior side (north) property line.
- (3) NON-USE VARIANCE to permit a single family residence have a lot coverage of 31% (30% permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Robert J. Suris Residence" as prepared by Architect Julio Acosta and dated stamped received 11/6/12, consisting of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Proposed single-family residence.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-M; single-family residence	Estate Density Residential (1 to 2.5 du)

North	EU-M; single-family residence	Estate Density Residential (1 to 2.5 dua)
South	EU-M; single-family residence	Estate Density Residential (1 to 2.5 dua)
East	EU-M; single-family residence	Estate Density Residential (1 to 2.5 dua)
West	EU-M; single-family residence	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in an area characterized by single-family residences developed under the EU-M zoning district regulations.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to re-develop the property with a new single-family residence. The requested interior side setback variance could have a negative visual impact on the adjacent property to the north.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Estate Density Residential** on the Adopted 2015-2025 LUP map. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* The approval of the requests sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Therefore, staff opines that the subject requests are **consistent** with the uses allowed in the Estate 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 request #1, to permit a parcel of land with a lot width of 100' (125' required), a lot depth of 100' (115' required), and a lot area of 10,000 sq. ft. (15,000 sq. ft. required), is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes that the original single-family residence was built in 1954 and was originally zoned RU-1. Staff notes that this request is due to the existing configuration of the subject property and represents existing conditions. Staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. With respect to compatibility, staff notes that the surrounding neighborhood is characterized by similar substandard lots by EU-M standards.

When request #3, to permit a single family residence with a lot coverage of 31% (30% permitted), is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of this request would also maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that the 1% over

the maximum lot coverage permitted is minimal and therefore will not be visually intrusive to the surrounding area.

Staff further opines that approval of this application will not detract from the aesthetic character of the area, will be compatible with same and will not set a precedent for more intensive development, as similar requests have been approved in the area. Pursuant to Resolution No. CZAB12-27-06, a property located northwest of the subject property at 6721 SW 71 Court was granted approval to permit two (2) parcels with lot depths of 100' (115' required) and setbacks of 11.8' (15' required) from the interior side (north) property lines. A property located southeast of the subject property at 7025 SW 70 Avenue was granted approval to permit a single-family residence with a lot frontage of 75' (120' required), a lot area of 12,300 sq. ft. (15,000 required) and a setback of 7.6' (15' required) from the interior side (south) property line, pursuant to Resolution No. CZAB12-16-06. Also, pursuant to Resolution No. 4-ZAB-311-83, a property located northwest of the subject property at 6780 SW 70 Avenue was granted approval to permit four (4) parcels with lot areas of 14,119 sq. ft. (15,000 sq. ft. required) and lot depths of 100' (115' required).

Consequently, staff is of the opinion that the approval of requests #1 and #3 will not result in an obvious departure from the aesthetic character of the surrounding neighborhood and would be **compatible** with the surrounding residential developments. **Staff therefore, recommends approval with conditions of requests #1 and #3 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

When request #2, to permit a single family residence setback 7'-6" (15' required) from the interior side (north) property line, is similarly analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. Staff notes that the applicant intends to demolish the existing residence and build a new residence with a 20' setback from the interior side (south) property line and a 7'-6" setback from the interior side (north) property line. Staff opines that the 50% reduction of the north setback area may cause adverse visual and aural impacts on the abutting neighbor to the north. Staff is of the opinion that the applicant can modify the proposed area of the residence and move the footprint of the residence to meet the interior side (north) setback area and provide an adequate distance from the abutting neighbor to the north. **Staff therefore, recommends denial without prejudice of request #2 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

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

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 "Robert J. Suris Residence" as prepared by Architect Julio Acosta and dated stamped received 11/6/12, consisting of 6 sheets except as herein amended to show that the proposed residence will meet the interior side (north) setback requirement. 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 existing canvas roof structure be removed as indicated in the site plan provided.

ES:MW:NN:CH:JC



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

NDW

ZONING RECOMMENDATION ADDENDUM

Applicant: *Roberto Suris Jr Irrevocable Trust*
PH: Z12-134

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

<i>Estate Density Residential (Pg. I-31)</i>	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

13-4-CZ12-2 (12-134)
Area 12/District 07
Hearing Date: 06/04/13

Property Owner (if different from applicant) **Roberto James Suris, Jr.**

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>
1947	Zoning Department	- Zone Change from GU to RU-1.	BCC	Approved
1950	Ray E. Mattticks ET AL	- Zone Change from RU-1 to IRU.	BCC	Approved
1993	William Westman	- Accessory Building with less Setbacks than required.	ACC	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.

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

#2

APPLICANT'S NAME: **ROBERTO SURIS JR. IRREVOCABLE TRUST**

REPRESENTATIVE: Hugo Arza

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-04-CZ12-2 (12-134)	April 9, 2013	CZAB12	13

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

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: June 4, 2013 **W/LEAVE TO AMEND**
(at applicant's expense)

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER: Deferred at Board's request for the applicant to submit revised plans, additional permit information and a revised letter of intent addressing a setback request. The Board asked for staff to address in the report similar uses in the area and if the approval of the setback request generates a precedent for the area.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCILMAN	S	Matthew LARSH	X		
VICE CHAIRMAN	M	Alberto SANTANA	X		
COUNCILMAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

Memorandum



Date: January 24, 2013

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

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

Subject: C-12 #Z2012000134-1st Revision
Irrevocable Trust F/B/O Roberto James Suris.
6826 SW 70 Avenue, Miami, Florida 33143
Non-Use Variance to Permit Lot Area, Frontage and Setbacks Less
than Required.
(EU-M) (0 Acres)
26-54-40

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

Potable Water Service

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

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

Wastewater Disposal

According to the information provided, the applicant is seeking to demolish the existing residence in order to build a new single family home. Section 24-4-3.1(3)(a) of the Code requires that the minimum lot size for a single-family residence served by public water and septic tank shall be fifteen thousand (15,000) square feet (gross). However, the applicant has demonstrated the subject property was created by warranty deed prior to the effective date of the requirement (recorded in Deed Book 3953 Page 221), therefore the property is considered grandfathered.

Stormwater Management

The proposed change will not affect the existing stormwater management system.

Wetlands

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

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management

District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

According to photos submitted by the representative of the applicant on January 16, 2013, the site contains only non specimen-sized tree resources (trunk diameter at breast height 18 inches in diameter or more). Please be advised that a Miami Dade County Tree Removal/Relocation Permit is required only for the removal or relocation of specimen-sized trees located within the yard of a single family home, and/or trees on the right-of-way. The proposed work depicted on the site plans will not impact specimen-sized trees and/or trees within the right of way.

Based on the above, approval of this application is granted provided that no tree that is subject to the Tree Preservation and Protection provisions of the Code is removed and/or relocated.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

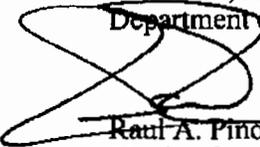
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: December 11, 2012

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

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

Subject: Z2012000134
Name: Roberto James Suris, Jr.
Location: 6826 SW 70 Avenue
Section 26 Township 54 South Range 40 East

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

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

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

Memorandum



Date: December 18, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: Z12-134
Roberto Suris Jr.

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

Z12-134
Roberto Suris Jr.

Application: *Roberto Suris Jr.* is requesting non-use variances of lot area, lot frontage, lot depth and setbacks to facilitate the demolition of the existing residence and future construction of a new single family home on a property which is currently zoned for Estates, Modified District (EU-M).

Size: The subject property is approximately .23 acres.

Location: The subject property is located at 6826 SW 70th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: December 13, 2012

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

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

Subject: Z2012000134: ROBERTO SURIS, JR. IRREVOCABLE TRUST

Application Name: ROBERTO SURIS, JR. IRREVOCABLE TRUST

Project Location: The site is located at 6826 SW 70 AVE, Miami-Dade County.

Proposed Development: The request is approval of non-use variances for lot frontage, lot depth, setbacks to facilitate the demolition of an existing single family home and construct a new single family residence.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. The Department has no objections to this application.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 11-DEC-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000134

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000134
located at 6826 SW 70 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1716 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: 5:30 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: 29-NOV-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ROBERTO JAMES SURIS, JR

6826 SW 70 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000134

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC: No open cases. Prior case opened September 14, 2012 for Failure to perform lot maintenance and a warning was issued. Reinspection on october 1, 2012 and violation corrected. BNC: BSS case 20120148698-B opened on November 4, 2011. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Addition on northwest corner. Case closed. no violation exist according to inspector. Case was closed on March 7, 2012.

Roberto James Suris Jr

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

REPORTER NAME:

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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 ROBERTO SURIS, JR. 2010 IRREVOCABLE TRUST f/b/o

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>ROBERT JAMES SURIS, DATED OCT. 12, 2010</u>	100%
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

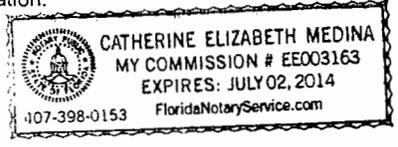
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Carmen Marie Garcia*
(Applicant) ANNE MARIE GARCIA, as Trustee for the Roberto Suris, Jr., Irrevocable Trust

Sworn to and subscribed before me this 25 day of 04, 20¹². Affiant is personally know to me or has produced _____ as identification.

Cather
(Notary Public)



My commission expires: 7/2/14

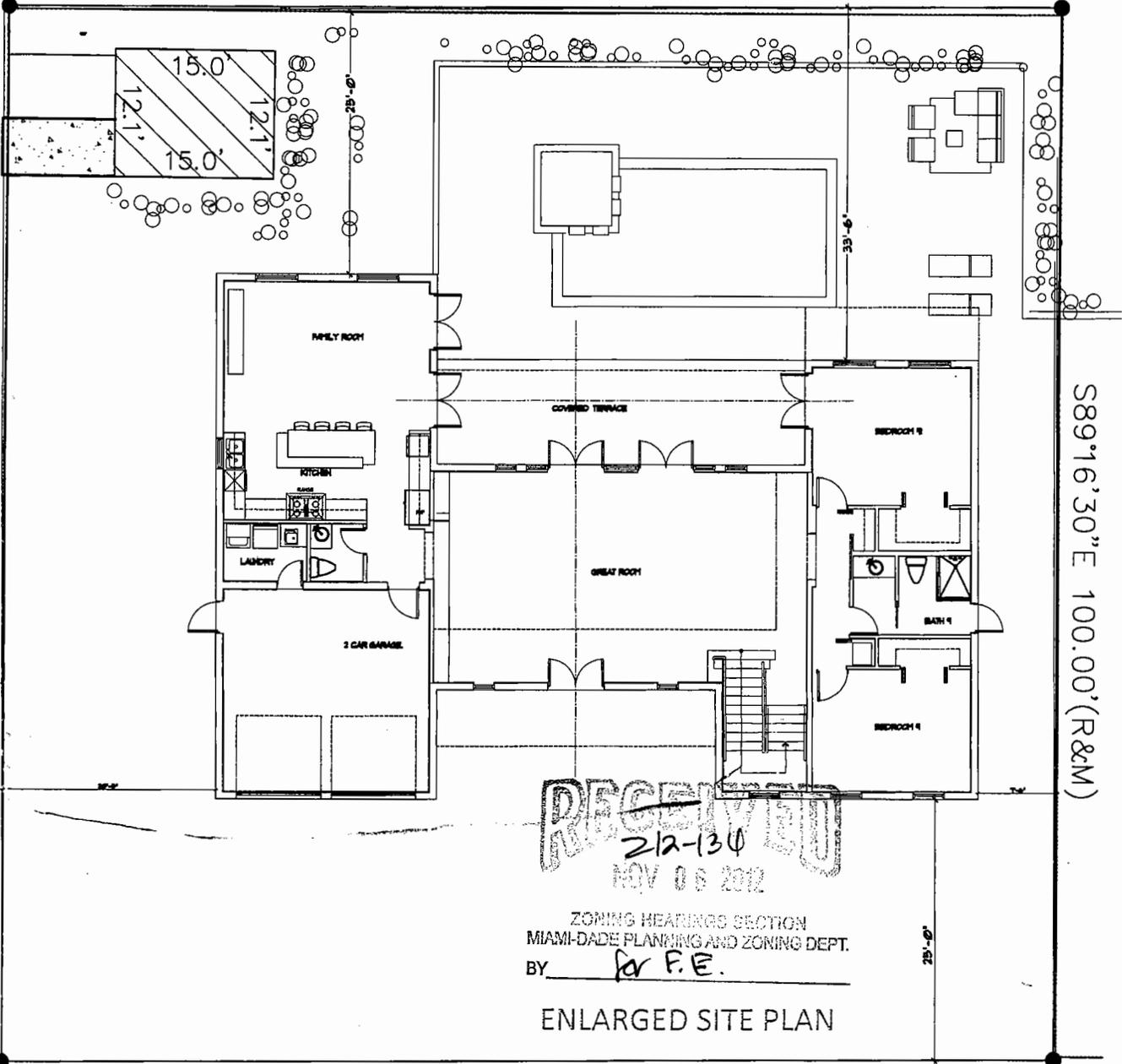
Seal

*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.

N00°17'00"E 100.00'(R&M)

S89°16'30"E
100.00'(R&M)

S89°16'30"E 100.00'(R&M)



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY for F.E.

ENLARGED SITE PLAN

N00°17'00"E 100.00'(R&M)

WM

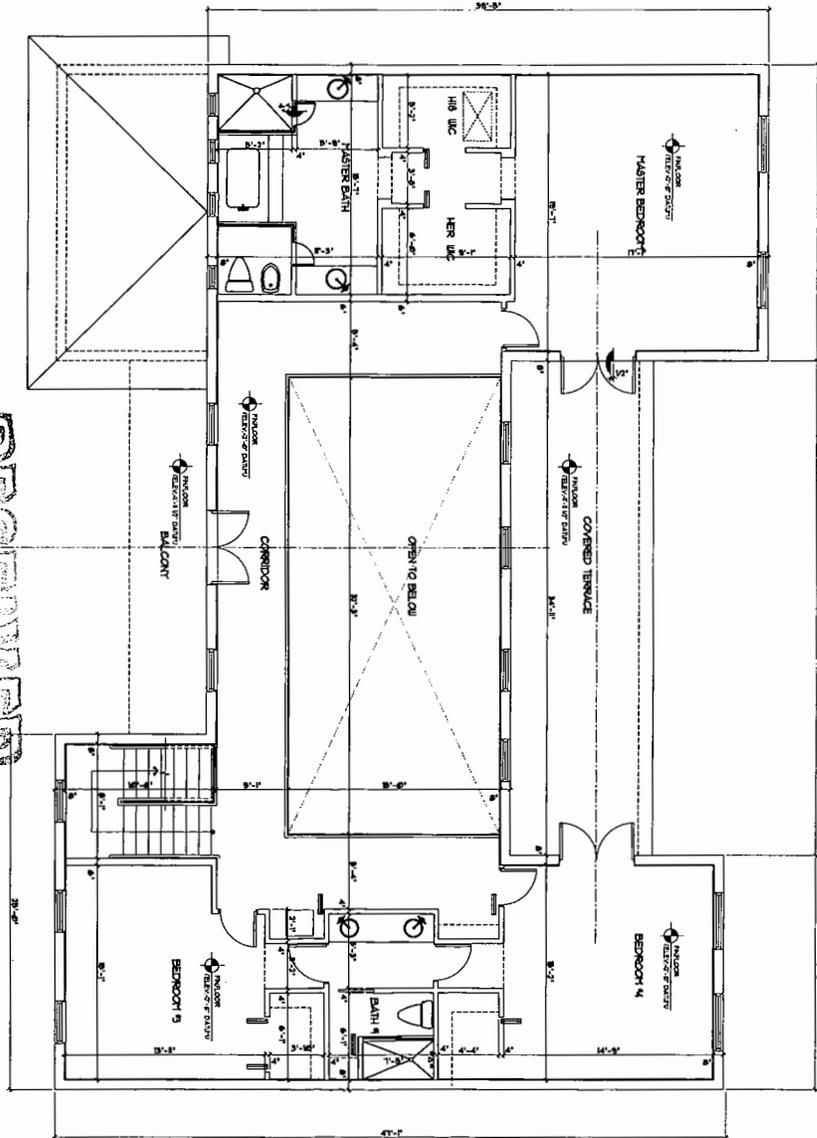
SW 70th AVENUE

N00°17'00"E 100.00'(C)

S89°16'30"E
25.00'(C)

18.6'± ASPHALT PAVEMENT

212-134
RECEIVED
NOV 06 2012



ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY RV F.E.

RECEIVED
 2-12-134
 MAY 08 2012

SECOND FLOOR PLAN



RECEIVED
 2-12-134
 MAY 08 2012

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

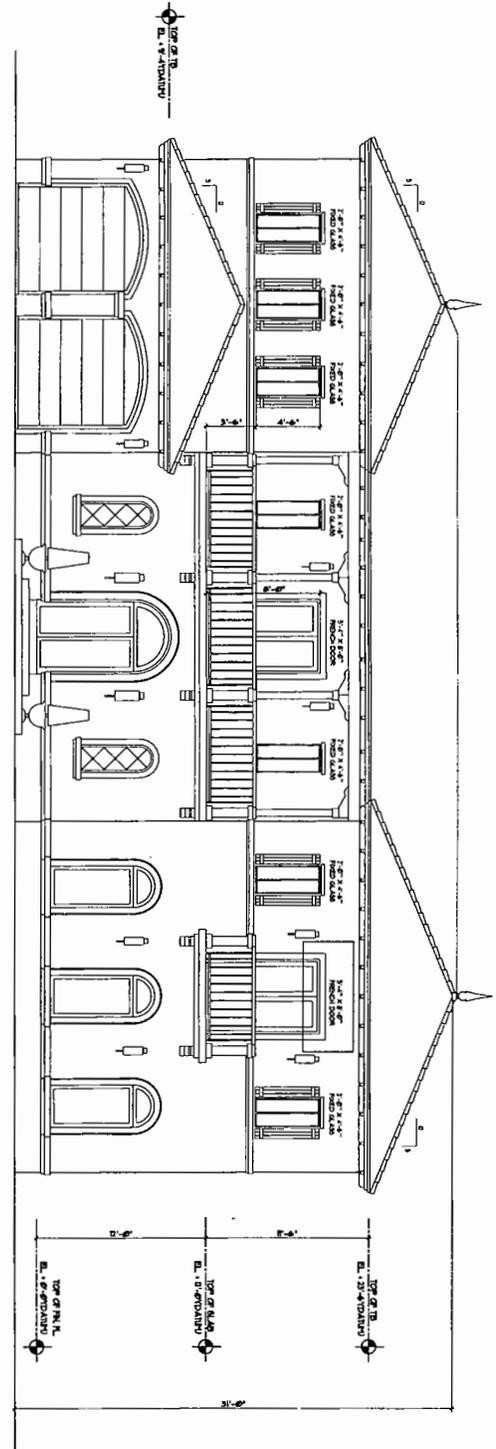
ROBERT J. SURIS RESIDENCE
 6826 SW 70TH AVENUE
 MIAMI, FL 33143

CLIMATE CONTROL, INC.
 12345 SW 15th Ave
 Miami, FL 33185
 (305) 555-1234

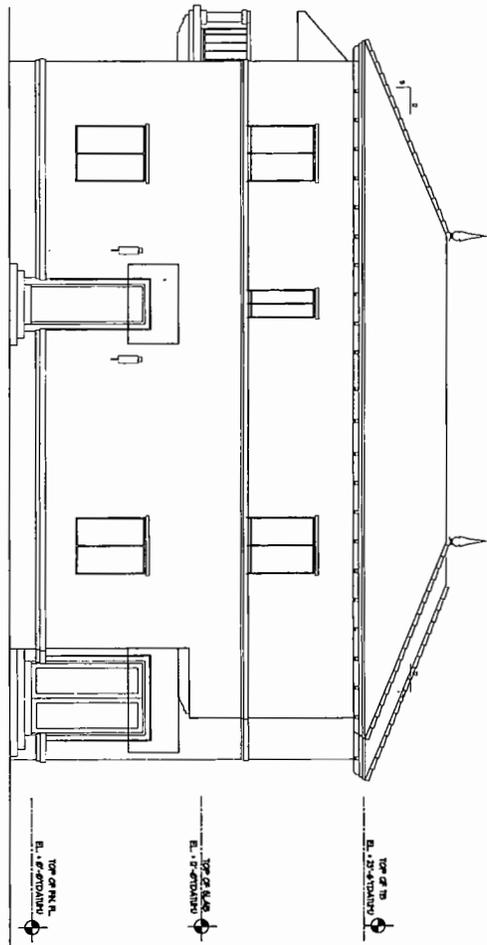
23

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY DR F.E.

RECEIVED
 212-134
 MAY 05 2012



FRONT ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"



SIDE ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"

RECEIVED
 212-134
 MAY 05 2012

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

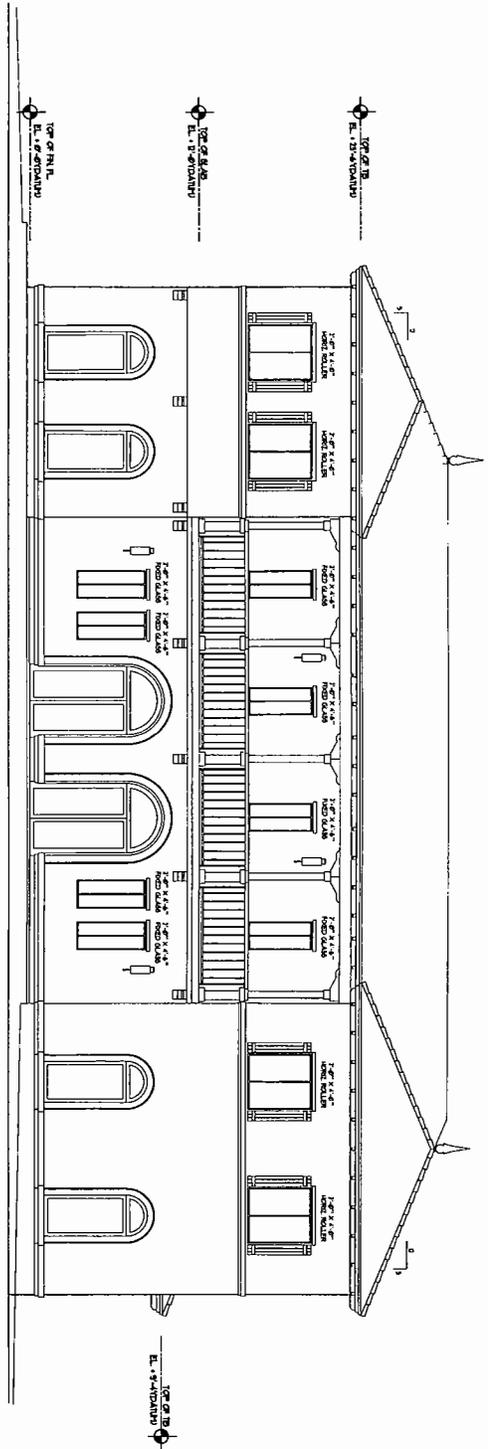
ROBERT J. SURIS RESIDENCE
 6826 SW 70TH AVENUE
 MIAMI, FL 33143

CLAYTON GOSBOLD, INC.
 ARCHITECTS
 1000 BAYVIEW BLVD., SUITE 100
 MIAMI, FL 33134
 (305) 358-1111
 www.claytongosbold.com

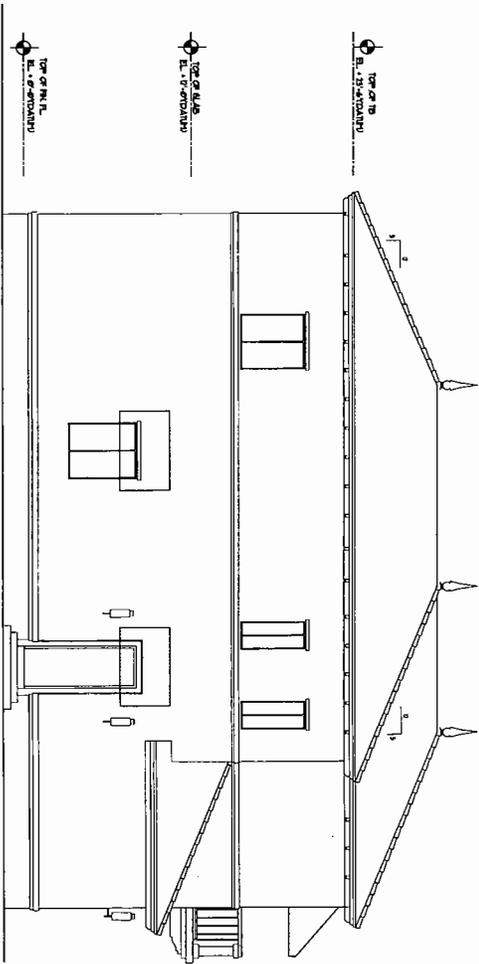
24

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

RECEIVED
 212-134
 NOV 8 2 11



REAR ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



SIDE ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"



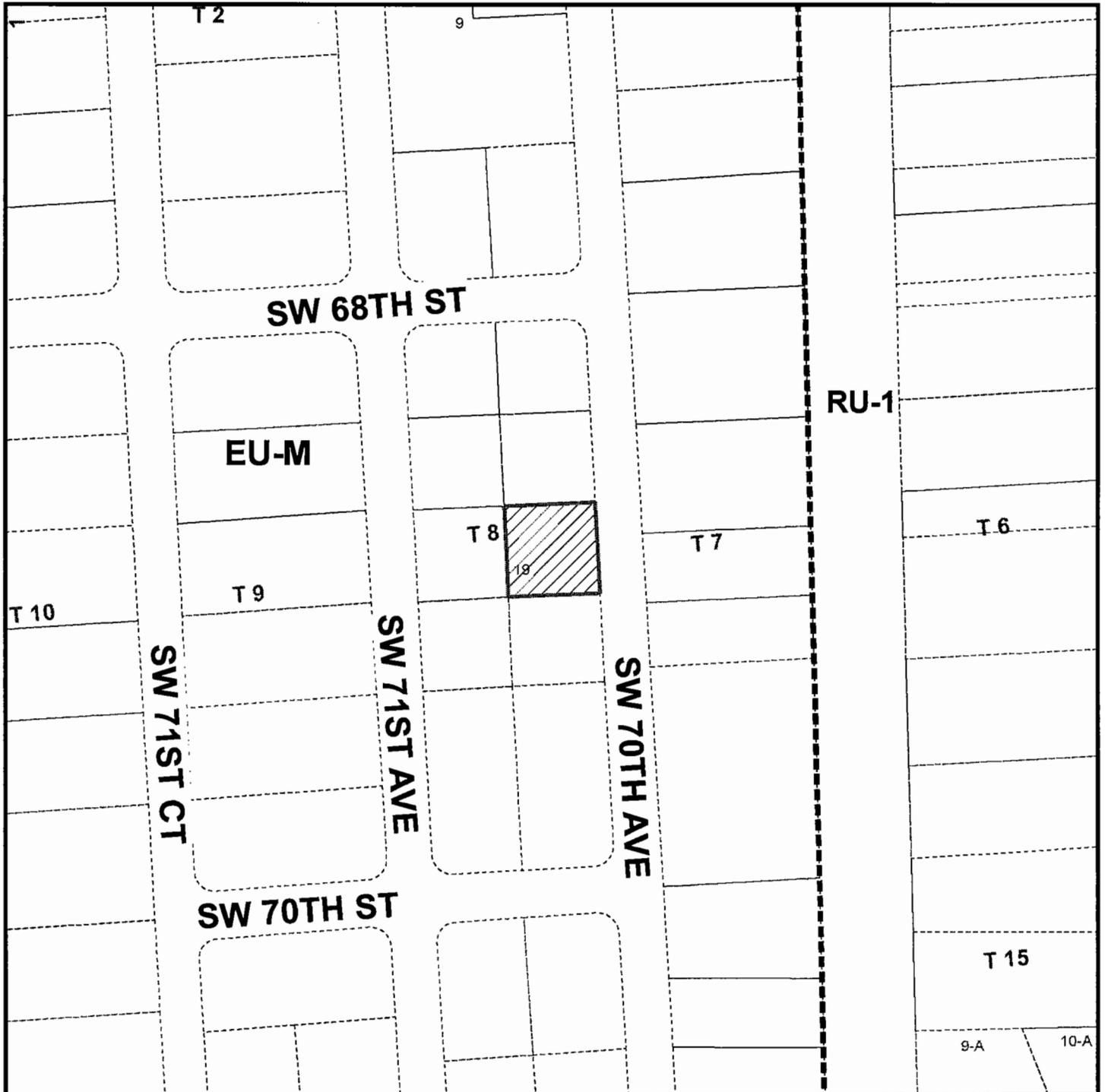
RECEIVED
 212-134
 NOV 8 8 2012

PROJECT NO.	DATE
DESIGNED BY	SCALE
DRAWN BY	DATE
CHECKED BY	DATE
DATE PLOTTED	SCALE
DATE PRINTED	SCALE
DATE	SCALE

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

ROBERT J. SURIS RESIDENCE
 6826 SW 70TH AVENUE
 MIAMI, FL 33143

CALDWELL DESIGN, INC.
 ARCHITECTS
 1000 S.W. 15TH AVENUE, SUITE 200
 MIAMI, FL 33135
 (305) 371-1111
 WWW.CALDWELLDDESIGN.COM



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000134



Section: 26 Township: 54 Range: 40
 Applicant: ROBERTO JAMES SURIS, JR
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 28, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000134



Section: 26 Township: 54 Range: 40
 Applicant: ROBERTO JAMES SURIS, JR
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

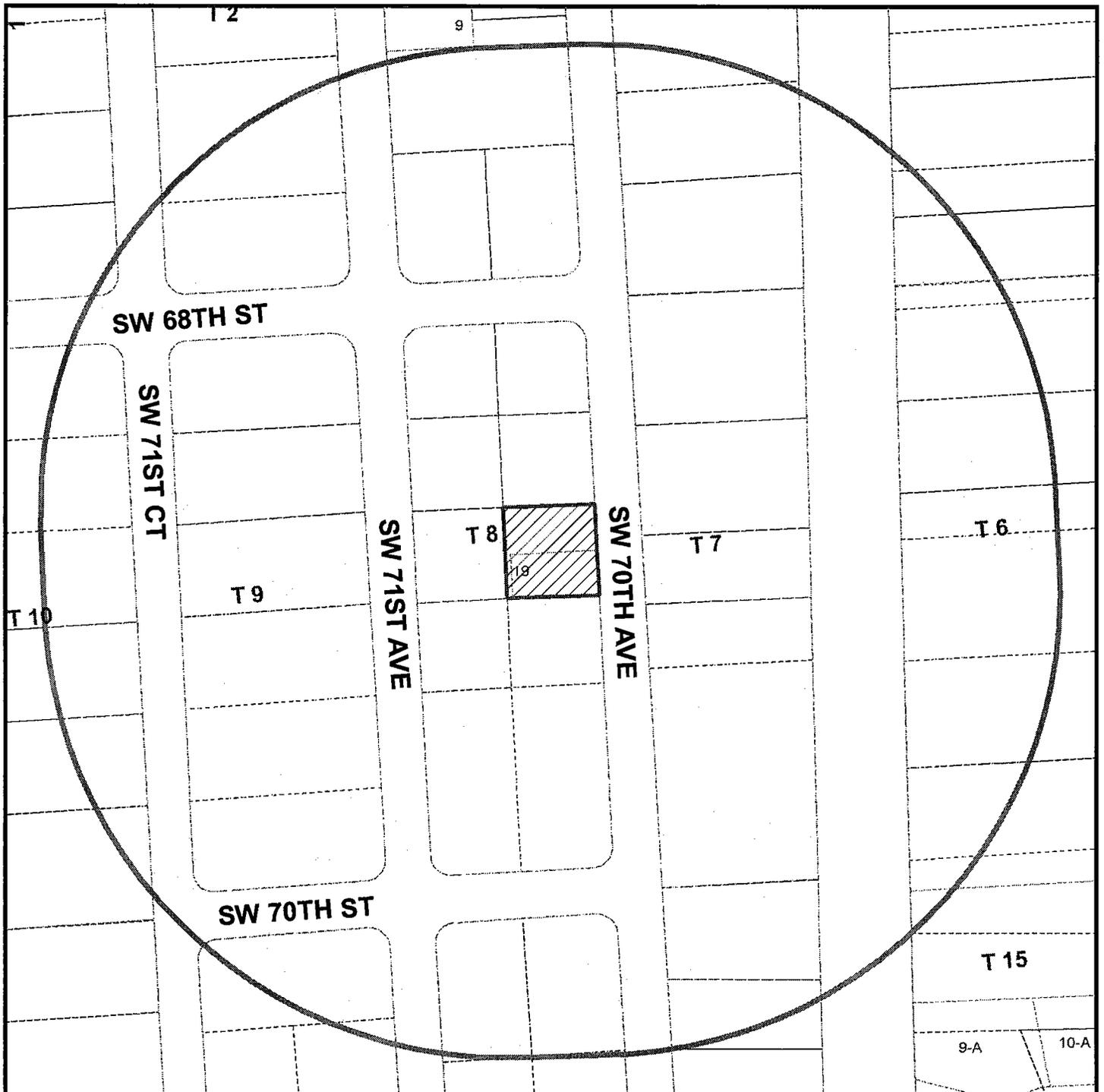
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, November 28, 2012

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000134

RADIUS: 500



Section: 26 Township: 54 Range: 40
 Applicant: ROBERTO JAMES SURIS, JR
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

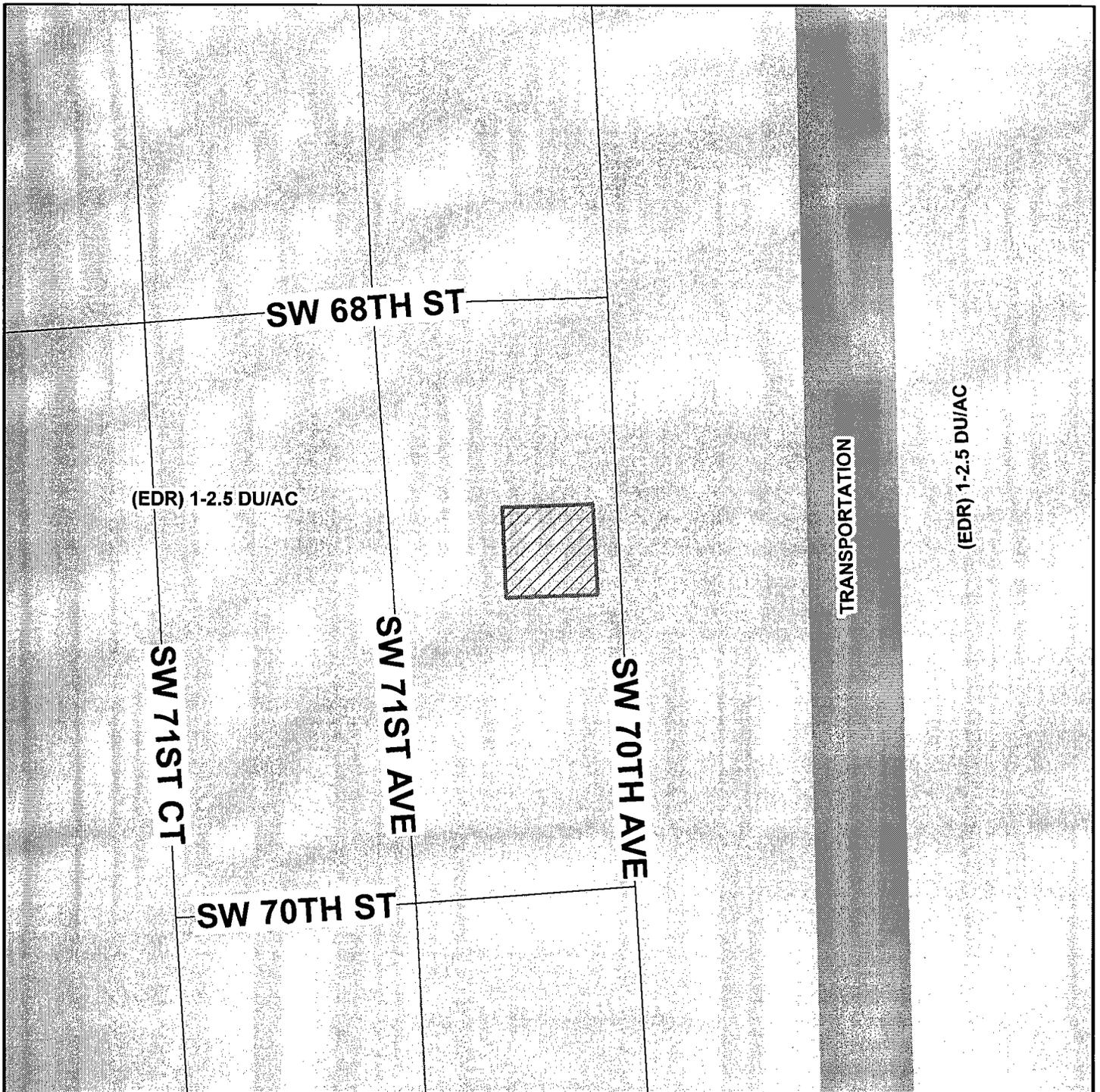
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, November 28, 2012

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000134



Section: 26 Township: 54 Range: 40
 Applicant: ROBERTO JAMES SURIS, JR
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 28, 2012

REVISION	DATE	BY

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

PH: Z12-081(13-6-CZ12-1)

June 4, 2013

Item No. 1

Recommendation Summary	
Commission District	7
Applicant	Nexus Living, LLC
Summary of Requests	The applicant is seeking to permit a home for the aged with a reduced setback and dissimilar land use buffer.
Location	6925 SW 89 Court, Miami-Dade County, Florida.
Property Size	1-acre
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Low Density Residential, 2.5 - 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions requests #1 and #2 and denial without prejudice of request #3.

REQUESTS:

- (1) UNUSUAL USE to permit a home for the aged.
- (2) NON-USE VARIANCE to permit the home for the aged setback 15' (25' required) from the rear (east) property line.
- (3) NON-USE VARIANCE to waive the zoning regulations requiring a dissimilar land use buffer along the south and east property lines.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "J.C.D. Architect, Inc., with sheets A-1.0 & A-2.0 dated stamped received 03/22/13 and the remaining 4 sheets dated stamped received 03/01/13 for a total of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The site plan submitted by the applicant depicts a proposed 8,771.10 sq. ft. residential facility comprised of three (3) 2,500 +/- sq. ft., one-story residential buildings connected by roofed open terrace areas.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; vacant	Low Density Residential, 2.5 - 6 dua

North	RU-1; single-family residences	Low Density Residential, 2.5 - 6 dua
South	EU-1; single-family residence	Low Density Residential, 2.5 - 6 dua
East	GU; Miami-Dade water and Sewer facility	Institutions, Utilities and Communications
West	EU-M; single-family residences	Low Density Residential, 2.5 - 6 dua

NEIGHBORHOOD COMPATIBILITY:

The subject property is a vacant 1-acre tract that abuts single-family and duplex residential uses to the north, west and south and a water treatment facility to the east. The contiguously owned property to the south contains a single-family residence. To the south of said contiguously owned parcel is a multi-unit apartment building.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community additional congregate living facilities for the elderly. However, the proposed congregate residential development made up of three (3) multi-unit buildings that encroach into the rear (east) setback area without the required dissimilar land use buffer along property lines could have a negative visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is a rectangular shaped 1-acre parcel that is located within the Urban Development Boundary (UDB). The applicant seeks to permit a home for the aged, with buildings setback less than required from a property under different ownership and to waive the dissimilar land use buffer along some property lines. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use. This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. *This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. Also permitted in residential communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.* The CDMP Land use Element interpretative text for Residential Communities states that **congregate residential uses and nursing homes** may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: each 2.5 occupants of a congregate residential facility shall be considered as the equivalent of one residential unit and that the maximum number of dwelling units shall not be more than allowed in the next higher residential category, which in this case is Low-Medium Density Residential use. This category allows a maximum of 13 dwelling units per acre which would allow a maximum of 32 residents on the 1-acre subject parcel. As such, the applicant's proposal as indicated in the letter of intent to accommodate up to 32 residents would be **consistent** with the density threshold allowed by the CDMP interpretative text noted above.

The subject property is located approximately 761' north of SW 72 Street which is a section line road. Staff notes that the subject property is not located within an activity node or section

center, as recommended by the Guidelines for Urban Form in the interpretative text of the CDMP for the location of congregate living facilities. Said guidelines provide a generalized pattern for land use development in residential communities. However, the CDMP allows uses such as the requested home for the aged in residential communities when consistent with other goals, objectives and policies of the Plan and compatible with the neighborhood. Additionally, the CDMP **Policy LU-4D** states that uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complimentary elements and buffer any incompatible elements.

The submitted site plans indicate an attempt by the applicant to provide some sensitivity of the proposed development to the existing residential uses located to the north and west. Said plans depict the proposed development split into three (3) separate one-story residential buildings that are similar in scale and height to the abutting single-family residences located to the north. In addition, the submitted plans indicate a continuous hedge and a row of trees along the interior side (north) property line in addition to a landscaped area consisting of multiple trees within the front (west) setback area as a visual buffer from the existing residential development to the west. As such, staff opines that the proposed home for the aged use is **consistent** with CDMP **Policy LU-4D**, the interpretative text of the Land Use Element, Residential Communities, addressing congregate residential uses and density threshold, and the CDMP's LUP map Low Density Residential designation for the subject property.

ZONING ANALYSIS:

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that approval of this request would be **compatible** with the surrounding residential community and therefore should be approved with conditions. Further, staff opines that the proposed home for the aged use will not result in excessive traffic as evidenced by the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) which states that the application meets the traffic concurrency criteria. Said memorandum also indicates that the development will generate 7 PM daily peak hour vehicle trips that do not exceed the acceptable Level of Service (LOS) of SW 72 Street, SW 107 Avenue, and SW 87 Avenue which operate at LOS D. However, its memorandum requires that the applicant install a sidewalk along SW 89 Court. The Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources indicates in its memorandum that approval meets all LOS standards for an initial development order and that the development will not affect the existing stormwater management system. Additionally the memorandum from the Miami-Dade Fire Rescue Department (MDFRD) indicates that there will be no significant impact on MDFRD services in this area. Based on the aforementioned department memoranda, staff opines that the requests will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people.

Although the proposed use will be more intensive than the single-family residential uses surrounding the subject site, staff opines that the applicant has addressed this by including design features that match the scale and intensity of the surrounding residential uses to the north and west. The proposed development of the site with three (3) single story buildings to house the 32 residents, will provide a campus-like atmosphere that will have a visual similarity to the residential developments in the surrounding area. Further, staff opines that the location of the parking and drives to the south of the development will mitigate any aural impact the more

intense development will have on the closest residences located to the north. Staff notes that the residential property located to the south is a contiguously owned parcel. As such, staff opines that the approval of the congregate residential use being requested, will provide a transition from the more intensive multi-family apartments located to the south along SW 89 Court and the Water and Sewer facility located to the east. Additionally, the applicant has provided adequate landscaping along the north property line to mitigate any negative visual impacts that will result from the proposed development on the existing single-family residences to the north. **Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

When request #2 to permit the facility setback 15' (25' required) from the rear (east) property line is analyzed under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval with conditions of this request would not have a negative visual impact on the abutting water treatment facility and would be **compatible** with the surrounding area. In staff's opinion, however, for the reasons outlined below, the 10' encroachment into the setback area abutting the water treatment facility could have a negative visual and aural impact on the future residents of the home for the aged. Therefore, as a condition for approval of this request staff recommends that the required buffering along the rear (east) property line should be installed prior to the issue of a Certificate of Use for the facility. **As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)9b), Non-Use Variances From Other Than Airport Regulations.**

However, when request #3, to waive the requirement for a dissimilar land use buffer along the rear (east) and interior side (south) property lines is similarly analyzed under Section 33-311(A)(4)(b), staff opines that approval would have a negative visual impact on the surrounding area and would be **incompatible** with same. Staff opines that since the facility is new and is located within an established residential community, the applicant could have made adequate adjustments to accommodate all the design features to meet the dissimilar land use requirements. Notwithstanding the fact that the property to the south is contiguously owned, staff opines that the existing use on said property is less intensive than what is proposed on the subject parcel. Further, staff opines that there is no guarantee that the parcel will not be sold in the future and developed under the EU-1, Single-Family One Acre Estate District regulations. In addition, staff notes that the more intensive activities for the proposed 32 resident facility to include the parking and drives will be located to the south and partially to the eastern end of the site. Therefore, staff opines that approval of this request could have a negative visual and aural impact on the abutting properties to the south and that the future residents may be negatively impacted by the existing water treatment facility located to the east. **Based on the foregoing analysis, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b) Non-Use Variances From Other than Airport Regulations.**

Although staff is supportive of the request to establish the home for the aged use (request #1) and the reduced setback along the interior side (north) property line (request #2), for the reasons outlined above staff is not supportive of the request to waive the dissimilar land use requirements along the south and east property lines. **Staff, therefore, recommends approval with conditions of request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, approval with conditions of request #2 under Section 33-311(A)(4)(b) Non-Use Variances From Other than Airport Regulations and denial without prejudice of request #3 under same.**

ACCESS, CIRCULATION AND PARKING: The submitted site plans indicate access to the site through an ingress/egress drive along SW 89 Court and adequate parking on-site for the proposed facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

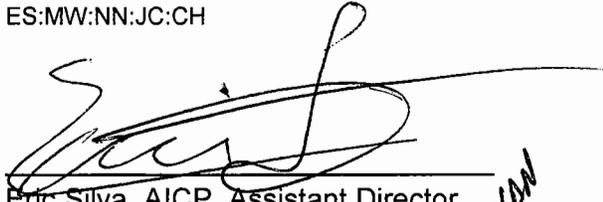
RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: (For request #1 and #2 only).

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "J.C.D. Architect, Inc., with sheets A-1.0 & A-2.0 dated stamped received 03/22/13 and the remaining 4 sheets dated stamped received 03/01/13 for a total of 6 sheets except as herein amended to show the dissimilar land use buffer along the south and east property lines.
3. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
4. That the applicants obtain a Certificate of Use for the proposed home for the aged facility from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the landscaping indicated on the plans along the interior side (north) property line be installed prior to the issue of Certificate of Use for the facility.
6. That the use be established and maintained in accordance with the approved plan.
7. That the occupancy of the proposed home for the aged facility be restricted to a maximum of thirty-two (32) residents at all times.
8. That the applicant comply with all applicable conditions and requirements of the Environmental Division of the Miami-Dade County Department of Regulatory and Economic Resources.

ES:MW:NN:JC:CH

A handwritten signature in black ink, appearing to read 'Eric Silva', written over a horizontal line. The signature is stylized and cursive.

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

NSW

ZONING RECOMMENDATION ADDENDUM

Nexus Living, LLC
Z12-081

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

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

Low Density Residential (Pg. I-31))	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.</i>
Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities. (Pg. I-34)	"Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code. If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses , and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility.
Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>
Policy LU-4D (Pg. I-11)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.</i>

ZONING RECOMMENDATION ADDENDUM

Nexus Living, LLC
Z12-081

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

1. NEXUS LIVING, LLC
(Applicant)

13-6-CZ12-1 (12-081)
Area 12/District 07
Hearing Date: 06/04/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Kirkpatrick Inc.	- Zone change from GU to EU-1.	BCC	Approved

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

Memorandum

Date: March 27, 2013

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

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

Subject: C-12 #Z2012000081-4th Revision
Nexus Living LLC
6925 SW 89th Court
Unusual Use to Permit a Home for the Aged
(EU-1) (1 Acres)
28-54-40



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.

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area, specifically the 10-day travel time contour, of the Alexander Orr Wellfield. Therefore, development of the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Section 24-43(4)(b) of the Code requires that non-residential properties connected to public sewer, not having indigenous substrata, and located within the 10-day travel time contour of the basic protection area, shall not exceed 850 gallons per day per acre (GPD/Ac) sewage loading in sanitary sewers. However, Board Order 97-33, for the same property, recognizes the quality of the soil and permits 1,600 GPD/Ac.

Major Departmental Review 2012-154, based on factual data, calculated the flow for the proposed use as 1,024 gallons per day. The same study calculates the gross area of the lot as 43,884 sf. This translates in to a sewage loading of 1,016 GPD/Ac, which is within what Boar Order 97-33 allows.

Furthermore, Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. Therefore, DERM may approve the application and it may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

Drainage restrictions are applicable, since the site is located within the Alexander Orr Wellfield 10 days Cone of influence area.

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

Per previous comments, the plans submitted with this application depict the presence of specimen-sized (trunk diameter 18 inches or greater) tree resources on the referenced property. The plans further show that trees may be impacted by the proposed construction activities. Section 24-49 of the Code requires the preservation of tree resources. Prior to the removal and or relocation of any tree on site, a Miami-Dade County Tree Removal/Relocation Permit is required. Section 24.49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24.49.2 shall apply..." The applicant has submitted an application to the Tree Permitting Program for a Tree Removal/Relocation Permit (Tree #00004148). As such, DERM recommends approval of this application with the condition that the Tree Removal/Relocation Permit

(Tree #00004148) is duly obtained 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/Relocation Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

Please be advised that if this condition cannot be met prior to development orders, this zoning application would have to be resubmitted for review. The applicant is required to comply with the above tree permitting requirements. This Department's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 12, 2013

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

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

Subject: Z2012000081
Name: Nexus Living, LLC
Location: 6925 SW 89 Court
Section 28 Township 54 South Range 40 East

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

Sidewalk is required along SW 89 Court.

Additional improvements may be required at time of permitting.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 6 of Plat Book 47, Page 59.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **7 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-68	SW 72 St. e/o SW 107 Ave.	D	D
9658	SW 72 St. w/o SW 87 Ave.	D	D

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

Memorandum



Date: June 22, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: DIC # 12-081
Nexus Living, 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 #12-081
Nexus Living, LLC

Application: *Nexus Living, LLC* is requesting an unusual use variance to allow a "Home for the Aged", otherwise known as an adult living facility, of up to thirty two (32) residents on the property. The applicant also requests non-use variances to allow parking on turf-block and a driveway width of eighteen (18) feet. The area is currently zoned EU-1 (Estates, Single Family).

Size: The subject property is approximately 33.39 acres.

Location: The subject property is located at 6925 SW 89th Court in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 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 demolition of an existing single family home to develop an adult living facility on the property, and the requested non-use variances for parking and driveway provisions, will likely be considered development for a "multi-family residential establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of multi-family residential 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: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 states the failure of a commercial 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 and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

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 associated with this project ensure that either of the following criteria be present in project design plans and circulation operations 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: March 22, 2013

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

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

Subject: Z2012000081: NEXUS LIVING, LLC
Includes Revised Plans Dated stamped received through 3/01/13

Application Name: NEXUS LIVING, LLC

Project Location: The site is located at 6925 SW 89 CT, Miami-Dade County.

Proposed Development: The applicant is requesting unusual use permit for a home for the aged. Review includes revised plans dated stamped received through 3/01/13.

Impact and demand: The proposal states that the development will be limited to a residential population of 32 which generates the need for .1 acres of parkland based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population. The site is located in Park Benefit District 2 which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

We have no further comments concerning impact or demand on existing County parks, proposed or budgeted service expansion.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



Memorandum

Date: 01-APR-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2012000081

Fire Prevention Unit:

This memo supersedes MDRF memornadum dated January 15, 2013.
 APPROVAL:
 No objection to plan stamped received March 1, 2013 VIA Case # Z2012000081.

Service Impact/Demand

Development for the above Z2012000081
 located at 6925 SW 89 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1712 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>8,760</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 5.89 alarms-annually.
 The estimated average travel time is: 6:13 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 13 - East Kendall - 6000 SW 87 Avenue.
 BLS 75' Ladder.

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received March 1, 2013.

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

NEXUS LIVING, LLC

6925 SW 89 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000081

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC;Current case 201103007850 was opened on August 30, 2011 for Failure to perform lot maintenance. A citation was issued on January 10, 2012. Affidavit of non-compliance March 2, 2012. Property still in violation March 28, 2012. Placed on contractors list April 17, 2012. Violation complied by owner May 16, 2012. Noil mailed May 18, 2012. Prior case 201103009923 was opened October 13, 2011 for setback violation. Found not in violation January 23, 2012 and case closed. Prior case 201203007145 was opened September 13, 2012 for Failure perform lot maintenance. Vacant lot was recently cut on September 14, 2012 and case closed. BNC: BSS case 20110147232-U opened on August 25, 2011. Unsafe Structure open for Structure A...main dwelling severely damaged by fire. Emergency demolition performed on January 20, 2012 under permit 2012014526. Demand for payment issued on February 1, 2012, lien generated on April 12, 2012. Case was closed on January 23, 2012, however lien has been recorded.

Nexus Living, LLC

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

REPORTER NAME:

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].

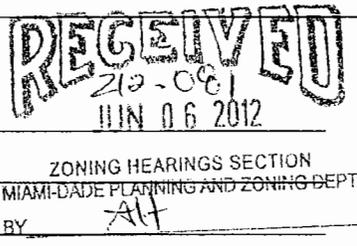
CORPORATION NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Nexus Living, LLC (Advantus Senior Health LLC, 100%).	100%
Advantus Senior Health, LLC is owned by Rolando Medina (50%) and Lynk Properties, LLC (50%).	
Lynk Properties, LLC is owned by Frank Mena (89%), Lynette Mena (8%), and Robert Mena (3%).	

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

TRUST/ESTATE NAME _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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212-037
JUN 06 2012

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 23rd day of May, 2012. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



CLAUDIA RUIZ
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE061078
Expires 2/2/2015

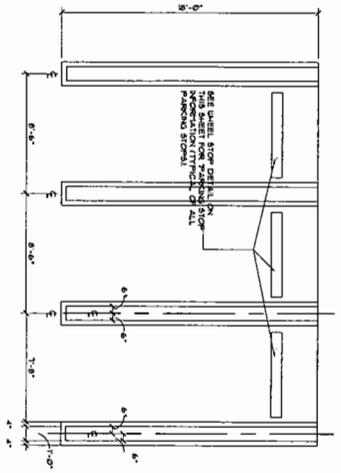
My commission expires: 2/2/15

Seal

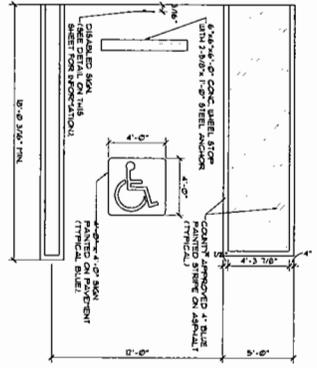
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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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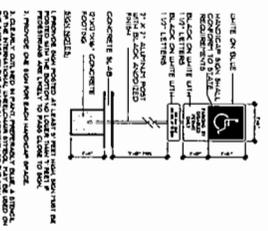
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XH



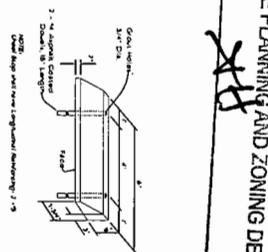
1 TYP. PARKING DETAIL
 SCALE: 1/4" = 1'-0"



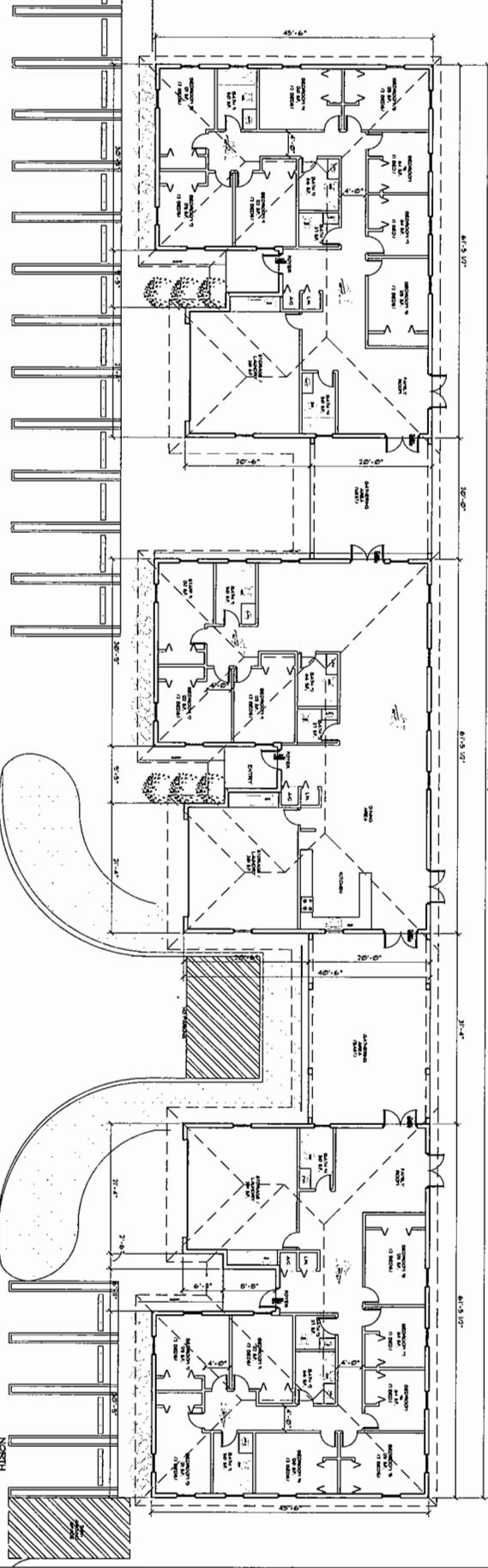
2 H.C. PARKING DETAIL
 SCALE: 1/4" = 1'-0"



3 ADA PARKING SIGNAGE DETAIL
 SCALE: 1/4" = 1'-0"



4 CONC. WHEEL STOP DETAIL
 SCALE: 1/4" = 1'-0"



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

Job No. 11-0710 Date 07/26/13 Scale SHOWN Seal AA-26001560 Sheet No. A-2.0	J.C.D. ARCHITECT, Inc. JUAN C. DAVID P.A. #0019344 LEED ACCREDITED PROFESSIONAL Design & Development Architecture Interiors Planning Construction 1388 Coral Way, Suite 407 • Miami, Florida 33148 • Phone (305) 385-4343 • Fax (305) 385-4338	PROPOSED LOT DEVELOPMENT FOR: 6925 Residence 6925 S.W. 89th COURT MIAMI, FLORIDA 33139	REVISIONS 1 3-2-13 Issue 048 24
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Designs are subject to modification or change as required by actual measurements, standard industry practices in light of existing structural and other conditions, applicable H.C., codes, and the like. These plans are and shall remain the property of J.C.D. and shall not be solely reproduced without the prior written consent. J.C.D. shall be notified of any changes required by other measurements, etc., as shown prior to submission of any plans to MDC construction.

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RECEIVED
 PLANNING AND ZONING DEPARTMENT
 311 N. BAY STREET, 3RD FLOOR
 MIAMI, FLORIDA 33139
 DATE RECEIVED: 03/01/2013

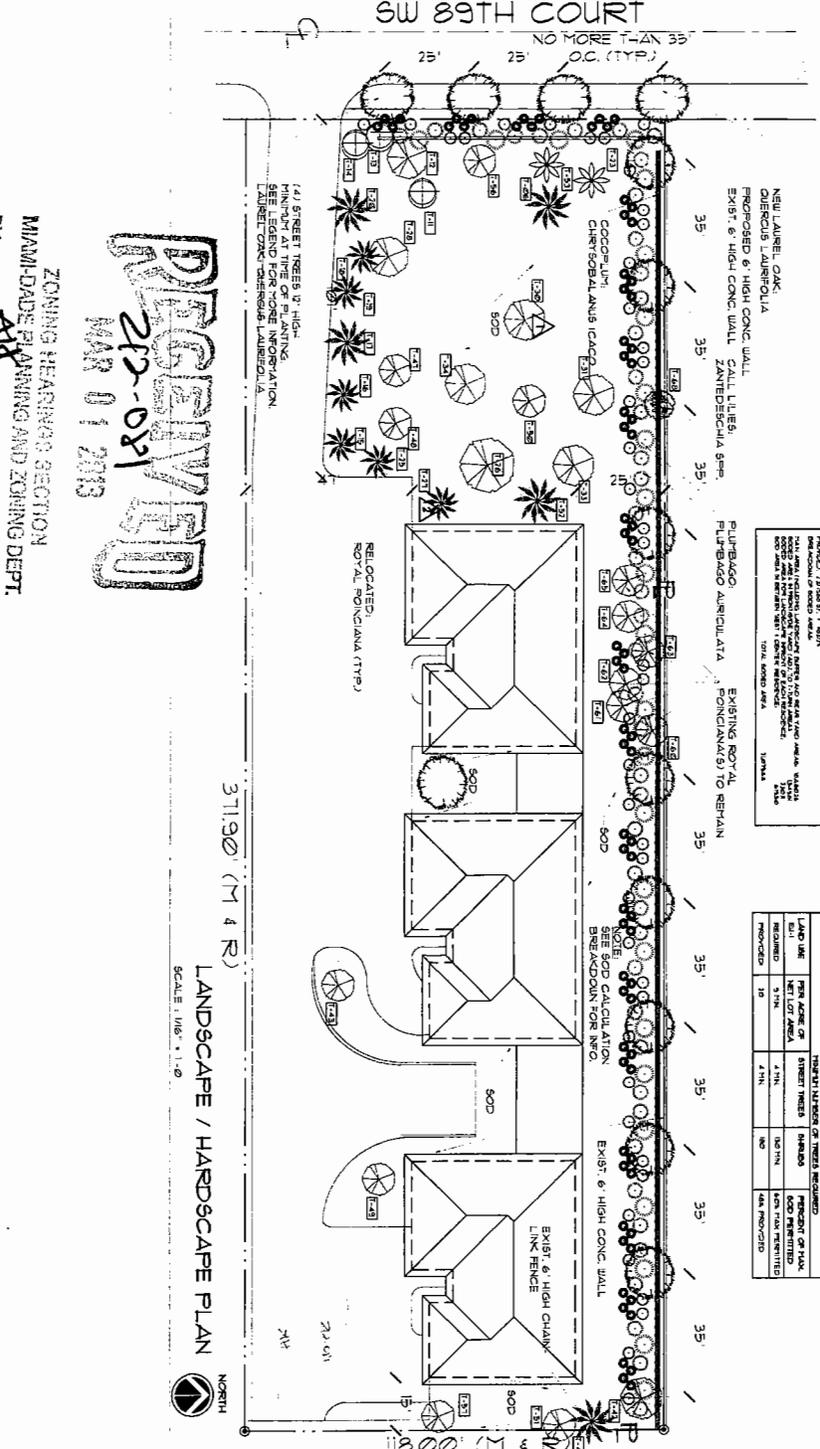
RECOMMENDED SPECIFICATIONS:

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS AND THE FLORIDA LANDSCAPE ARCHITECTURE BOARD'S (FLDAB) BEST MANAGEMENT PRACTICES (BMP) FOR LANDSCAPE ARCHITECTURE. THE CITY OF MIAMI PLANTING SPECIFICATIONS ARE AVAILABLE AT: www.miamigov.com/planning-and-zoning/planning-and-zoning-department/planting-specifications. THE FLDAB BMP ARE AVAILABLE AT: www.fldab.com/best-management-practices.

2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS AND THE FLORIDA LANDSCAPE ARCHITECTURE BOARD'S (FLDAB) BEST MANAGEMENT PRACTICES (BMP) FOR LANDSCAPE ARCHITECTURE. THE CITY OF MIAMI PLANTING SPECIFICATIONS ARE AVAILABLE AT: www.miamigov.com/planning-and-zoning/planning-and-zoning-department/planting-specifications. THE FLDAB BMP ARE AVAILABLE AT: www.fldab.com/best-management-practices.

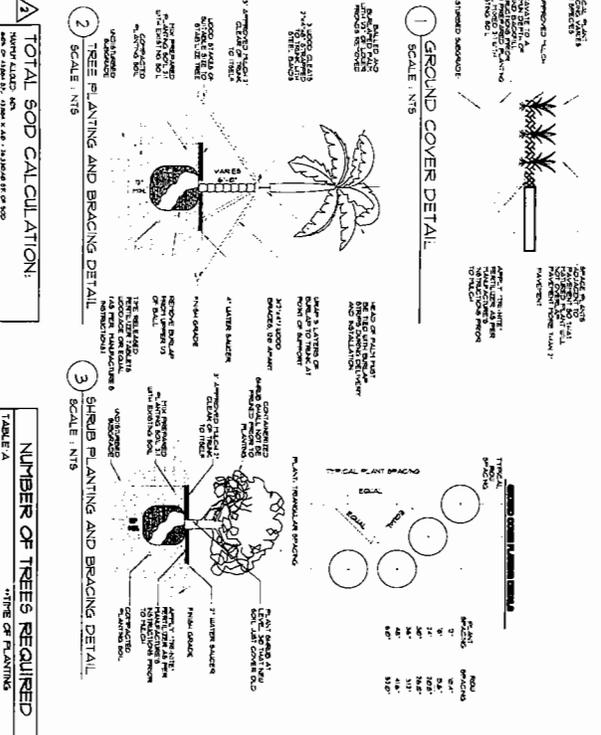
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS AND THE FLORIDA LANDSCAPE ARCHITECTURE BOARD'S (FLDAB) BEST MANAGEMENT PRACTICES (BMP) FOR LANDSCAPE ARCHITECTURE. THE CITY OF MIAMI PLANTING SPECIFICATIONS ARE AVAILABLE AT: www.miamigov.com/planning-and-zoning/planning-and-zoning-department/planting-specifications. THE FLDAB BMP ARE AVAILABLE AT: www.fldab.com/best-management-practices.

SYMBOL	COMMON NAME	SCIENTIFIC NAME	LOCATION	HT.	CALIBERS
	1' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	2' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	3' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	4' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	5' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	6' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	7' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	8' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	9' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	10' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	11' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	12' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	13' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	14' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	15' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	16' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	17' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	18' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	19' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH
	20' JUMBO PALM	CHOROPHANTE A. LINDL.	48 SOUTH	10' FT	1 1/2" DBH



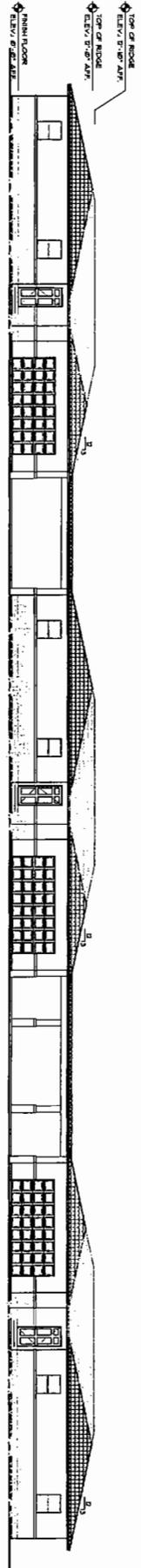
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 CIV.

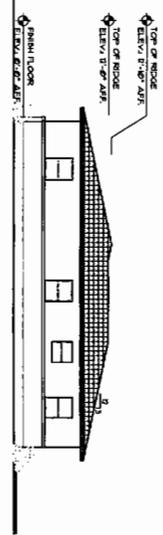


NUMBER OF TREES REQUIRED

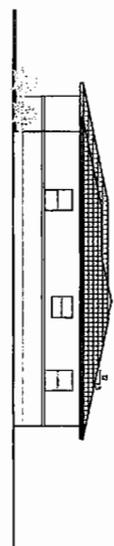
TABLE A	TYPE OF PLANTING	TOTAL NUMBER OF TREES REQUIRED	MINIMUM PERCENTAGE OF TREES REQUIRED	MINIMUM PERCENTAGE OF TREES REQUIRED	MINIMUM PERCENTAGE OF TREES REQUIRED
1	1' JUMBO PALM	4	4.0%	4.0%	4.0%
2	2' JUMBO PALM	4	4.0%	4.0%	4.0%
3	3' JUMBO PALM	4	4.0%	4.0%	4.0%
4	4' JUMBO PALM	4	4.0%	4.0%	4.0%
5	5' JUMBO PALM	4	4.0%	4.0%	4.0%
6	6' JUMBO PALM	4	4.0%	4.0%	4.0%
7	7' JUMBO PALM	4	4.0%	4.0%	4.0%
8	8' JUMBO PALM	4	4.0%	4.0%	4.0%
9	9' JUMBO PALM	4	4.0%	4.0%	4.0%
10	10' JUMBO PALM	4	4.0%	4.0%	4.0%
11	11' JUMBO PALM	4	4.0%	4.0%	4.0%
12	12' JUMBO PALM	4	4.0%	4.0%	4.0%
13	13' JUMBO PALM	4	4.0%	4.0%	4.0%
14	14' JUMBO PALM	4	4.0%	4.0%	4.0%
15	15' JUMBO PALM	4	4.0%	4.0%	4.0%
16	16' JUMBO PALM	4	4.0%	4.0%	4.0%
17	17' JUMBO PALM	4	4.0%	4.0%	4.0%
18	18' JUMBO PALM	4	4.0%	4.0%	4.0%
19	19' JUMBO PALM	4	4.0%	4.0%	4.0%
20	20' JUMBO PALM	4	4.0%	4.0%	4.0%



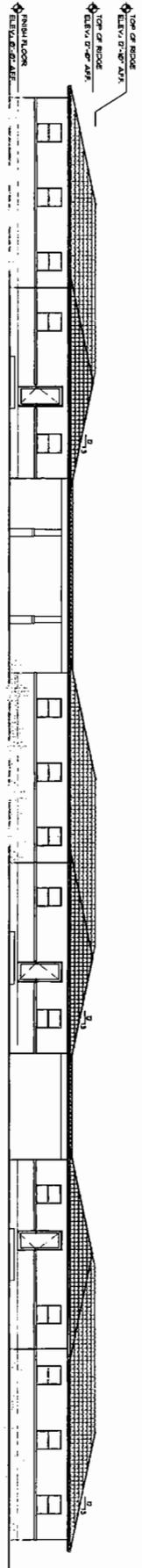
SOUTH ELEVATION (FRONT)
SCALE: 1/8"=1'-0"



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



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



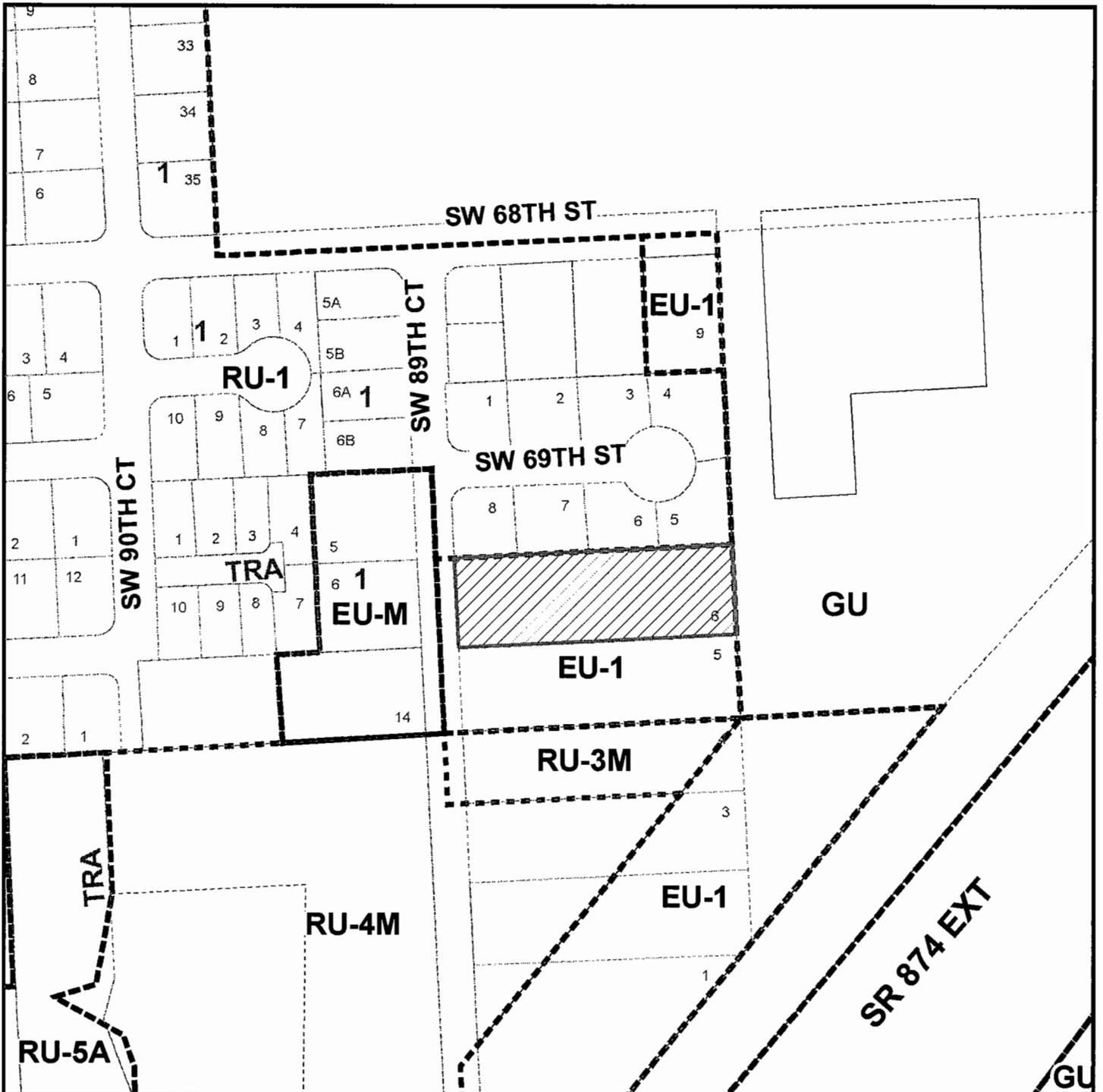
NORTH ELEVATION (REAR)

RECEIVED
MAR 01 2013
213-081

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

<p>Seal AA-26001580 Sheet No. A-3</p>	<p>J.C.D. ARCHITECT, Inc. JUAN C. DAVID R. A. #0015344 LEED ACCREDITED PROFESSIONAL Design & Development</p> <p>Architecture Interiors Planning Construction</p> <p>1385 Coral Way, Suite 407 • Miami, Florida 33148 • Phone: (305) 795-1343 • Fax: (305) 286-4330</p>	<p>PROPOSED LOT DEVELOPMENT FOR: 6925 Residence 6925 S.W. 89th COURT MIAMI, FLORIDA 33139</p>	<p>PROVIDERS A-30-D-TM-VI-14 A-30-D-13-P-10-00-01</p>
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28



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000081



Section: 28 Township: 54 Range: 40
 Applicant: NEXUS LIVING, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

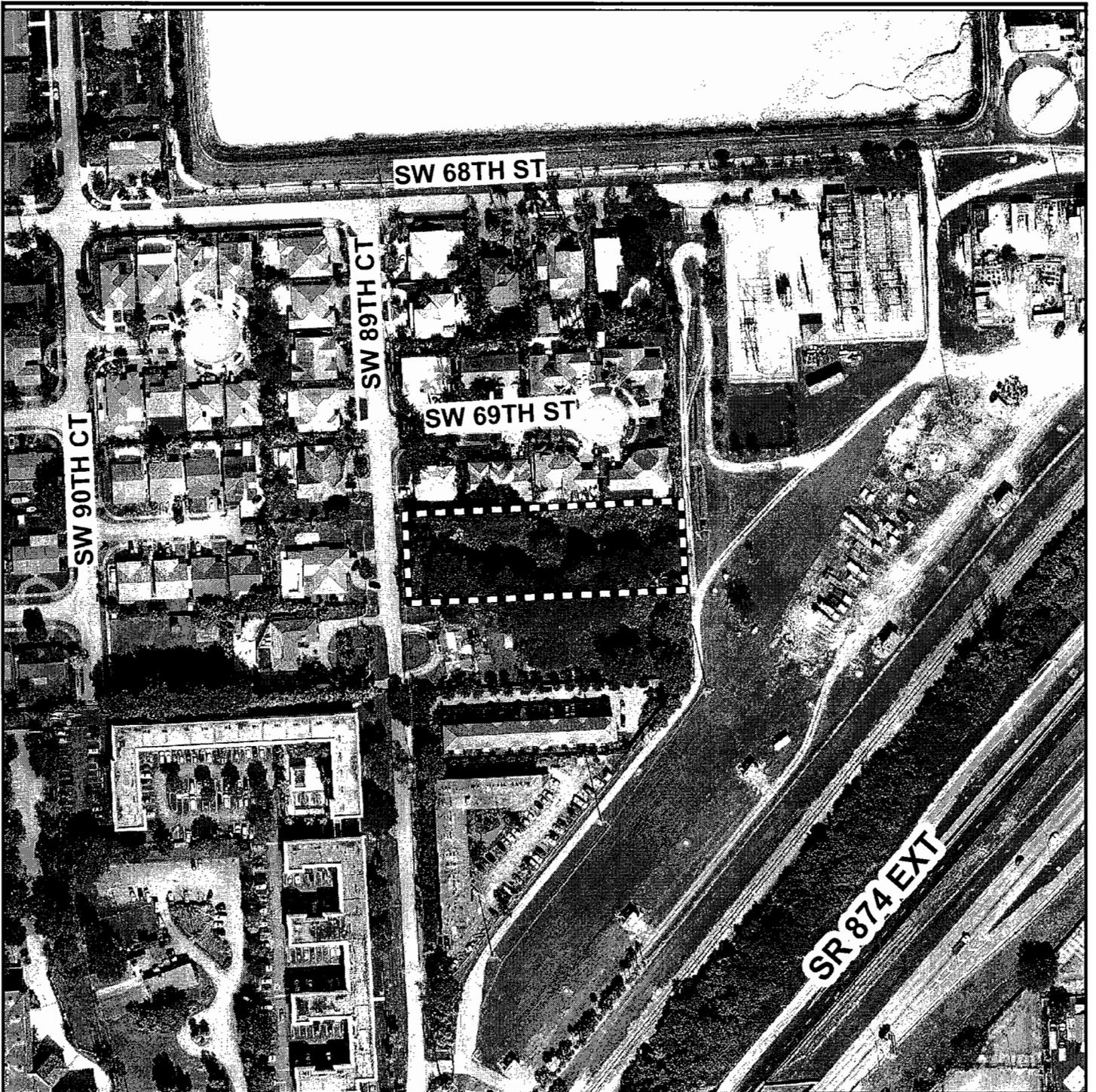
Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, June 19, 2012

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000081



Section: 28 Township: 54 Range: 40
 Applicant: NEXUS LIVING, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

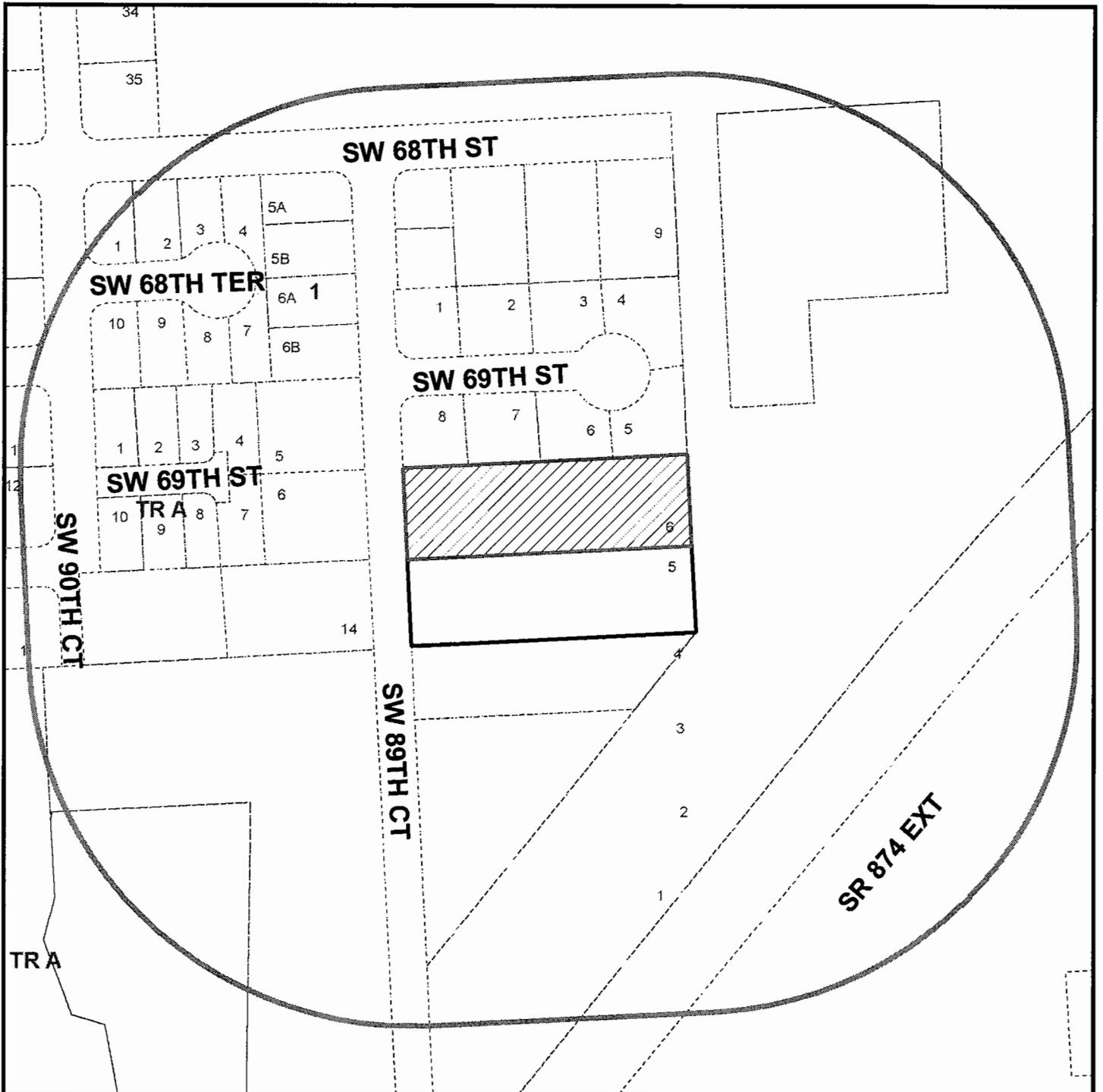
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 Subject Property



SKETCH CREATED ON: Tuesday, June 19, 2012

REVISION	DATE	BY
		30



MIAMI-DADE COUNTY
RADIUS MAP

Section: 28 Township: 54 Range: 40
 Applicant: NEXUS LIVING, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000081
 RADIUS: 500



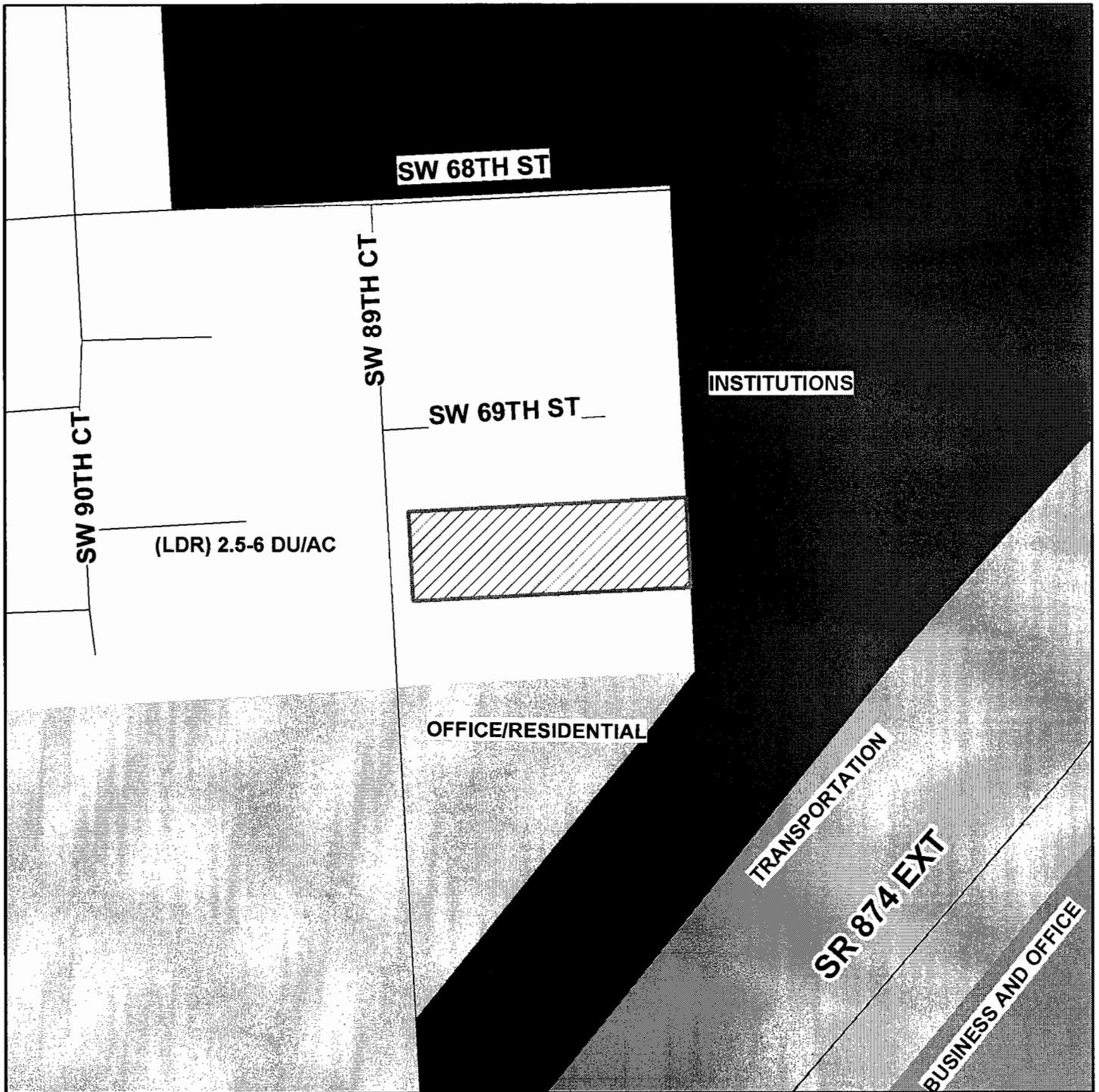
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, March 21, 2013

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000081



Section: 28 Township: 54 Range: 40
 Applicant: NEXUS LIVING, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, June 19, 2012

REVISION	DATE	BY

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

PH: Z12-151 (13-6-CZ12-2)

June 4, 2013

Item No. 2

Recommendation Summary	
Commission District	8
Applicant	Ariana M. Kumpis
Summary of Requests	The applicant is seeking to permit a proposed den addition to a townhouse residence that encroaches into the rear (south) setback area.
Location	9078 SW 129 Lane, Miami-Dade County, Florida.
Property Size	2,644 sq. ft.
Existing Zoning	RU-4M, Modified Apartment House District
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low-Medium Density Residential, 6 to 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit a proposed addition to a townhouse residence setback 4' (10' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Den Addition to a Residence" as prepared by Cesar M. Cano A.I.A. and dated stamped received 04/03/13, consisting of three (3) sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

The plan submitted depicts the proposed 159 sq. ft. addition to the existing 1,204 sq. ft. townhouse. The subject parcel is a part of townhouse development that was approved with a site plan to allow some of the residences, including the subject parcel to setback 10' from the property lines abutting the common areas.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4M; townhouse residence	Low-Medium Density Residential (6 to 13 dua)
North	RU-4M; townhouse residences	Low-Medium Density Residential (6 to 13 dua)
South	RU-4M; townhouse residences	Low-Medium Density Residential (6 to 13 dua)
East	RU-4M; townhouse residence	Low-Medium Density Residential (6 to 13 dua)

West	RU-4M; townhouse residence	Low-Medium Density Residential (6 to 13 dua)
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NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 9078 SW 129 Lane within a townhouse development that was approved to allow some lots with reduced setbacks from the rear property lines abutting common areas within the development. The area surrounding the subject property is primarily characterized by townhouse residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to permit the proposed den addition to encroach into the rear setback area. The addition will provide the applicant with additional living area; however, staff opines that it 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 the site for **Low-Medium Density Residential**. *The type of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the townhome use, approval of the application with conditions is **consistent** with the density threshold of the Low-Medium Density Residential CDMP LUP map designation.

ZONING ANALYSIS:

The subject property is an existing townhouse residence within the RU-4M, Modified Apartment House District that is a part of an existing townhome development that was approved pursuant to Resolution #4-ZAB-149-77. Said resolution permitted the residences to setback 10' from the common area property lines within the development. The subject property is an interior lot within the development that was approved to setback 10' from the rear (south) property line abutting the common areas within the development. The applicant now seeks approval of a request to permit a new addition to the subject property setback 4' from the rear (south) property line, where 10' was previously approved.

Staff opines that approval of the application will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and for the reasons stated below would be **compatible** with same. Staff notes that the subject parcel is internal to the townhome development and as such, the requested 6' encroachment will not have a negative visual impact on the surrounding area. In addition, plans for the proposed development indicate that the rear (south) property line of the subject parcel is spaced 15' from the nearest property line of the townhouse located to the south. Aerial photographs from the County's Geographical Information Systems (GIS) indicate that this 15' wide area is a part of the common area within the development that consists of abundant existing tree foliage. Further, staff notes that the rear yard area of the subject townhouse is enclosed with a 6' high wood fence. As such, staff opines

that any negative visual impact of the requested 6' encroachment will be mitigated by the spacing from the other residences to the south, the existing tree foliage within the common areas and finally the 6' high wood fence.

Although staff did not find any similar approvals for requests for rear setback encroachments within the development, staff's review of the aerial photographs within the GIS system indicated that there were at least two (2) homes within the block face on which the subject property is located with a footprint that is similar to that being requested. The applicant has also worked with staff to reduce the scope of the development to the 4' setback that is now being requested. Further, staff notes that the applicant obtained the approval of the Briar Lake Homeowners Association. As such, staff opines that approval of the request will not be out of character with the remainder of the townhouse development and would be **compatible** with same. **Staff, therefore, recommends approval with conditions of the application under the Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the 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 "New Den Addition to a Residence" as prepared by Cesar M. Cano A.I.A. and dated stamped received 04/03/13, consisting of three (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 existing 6' high wood fence along the rear (south) property line be maintained.

ES:MW:NN:AN:CH

Ariana M. Kumpis

Z12-151

Page | 4

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. A long, sweeping horizontal line extends from the end of the signature across the top of the page.

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

NDN

ZONING RECOMMENDATION ADDENDUM

Ariana M. Kumpis
Z12-151

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

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

<p>Low –Medium 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-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 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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2. ARIANA KUMPIS, TRUSTEE
(Applicant)

13-6-CZ12-2 (12-151)
Area 12/District 08
Hearing Date: 06/04/13

Property Owner (if different from applicant) **Ariana M. Kumpis.**

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>
1971	Frances Kerr Lowe	- Zone Change from AU to RU-TH & RU-4M.	BCC	Approved with Condition(s)
1973	City National Bank of Miami	- Special Exception for site plan approval.	ZAB	Approved with Condition(s)
1973	City National Bank of Miami	- Special Exception for multi Family.	BCC	Approved with Condition(s)
1977	City National Bank of Miami	- Modify previously approved hearing plan.	ZAB	Approved with Condition(s)
1977	City National Bank of Miami	- Modify previously approved plans.	ZAB	Approved with Condition(s)

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

Date: January 16, 2013

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

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

Subject: C-12 #Z2012000151
Ariana Kumpis
9078 SW 129th Lane, Miami, FL 33176
Non-Use Variance to Permit a Single Family Residence Setback
Less Than Required.
(RU-4M) (0.06106 Acres)
16-55-40

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.

Flood Protection

The application site lies within a Special Flood Hazard Zone with a base flood elevation of 8 ft. NGVD as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 7 ft NGVD. The proposed addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. Non-substantial improvements are required at a minimum to match the elevation of the existing single family residence. Based on the survey provided with this submittal the proposed addition matches the elevation of the single family residence at 8.55 ft which is in compliance with the Code.

Potable Water Service and Wastewater Disposal

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

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

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

with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

The proposed setback will not affect the existing stormwater management system.

Wetlands

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

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

Tree Preservation

The proposed addition will not impact tree resources. Be advised that 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.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

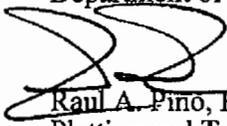
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: January 15, 2013

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

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

Subject: Z2012000151
Name: Ariana M. Kumpis
Location: 9078 SW 129 Lane
Section 16 Township 55 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 3, Block 18 of Plat Book 109, Page 4.

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

Memorandum



Date: January 16, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: # Z12-151
Ariana M. Kumpis

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

Z12-151
Ariana M. Kumpis

Application: *Ariana M. Kumpis* is requesting a variance for a rear setback on a property which is currently zoned in a Modified Apartment House district (RU-4M).

Size: The subject property is approximately .06 acres.

Location: The subject property is located at 9078 SW 129th Lane in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: January 22, 2013
To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department
From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department
Subject: Z2012000151: ARIANA KUMPIS, TRUSTEE

Application Name: ARIANA KUMPIS, TRUSTEE

Project Location: The site is located at 9078 SW 129 LN, Miami-Dade County.

Proposed Development: The request is for approval of a setback less than required for an existing single family home.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. We have no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. The Department has no objection to this application.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 10-JAN-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000151

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000151
 located at 9078 SW 129 LN, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1994 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: 6:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 4 - Coral Reef - 9201 SW 152 Street
 Rescue, ALS Engine, Battalion 9

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 calculations.

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

DATE: 08-JAN-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

ARIANA KUMPIS, TRUSTEE

9078 SW 129 LN, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000151

HEARING NUMBER

HISTORY:

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

Ariana Kumpis, Trustee

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

REPORTER NAME:

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: _____

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

212 151
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 APR 03 2013
 PLANNING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: *FE*

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 ARIANA H. KUMPIS REVOCABLE TRUST DATED JUNE 18, 2012
ARIANA H. KUMPIS AS TRUSTEE

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
① <u>RICHARD KUMPIS (son)</u> <u>CARRERA 12 # 86-17, Apt. 702 BOGOTA, COLOMBIA</u>	<u>50%</u>
② <u>ANDREA V. JIMENEZ (daughter)</u> <u>3400 NE 192 ST APT. 709</u> <u>AVENTURA FL 33180</u>	<u>50%</u>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____

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APR 03 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: *FE*

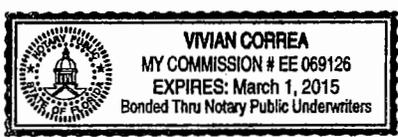
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Anauro Kempis*
(Applicant)

Sworn to and subscribed before me this 30 day of Jan, 2013. Affiant is personally know to me or has produced _____ as identification.

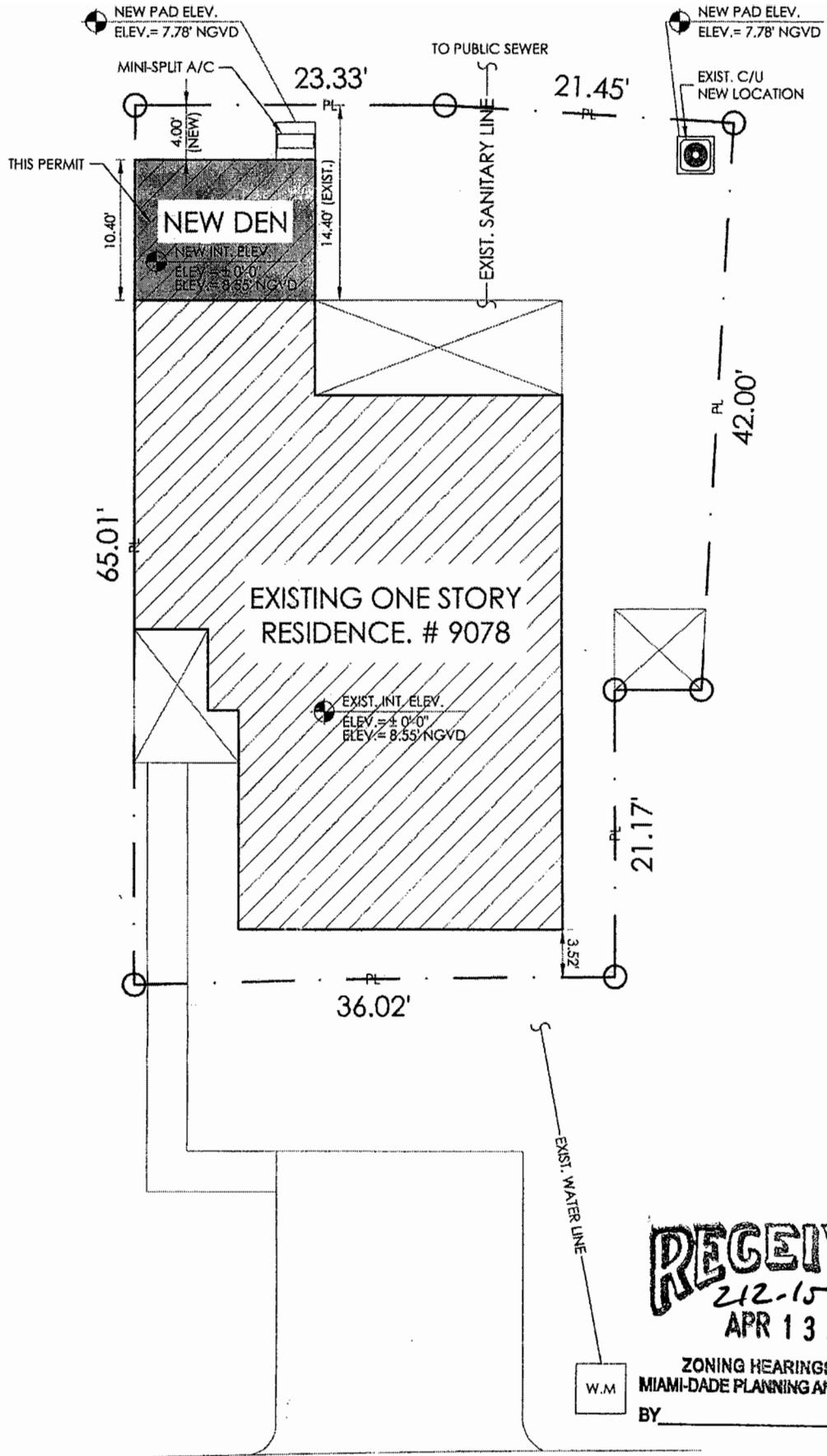
Vivian Correa
(Notary Public)



My commission expires: March 1, 2015

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.



SW 129th LANE

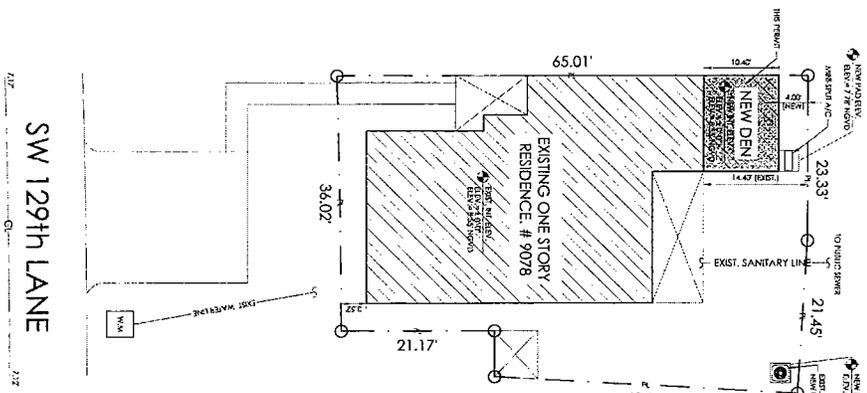
7.17'

ENLARGED SITE PLAN

7.12'

18

**NEW DEN ADDITION
TO A RESIDENCE**
LOCATED AT 9078 SW 129th LANE
MIAMI, FL 33176



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2/2-15/13
APR 13 2013

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

LEGAL DESCRIPTION:
LOT 17, BLOCK 18 OF SW 129th LANE SUBDIVISION
RECORDED IN PUBLIC BOOK 18747, PAGE 4 OF 18
OFFICIAL RECORD OF MIAMI COUNTY, FLORIDA

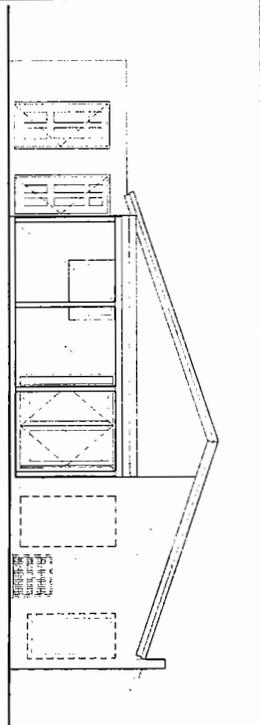
ZONING DATA:
ZONING DISTRICT: RS-1
ZONING DISTRICT CODE: RS-1
ZONING DISTRICT NAME: RESIDENTIAL SINGLE-FAMILY
ZONING DISTRICT NUMBER: 1294511 (RS-1)
ZONING DISTRICT COVERAGE: 1294511 (RS-1)



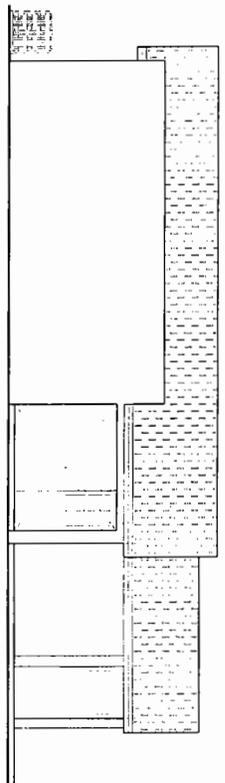
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APR 9 2013

<p>DATE: 04/02/2012</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: SP-1</p> <p>REVISIONS:</p>	<p>NEW DEN ADDITION TO A RESIDENCE LOCATED AT 9078 SW 129th LANE MIAMI, FL 33176</p>	<p>CESAR M. CANO A.I.A. ARCHITECTURE & PLANNING</p> <p>4904 CAMPO SANO CT, CORAL GABLES FL 33146 TELEPHONE: (305) 740-7929 - FAX: (305) 740-7929</p>
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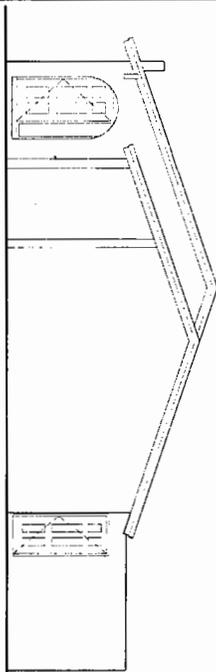
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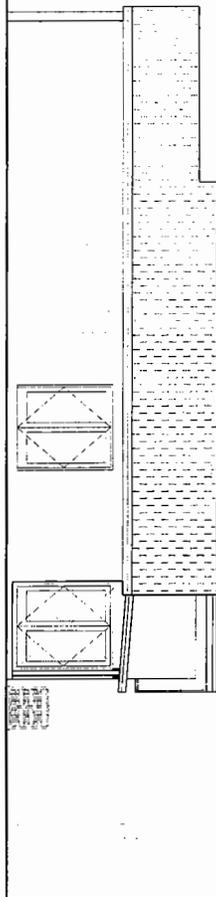
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SCALE 1/8" = 1'-0"



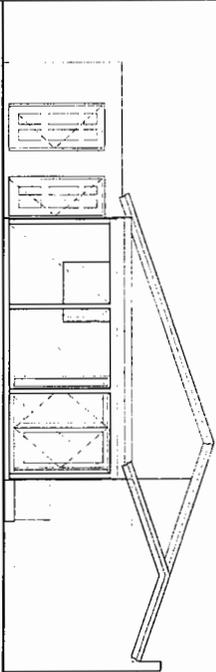
EXISTING LEFT/EAST ELEVATION
SCALE 1/8" = 1'-0"



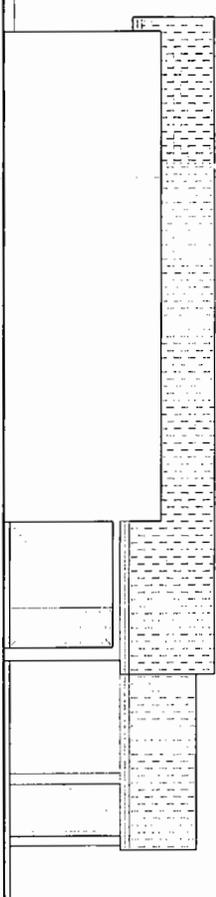
NEW FRONT/NORTH ELEVATION
SCALE 1/8" = 1'-0"



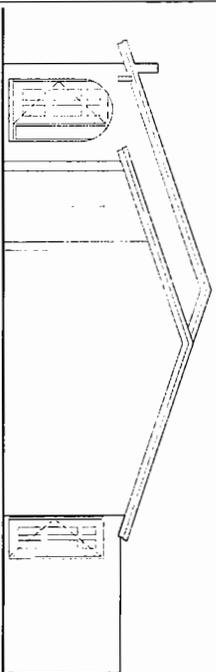
EXISTING RIGHT/WEST ELEVATION
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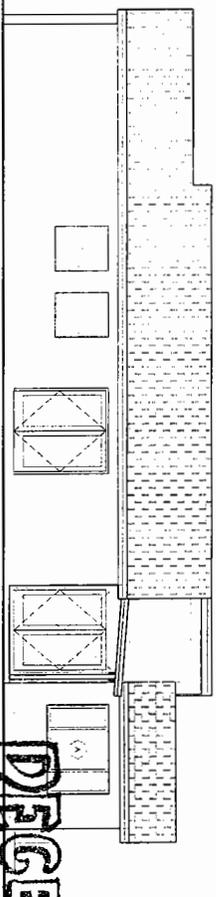
NEW REAR/SOUTH ELEVATION
SCALE 1/8" = 1'-0"



NEW LEFT/EAST ELEVATION
SCALE 1/8" = 1'-0"



NEW FRONT/NORTH ELEVATION
SCALE 1/8" = 1'-0"



NEW RIGHT/WEST ELEVATION
SCALE 1/8" = 1'-0"

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APR 13 2013
212-151

SCALE	A-2
DATE	04/02/2012
BY	AS SHOWN

NEW DEN ADDITION
TO A RESIDENCE
LOCATED AT 9078 SW 129th LANE
MIAMI, FL 33176

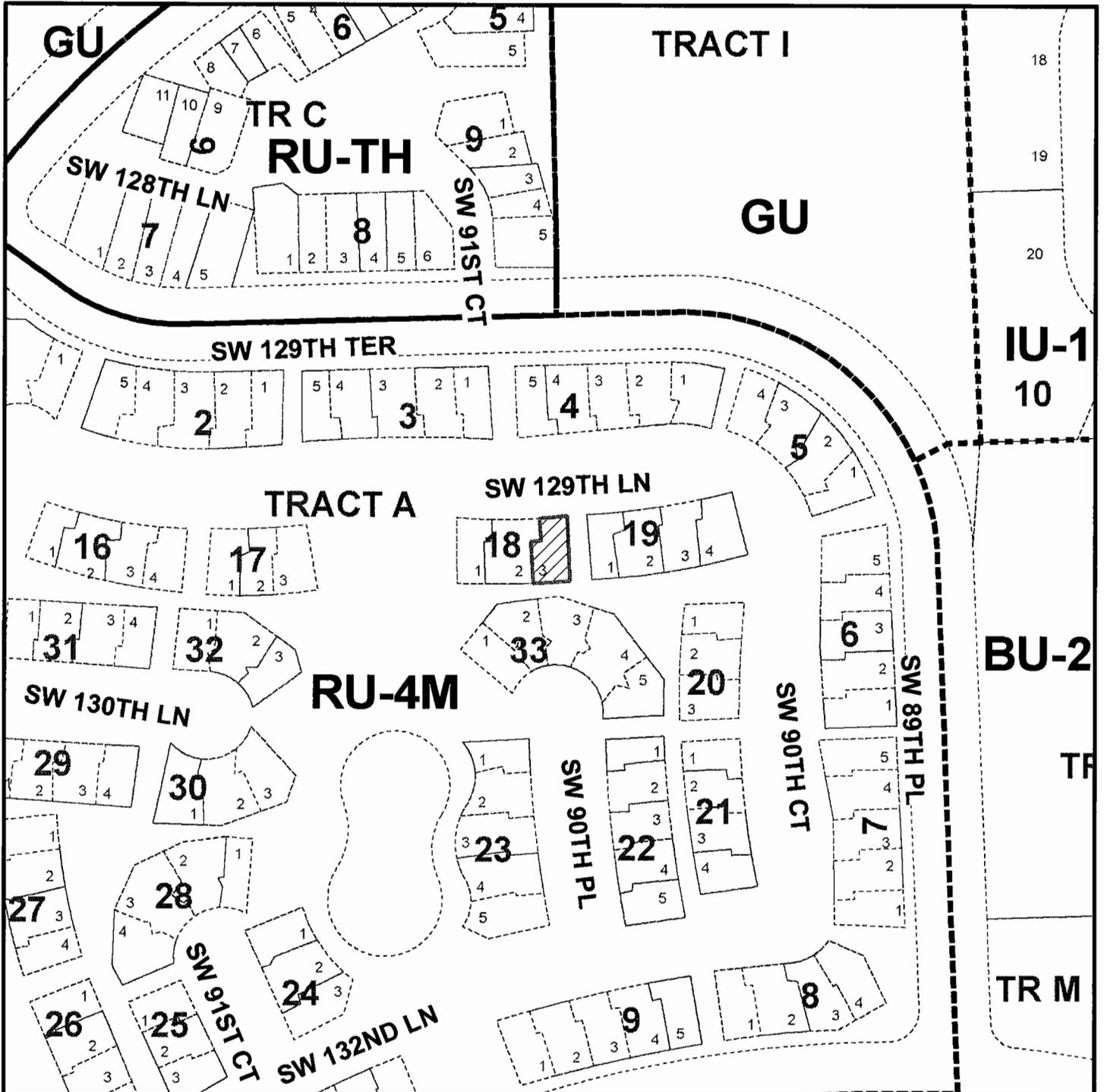
CESAR M. CANO A.I.A.
ARCHITECTURE & PLANNING

4906 CAMPO SANDO CT. CORAL GABLES FL 33146
TELEPHONE: (305) 740-7929 • FAX: (305) 740-7929

REVISIONS

21

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000151

Section: 16 Township: 55 Range: 40
 Applicant: ARIANA KUMPIS, TRUSTEE
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Tuesday, January 15, 2013

REVISION	DATE	BY
		JR



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000151



Section: 16 Township: 55 Range: 40
 Applicant: ARIANA KUMPIS, TRUSTEE
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

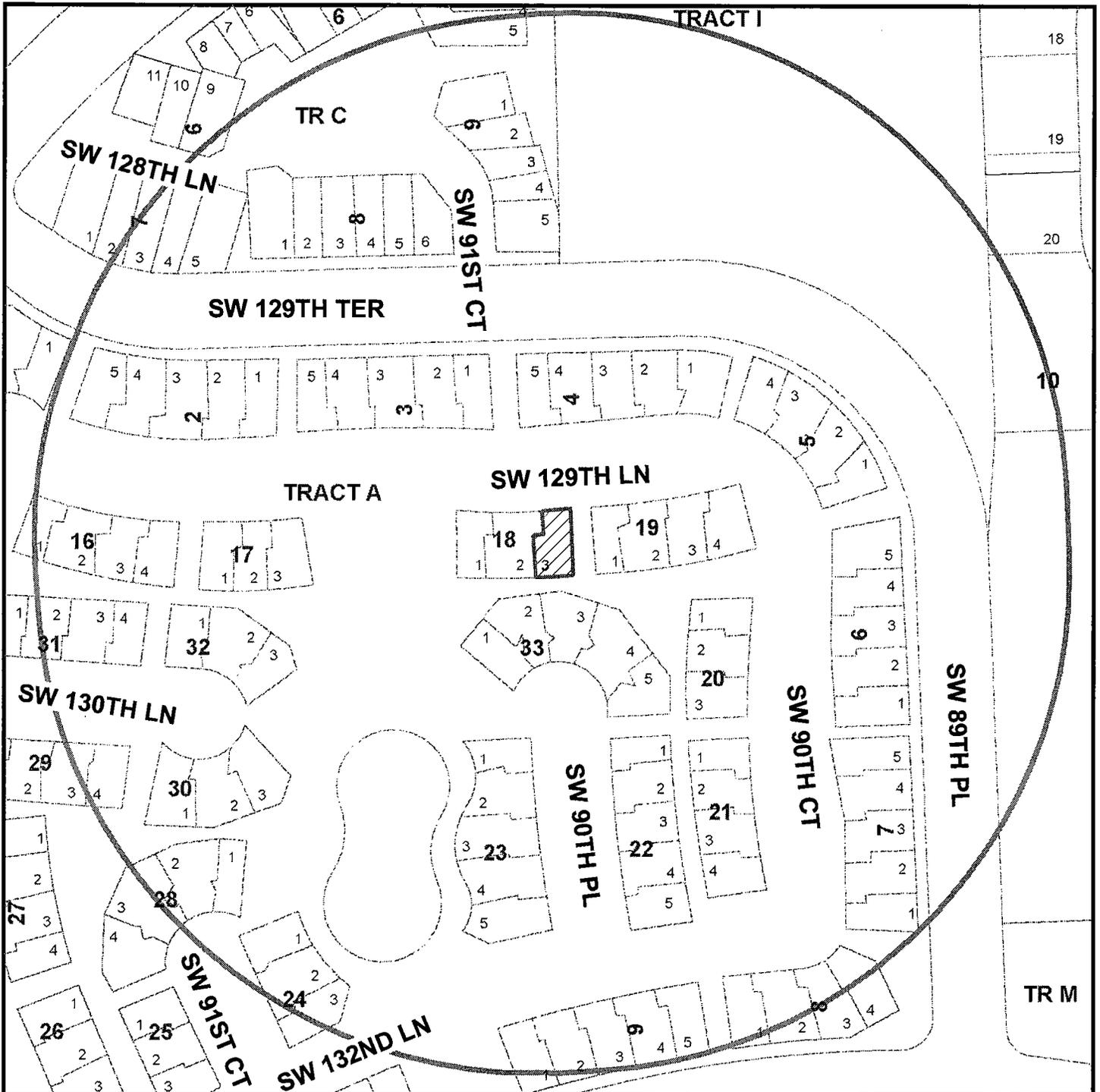


Subject Property



SKETCH CREATED ON: Tuesday, January 15, 2013

REVISION	DATE	BY
		23



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2012000151
RADIUS: 500

Section: 16 Township: 55 Range: 40
Applicant: ARIANA KUMPIS, TRUSTEE
Zoning Board: C12
Commission District: 8
Drafter ID: JEFFER GURDIAN
Scale: NTS

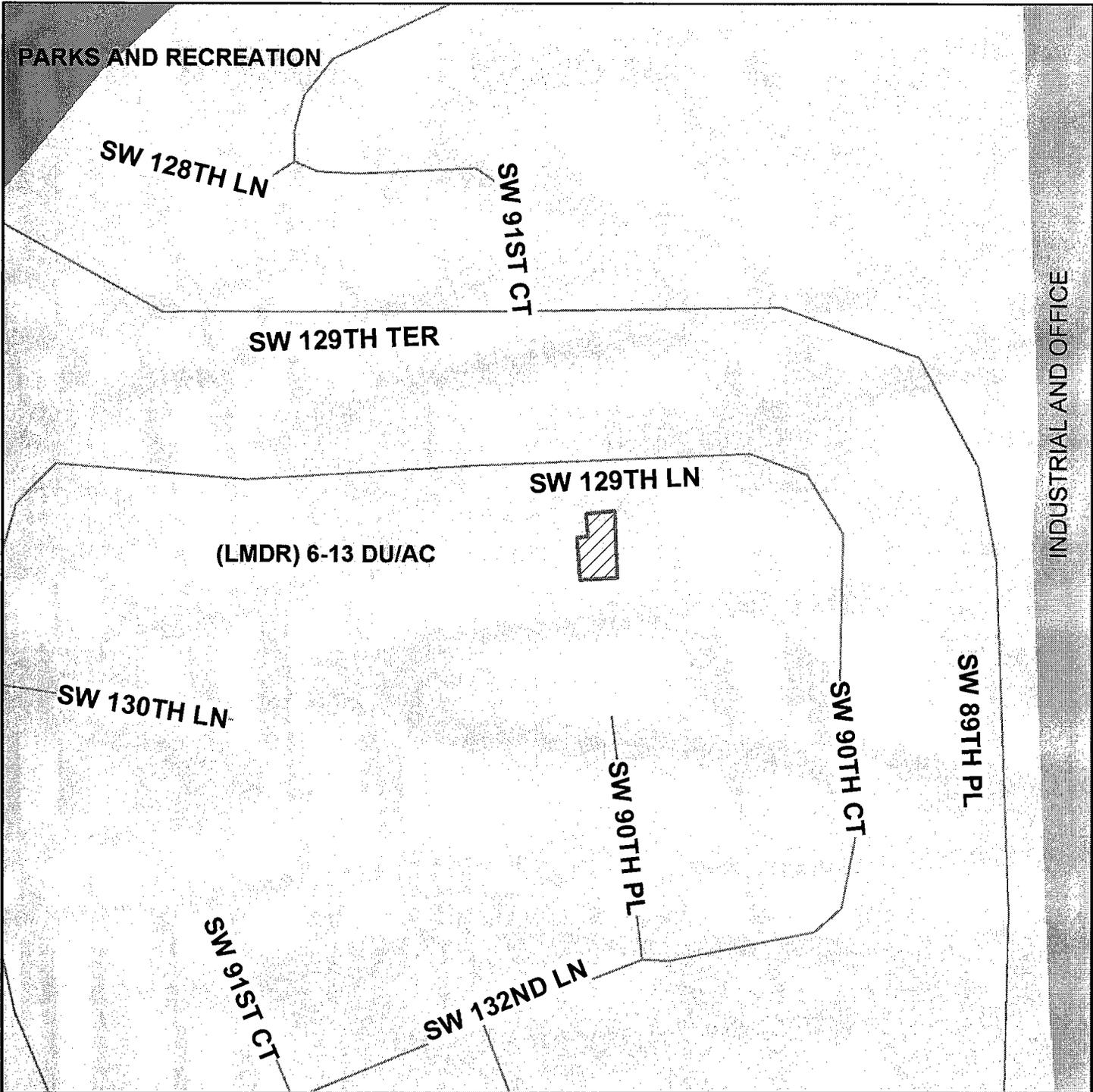
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, January 15, 2013

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000151



Section: 16 Township: 55 Range: 40
 Applicant: ARIANA KUMPIS, TRUSTEE
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, January 15, 2013

REVISION	DATE	BY