

FINAL AGENDA

10-14-2014 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, November 18, 2014 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|--------------|--|--------|----------|---|
| 1. | 14-11-CZ12-1 | <u>IGLESIA BAUTISTA VIDA EN CRISTO, INC.</u> | 12-146 | 06-55-40 | N |
| 2. | 14-11-CZ12-2 | <u>CARLOS & JENNIFER NUNEZ</u> | 14-39 | 31-54-40 | N |
| 3. | 14-11-CZ12-3 | <u>DAVID AND MARIETTA FAGET</u> | 14-43 | 28-54-40 | N |
| 4. | 14-11-CZ12-4 | <u>PUBLIX SUPER MARKETS INC</u> | 14-53 | 28-54-40 | N |
| 5. | 14-11-CZ12-5 | <u>MEDALLION 1415, LLC</u> | 14-54 | 03-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, NOVEMBER 18, 2014

KENDALL VILLAGE CENTER – CIVIC PAVILLION

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

1. IGLESIA BAUTISTA VIDA EN CRISTO, INC. (14-11-CZ12-1/12-146)

**06-55-40
Area 12/District 08**

- (1) MODIFICATION of Condition # 2 of Resolution 5-ZAB-68-96, passed and adopted by the Zoning Appeals Board, readings follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan Review for: William and Dorothy A. Wilson," as prepared by Juan O. Gomez, Architect, dated last revised 12-8-95 on sheet A-1, and dated 11-15-95 on sheets A-2, A-3, & A-4, for a total of 4 sheets, except as herein modified to limit all vehicular ingress/egress to S.W. 107 Avenue, to provide a 6' high wood fence along the interior side (north) property line, to relocate the existing metal shed outside of the setback area and to provide either a mulch, gravel or hard surface for all parking areas."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo" as prepared by Allan Zamora Architecture, with sheet A-1, dated stamped received 6/23/14 and the remaining 10 sheets dated stamped received 3/27/14, for a total of 11 sheets."

- (2) DELETION of Condition #5 of Resolution 5-ZAB-68-96, passed and adopted by the Zoning Appeals Board, reading as follows:

"5. That no trailers, tents or similar uses and no temporary use of any type shall be permitted on the premises.

The purpose of requests #1 & #2 are to permit the applicant to submit a new site plan indicating a new sanctuary building and to permit temporary uses on the site.

- (3) NON-USE VARIANCE to permit the new sanctuary building setback 28'-10" (50' required) from the front (west) property line, setback 39'-3" (50' required) from the interior side (north) property line and setback 37'-1" (50' required) from the interior side (south) property line.
- (4) NON-USE VARIANCE to permit a lot coverage of 22% (15% permitted).
- (5) NON-USE VARIANCE to permit parking within 25 feet of the official right-of way of SW 107 Avenue (not permitted).

LOCATION: 9815 SW 107 Court, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.26 Acres Gross

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. CARLOS & JENNIFER NUNEZ 14-11-CZ12-2(14-039)

**31-54-40
Area 12/District 10**

- (1) MODIFICATION of Condition # 2 of Resolution 4-ZAB-195-84, passed and adopted by the Zoning Appeals Board, only as it applies to subject property, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Chestnut Ranch Zero Lot Line Tract C", as prepared by CAS Architects, Engineers, and Planners, dated last revised 2-15-84."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Non-Conforming Additions Legalization", as prepared by Alfredo Arteaga Jr. P.E., dated stamped received 07/01/14 and consisting of 2 sheets."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing an addition to an existing single family residence for a previously approved zero lot line development.

- (2) NON-USE VARIANCE to permit a lot coverage of 54.70% (50% maximum permitted).
- (3) NON-USE VARIANCE to permit 11.66 lineal feet (21 lineal feet required) of visible passable area.

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

LOCATION: 7261 SW 112 Place Circle, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 50' X 74'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

3. DAVID AND MARIETTA FAGET 14-11-CZ12-3(14-043)

**28-54-40
Area 12/District 07**

- (1) NON-USE VARIANCE to permit an existing terrace addition to a single family residence setback 14'-11" (25' required) from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Mr. David & Mrs. Marietta Faget Residence" as prepared by Carlos L. Zangroniz, P.E., dated stamped received 5/5/14 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 9559 SW 59 Terrace, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 76' X 99'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

4. PUBLIX SUPER MARKETS, INC. 14-11-CZ12-4(14-053)

**28-54-40
Area 12/District 07**

SPECIAL EXCEPTION to permit a liquor package store spaced less than the required 2500' from public schools and churches.

A specific purpose survey/liquor store survey is on file and may be examined in the Department of Regulatory and Economic Resources, as prepared by John Ibarra & Associates, consisting of 1 page dated stamped received 9/7/14.

LOCATION: 9420 SW 56 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 7.27 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

5. MEDALLION 1415, LLC. 14-11-CZ12-5(14-054)

03-55-40
Area 12/District 08

DISTRICT BOUNDARY CHANGE from EU-M to RU-4L.

LOCATION: 7725 SW 95 Terrace, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: .42 Acre

Department of Regulatory and
Economic Resources
Recommendation:

**Approval, subject to the Boards
acceptance of the covenant.**

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: Z12-146 (14-11-CZ12-1)

November 18, 2014

Item No. 1

Recommendation Summary	
Commission District	8
Applicant	Iglesia Bautista Vida En Cristo, Inc.
Summary of Requests	The approval of this application will allow the applicant to modify the previously approved plans in order to submit new plans indicating a new sanctuary building and Sunday School Building on the subject site. Also, the approval of the application will allow the new sanctuary building with less setbacks and the subject property with more lot coverage than is required, along with additional ancillary non-use variances. In addition, the approval of the application will also allow the applicant temporary uses on the subject site.
Location	9815 SW 107 Court, Miami-Dade County, Florida.
Property Size	1.26 net acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Religious facility
2020-2030 CDMP Land Use Designation	Office/Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards Section 33-311(A)(7), Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with a condition.

REQUESTS:

1. MODIFICATION of condition #2 of Resolution 5ZAB-68-96, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan Review for: William and Dorothy A. Wilson," as prepared by Juan O. Gomez, Architect, dated last revised 12-8-95 on sheet A-1, and dated 11-15-95 on sheets A-2, A-3, & A-4, for a total of 4 sheets, except as herein modified to limit all vehicular ingress/egress to S.W. 107 Avenue, to provide a 6' high wood fence along the interior side (north) property line, to relocate the existing metal shed outside of the setback area and to provide either a mulch, gravel or hard surface for all parking areas."

TO: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo" as prepared by Allan Zamora Architecture, with sheet A-1, dated stamped received 6/27/14 and the remaining 10 sheets dated stamped received 3/27/14, for a total of 11 sheets."

2. DELETION of Condition #5 of Resolution 5ZAB-68-96, passed and adopted by the Zoning Appeals Board, reading as follows:

"5. That no trailers, tents or similar uses and no temporary use of any type shall be permitted on the premises.

The purpose of requests #1 & #2 are to permit the applicant to submit a new site plan indicating a new sanctuary building and to permit temporary uses on the site.

3. NON-USE VARIANCE to permit a new sanctuary building setback 28'-10" (50' required) from the front (west) property line, setback 39'-3" (50' required) from the interior side (north) property line and setback 37'-1" (50' required) the interior side (south) property line.
4. NON-USE VARIANCE to permit a lot coverage of 22% (15% permitted).
5. NON-USE VARIANCE to permit parking within 25 feet of the official right-of-way of S. W. 107 Ave (not permitted).

PROJECT DESCRIPTION AND PROJECT HISTORY:

In March 1996, the subject property was approved pursuant to Resolution #5-ZAB-68-96 to permit a religious facility along with other ancillary variances.

The applicant now seeks to modify a condition of a prior resolution in order to submit a new site plan indicating a new sanctuary building and a new Sunday school building on a 1.26 acre parcel. In addition, the applicant seeks to delete a condition from the prior resolution in order to allow the applicant temporary uses on the subject site.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; religious facility	Office/Residential
North	RU-5A; school facility	Office/Residential
South	RU-5A; office building	Office/Residential
East	RU-1; single-family residences	Low Density Residential (2.5-6 DUA)
West	EU-M; religious facility	Office/Residential

NEIGHBORHOOD COMPATIBILITY:

The subject property is surrounded by a school facility to north, office building to the south, single-family residences to east and a religious facility to the west.

SUMMARY OF THE IMPACTS:

Staff opines that approval of the application with the proposed encroachments into the setback areas, along with temporary uses on the subject property could create additional visual and aural impacts on the abutting properties located north and the west of the subject property.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is currently zoned AU, Agricultural District and contains an existing religious facility. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as Office/Residential. *Uses allowed in this category can include detached single-family to attached multifamily buildings schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities.*

For the reasons explained below in the zoning analysis, staff opines that approval of the application to modify the plans for the existing religious facility, approval of the requested deletion of a prior condition to allow temporary uses and approval of the requested ancillary non-use variances will be **consistent** with the uses allowed under the CDMP Land Use Element interpretative text for Office/Residential.

ZONING ANALYSIS:

The applicant seeks approval of request #1, to modify a condition of a prior resolution in order to submit a revised site plan, request #2, to delete a condition of the resolution to permit temporary uses on the subject site, request #3, to permit a new sanctuary building setback less than required from the front (west), interior side (north) and interior side (south) property lines, #4, to permit a lot coverage less more than permitted and #5, to permit parking within 25 feet of the official right-of-way of S. W. 107 Ave (not permitted).

When the requests to modify condition #2 of Resolution 5ZAB-68-96, passed and adopted by the Zoning Appeals Board (request #1), and the request to delete condition #5 of said resolution which restricted the use of trailers, tents or similar uses, and temporary use of any type being permitted on the premises (request #2), are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval with conditions of these requests would be **compatible** with the surrounding area. Staff notes that the submitted plans indicate a the submitted plans indicate a new sanctuary building and a new Sunday school building on the subject site with encroachments into the setback areas resulting in an increase in lot coverage (requests #3 and #4). Additionally, said plans indicate parking within 25 feet of the official right of way to the east (request #5). For reasons that are expanded upon below in staff's analysis of said requests #3 through #5 under the Non-Use Variance Standards, staff opines that approval of said variances would not be detrimental or out of character with the surrounding area. With regards to request #2, temporary uses are allowed on the subject property, provided that the applicant meets the requirements of the code. As such, staff opines that temporary uses that are ancillary to church uses would be compatible to the surrounding area.

Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources' (RER) Department's memorandum indicates that approval of the requests will not generate any new additional peak hour trips. Staff also notes that memoranda from the Miami-Dade Fire Department (MDFRD) and the Division of Environmental Resource Management (DERM) of RER does not indicate that the approval of the request to modify the previously approved plans and to delete the conditions pertaining to temporary uses. **Therefore, staff recommends approval with conditions of requests #1 and #2, under the Generalized Modification Standards, Section 33-311(A)(7).**

When request #3 to permit a new sanctuary building setback 28'-10" (50' required) from the front (west) property line, setback 39'-3" (50' required) from the interior side (north) property line and setback 37'-1" (50' required) from the interior side (south) property line is analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that approval of the request with conditions would be **compatible** with the surrounding area. Staff's research of the area did not indicate any similar approvals for the requested front setback. However, staff notes that the subject property abuts a parking lot owned by another religious facility to the west, which is approximately 145' from the subject property. Therefore, staff opines that the 21.17' encroachment into the front (west) setback area will not create a negative impact on the neighboring religious facility, which staff opines has a similar use as that of the subject property. When analyzing that portion of request #3 to permit interior side setbacks of 39'-3" and 37'-1" to the interior side (north and south) property lines, staff opines that the religious facility use is similar in scale and intensity to the abutting uses and will not have any negative visual or aural impact on same. Furthermore, staff notes that the site plan, submitted by the applicant indicates a 6' high wood fence and a row of trees along the interior side (north and south) property lines, which staff opines will mitigate any visual impacts from the 10.75' and 12.92' encroachments on the neighboring properties to the north and south of the subject property. Staff's research of the area found approvals for similar or more intensive interior side setbacks. A property located at 10250 SW 107 Avenue was approved pursuant to Resolution #5-ZAB-132-95 to permit a religious facility to setback 33'-3" (50' required) from the side (south) property line. **As such, staff recommends approval of request #3 with conditions, under the NUV Standards, Section 33-311(A)(4)(b). As such, staff recommends approval of request #3 with conditions, under the NUV Standards, Section 33-311(A)(4)(b).**

When analyzing request #4, to permit a lot coverage of 22% (15% permitted) and request #5, to permit parking within 25 feet of the official right-of-way of S. W. 107 Ave, staff opines that approval of the requests would not be detrimental to the surrounding area. Staff research of the area did not find a similar approval for lot coverage. However, staff opines that the 7% percent increase in lot coverage is internal to the site, and that approval of the requests will not visually impact the neighboring properties in the area. In regards to request #5, staff notes from the site plan that are proposed rows of shrubs along the east property line, which staff opines will mitigate negative any visual impact of the parking encroachment. Therefore, staff recommends as a condition for approval that the applicant maintains the 6' high hedge along the east property line. Furthermore, staff notes that the subject property was approved pursuant of #5-ZAB-68-96 to permit parking within 25 feet of the official right-of-way of S. W. 107 Court. In staff's opinion, approval of this request to permit parking within 25' of the abutting right-of-way to the east, SW 107 Ave, is not out of character with the previous approval and remains compatible with the area.. **Therefore, staff recommends approval of requests #1 through #5 with a condition, under the NUV Standards, Section 33-311(A)(4)(b).**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has an ingress/egress drive along SW 107 Avenue. Further, staff notes that the plans also show a total of 51 parking spaces, which are 19 more spaces than required for the religious facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITION FOR APPROVAL:

1. That all the conditions of Resolution #5-ZAB-68-96, remain in full force and effect except as herein modified.
2. That the applicant maintains the 6' high hedge along the east property line.
3. That all allowable temporary uses must comply with the County Code.

ES:MW:NN:CH:EJ



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

NON.

ZONING RECOMMENDATION ADDENDUM

Applicant: Iglesia Bautista Vida En Cristo, Inc.
PH: Z12-146

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resources 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>Office/Residential (Page I-43)</p>	<p><i>Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.</i></p> <p><i>The plan recognizes existing strip office development along roadways. Ribbons or strips of office use along roadway frontages are identified along one or both block faces fronting certain roadways. Where only one block face is indicated, this specifically provides that only one block face is intended for office use and is not to suggest that the opposite face is also included. The lateral boundary of the ribbon indicates the extent to which office uses may be allowed to expand along the roadway frontage. The depth of the ribbon for office development and other uses permitted by the Office/Residential land use category is more generalized. In general, the depth should be limited to the norm for the strip, but may be approved at such other depth that will provide a logical transition to adjacent uses, or accommodate vehicular parking to serve an adjacent use, provided that site planning or design features are used, to furnish compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies. Extension of the strip depth beyond the mid-block to the frontage of an interior street, does not necessarily authorize vehicular access on that interior street, and such access may be prohibited if it would be incompatible with neighboring development. Intervening areas between ribbons along a highway face may be used only for the uses permitted in the designated land use category. Further lateral extension of the ribbon beyond that shown on the Plan map will require a Plan amendment.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning</i></p>
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ZONING RECOMMENDATION ADDENDUM

Applicant: Iglesia Bautista Vida En Cristo, Inc.
PH: Z12-146

	<p><i>Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<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. IGLESIA BAUTISTA VIDA EN CRISTO, INC.
(Applicant)

14-11-CZ12-1 (12-146)
Area 12/District 08
Hearing Date: 11/18/14

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

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

If, so who are the interested parties?

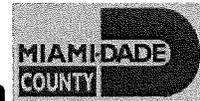
Disclosure of interest form attached? **Yes** **No**

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1996	William M. & Dorothy A. Robinson	- Religious Facility.	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.

Memorandum



Date: May 27, 2014

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

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

Subject: C-12 #Z2012000146-2nd Revision
Iglesia Bautista Vida En Cristo, Inc.
9815 SW 107th Court, Miami, Florida 33176
Modification of Previously Approved Plans
(AU) (1.1 Acres)
06-55-40

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

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

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.43 of the Code. Since the subject request is for a non-residential land use, 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 or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

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

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

Stormwater Management

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

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

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

Wetlands

The subject 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 plans submitted with this application depict the presence of specimen (trunk diameter 18 inches or greater) tree resources on the referenced property. The plans further show that these trees will 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...." Note that the applicant has submitted an application to the Tree Permitting Program for a Tree Removal/Relocation Permit (Tree 5352). As such, DERM recommends approval of this application with the condition that the Tree Removal/Relocation Permit (Tree 5352) 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.

Be advised that development orders will not be approved for this site unless this condition is met. The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

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

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits for facilities that could be a source of pollution. The proposed use of the subject property may require operating permits from DERM. The applicant is advised to contact the Pollution Remediation Section at (305)-372-6700 concerning operating permit requirements.

Air Quality Preservation

In the event of any kind of renovation or demolition activity, an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A notice of asbestos renovation or demolition form must be filed with the Air Quality Management Division of DERM for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

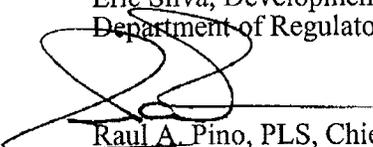
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: March 31, 2014

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

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

Subject: Z2012000146
Name: Iglesia Bautista Vida En Cristo
Location: 9815 SW 107 Court
Section 06 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.

The proposed fence along SW 107th Avenue at the driveway must comply with safe sight distance triangle requirements or a covenant and conditional permit waiver will be required for said fence by the Traffic Division of the Public Works and Waste Management Department at time of permitting.

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-4477.

Additional improvements may be required at time of permitting.

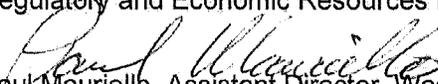
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: April 11, 2014

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

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

Subject: Iglesia Bautista Vida En Cristo, Inc. update (#12_146)

The Department's review of the above-referenced item is provided below. The review updates a previous response, dated January 14, 2013, and is based on revised documents provided by the applicant. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *Iglesia Bautista Vida En Cristo, Inc.*, is requesting a modification of existing plans to expand a church on the property, which is zoned in an Agricultural District (AU).

Size: The subject property is approximately 1.1 acres.

Location: The subject property is located at 9815 SW 107 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 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the church on the property will be considered a commercial establishment. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

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

3. Recycling

The following language from **Section 15-2.3a** of the Code 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 of the Code 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 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.

Memorandum



Date: March 31, 2014

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: Z2012000146: IGLESIA BAUTISTA VIDA EN CRISTO INC
Revised plans submitted dated stamped received 2-2-2014

Application Name: IGLESIA BAUTISTA VIDA EN CRISTO INC

Project Location: The site is located at 9815 SW 107 CT, Miami-Dade County.

Proposed Development: The request is approval for modification of a previously approved plan for expansion of an existing church.

Impact and demand: This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



Memorandum

Date: 01-OCT-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2012000146

Fire Prevention Unit:

This memo supersedes MDRR memorandum dated January 7, 2013.
 APPROVAL
 No objection to the site plan with a June 23, 2014 Zoning Department received date.

Service Impact/Demand

Development for the above Z2012000146
 located at 9815 SW 107 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1858 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		<u>industrial</u>	
<u>N/A</u>	square feet	6,956	square feet
Office		<u>institutional</u>	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 4.7 alarms-annually.
 The estimated average travel time is: 7:16 minutes

Existing services

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

Station 53 - Turnpike - 11600 SW Turnpike Hwy
 Rescue, Battalion 9

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 June 23, 2014.

DATE: 31-MAR-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

IGLESIA BAUTISTA VIDA EN
CRISTO, INC.

9815 SW 107 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000146

HEARING NUMBER

HISTORY:

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

Iglesia Bautista

**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].

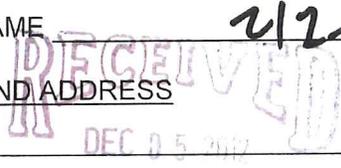
CORPORATION NAME: IGUESIA BAUTISTA HISPANA RIVERSIDE INC. (NOW IGUESIA BAUTISTA VIDA EN CRISTO, INC.)

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>9815 SW 107 CT</u>	<u>∅ not for profit</u>
<u>MIAMI, FL 33176</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: 2/2-146

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



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

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: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 2nd day of December, 20 12. Affiant is personally know to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)

My commission expires: Nov. 5, 2013



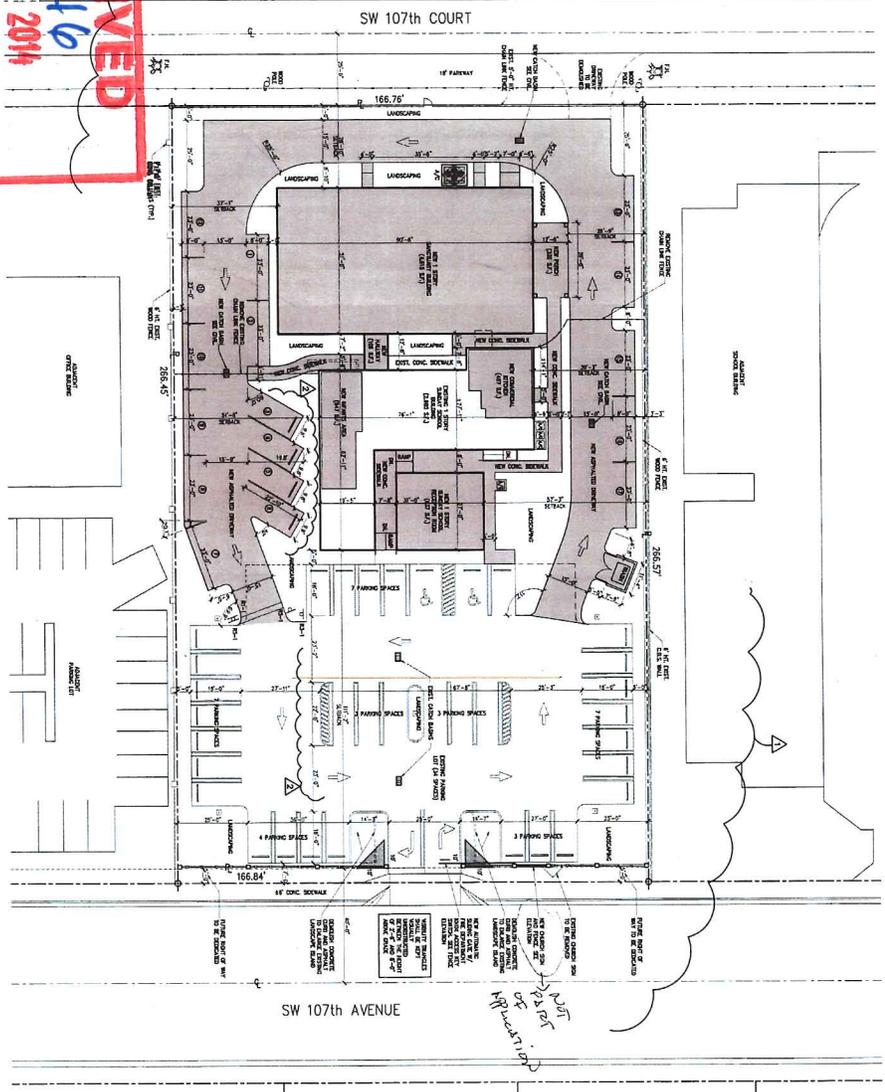
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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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 212-146
 JUN 23 2014

**MIAMI-DADDE COUNTY
 DEPARTMENT OF ENVIRONMENT AND ECONOMIC
 RESOURCES LIFE
 PLANNING SERVICES**

By: [Signature]

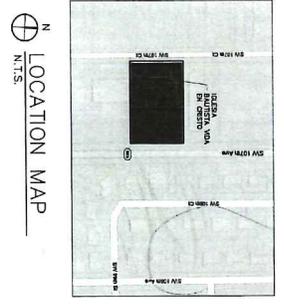
Handwritten notes and signatures in the top right corner.



MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

BASED ON ACCORDANCE WITH TABLE 405.0 OF THE INTERNATIONAL PLUMBING CODE (IPC) AND THE INTERNATIONAL FIXTURE UNIT (IFU) CODE.

FIXTURE	IFU	REQUIRED	PROPOSED
WATER CLOSETS	(1 IFU = 1) 100 / 200 = 0.5	1	3
URINALS	(1 IFU = 1) 100 / 200 = 0.5	2	3
WASH SINKS	(1 IFU = 1) 100 / 200 = 0.5	1	3
STOVE	(1 IFU = 1) 100 / 200 = 0.5	1	3
DISHWASHER	(1 IFU = 1) 100 / 200 = 0.5	1	3
LAUNDRY	(1 IFU = 1) 100 / 200 = 0.5	1	3
OTHER	(1 IFU = 1) 100 / 200 = 0.5	1	1



LEGEND

1 - NEW SANCTUARY BUILDING
 2 - NEW SANCTUARY SCHOOL, RECEPTION ROOM
 3 - NEW 17' PARKING SPACE
 4 - NEW 17' PARKING SPACE AND STAMP OUT
 5 - NEW CONCRETE PAVED AT EXISTING SANCTUARY SCHOOL BUILDING
 6 - NEW PAVEMENT AREA AT EXISTING SANCTUARY SCHOOL BUILDING

EXISTING TO BE DEMOLISHED
 EXISTING TO REMAIN
 NEW CONSTRUCTION
 EXISTING CONSTRUCTION AND IMPROVEMENTS TO EXISTING CONSTRUCTION
 EXISTING CONSTRUCTION TO BE DEMOLISHED AND RECONSTRUCTED
 EXISTING CONSTRUCTION TO BE DEMOLISHED AND RECONSTRUCTED WITH EXISTING CONSTRUCTION CODE

ZONING ANALYSIS

ITEM	ALLOWED	PROVIDED
LOT COVERAGE	100% MAX. = 7107 S.F.	100% = 7107 S.F.
BUILDING HEIGHT	35'-0" MAX.	35'-0"
SETBACKS	5'-0" MIN.	5'-0"
FRONT	5'-0" MIN.	5'-0"
REAR	5'-0" MIN.	5'-0"
INTERIOR	5'-0" MIN.	5'-0"
PARKING	1 PARKING SPACE PER 100 S.F. OF SANCTUARY	32 EXIST. PROPOSED 4.7 NEW. (MINIMUM REQUIRED)
	1228 S.F. / 100 = 12.28 REQUIRED	51 TOTAL

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Sheet: 09/12/2004

Drawn: A.Z.

Date: NOVEMBER 5, 2012

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

Project Title: **New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo**

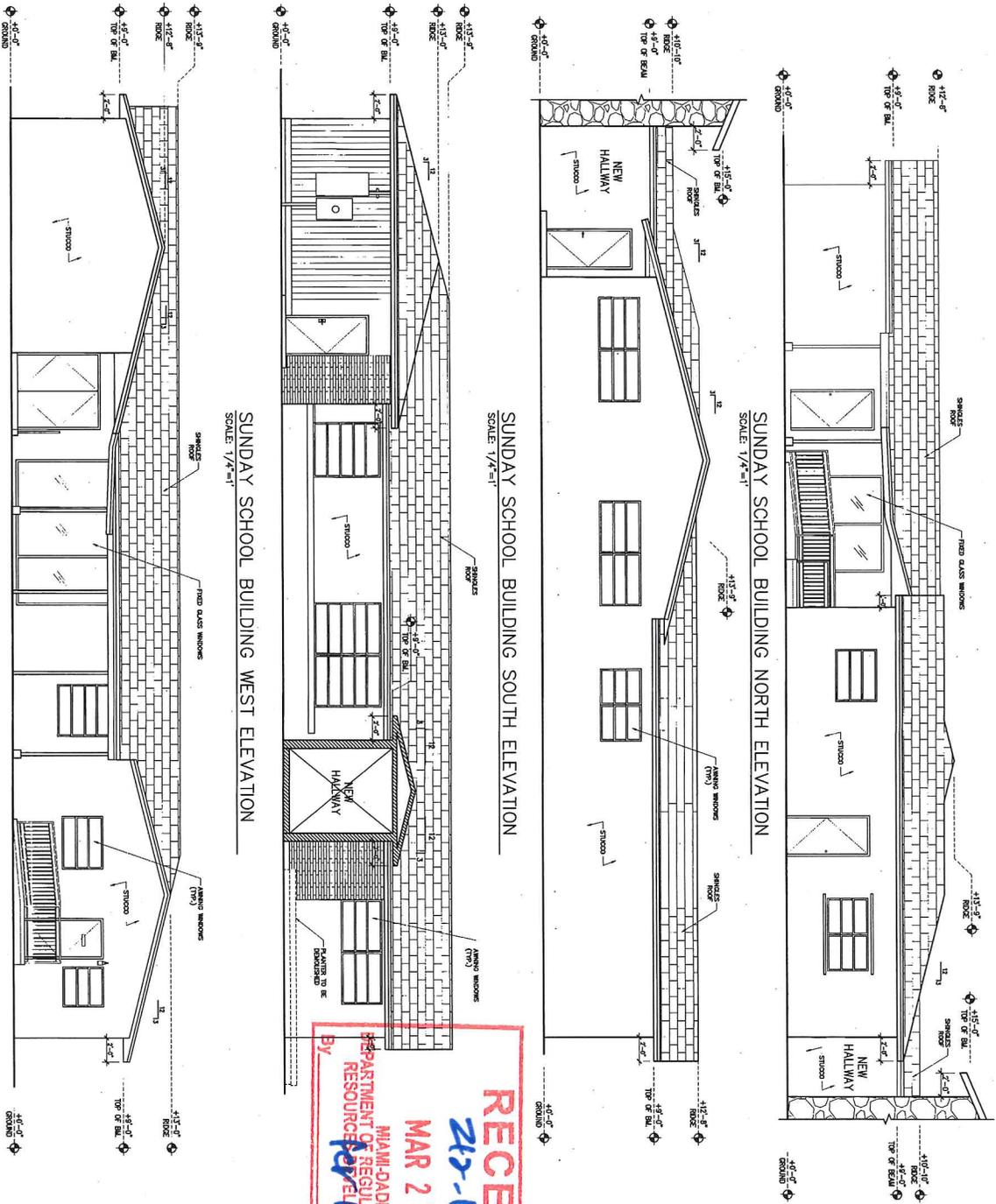
Address: 9815 SW 107 Court, Miami, FL 33178

ALAN ZAMORA architecture

Seal: [Professional Seal]

Revisions:

Nº	Date	Description
2-7-14	DERV, FIRE, PUBLIC WORKS	
5-23-14	ZONING	



SUNDAY SCHOOL BUILDING NORTH ELEVATION
SCALE: 1/4"=1'

SUNDAY SCHOOL BUILDING SOUTH ELEVATION
SCALE: 1/4"=1'

SUNDAY SCHOOL BUILDING WEST ELEVATION
SCALE: 1/4"=1'

SUNDAY SCHOOL BUILDING EAST ELEVATION
SCALE: 1/4"=1'

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 243-146
 MAR 27 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES
 By: *[Signature]*

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 243-146

Project Title:	ELEVATIONS
Client:	A.Z.
Date:	NOVEMBER 5, 2012
Drawn By:	03/12/2004
Scale:	
Sheet:	A-5

Project Title: **New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo**

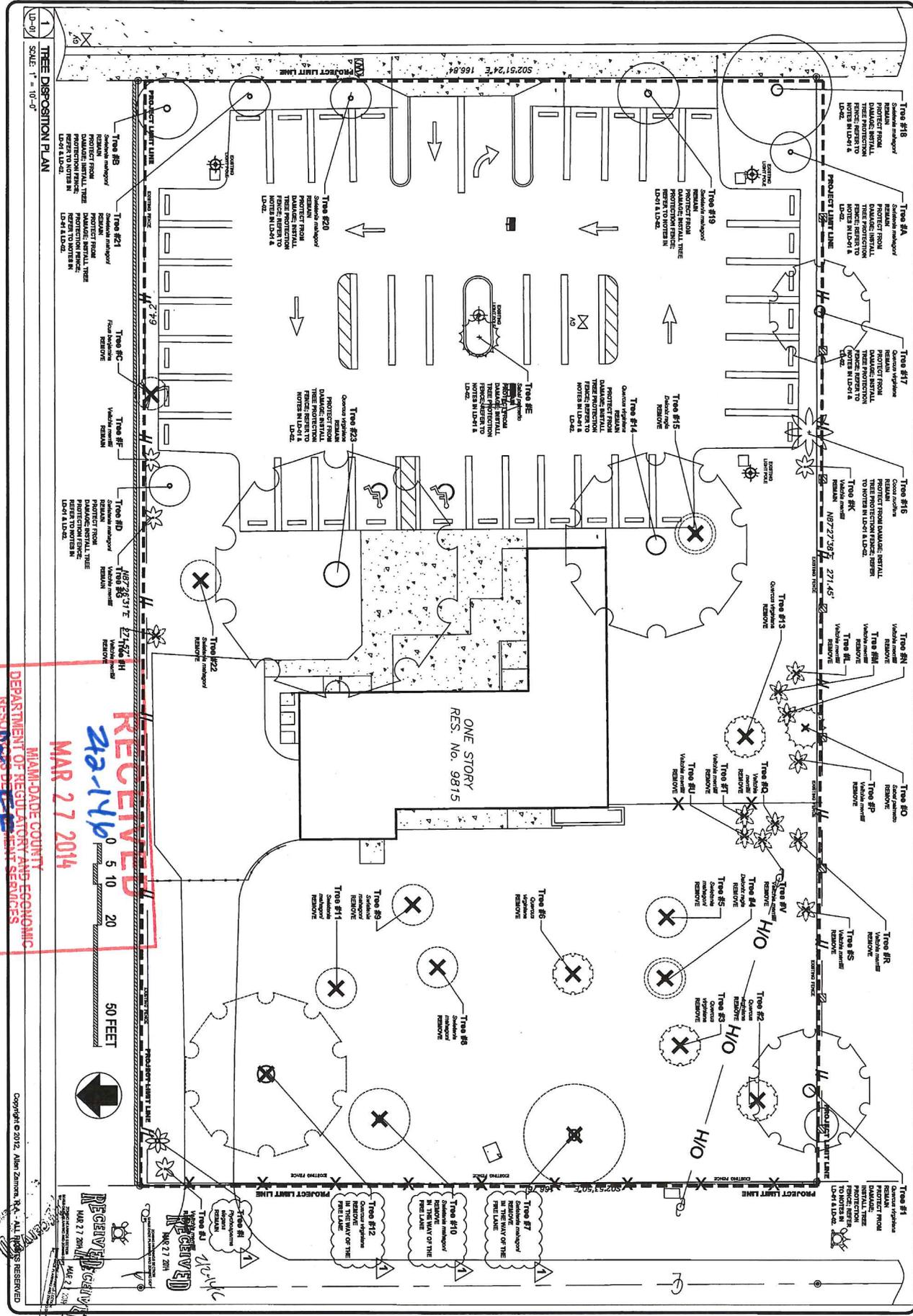
9815 SW 107 Court, Miami, FL 33178

Seal: *[Signature]*

ALLAN ZAMORA
ARCHITECTURE

ALLAN ZAMORA
REGISTERED PROFESSIONAL ARCHITECT
NO. 12000
7125 SW 12TH AVENUE
MIAMI, FL 33156
PHONE: (305) 331-4042

Revisions	
N°	Description
1	3-7-14 CORN, FIRE, PUBLIC WORKS



LD-01
SCALE: 1" = 10'-0"

1 TREE DISPOSITION PLAN

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES

RECEIVED
MAR 27 2014

0 5 10 20
50 FEET



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LD-01
1 of 6
Drawing Title: TREE DISPOSITION PLAN
Date: DECEMBER 3rd, 2012
Job No: 0810004

Project Title: **New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo**
9815 SW 107 Court, Miami, FL 33178

ALAN ZAMORA ARCHITECTURE
FERNANDEZ-BERAUD INC. Landscape Architecture
2012 SW 15th St, Suite 100, Miami, FL 33135
Phone: 305.351.1111
Fax: 305.351.1112
www.alanzamora.com

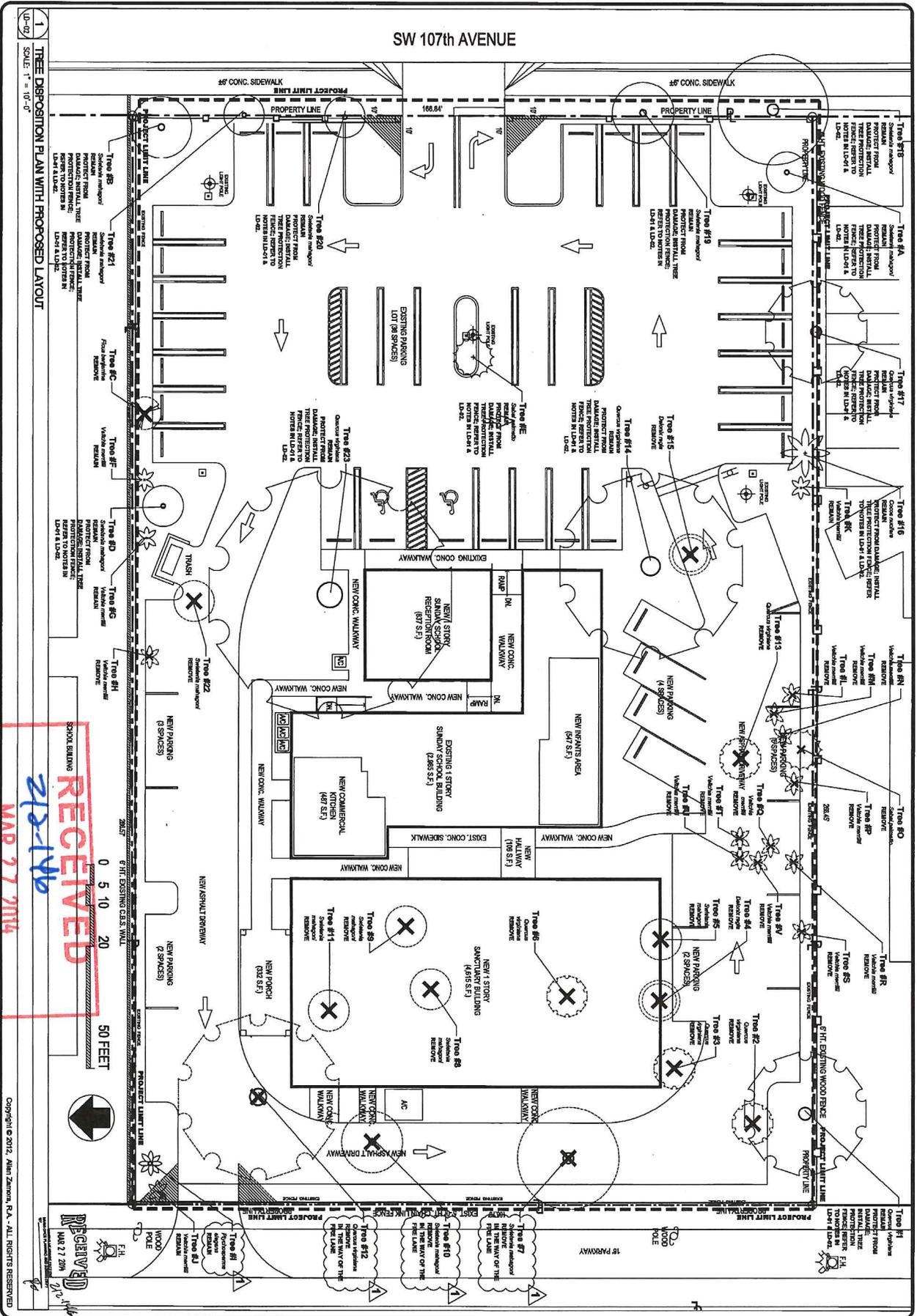
Revisions	
Nº	Description
1	03-27-14 ZONING COMMENTS

29

SW 107th AVENUE

1
LD-02
SCALE: 1" = 10'-0"

1
TREE DISPOSITION PLAN WITH PROPOSED LAYOUT



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MAR 27 2014
MAY 27 2014
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT
By: [Signature]

212-146

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MAR 27 2014

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LD-02
2 of 4

Project Title:
New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo
9815 SW 107 Court, Miami, FL 33178

Drawing Title:
TREE DISPOSITION PLAN

Drawn By:
L.R.

Checked By:
L.R.

Date:
08/20/14

Scale:
AS SHOWN

Project Title:
New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo
9815 SW 107 Court, Miami, FL 33178

ALAN ZAMORA
architecte

FERNANDEZ-BERAUD INC.
Landscape Architecture and Planning
11000 SW 15th St., Suite 100
Miami, FL 33185
Tel: 305-555-9777
Fax: 305-555-9778
www.fberaud.com

Revisions	
N°	Description
1	03-01-14 ZONING COMMENTS

30

TREE PROTECTION NOTES:

1. Before beginning work, the Contractor is required to meet with the Landscape Architect at the site to review all work procedures, access routes, storage areas, and tree protection measures.
2. Fences shall be erected to protect trees to be preserved. Fences define a specific protection zone for each tree to be preserved. Fences shall be constructed of 4" x 4" posts and 2" x 4" rails. Fences may not be removed or tampered with without the written permission of the Landscape Architect.
3. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
4. All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be buried or bored under the tree.
5. No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
6. Additional tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel.
7. Any handholes placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
8. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Landscape Architect so that appropriate treatments can be applied.
9. Any grading, construction, demolition, or other work that is expected to encounter tree roots must be monitored by the Landscape Architect.
10. All trees shall be irrigated three times a week. Each irrigation procedure shall wet the soil within the tree protection zone to a depth of 30 inches.
11. Erosion control devices such as silt fencing, debris beehives, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.
12. Before grading and preparation or excavation for foundations, footings, walls, or trenching near trees the trees shall be not pruned 12 inches outside the tree protection zone by cutting all roots cleanly to a depth of 36 inches. Roots shall be cut manually by digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.
13. Any roots damaged during grading or construction shall be exposed to sound tissues and cut cleanly with a saw.
14. If temporary haul or access roads must pass over the root area of trees to be retained, a road bed of 6 inches of mulch or gravel shall be created to protect the soil. The road bed material shall be replenished as necessary to maintain a 6-inch depth.
15. Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.
16. No burn piles or debris pits shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried within the tree protection zone.
17. Maintain fire-safe areas around fenced areas. Also, no heat sources, flames, ignition sources, or smoking is allowed near mulch or trees.
18. NO SPILLING OF CHEMICALS, DEPOSITING OF MATERIALS AND EQUIPMENT, AND NO EARTHWORK SHALL BE PERFORMED IN THE PROXIMITY OF THE ROOTS OF ALL EXISTING TREES TO REMAIN AND RELOCATED TREES.
19. TREE PROTECTION FENCES SHALL BE MAINTAINED DURING THE WHOLE DURATION OF CONSTRUCTION.
20. AS PART OF THE CONTRACT, ALL EXISTING TREES TO REMAIN AND ALL RELOCATED TREES SHALL BE PRUNED BY A CERTIFIED ARBORIST AS PER ANSI STANDARDS. REFER TO LANDSCAPE SPECIFICATIONS AND TREE PROTECTION SPECIFICATIONS.
21. ALL CANOPY AND ROOT PRUNING SHALL BE PERFORMED BY THE CERTIFIED ARBORIST BEFORE LANDSCAPE INSTALLATION.

1 TREE PROTECTION NOTES
SCALE: N.T.S.

WORK DESCRIPTION FOR CERTIFIED ARBORIST AND ADDITIONAL TREE PROTECTION NOTES:

1. All plans are incomplete without specifications: Section 02800 (Landscape) and Section 02481 (Tree Relocation and Protection).
2. All construction around existing trees to be field verified and adjusted accordingly with prior approval by the Landscape Architect.
3. As part of the landscape contract a Certified Registered Arborist (with at least 5 years of experience in TREE TRIMMING of trees and care of specimen trees during construction) shall be hired to be responsible throughout the whole construction phase of all existing and relocated trees. At least two Certified Registered Arborist shall be present with all credentials and recommendations to the Landscape Architect, who will make recommendations for the best qualified individual. The following are items that project Certified Registered Arborist shall be responsible for:
 - a) Prior to the initiation of construction, prepare and submit to the Landscape Architect a photographic survey and evaluation of condition of each tree and plan to remain or to be relocated. This document will be part of the construction records and will be taken into consideration for reference to evaluate the condition of the trees at the end of construction to determine if these trees will need replacement, if they will be accepted.
 - b) Prior to the initiation of construction, the Certified Registered Arborist shall direct the tree protection layout and installation of tree protection fences. The Landscape Contractor is responsible of providing means and labor for all work for tree relocation and tree protection work (including trenching) during the whole duration of the construction. Certified Registered Arborist shall confirm.) Prior to the initiation of construction, the Certified Registered Arborist shall submit to the Landscape Architect a schedule of bi-monthly visits to the construction site, in order for the Landscape Architect to participate in some of these visits and to follow up with the condition of the remaining and relocated trees.
 - d) In the case of tree relocation, the Certified Registered Arborist shall be responsible of making decisions and directing the Landscape Contractor regarding the necessary root pruning, crown pruning, grading, tree protection fence installation after relocation, and the necessary fertilization. In addition, the Certified Registered Arborist shall be responsible of providing means and labor for the necessary root pruning (of newly) before and after relocation, and during the whole construction. The Landscape Contractor is responsible of providing means and labor for all work necessary for the establishment of the relocated plant material, as per directions of Certified Arborist. Landscape Contractor is responsible of providing a temporary irrigation of the existing trees to remain and of the relocated trees, as per directions of Certified Arborist. Refer to Section 02481 for watering and other recommendations.
 - e) Prior to finalization of construction, the Certified Registered Arborist shall prepare and submit to the Landscape Architect a photographic survey and evaluation of condition of each tree remaining and relocated trees. Recommendations about future care of the specimen trees after construction shall be included.
4. As part of the contract, all existing and relocated trees within the project limit line shall be selectively pruned as per ANSI Standards, for maintaining or improving tree health and structure, improving aesthetics, or satisfying specific needs as requested by Landscape Architect, and furthermore, for the safety of the users.
5. As part of the contract, Landscape Contractor is responsible of installing and maintaining a temporary irrigation for the existing remaining and relocated trees during the duration of the construction. In addition, irrigation trees might require a mist irrigation system (if recommended by Certified Arborist) and shall be part of the landscape contract.
6. In the case that the existing trees to remain and to be relocated are damaged or die during construction or within the warranty period, the Landscape Contractor is responsible of replacing these at no additional cost and be part of the contract, the replacement trees are to be of the same species and specifications (height, canopy, spread, trunk caliper, etc.). The replacement is to be approved by Landscape Architect prior to installation.
7. Refer to additional Notes and Tree Protection Fence in LD-03.
8. CONTRACTOR IS RESPONSIBLE THAT NO SPILLING OF CHEMICALS, DEPOSITING OF MATERIALS AND EQUIPMENT, AND NO UNAPPROVED TREE REMOVALS BY LANDSCAPE ARCHITECT OR CERTIFIED REGISTERED ARBORIST PERTAINING TO THE CONTRACT SHALL BE PERFORMED IN THE PROXIMITY OF THE ROOTS OF ALL EXISTING TREES TO REMAIN AND RELOCATED TREES, AND PALMS COULD BE RESPONSIBLE CAUSE FOR THEIR REPLACEMENT BY THE CONTRACTOR AT NO COST TO THE OWNER.

2 CERTIFIED ARBORIST'S WORK DESCRIPTION + ADDITIONAL TREE PROT. NOTES
SCALE: N.T.S.

3 NOT USED
SCALE: N.T.S.



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LD-04

4 of 6

DATE: 08/20/04

DATE: 08/20/04

DATE: 08/20/04

DATE: 08/20/04

Project Title:

New Sanctuary Building & Parking at Iglesia Bautista Vida en Cristo

9515 SW 107 Court, Miami, FL 33178



FERNANDEZ-BERAUD INC.

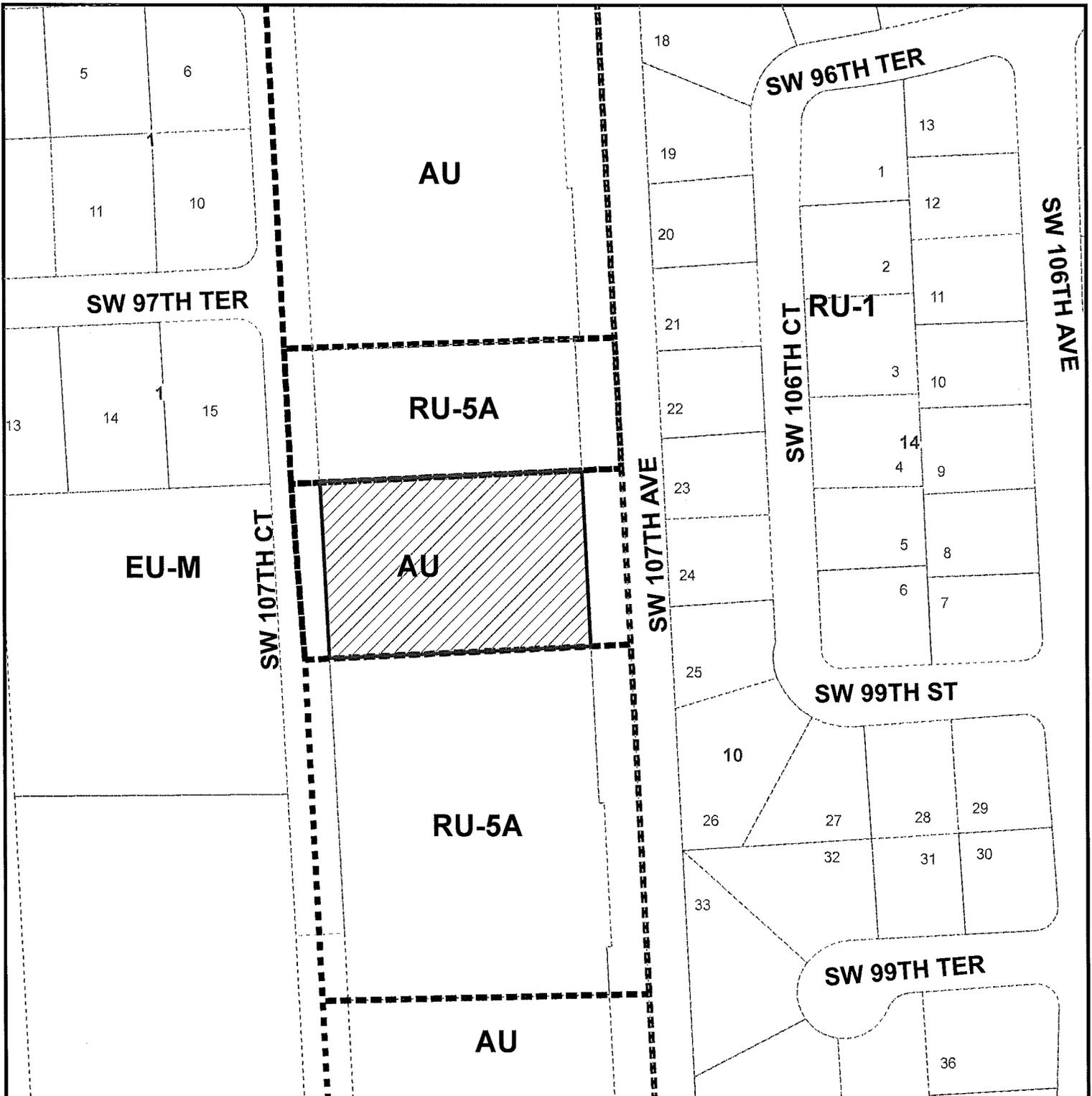
2005 34th Avenue SE #18

SAFETY OFFICER

03/14

Revisions		
N°	Date	Description

32



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000146



Section: 06 Township: 55 Range: 40
 Applicant: IGLESIA BAUTISTA VIDA EN CRISTO, INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, June 11, 2014

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000146



Section: 06 Township: 55 Range: 40
 Applicant: IGLESIA BAUTISTA VIDAEN CRISTOINC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

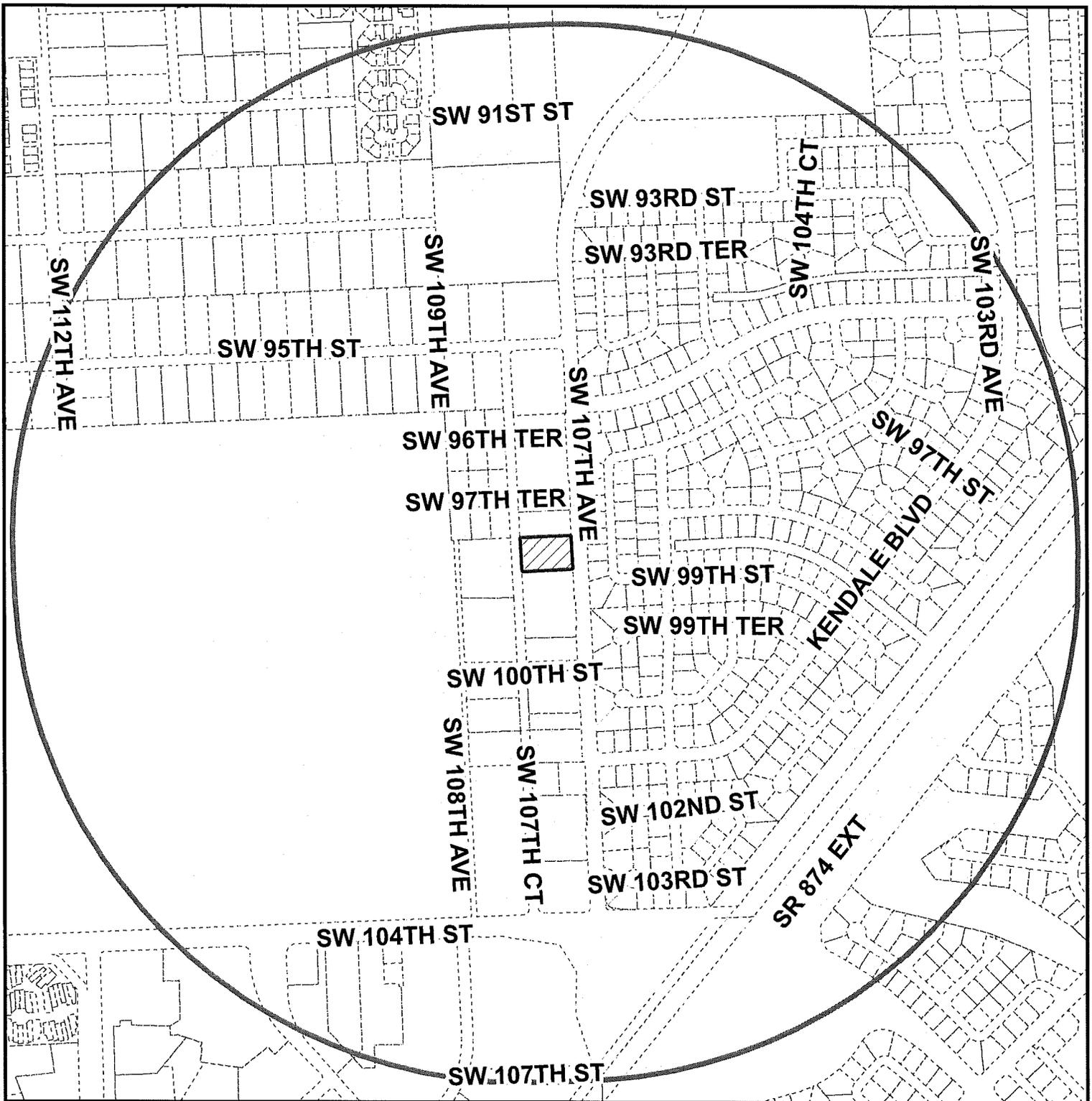
Legend

 Subject Property



SKETCH CREATED ON: Thursday, December 20, 2012

REVISION	DATE	BY
		34



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2012000146

RADIUS: 2640

Section: 06 Township: 55 Range: 40
 Applicant: IGLESIA BAUTISTA VIDAEN CRISTOINC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, December 20, 2012

REVISION	DATE	BY
		35

INSTITUTIONS, UTILITIES AND COMMUNICATION

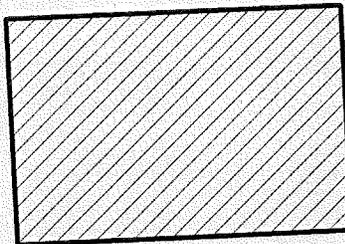
SW 108TH AVE

OFFICE/RESIDENTIAL

SW 97TH TER

SW 107TH AVE

SW 107TH CT



SW 96TH TER

SW 106TH CT

SW 99TH ST

(LDR) 2.5-6 DU/AC

SW 99TH TER

MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000146



Section: 06 Township: 55 Range: 40
Applicant: IGLESIA BAUTISTA VIDAEN CRISTOINC
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, December 20, 2012

REVISION	DATE	BY

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

PH: Z14-039 (14-11-CZ12-2)

November 18, 2014

Item No. 2

Recommendation Summary	
Commission District	10
Applicants	Carlos and Jennifer Nunez
Summary of Requests	The applicants are seeking a modification of a previously approved resolution in order to allow an existing addition to an existing single family residence. Additionally, the applicants seek approval of reduced lot coverage and visible passable area.
Location	7261 SW 112 Place Circle, Miami-Dade County, Florida.
Property Size	50' X 74'
Existing Zoning	RU-TH
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Medium Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variance, Section 33-311(A)(7) Generalized Modification Standards, <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) MODIFICATION of Condition # 2 of Resolution #4-ZAB-195-84, passed and adopted by the Zoning Appeals Board, only as it applies to subject property, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Chestnut Ranch Zero Lot Line Tract C", as prepared by CAS Architects, Engineers, and Planners, dated last revised 2-15-84."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Non-Conforming Additions Legalization", as prepared by Alfredo Arteaga Jr. P.E., dated stamped received 07/01/14 and consisting of 2 sheets."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing an existing addition to an existing single family residence in a previously approved zero lot line development.

- (2) NON-USE VARIANCE to permit a lot coverage of 54.70% (50% maximum permitted).
- (3) NON-USE VARIANCE to permit 11.66 lineal feet (21 lineal feet required) of visible passable area.

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

PROJECT DESCRIPTION AND PROJECT HISTORY:

The submitted plans show the existing single-family residence with rear additions consisting of a sitting area, a family room and a covered terrace.

The subject property is part of a larger tract of land that was approved, pursuant to Resolution #4-ZAB-195-84, for a zero lot line development on private drives with reduced setbacks and lot size.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-TH, single-family residence	Low-Medium Density Residential 6 to 13 dua
North	RU-TH, single-family residence	Low-Medium Density Residential 6 to 13 dua
South	RU-TH, single-family residence	Low-Medium Density Residential 6 to 13 dua
East	RU-TH, single-family residence	Low-Medium Density Residential 6 to 13 dua
West	RU-TH, single-family residence	Low-Medium Density Residential 6 to 13 dua

NEIGHBORHOOD COMPATIBILITY:

The surrounding area is characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Staff opines that because the additions are existing, they will not create any new visual impacts on the area. Further, the variances requested are internal to the site and not out of character with the area. Nevertheless, the approval of this application could potentially generate visual and aural impacts to the surrounding properties.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low-Medium Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The approval of the requests sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family residential use. Since the applicants are not requesting to add additional dwelling units or change the single-family residential use, approval of the application would be is **consistent** with the uses allowed under the Low-Medium Density Residential land use category text in the CDMP and the threshold of the CDMP Low-Medium Density Residential LUP map designation.

ZONING ANALYSIS:

Staff opines that when request #1 (modification of previously approved plans) is analyzed under the General Modification Standards, Section 33-311(A)(7), approval of same will not generate excessive traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, would be **compatible** with the area and will be consistent with the CDMP. Staff notes that pursuant to Resolution #4-ZAB-195-84, a site plan for a zero lot line development was approved with private drives, reduced setbacks and lot size. The plans submitted in conjunction with this application will replace those previously submitted and depict the existing single-family residence with rear additions consisting of a sitting area, a family room and a covered terrace.

Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application meets the traffic concurrency criteria for an initial development order. Also, the Division of Environmental Resources Management (DERM) of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection. Further, the memorandum from the Miami-Dade Fire Rescue Department (MDFR) does not indicate that approval of the additions of the property will have a negative impact on fire rescue services in the area. Based on the aforementioned memoranda, staff opines that approval of the subject request will not have an unfavorable effect on the economy of Miami-Dade County, Florida. Further, based on the memoranda staff opines that approval 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. **Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards.**

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and would be **compatible** with the surrounding area. Staff opines that request #2, to permit a lot coverage of 54.70% (50% maximum permitted), is minimal, is mitigated by an existing 6' high CBS wall and an existing 6' high wood fence surrounding the rear of subject property and, therefore, is not visually intrusive to the surrounding area. Staff notes that the increase lot coverage is due to the existing additions consisting of a sitting area, a family room and a covered terrace. Additionally, staff recommends as a condition of approval that the existing covered terrace remain open-sided and not be enclosed in any manner except for approved insect screen materials.

Additionally, staff opines that request #3, to permit 11.66 lineal feet (21 lineal feet required) of visible passable area, is also adequately mitigated by the existing 6' high CBS wall and 6' high wood fence surrounding the rear of subject property. Further, staff opines that there are substantial openings provided on the house and additions so as not to compromise the view towards the outside and to provide sufficient light and air to enter the subject residence. Furthermore, the architectural style and scale of the additions have been designed in a manner that is consistent with that of the original house, and both the additions and the house are architecturally compatible with the surrounding zero lot line residential development. **Staff therefore, recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #4-ZAB-195-84 remain in full force and effect, except as herein modified.
2. That the applicant obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.
3. That the existing covered terrace remain open-sided and not be enclosed in any manner except for approved insect screen materials.

ES:MW:NN:CH:JV



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

NON

ZONING RECOMMENDATION ADDENDUM

Carlos and Jennifer Nunez
Z14-039

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

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

<p>Low Medium Density Residential (Pg. I-29)</p>	<p><i>The Adopted 2020 and 2030 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)(7) Generalized Modification Standards.</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>

2. CARLOS & JENNIFER NUÑEZ
(Applicant)

14-11-CZ12-2 (14-039)
Area 12/District 10
Hearing Date: 11/18/14

Property Owner (if different from applicant) Same.

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

If, so who are the interested parties?

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	Thomas H and Anita C Heard	- Unusual Use to permit private club. - Special Exception of zoning regulations.	ZAB	Approved with Condition(s)
1974	T.H. Heard & Anita Heard	- Zone change from AU to RU-3M, RU-TH, RU-1 and GU.	BCC	Approved with Condition(s)
1974	T.H. Heard & Anita Heard	- Zone change from AU to RU-3M, RU-TH, RU-1 and GU.	ZAB	Recommended for Approval
1984	Developers of America Corp.	- Special Exception Site Plan for a 0' Lot Line development on private drives. - Non-Use Variances of setback and lot size.	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.

6

Memorandum

Date: July 9, 2014

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

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



Subject: C-12 #Z2014000039-1st Revision
Carlos Nunez
7261 SW 112th Place Circle, Miami, FL 33173
Modification of condition of resolution to permit an addition to a single family residence for a previously approved zero lot line development; and Non-Use Variance to permit less penetrable openings than required.
(RU-TH) (0.08 Acres)
31-54-40

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

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 proposed legalization of 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 existing residence and the addition are in compliance with the Code.

The applicant will be required to demonstrate the additions comply with the Code prior to approval of building permit plans. For more information please contact the Floodplain Program at 786-315-2800.

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

The subject proposal will not affect the existing stormwater management system.

Tree Preservation

The proposal to permit an existing 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.

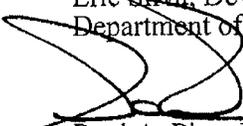
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: May 30, 2014

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

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

Subject: Z2014000039
Name: Carlos Nunez and Jennifer Nunez
Location: 7261 SW 112 Place Circle
Section 31 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.

This land compiles with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 21, Block 1 of Plat Book 128, Page 23.

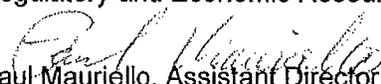
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: May 12, 2014

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

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

Subject: Carlos and Jennifer Nunez (#14_039)

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

The application requests a non-use variance regarding an addition to the single family home on the property. The application will have no PWWM impact or any associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661.

Memorandum



Date: July 10, 2014

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: Z2014000039: CARLOS & JENNIFER NUNEZ
Revised plans submitted dated stamped received 7/01/2014

Application Name: CARLOS & JENNIFER NUNEZ

Project Location: The site is located at 7261 SW 112 PL CIR, Miami-Dade County.

Proposed Development: The request is for a non-use variance to permit an existing family room addition.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 24-JUL-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000039

Fire Prevention Unit:

No objection with plan with Zoning received date July 1, 2014.

Service Impact/Demand

Development for the above Z2014000039
 located at 7261 SW 112 PL CIR, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1668 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:56 minutes

Existing services

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

Station 9 - Kendall - 7777 SW 117 Avenue
 Rescue, ALS 60' Aerial

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

N/A

DATE: 24-JUL-14
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

CARLOS & JENNIFER NUNEZ

7261 SW 112 PL CIR, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000039

HEARING NUMBER

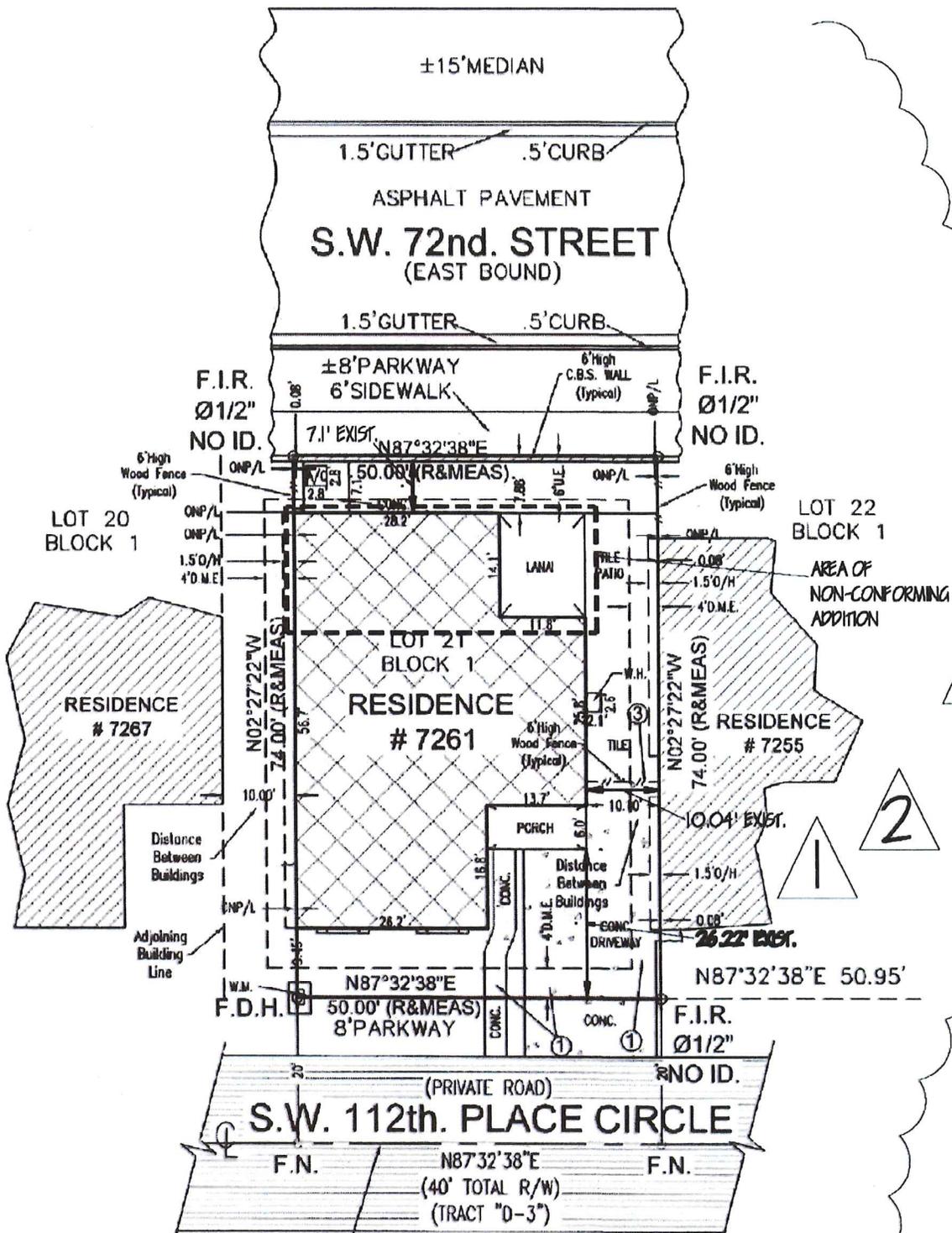
HISTORY:

ENFORCEMENT HISTORY: NC: No cases. BNC: BSS case 20130162200-b opened on September 20, 2013. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Terrace enclosure and master bedroom without proper means of egress, egress window opens into terrace. Case remains open.

Carlos & Jennifer Nunez

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

REPORTER NAME:



SITE LOCATION PLAN

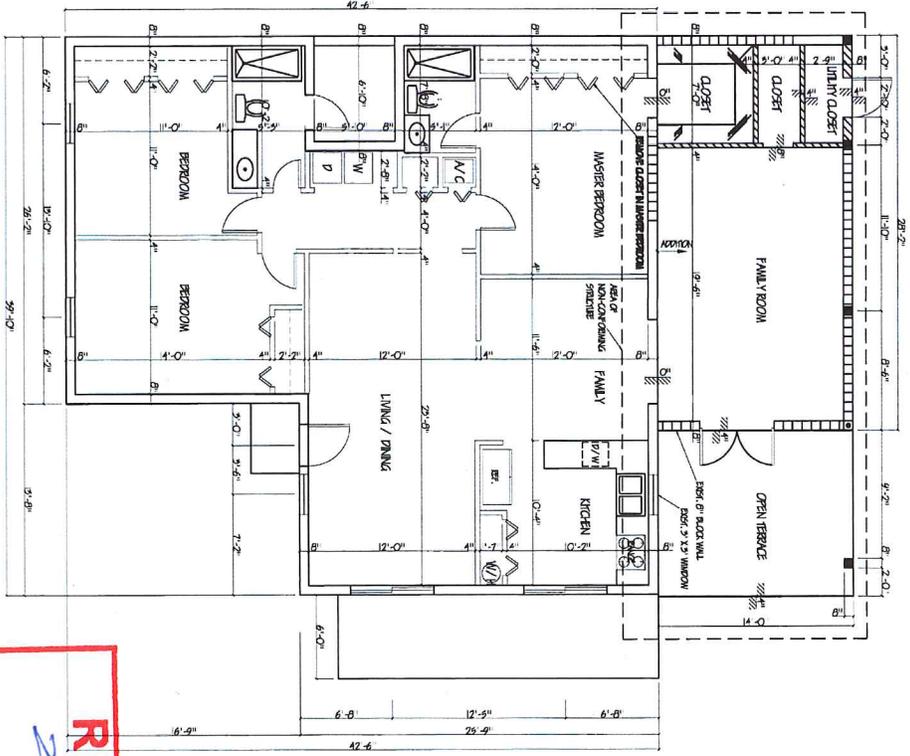
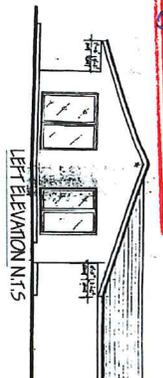
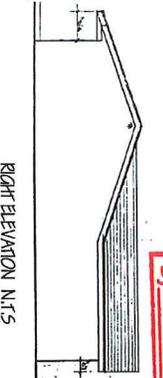
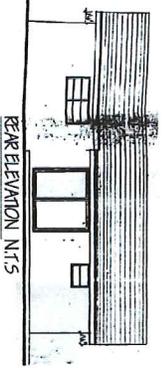
$\frac{1}{16}'' = 1'-0''$

ENLARGED SITE PLAN

RECEIVED
 214-039
 JUL 01 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *[Signature]*

3
 2
 1
 7'-4" EXIST.
 GRADE

14



EXISTING FLOOR PLAN
1/4" = 1'-0"

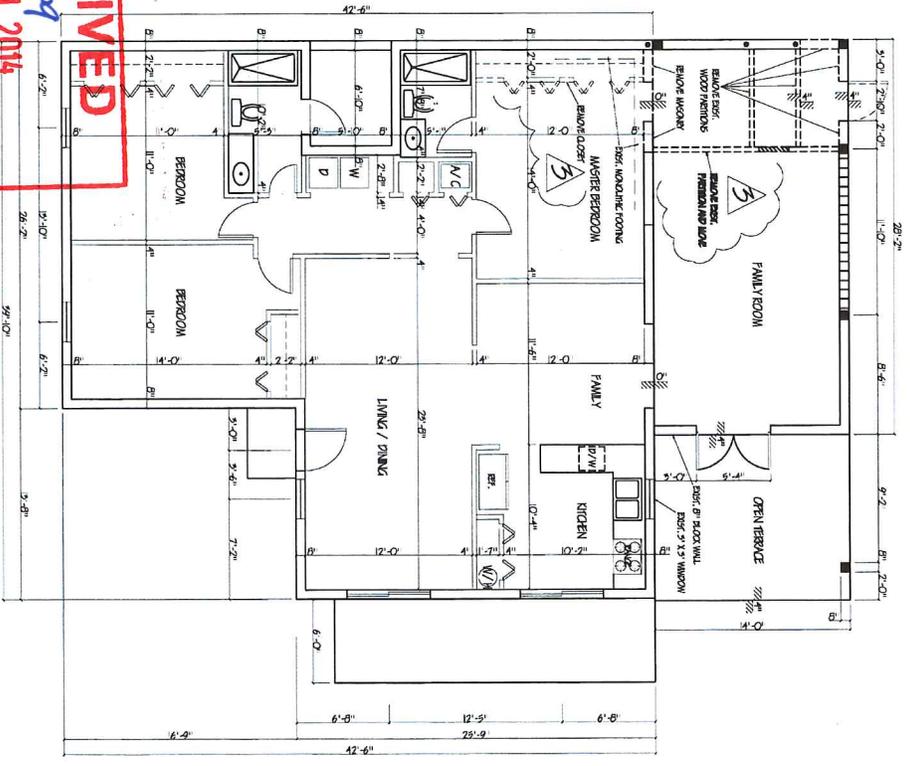
RECEIVED

214-034

JUL 01 2014

BY

MAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES



DEMOLITION PLAN
1/4" = 1'-0"

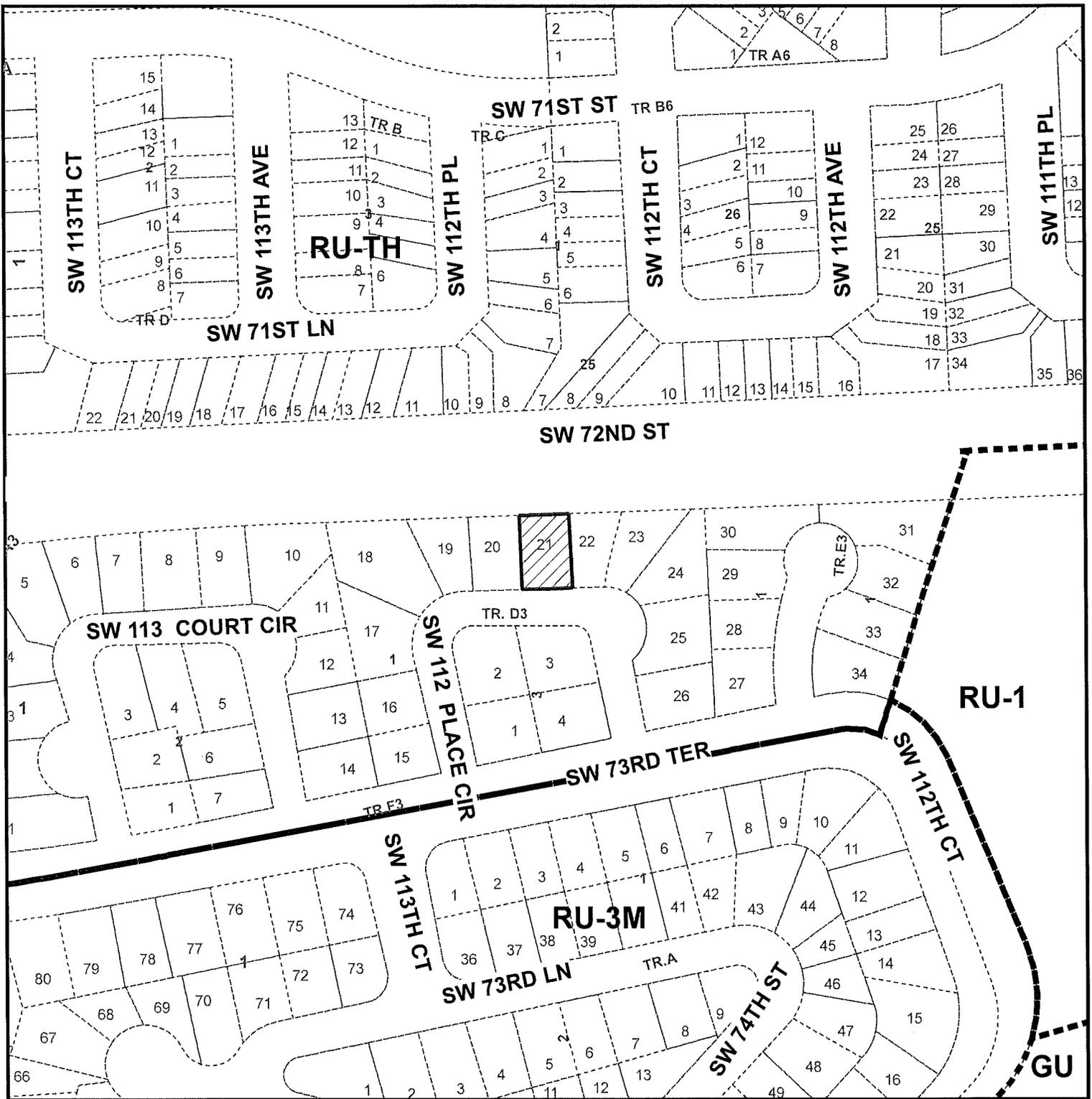


DESIGN: AAA
CHECKED: AA
DATE: 1-3-14
SCALE: AS NOTED
JOB NO.:
SHEET: S-1
1 OF 5

**NON-CONFORMING ADDITIONS
LEGALIZATION**
7261 S.W. 112 PLACE CIRCLE
MIAMI, FLORIDA

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REVISIONS	BY
 1. BLDG PERM. 5-18-14 2. BLDG PERM. COMMENTS 6-20-14 3. AA	AA



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2014000039



Section: 31 Township: 54 Range: 40
 Applicant: CARLOS & JENNIFER NUNEZ
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, May 13, 2014

REVISION	DATE	BY
		17



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000039



Section: 31 Township: 54 Range: 40
 Applicant: CARLOS & JENNIFER NUNEZ
 Zoning Board: C12
 Commission District: 10
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 Scale: NTS

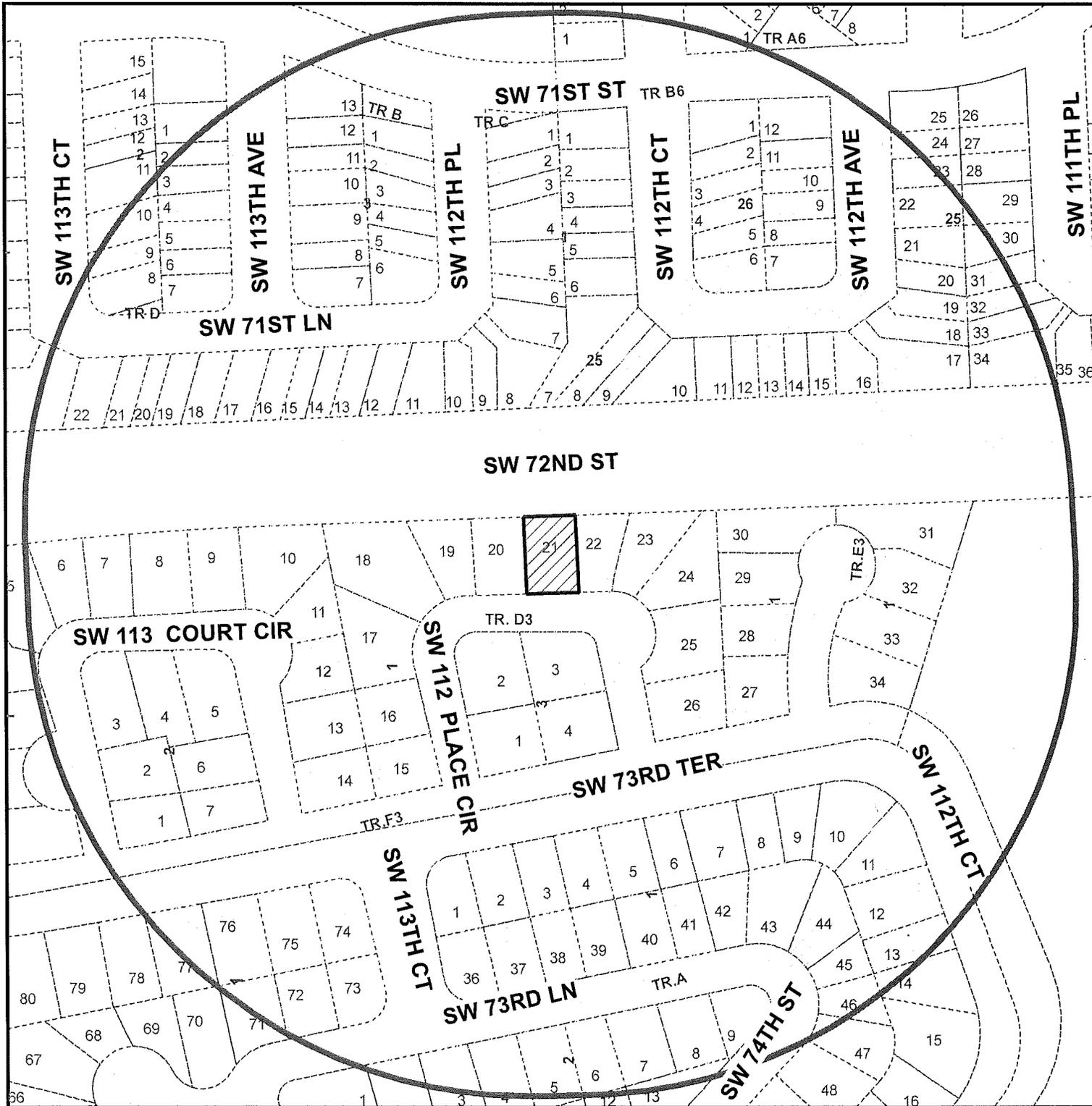
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, May 13, 2014

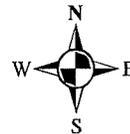
REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 31 Township: 54 Range: 40
 Applicant: CARLOS & JENNIFER NUNEZ
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2014000039
 RADIUS: 500



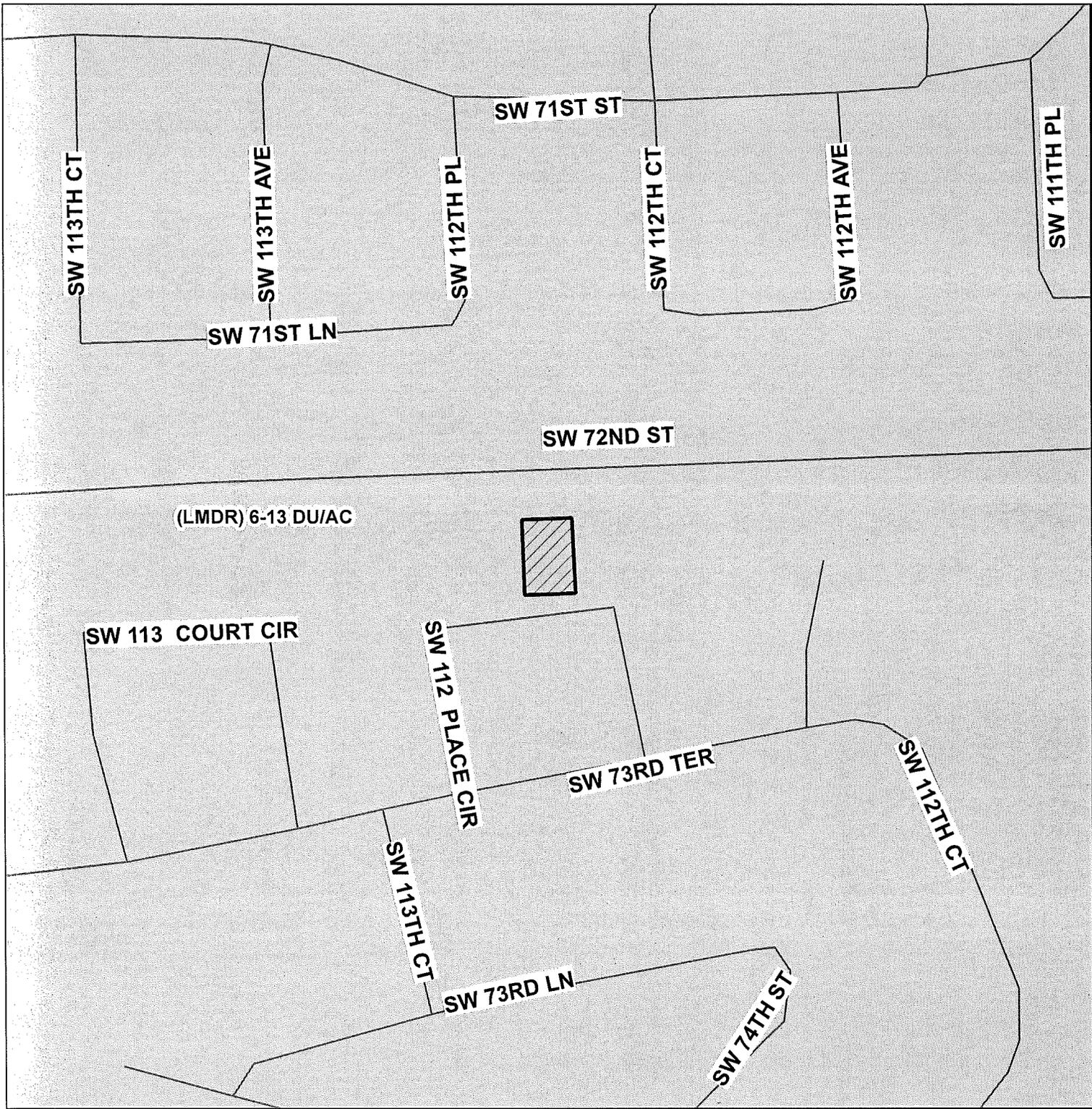
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, May 13, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000039



Section: 31 Township: 54 Range: 40
 Applicant: CARLOS & JENNIFER NUNEZ
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, May 13, 2014

REVISION	DATE	BY

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

PH: Z14-043 (14-11-CZ12-3)

November 18, 2014

Item No. 3

Recommendation Summary	
Commission District	7
Applicants	David and Marietta Faget
Summary of Requests	The applicants are seeking to permit an existing addition to a single-family residence setback less than required from the rear (north) side property line.
Location	9559 SW 59 Terrace, Miami-Dade County, Florida.
Property Size	76' x 99'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Density Residential, 2.5 to 6 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 an existing terrace addition to a single-family residence setback 14'-11" (25' required) from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Mr. David & Mrs. Marietta Faget" as prepared by Carlos L. Zangroniz, P.E. dated stamped received 5/5/14, consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plan submitted depicts the 7,524 sq. ft. parcel with the existing single family residence with the terrace addition that encroaches into the rear (north) setback area.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 9559 SW 59 Terrace within a residential development. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to maintain the existing terrace addition to the single-family residence which provides the applicants and their family with sheltered outdoor recreational area. The approval of this application is not likely to have any new visual impact on the abutting property located to the north.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in the application will allow the existing terrace addition to the single-family residence setback less than permitted, will not add additional dwelling units to the site beyond what is allowed by the CDMP Low Density Residential Category Land Use Element text, and will not change the single-family detached use. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the uses allowed under the Low Density Residential Land use category text and the density threshold of CDMP Low Density Residential Communities LUP map designation.

ZONING ANALYSIS:

The applicants seek to permit the residence with the existing addition that is setback 14'-11" (25' required) from the rear (north) property line. When the aforementioned application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval 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. The subject property is an interior lot located within an established residential neighborhood. The submitted plans indicate the existing metal terrace addition encroaching into the rear (north) setback area, which is the subject of the application. The submitted plans and the letter of intent indicate that the applicants intend to replace the existing terrace with a new roofed terrace addition within the existing terrace footprint, which will maintain the existing 10'-1" encroachment into the rear (north) setback area. Staff opines that subject to conditions, approval of the aforementioned encroachment does not have a negative visual impact on the abutting property to the north.

However, the submitted plans indicate that the subject property also contains a swimming pool in the rear yard area with a 6' high wood fence along the rear (north) property line. Therefore, as a condition for approval, staff recommends that in the event said fence is destroyed or removed, that the applicant shall replace same with an opaque 6' high fence, cbs wall or a fence with a hedge, that must be 3' high at the time of planting and that shall grow to and be maintained at a maximum height of 6'. Said plans also indicate an existing plastic shed within the interior side (east) setback that is to be removed.

Further, in staff's opinion, the requested encroachment is not out of character or incompatible with the surrounding area. Staff's research indicated that other properties in the surrounding area were approved for similar variances to the setback requirements to allow additions that encroached into the rear setback area. Pursuant to Administrative Variance #V1980000077, a property located to the south of the subject parcel at 6011 SW 96 Avenue, was approved to allow a roofed porch addition setback 13' from the rear (east) property line, where 25' is required. Additionally, pursuant to Administrative Variance #V1997000141, a property located to the east of the subject property, at 5900 SW 94 Court, was also approved to allow a covered terrace addition setback 13' (25' required) from the rear (west) property line. **Based on the aforementioned analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Mr. David & Mrs. Marietta Faget" as prepared by Carlos L. Zangroniz, P.E., dated stamped received 5/5/14, consisting of 3 sheets. Except any future additions on the property which conform to zoning code requirements will not require further public hearing action.
3. That in the event the existing 6' high wood fence along the rear (north) property line is destroyed or removed, the applicant shall replace same with an opaque 6' high fence, cbs wall or a hedge, that must be 3' high at the time of planting and that shall grow to and be maintained at a maximum height of 6'.
4. That the plastic shed within the interior side (east) setback area be removed as indicated in the plans prior to final permit approval.
5. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:EJ:CH



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

NN

ZONING RECOMMENDATION ADDENDUM

David and Marietta Faget
Z14-043

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

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

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

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

14-11-CZ12-3 (14-043)
Area 12/District 10
Hearing Date: 11/18/14

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

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

If, so who are the interested parties?

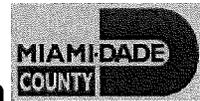
Disclosure of interest form attached? **Yes** **No**

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1959	Barney R. King	- Zone change from AU to RU-1.	BCC	Approved In Part

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

Memorandum



Date: May 29, 2014

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

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

Subject: #Z2014000043
David Faget
9559 SW 59th Terrace, Miami, FL 33173
Rear Setback Less than Required
(RU-1) (0.17 Acres)
28-54-40

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

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

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. 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 should be retained on site utilizing 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 Miami-Dade County 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.

Tree Preservation

The proposal 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: Nathan Kogon, Department of Regulatory and Economic Resources

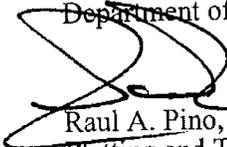


Memorandum



Date: May 30, 2014

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

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

Subject: Z2014000043
Name: David and Marietta Faget
Location: 9559 SW 59 Terrace
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.

This land compiles with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 50, Block 20 of Plat Book 80, Page 92.

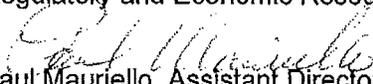
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: May 9, 2014

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

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

Subject: David and Marietta Faget (#14_043)

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

The application requests a non-use variance of the rear setback on the property to construct an outside terrace. The application will have no PWWM impact or associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661.

Memorandum



Date: May 16, 2014
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: Z2014000043: DAVID AND MARIETTA FAGET

Application Name: DAVID AND MARIETTA FAGET

Project Location: The site is located at 9559 SW 59 TER, Miami-Dade County.

Proposed Development: The request is for approval of non-use variance for a setback less than required for an existing single residence.

Impact and demand: This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 23-JUN-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000043

Fire Prevention Unit:

No objection to the site plan with a May 15, 2014 Zoning Department received date.

Service Impact/Demand

Development for the above Z2014000043
 located at 9559 SW 59 TER, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1632 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 5:31 minutes

Existing services

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

Station 13 - East Kendall - 6000 SW 87 Avenue.
 ALS 60' Aerial, Air Truck.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

N/A

12

DATE: 12-JUN-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DAVID AND MARIETTA FAGET

9559 SW 59 TER, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000043

HEARING NUMBER

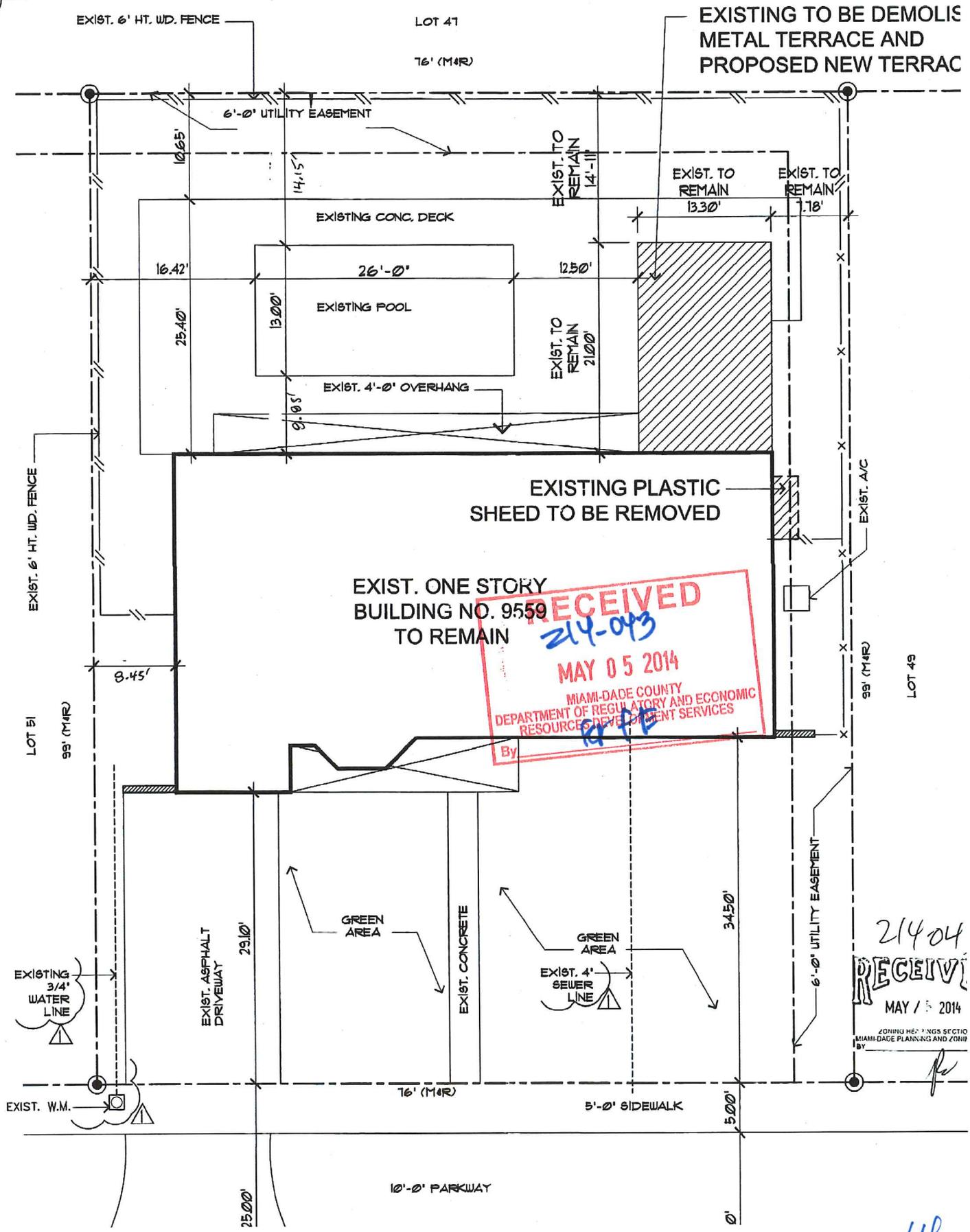
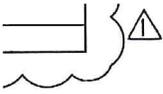
HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: BSS case 20130161059-b opened on August 2, 2013. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Rear attached addition and detached plastic storage shed on east side. Case remains open and is currently in non compliance.

David and Marietta Faget

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

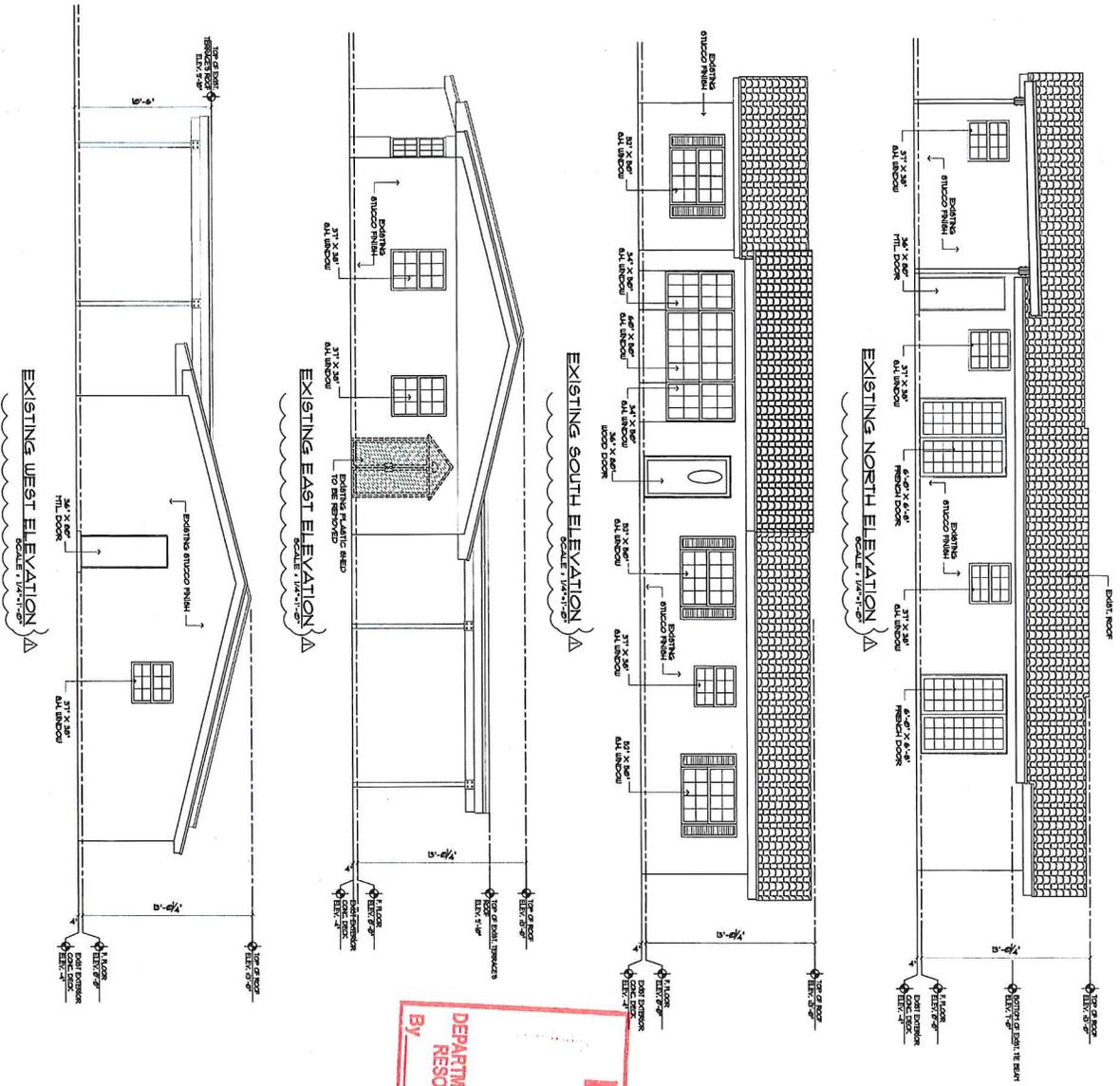
REPORTER NAME:



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 214-043
 MAY 05 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By: [Signature]

21404
RECEIVED
 MAY 15 2014
 ZONING REGULATIONS SECTION
 MIAMI-DADE PLANNING AND ZONING
 BY: [Signature]

EXIST. REMOVED WORK

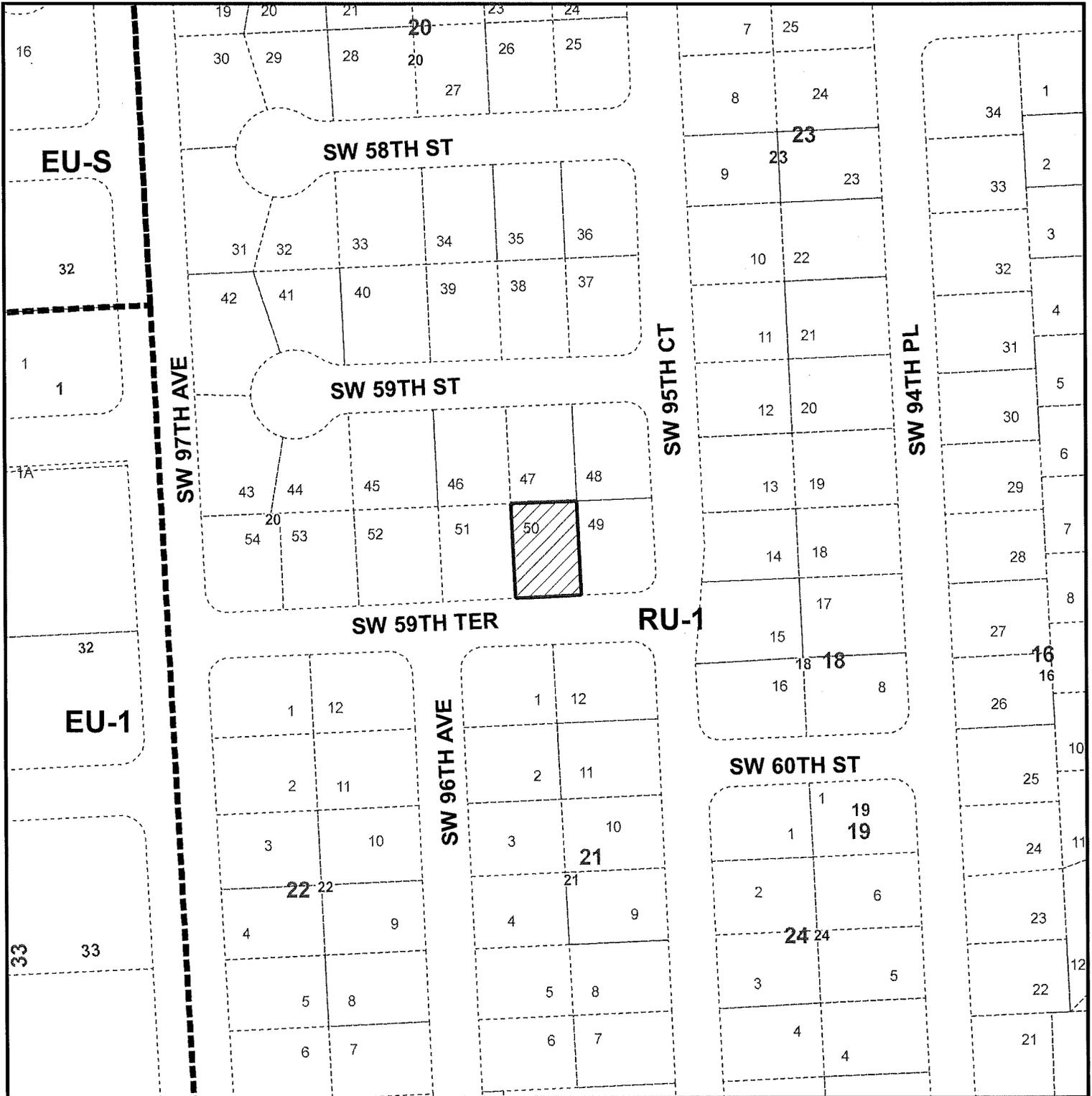


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 214-043
 MAY 05 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF PERMITTING AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *[Signature]*

214-043
RECEIVED
 MAY 7 2014
[Signature]

A-2	Seal <i>[Signature]</i>	Carlos L. Zangroniz P.E. No. 67444 ADDRESS: 20711 SW 105 AVE. MIAMI, FL. 33189 TEL: (305) 588-8878	NEW TERRACE LEGALIZATION FOR: MR DAVID & MRS. MARIETTA FAGET RESIDENCE 9559 SW 59th TERRACE MIAMI FLORIDA 33173
DRAWN BY: A.F.G. CHECKED: C.Z. DATE: 08-15-13 SCALE: AS SHOWN JOB NO: SHEET:		REVISION BY: Aes DATE:	

16



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2014000043



Section: 28 Township: 54 Range: 40
 Applicant: DAVID AND MARIETTA FAGET
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, May 9, 2014

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000043



Section: 28 Township: 54 Range: 40
Applicant: DAVID AND MARIETTA FAGET
Zoning Board: C12
Commission District: 10
Drafter ID: JEFFER GURDIAN
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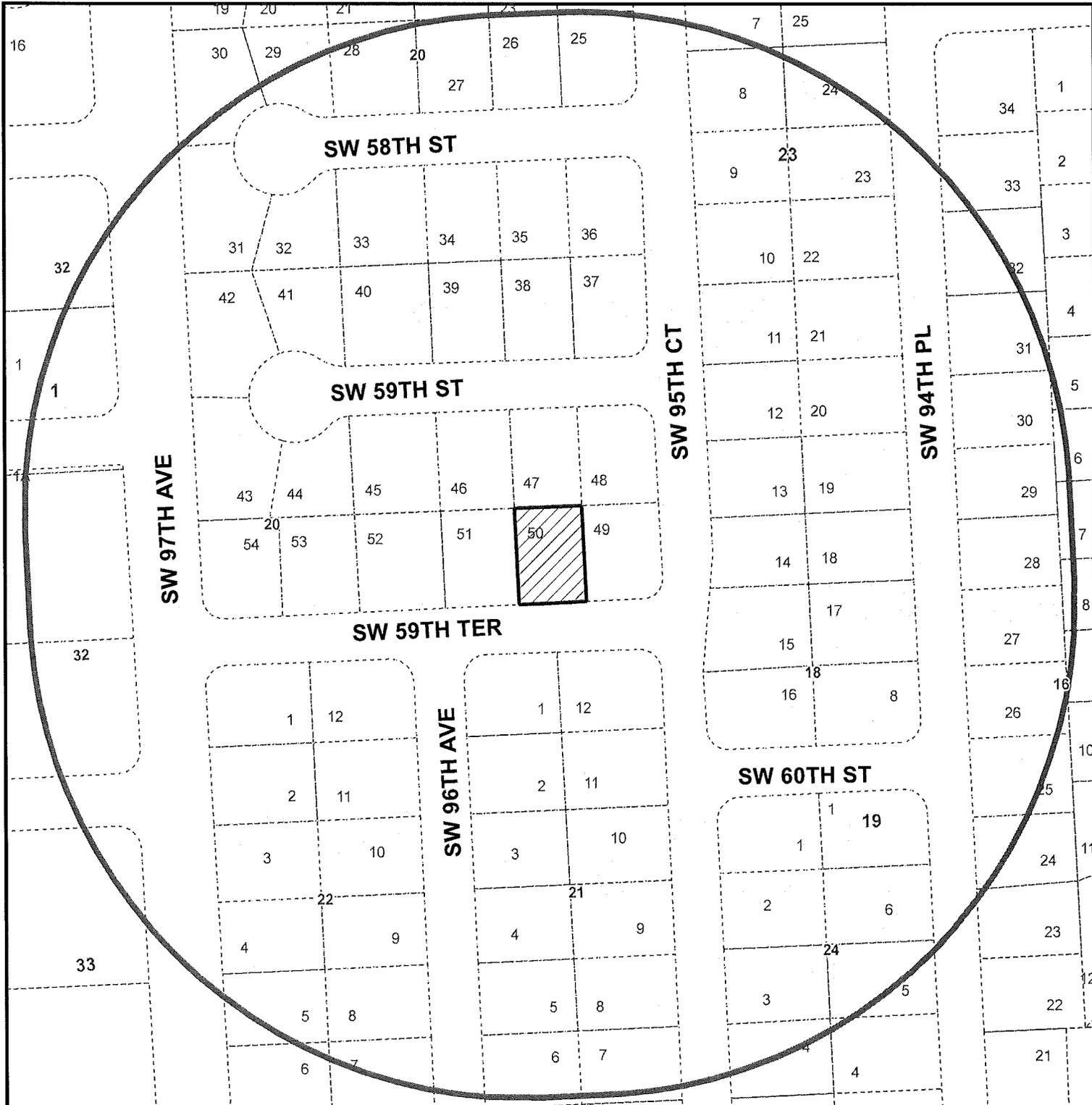
Legend

 Subject Property



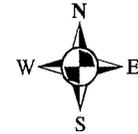
SKETCH CREATED ON: Friday, May 9, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2014000043
 RADIUS: 500



Section: 28 Township: 54 Range: 40
 Applicant: DAVID AND MARIETTA FAGET
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

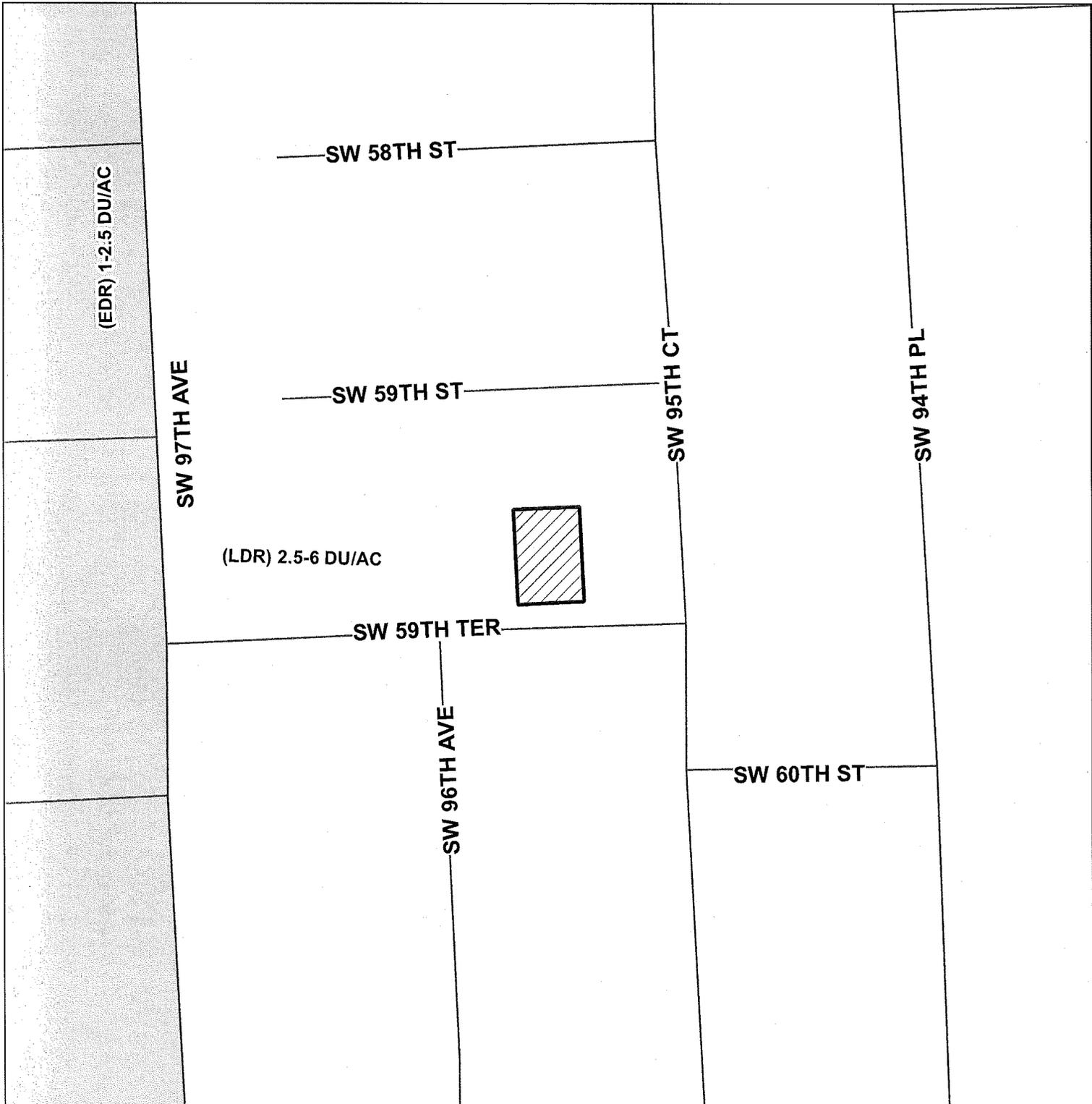
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, May 9, 2014

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000043



Section: 28 Township: 54 Range: 40
 Applicant: DAVID AND MARIETTA FAGET
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, May 9, 2014

REVISION	DATE	BY

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

PH: Z14-053 (14-11-CZ12-4)

November 18, 2012

Item No. 4

Recommendation Summary	
Commission District	07
Applicant	Publix Super Markets, Inc.
Summary of Requests	The approval of the application would allow a proposed package store spaced less than permitted from churches and schools.
Location	9420 SW 56 Street, Miami-Dade County, Florida.
Property Size	7.7-Acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Shopping center
2020-2030 CDMP Land Use Designation	Business and Office (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)(3) Special Exceptions, Unusual Uses and New Uses (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUEST:

SPECIAL EXCEPTION of spacing requirements to permit a proposed liquor package store spaced less than the required 2,500' from a religious facility and school.

PROJECT DESCRIPTION AND HISTORY:

The shopping center in which the proposed package store will be located was approved pursuant to Resolution #4-ZAB-407-76.

The applicant is seeking approval to permit an existing Super Market to operate a proposed package store on the 7.7 acre subject property.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1A; shopping center	Business and Office
North	BU-1A; commercial	Business and Office
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 DUA)
East	RU-1; single-family residences	Low Density Residential (2.5 to 6 DUA)
West	RU-1; single-family residences	Low Density Residential (2.5 to 6 DUA)

NEIGHBORHOOD COMPATIBILITY:

The subject property, an existing shopping center is located on 9420 SW 56 Street. The surrounding area is characterized by commercial and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application would allow a proposed liquor package store spaced less than required the required distance from public schools and churches. Since the subject property was approved in a prior application to permit a shopping center and that the supermarket use is an existing use, staff opines that approval of the request is likely to have a minimal impact on the surrounding area.

CDMP ANALYSIS:

The subject property is currently zoned BU-1A, Special Business District and is located at 10001 West Flagler Street and is designated as **Business and Office** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The purpose of the BU-1A, Limited Business District is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods. As such, staff opines that approval of the request to permit a proposed package store would be **compatible** with the surrounding area and **consistent** with the CDMP Business and Office Land Use Element interpretive text of the CDMP LUP map Business and Office designation.

ZONING ANALYSIS:

The subject property is a 7.7 acre property is located at 9420 SW 56 Street (Miller Drive), a well-traveled four lane section line roadway. The surrounding area is characterized by residential uses to the south, east and west, and commercial and school uses to the north.

When analyzing the requested special exception of spacing requirements to permit a proposed package store spaced less less than the required 2,500' from a religious facility and a school under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff opines that approval of the request would be **compatible** with the surrounding area based on the reasons stated below. Staff notes that the proposed package store must be approved through a public hearing due to its proposed encroachment into the required spacing distance from existing religious facilities and schools.

Staff opines that the proposed package store will not result in excessive traffic because the package store will be located within a previously approved shopping center that is currently under renovation. Further, as previously noted, the shopping center has existed at this site since 1976 and currently meets all the parking requirements. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), staff opines that the addition of the package store will not result in excessive traffic. Furthermore, staff notes that the Division of Environmental Resources Management of (RER) and the Miami-Dade Fire and Rescue Department have no objections to the application and indicated in their memoranda that approval of the application will not impact services in the area. Furthermore, staff has also noted that Miami Dade Public Schools (MDCPS) has not objected to this application.

The liquor survey submitted by the applicant indicates that there is a religious facility located to the west of the subject property at 9860 SW 56 Street, spaced approximately $\pm 2,270$ feet in a straight line distance from the front door of the supermarket that will contain the proposed liquor package store to the nearest point of the church structure. Said survey also indicated a school, located northeast of the subject property at 9250 SW 52 Terrace, spaced approximately ± 839 feet in a straight line distance from the property line of the school to the front door of the supermarket.

Staff opines that the distances of the religious facility and school from the subject property, along with the fact that they are separated respectively from the subject property by existing residential developments and the 70' wide roadway, SW 56 Street, mitigate any negative impact the reduced spacing of the proposed package store could have on the church or the school. **As such, staff recommends approval with conditions of the request under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That the sale of alcoholic beverages shall be limited to between the hours of 8:00 a.m. and 10:00 p.m. during weekdays and Saturdays, and shall not be permitted on Sundays except during the month of December.
2. That the applicant apply for and obtain a Certificate of Use from the Department of Regulatory and Economic Resources for the sale of alcoholic beverages, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:MW:NN:CH:EJ


Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources *NN*

ZONING RECOMMENDATION ADDENDUM

*Publix Super Markets, Inc.
Z14-053*

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

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

Business and Office (Pg. I-40)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property, being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses	<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>
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4. PUBLIX SUPER MARKETS INC
(Applicant)

14-11-CZ12-4 (14-053)
Area 12/District 07
Hearing Date: 11/18/14

Property Owner (if different from applicant) **Kimco Devp of Millerode Inc.**

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

If, so who are the interested parties?

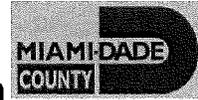
Disclosure of interest form attached? **Yes** **No**

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1956	Emil J. Gould	- Zone change from RU-1 to BU-1A.	BCC	Approved
1976	Emil J. Gould	- Special Exception to permit expansion of existing comm. Structure. P.U.P.	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.

Memorandum



Date: June 12, 2014

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

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

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

Subject: C-12 #Z2014000053
Kimco of Millerode, Inc
9420 SW 56th Street, Miami, FL 33165
Non-Use Variance Distance separation to permit a Publix Liquor
Package Store as an ancillary use to a Publix Supermarket.
(BU-1A) (7.27 Acres)
28-54-40

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

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

Concurrency Review Summary

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

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

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

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

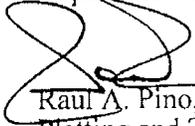
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: July 10, 2014

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

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

Subject: Z2014000053
Name: Publix Super Markets Inc.
Location: 9420 SW 56 Street
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.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tract B, Block 11, Plat Book 68, Page 48.

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: June 13, 2014

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

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

Subject: Publix Supermarkets Inc. (#14_053)

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

Application: *Publix Supermarkets Inc.* is requesting a special exception to permit a liquor package store, adjacent to a Publix supermarket grocery store that is currently being constructed on the property. The property is zoned Limited Business District (BU-1A).

Size: The subject property is 7.27 acres.

Location: The subject property is approximately located at 9420 SW 56th Street, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the development of a liquor store and grocery store on the property will meet the

County Code definition of commercial establishments. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." The property is on residential waste collection route 3105 therefore, the landlord or property owner may fulfill the requirement, either through the PWWM, which can provide commercial waste cart service or through a private hauler to provide waste and recycling collection service.

3. Recycling

The following language from **Section 15-2.3a** of the Code 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 of the Code 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 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.

Memorandum



Date: June 19, 2014

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

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

Subject: Z2014000053: PUBLIX SUPER MARKETS, INC.

Application Name: PUBLIX SUPER MARKETS, INC.

Project Location: The site is located at 9420 SW 56 ST, Miami-Dade County.

Proposed Development: The request is for a special exception of distance requirements from an educational use to permit a package liquor store adjacent to a grocery.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 23-JUN-14
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2014000053

Fire Prevention Unit:

No objection on survey with Zoning received date May 17, 2014.

Service Impact/Demand

Development for the above Z2014000053
located at 9420 SW 56 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1632 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: ___ alarms-annually.
The estimated average travel time is: 7:01 minutes

Existing services

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

Station 13 - East Kendall -6000 SW 87 Avenue
ALS 60' Aerial, Air Truck.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

N/A

DATE: 17-OCT-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

PUBLIX SUPER MARKETS INC

9420 SW 56 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000053

HEARING NUMBER

HISTORY:

FOLIO: 30-4028-006-2640

NC OPEN:

CASE #201303006142, WAS OPENED ON JULY 10, 2013, FOR THE ILLEGAL STORAGE OF TWO PORTABLE MINI-STORAGE UNITS, AS STATED IN 33-20[1] [2 CARGO CONTAINERS ON THE WEST SIDE OF THE PUBLIX SUPERMARKET]. A WARNING LETTER WAS ISSUED THE SAME DAY. CIVIL VIOLATION NOTICE #T039702, WAS ISSUED ON AUGUST 26, 2013, FOR NON-COMPLIANCE. THE CITATION WAS APPEALED ON SEPTEMBER 13, 2013. FURTHER ENFORCEMENT IS PENDING THE RESULTS OF THE SPECIAL MASTERS ADMINSTRATIVE HEARING, WHICH IS SCHEDULED FOR NOVEMBER 11, 2014.

NC CLOSED:

CASE #201303010140, WAS OPENED ON NOVEMBER 21, 2013, ONGOING CONSTRUCTION WITHOUT THE PROPER PERMITS. THE CASE WAS CLOSED AND REFERRED TO THE BUILDING SUPPORT DEPARTMENT [20140164972].

CASE #201403005031, WAS OPENED ON JUNE 11, 2014, TO INVESTIGATE A POSSIBLE SIGN OF THE RIGHT OF WAY VIOLATION. THE CASE WAS CLOSED AS NO VIOLATION WAS OBSERVED AT THE TIME OF THE VIOLATION.

BLDG OPEN:

BSS CASE #20140164972-B, WAS OPENED ON February 6, 2014, FOR FAILURE TO OBTAIN THE REQUIRED BUILDING PERMIT [S] PRIOR TO COMMENCING WORK ON THE REMODELING OF THE RETAIL STORE WITHOUT PLANS AND PERMITS. THE CASE REMAINS OPEN, PENDING THE RESULTS OF THE PUBLIC HEARING.

BLDG CLOSED:
THERE ARE NO CLOSED BUILDING SUPPORT REGULATION CASES.

FOLIO: 30-4028-006-2641
THERE ARE NO OPEN OR CLOSED NEIGHBORHOOD REGULATIONS OR BUILDING
SUPPORT REGULATIONS CASES

PUBLIX SUPERMARKETS, INC

**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: Kimco of Millerode, Inc., a Florida corporation

NAME AND ADDRESS	Percentage of Stock
<u>Henry, David B., President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	<u>***</u>
<u>Pappagallo, Michael V., Executive Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Cohen, Glenn G., Executive Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Cooper, Milton, Executive</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Bazydlo, Gary, Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Briamonte, Barbara E., Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Brown, William, Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Bujnicki, David, Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Cohen, Adam M., Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	
<u>Cox, Stuart, Vice President</u> <u>3333 New Hyde Park Rd, Suite 100</u> <u>New Hyde Park, NY 11042</u>	

Denis, Joseph, Vice President
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Freeman, Christopher, Vice President
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Gerber, Scott, Vice President
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Ix, Gregory S., Vice President
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Jensen, Scott, Vice President
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Kurz, Frederick, Vice President
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Landro, Leah, Vice President
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McCarthy, Nicole, Vice President
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Melson, Michael, Vice President
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Nadler, Robert, Vice President
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Onufrey, Scott, Vice President
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Palacio, Deborah I., Vice President
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Parry, Michael E., Vice President
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Puma, Paul, Vice President
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Ramon, Julio, Vice President
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Rubenstein, Bruce, Vice President
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Simmons, Wilbur E., III, Vice President
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Smith, Kevin, Vice President
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Taddeo, Thomas, Vice President
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Buckstein, Todd, Assistant Secretary
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Cook, Jennifer, Assistant Secretary
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Cooper, Kim, Assistant Secretary
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Elliott, Mina, Assistant Secretary
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Gazerro, Kathleen M., Assistant Secretary
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Goodwin, John, Assistant Secretary
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Hauscarriague, Nicole, Assistant Secretary
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Johnson, Joel, Assistant Secretary
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Masone, Susan L., Assistant Secretary
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Salzhandler, Norma, Assistant Secretary
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Snyder, Christina, Assistant Secretary
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Turner, Rick, Assistant Secretary
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Welter, John, Assistant Secretary
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New Hyde Park, NY 11042

*** No percentage of interest disclosure required for an entity, the equity interests in which are regularly traded on an established securities market in the United States or another country.

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: Publix Super Markets, Inc., a Florida corporation

NAME AND ADDRESS

Percentage of Stock

Crenshaw, William E, Chief Executive Officer
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

Attaway, John A, Jr., Senior Vice President
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

Phillips, David P, Chief Financial Officer
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

Jones, Randall T, President
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

Chamberlain, Jeffrey G, Vice President
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

Duncan, Dave, Vice President
3300 Publix Corporate Pkwy
Lakeland, FL 33811-3311

*** For 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, percentage of interest disclosure shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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: Not applicable

NAME AND ADDRESS

Percentage of Stock

RECEIVED
MAY / 7 2014

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

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: Not applicable

NAME AND ADDRESS

Percentage of Stock

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: Not applicable

NAME AND ADDRESS

Percentage of Stock

Date of contract: _____

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

~~MILLERDDE~~
MILLERDDE
KIMCO OF ~~MILLERDDE~~, INC.,
a Florida corporation

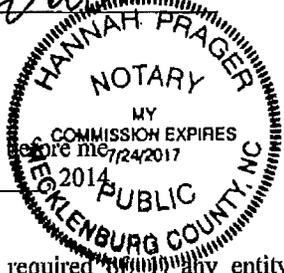
Attest: *Jenny Zest*

BY: *[Signature]*

(Corp. Seal)

Print Name: Paul Puma.

Sworn to and subscribed to before me on this 5th day of May



Notary Public: *Hannah Prager*
Commission Expires: 7/24/2017

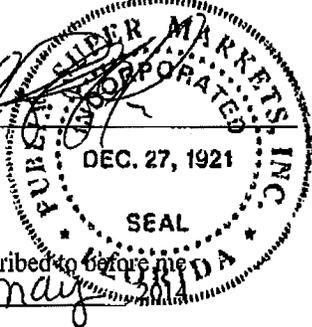
*Disclosure shall not be required for any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

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

Attest:

(Corp. Seal)

Sworn to and subscribed to before me
this 2nd day of May, 2010



PUBLIX SUPER MARKETS, INC.,
a Florida corporation

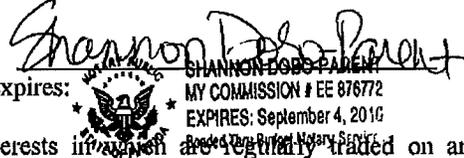
BY:

Print Name:

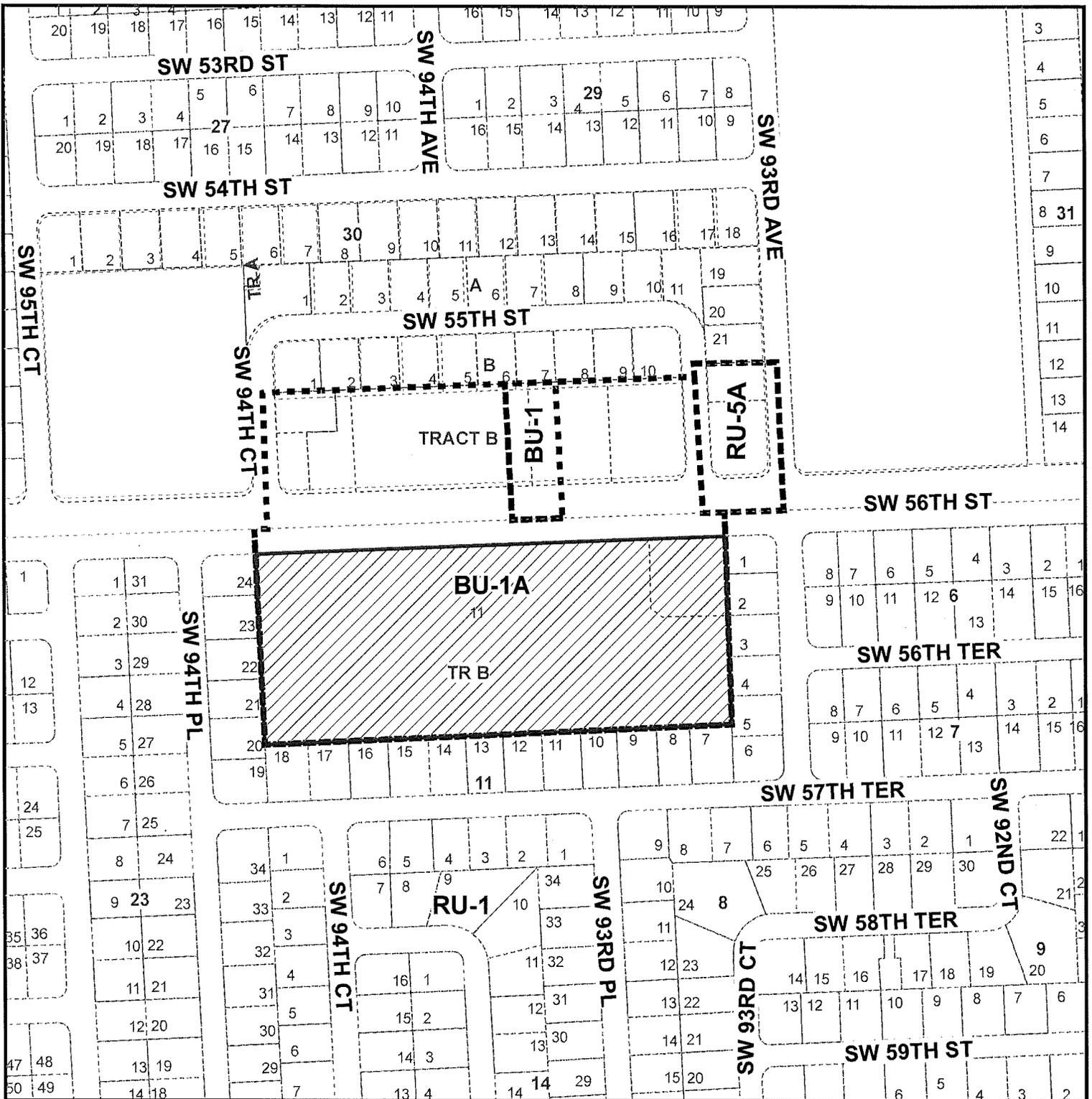
Robert Stephen Balcerak, Jr.
Director of Real Estate Strategy

Notary Public:

Commission Expires:



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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000053



Section: 28 Township: 54 Range: 40
 Applicant: PUBLIC SUPER MARKETS INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, June 6, 2014

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000053



Section: 28 Township: 54 Range: 40
 Applicant: PUBLIC SUPER MARKETS INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

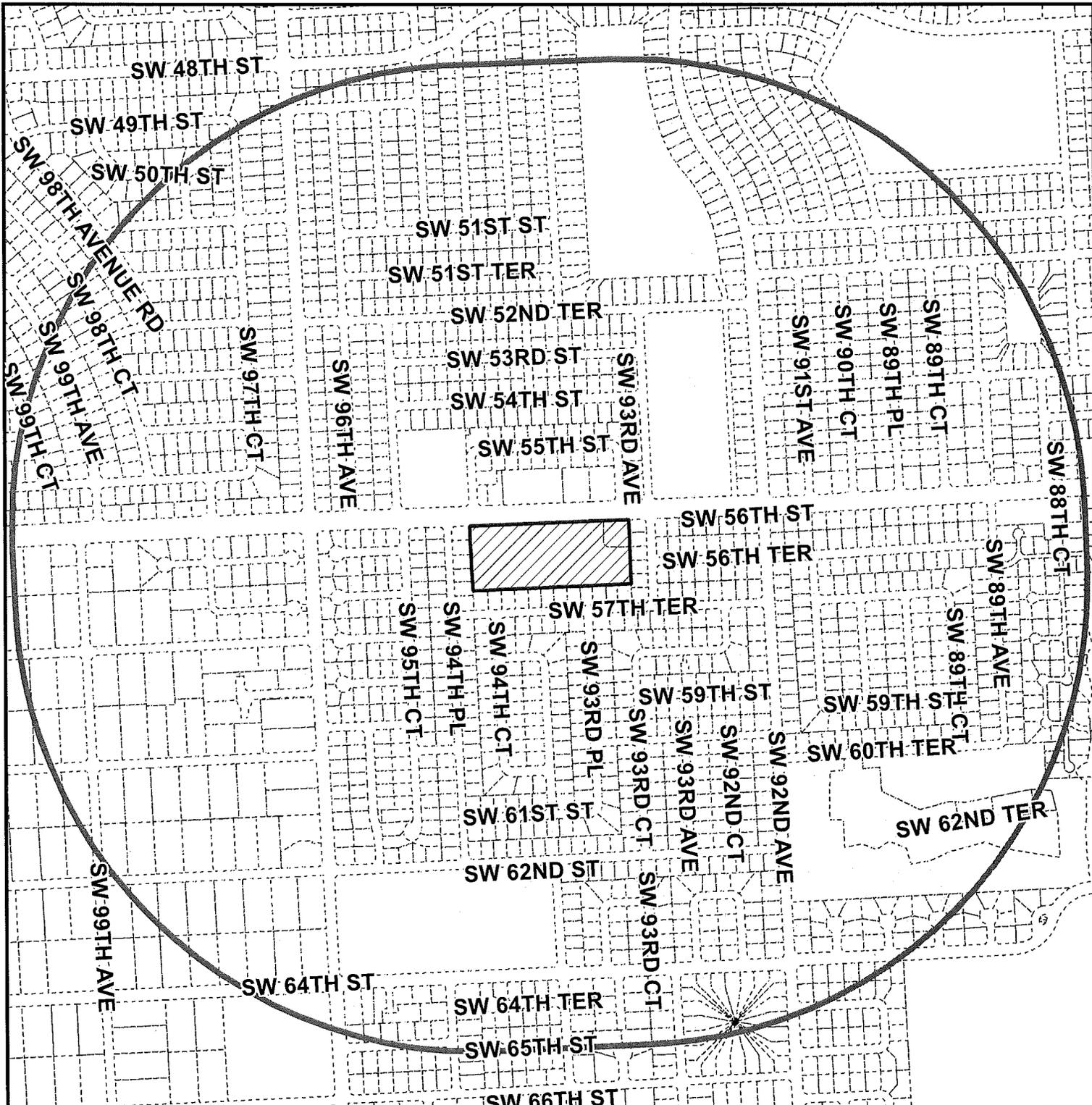
Legend

 Subject Property



SKETCH CREATED ON: Friday, June 6, 2014

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
RADIUS MAP

Section: 28 Township: 54 Range: 40
 Applicant: PUBLIC SUPER MARKETS INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number

Z2014000053

RADIUS: 2640

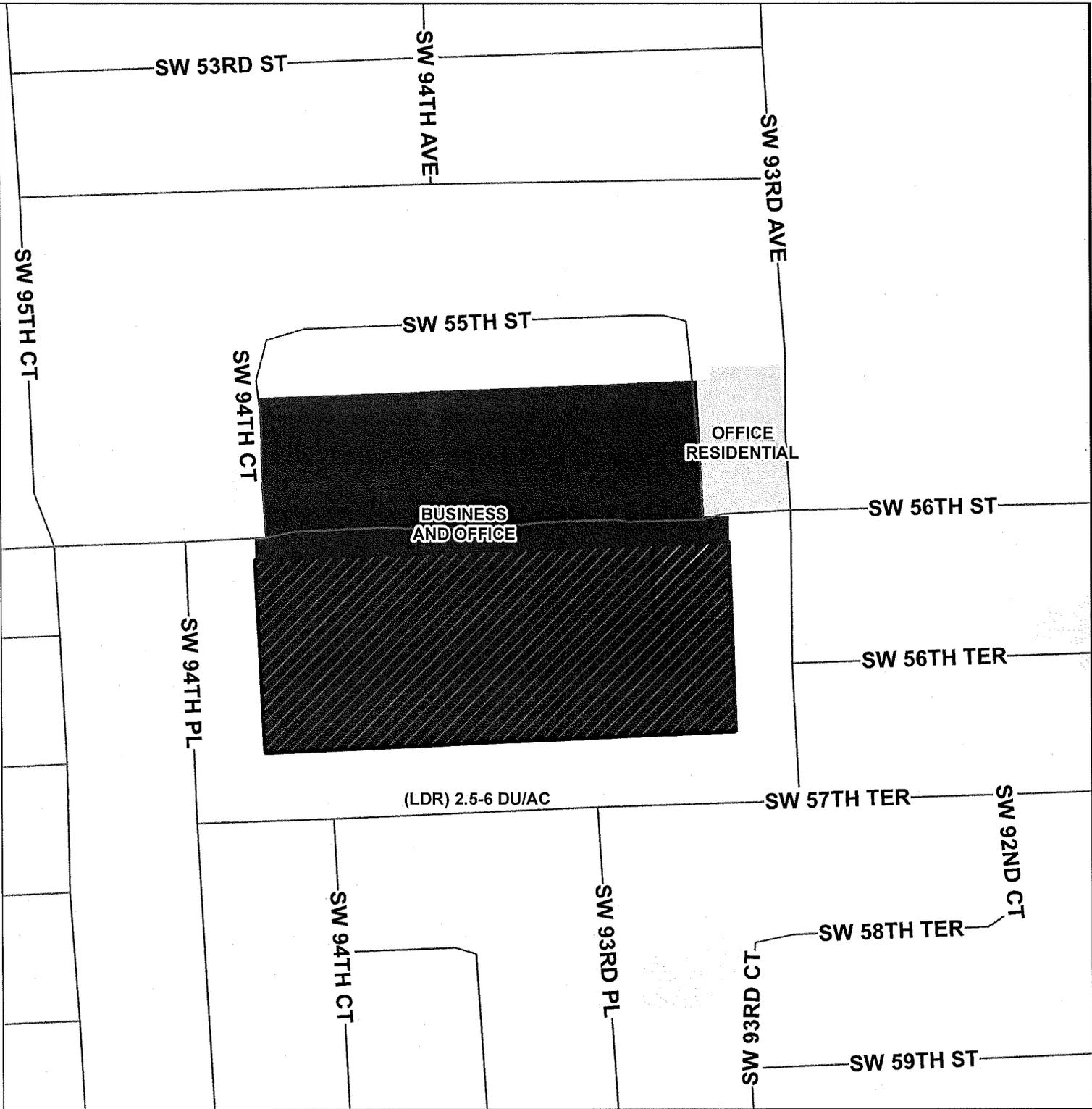
Legend

-  Subject Property
-  Buffer
-  Street (Centerline)
-  Property Boundary



SKETCH CREATED ON: Friday, June 6, 2014

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000053



Section: 28 Township: 54 Range: 40
 Applicant: PUBLIC SUPER MARKETS INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, June 6, 2014

REVISION	DATE	BY

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

PH: Z14-054 (14-11-CZ12-5)

November 18, 2014

Item No. 5

Recommendation Summary	
Commission District	8
Applicant	Medallion 1415, LLC
Summary of Requests	The applicant is seeking to allow a district boundary change from EU-M to RU-4L.
Location	7725 SW 95 Terrace, Miami-Dade County, Florida.
Property Size	0.42 acres
Existing Zoning	EU-M, Single-Family Modified Estate District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Medium-High Density Residential, 25 to 60, dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval, subject to the Boards acceptance of the covenant.

REQUEST:

DISTRICT BOUNDARY CHANGE from EU-M to RU-4L

PROJECT DESCRIPTION:

The applicant seeks to rezone the 0.42-acre parcel from EU-M, Single-Family Modified Estate District to RU-4L, Limited Apartment House District.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-M; vacant	Medium-High Density Residential (25 to 60 dua)
North	RU-2: duplex residences	Medium-High Density Residential (25 to 60 dua)
South	EU-M: children's home	Medium-High Density Residential (25 to 60 dua)
East	RU-5A: vacant	Medium-High Density Residential (25 to 60 dua)
West	RU-2; duplex residences	Medium-High Density Residential (25 to 60 dua)

NEIGHBORHOOD COMPATIBILITY:

The properties to the north and west are zoned RU-2, Two-Family Residential District, and are currently developed with duplex residences. The property to the south is zoned EU-M, Single-Family Modified Estate District, and contains an existing children's home facility, and the property to the east is zoned RU-5A, Semi-Professional Office District and is currently vacant.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, the proposed rezoning could have an impact on traffic on the abutting roadways and schools.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Medium-High Residential**. *This category allows a range in density ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.* This would allow the applicant to develop the 0.42 net acre property with a minimum of ten (10) and a maximum 25 residential units. The applicant is seeking a district boundary change from EU-M to RU-4L. The RU-4L zoning district allows development at a maximum of 23 units per net acre. Approval of the district boundary change to RU-4L would allow the applicant to develop the property with a maximum of nine (9) residential units. As such, the proposed RU-4L zoning district would be below the minimum density threshold recommended by the Comprehensive Development Master Plan (CDMP), Land Use Element interpretative text for properties designated on CDMP Land Use Plan (LUP) map for Medium-Density Residential use.

The CDMP Land Use Element interpretative text states that *in order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Said text states that exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources.* The subject property is located within a quarter mile of the existing Miami-Dade Transit Busway which is designated on the CDMP LUP map as a transit corridor and therefore, does not meet the exception criteria that would allow development below the density threshold.

Notwithstanding, staff opines that the aforementioned interpretative text for properties designated Medium-High Density on the CDMP LUP map does not explicitly exclude development below the density threshold. Said CDMP text states that in the Medium High Residential category, *the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.* Staff notes that the subject property abuts a property to the west that is zoned RU-2, and is developed with two-story duplex residences and a congregate residential use to the south that is zoned EU-M. To the west of the aforementioned abutting parcels, are single-family residences developed under the EU-M zoning district regulations. To the east of the subject property is a vacant parcel that is zoned RU-5A, which abuts SW 77 Avenue, across which, are multi-story, multi-family apartment buildings developed under the RU-4M, Modified Apartment House District regulations. Staff opines that the physical limitations of this 0.42 net acre subject parcel would not accommodate a residential development approaching either the minimum or maximum density allowed in this

category, nor would it be able to provide sufficient off-street parking without having an impact on the existing, abutting residential uses to the west and north. In addition, staff notes that on the west side of SW 77 Avenue where the subject parcel is located and to the west and north of the subject parcel, the existing residential developments are developed at similar or lower densities, and the maximum height of the developments does not exceed two (2) stories. For the reasons that will be further explained in the zoning analysis below, staff opines that the proposed RU-4L zoning district would allow development of the 0.42-acre parcel in keeping with the criteria for compatibility outlined in **Policy LU-4A** of the Land Use Element interpretative text of parking, height, bulk, and scale of architectural elements.

As such, staff opines that approval of the applicant's request to rezone the property to RU-4L, will be compatible with the area based on the criteria outlined in **Policy LU-4A** and **consistent** the CDMP Land Use Element interpretative text for properties designated Medium-High Density Residential on the LUP map.

ZONING ANALYSIS:

When the applicant's request to rezone the 0.42-acre parcel to RU-4L, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that the approval of the applicant's request to rezone the property will be **consistent** with the Medium-High Density Residential designation of the parcel on the CDMP Land Use Plan map. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application meets the traffic concurrency criteria for an Initial Development Order and will generate 1 PM daily peak hour trips. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. Further, staff notes that the Miami-Dade County Public School has not objected to the application.

The subject parcel is located less than a half mile west of both South Dixie Highway (US-1) and State Road 826 (Palmetto Expressway), both of which are well travelled north/south roadways in this part of the County. Further, the subject property is located less than 100' west of SW 77 Avenue, a north/south section line roadway, which provides access to SW 88 Street (North Kendall Drive), which is approximately 0.43 miles north of the subject parcel. Additionally, staff notes that the abutting parcels to the west and north were approved pursuant to Resolution #Z-37-97 for a district boundary change from RU-1, Single-Family Residential District and EU-M to RU-2, Two-Family Residential District. Currently, said parcels are developed with duplex residences. Staff notes that the applicant has proffered a covenant that restricts the development of the 0.42-acre parcel to a maximum of six (6) residential units, which in staff's opinion, is **compatible** to the existing RU-2 parcels to the west and north. **Staff therefore, recommends approval, subject to the Board's acceptance of the proffered covenant, under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:EJ:CH


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

now

ZONING RECOMMENDATION ADDENDUM

Medallion 1415, LLC
Z14-054

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental and Regulatory 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 objection
*Subject to conditions in their memorandum.	

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

Medium-High Density Residential (Pg. I-30)	<i>This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category.</i>
Gross Residential Density (Pg. I-29)	<i>In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.</i>
Policy LU-4A (Page I-9)	<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>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i>
--	--

ZONING RECOMMENDATION ADDENDUM

Medallion 1415, LLC
Z14-054

	<p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none">(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
--	--

5. MEDALLION 1415, LLC
(Applicant)

14-11-CZ12-5 (14-054)
Area 12/District 08
Hearing Date: 11/18/14

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

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

If, so who are the interested parties?

Disclosure of interest form attached? **Yes** **No**

Previous Zoning Hearings on the Property:

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

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

Memorandum



Date: October 14, 2014

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

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

Subject: C-12 #Z2014000054-1st Revision
Medallion 1415, LLC
7725 SW 95th Terrace, Miami-Dade County, Florida
Zone change from EU-M to RU-1M(B)
(EU-M) (.42 Acres)
03-55-40

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

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

Potable Water Service and Wastewater Disposal

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

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

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

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.

Tree Preservation

Tree Removal/Relocation Permit 5354 was issued for this site on May 29, 2014 and is scheduled to expire on May 29, 2015. This permit requires the preservation of one specimen-sized (trunk diameter 18 inches or greater) live oak tree located on the southwestern part of the site as identified in the approved permitted site plans.

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

Also, the property contains prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject property prior to development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. Pursuant to this subsection and in accordance with Chapter 19 of the Code, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

Please be advised that an amendment to Tree Removal/Relocation Permit 5354 is required prior to the removal and/or relocation of additional trees on the subject property that are subject to the Tree Preservation and Protection provisions of the Code.

Please contact the Tree Permitting Program at (305) 372-6574 for information regarding tree permits.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

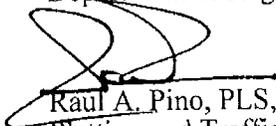
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: July 10, 2014

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

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

Subject: Z2014000054
Name: Medallion 1415, LLC
Location: 7725 SW 95 Terrace
Section 03 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 requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **1 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-683	SW 88 St e/o Palmetto Expwy to US1	C	C

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

Memorandum



Date: June 12, 2014

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

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

Subject: Medallion 1415, LLC (#14_054)

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

Application: *Medallion 1415, LLC* is requesting a district boundary change from Estates Modified Single Family (EU-M) to Modified Single Family District (RU-1M(b)).

Size: The subject property is 0.42 acre.

Location: The subject property is located at 7725 SW 95th Terrace, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the single family residence currently on the property and subsequent single family residential development will meet the County Code definition of residential units.

As such, according to the Code, the residential units will 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.

Memorandum



Date: October 14, 2014

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

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

Subject: Z2014000054: MEDALLION 1415, LLC
Revised Plans Submitted Dated Stamped Received 9/19/2014

Application Name: MEDALLION 1415, LLC

Project Location: The site is located at 7725 SW 95 TERR, Miami-Dade County.

Proposed Development: The request is for a district boundary change from EU-M TO RU-1M(B).

Impact and demand: This application proposes a replacement of 1 single-family dwelling unit with development of 2 residential dwelling units resulting in a de minimis impact to Level of Service. The site is located in Park Benefit District 2 which has a surplus of 504.72 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.

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 01-OCT-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000054

Fire Prevention Unit:

No objection to the site plan with a September 21, 2014 Zoning department received date.

Service Impact/Demand

Development for the above Z2014000054
 located at 7725 SW 95 TERR, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1831 is proposed as the following:

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

Based on this development information, estimated service impact is: 1.62 alarms-annually.
 The estimated average travel time is: 6:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 23 - Suniland - 7825 SW 104 Street
 Rescue, BLS 75 feet 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 Letter of Intent.

DATE: 07-OCT-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

MEDALLION 1415, LLC

7725 SW 95 TERR, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000054

HEARING NUMBER

HISTORY:

THERE ARE NO CURRENT NEIGHBORHOOD REGULATIONS OR BUILDING SUPPORT
REGULATIONS CASES.

MEDALLION 1415, LLC

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

REPORTER NAME:

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: *Rafael*
(Applicant) Rafael

Sworn to and subscribed before me this 20 day of May, 2014. Affiant is personally know to me or has produced _____ as identification.

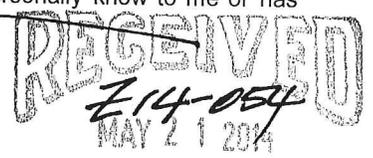
Marilyn Somodevilla
(Notary Public)



MARILYN SOMODEVILLA
MY COMMISSION # EE 116532
EXPIRES: September 13, 2015
Bonded Thru Budget Notary Services

My commission expires: _____

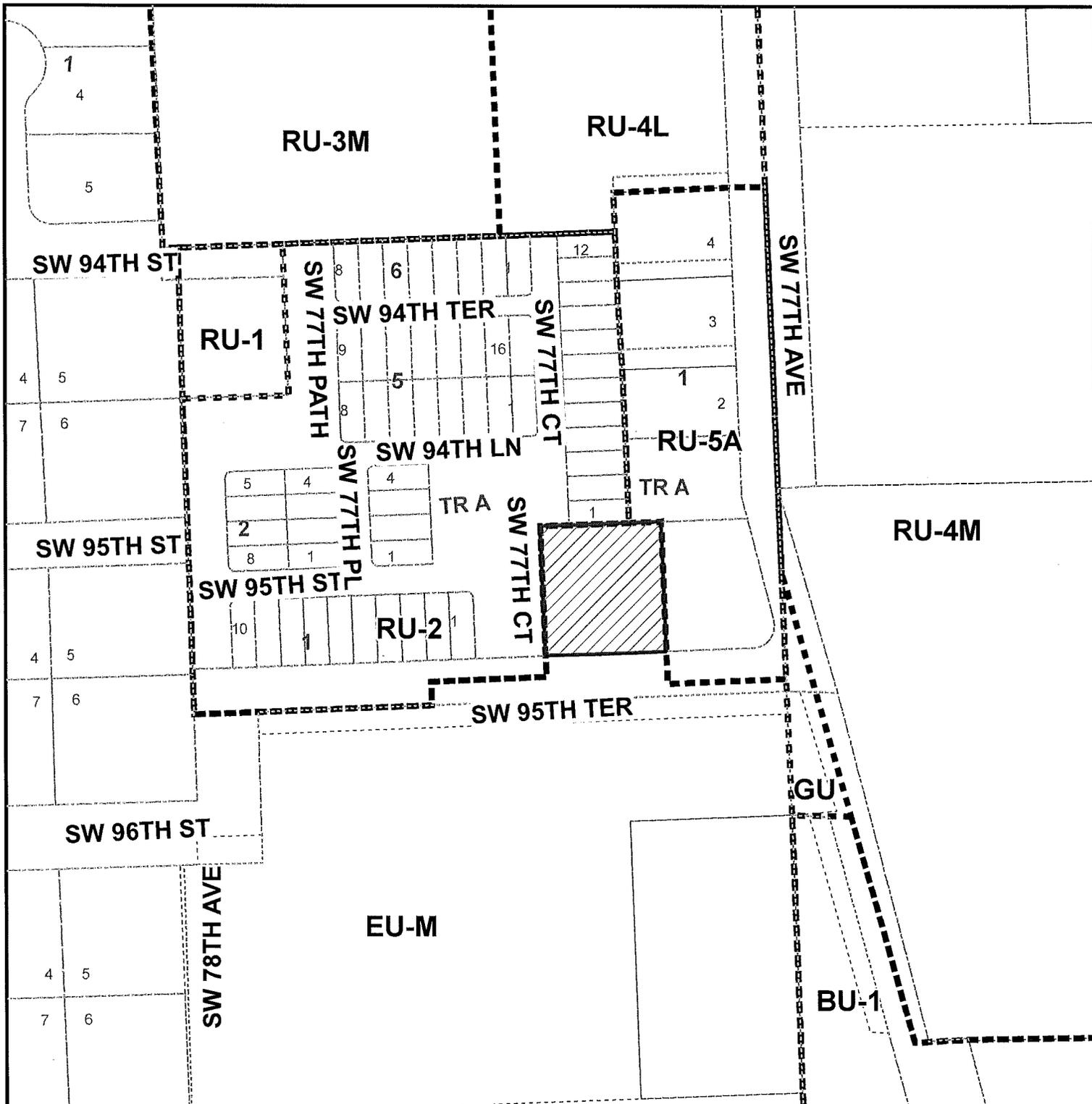
Seal



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2014000054



Section: 03 Township: 55 Range: 40
 Applicant: MEDALLION 1415, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000054



Section: 03 Township: 55 Range: 40
 Applicant: MEDALLION 1415, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

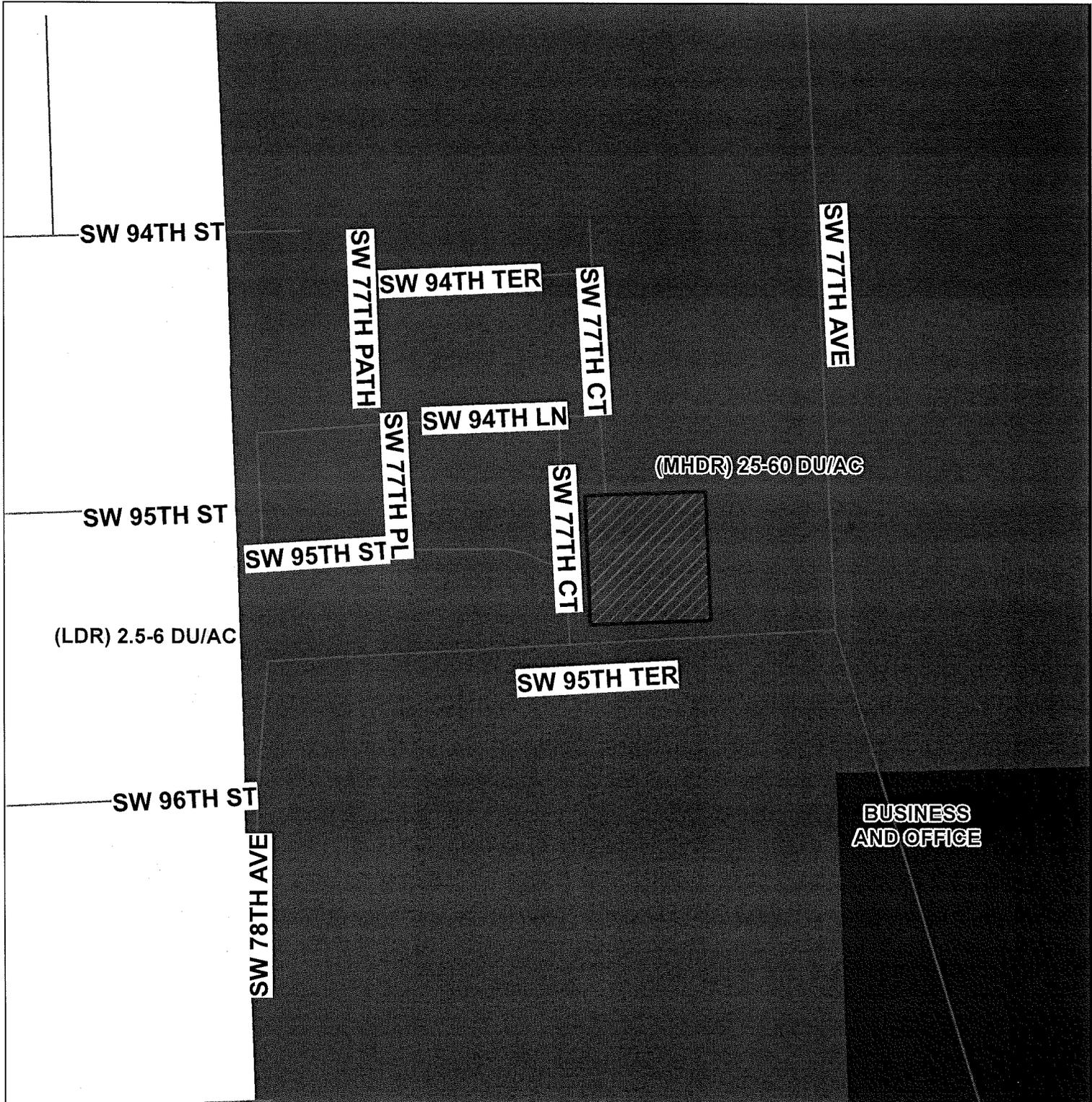
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000054



Section: 03 Township: 55 Range: 40
 Applicant: MEDALLION 1415, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY

Medallion 1415, LLC
CZAB12 4/18/14
214-054

PLANNING AND ZONING
AGENDA OFFICE

This instrument was prepared by:
Name: Gilberto Pastoriza

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.C. A 11:46
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, FL 33134

DRAFT

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, Medallion 1415, LLC, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. 14-054 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) Notwithstanding the RU-4L zoning classification, the Owner voluntarily agrees to the following:

Limit the density on the Property to no more than six (6) residential units.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Declaration of Restrictions

Page 2

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Declaration of Restrictions

Page 3

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Declaration of Restrictions
Page 4

Signed, witnessed, executed and acknowledge this _____ day of _____, 2014.

Witnesses

MEDALLION 1415, LLC
A Florida limited liability company

Print Name: _____

By: _____

Print Name: Rafael Alonso

Its: Manager

Print Name: _____

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Rafael Alonso as Manager of MEDALLION 1415, LLC, a Florida limited liability company. He is personally known _____ or has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Print Name: _____

Commission No.: _____

Commission Expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION

The North 1/2 of the West 1/2 of the East 2/5 of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 55 South Range 40 East, less the South 25 feet for the right-of-way lying and being in Miami-Dade County, Florida.