

# FINAL AGENDA

11-19-2015 Version # 2



COMMUNITY ZONING APPEALS BOARD 12  
KENDALL VILLAGE CENTER - CIVIC PAVILLION  
8625 SW 124 Avenue, Miami  
Tuesday, December 2, 2014 at 6:30 p.m.

## PREVIOUSLY DEFERRED

A. 14-11-CZ12-4 PUBLIX SUPER MARKETS INC 14-53 28-54-40

## CURRENT

1. 14-12-CZ12-1 MARIO & ANGELINA BUSTAMANTE 14-37 31-54-41 N

2. 14-12-CZ12-2 MARK H. KRAVETZ 14-89 31-54-41 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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### COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, DECEMBER 2, 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

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**I. Approval of Sunset Review**

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**A. 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: 2

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED \_\_\_\_\_

**Deferred from November 18, 2014**

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**1. MARIO AND ANGELINA BUSTAMANTE (14-12-CZ12-1/14-037)**

**21-54-41  
Area 12/District 07**

- (1) DISTRICT BOUNDARY CHANGE from EU-1 to EU-S.
- (2) NON-USE VARIANCE to permit 2 proposed lots each with a minimum lot frontage of 115' (125' required).

OR IN THE ALTERNATIVE TO REQUESTS #1 & # 2

- (3) NON-USE VARIANCE to permit 1 proposed lot with a lot area of 0.73 acre gross and a 2<sup>nd</sup> proposed lot with a lot area of 0.60 acre gross (1 acre gross required for each) and to permit both proposed lots with a minimum lot frontage of 115' (125' required for each).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled " Site Plan 7615 Ponce Del Leon Road Mario Bustamante", as prepared by Robayna and Assocs., Inc., dated stamped received 4/9/14, consisting of 1 sheet. Plan may be modified at public hearing.

LOCATION: 7615 Ponce de Leon Road, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.33 Acres Gross

Department of Regulatory and  
Economic Resources  
Recommendation:

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

Protests: 2

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**2. MARK H. KRAVETZ 14-12-CZ12-2(14-089)**

**31-54-41  
Area 12/District 10**

- (1) NON-USE VARIANCE to permit an existing carport addition to a single family residence setback a minimum of 28.42' (50' required, 30' previously approved) from the front (north) property line.
- (2) NON-USE VARIANCE to permit a lot coverage of 27% (20% permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Kravet-Agarwal Residence" as prepared by TSAO Design Group, dated stamped received 8/6/14 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 4840 SW 86 Terrace, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 182.85' X 207.50'

Department of Regulatory and  
Economic Resources  
Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED \_\_\_\_\_



**NOTICE**

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

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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court.

Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of 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](http://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 Development  
Staff Report to Community Council No. 12**

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

**December 2, 2014**

**Item No. A**

<b>Recommendation Summary</b>	
<b>Commission District</b>	07
<b>Applicant</b>	Publix Super Markets, Inc.
<b>Summary of Requests</b>	The approval of the application would allow a proposed package store spaced less than permitted from churches and schools.
<b>Location</b>	9420 SW 56 Street, Miami-Dade County, Florida.
<b>Property Size</b>	7.7-Acres
<b>Existing Zoning</b>	BU-1A, Limited Business District
<b>Existing Land Use</b>	Shopping center
<b>2020-2030 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions.</b>

The application was deferred from the November 18, 2014 hearing of Community Zoning Appeals Board (CZAB) #12 for the applicant to address the concerns of the Board.

**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.

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

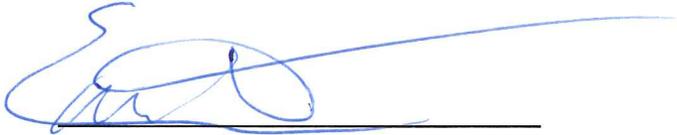
**OTHER:** N/A

**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

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

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

# ZONING RECOMMENDATION ADDENDUM

*Publix Super Markets, Inc.*  
Z14-053

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
<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**

<b><i>Business and Office (Pg. I-40)</i></b>	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property, being within the Urban Development Boundary for <b>Business and Office</b>. 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**

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

**14-11-CZ12-4 (14-053)**  
**Area 12/District 07**  
**Hearing Date: 12/02/14**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
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.

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

#4

APPLICANT'S NAME: PUBLIX SUPER MARKETS INC

REPRESENTATIVE: Bill Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-11-CZ12-4 (14-053)	November 18, 2014	CZAB12	9	14

**REC: Approval with conditions.**

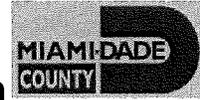
<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input type="checkbox"/> TO: <u>12/2/14</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Defer to 12/2/14 to give time to provide a: 1) site plan, 2) approval for liquor store to the North, 3) approval of liquor store that may have been grated at the Publix shopping center	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy <b>BRODEUR</b>			X
COUNCILMAN	<b>M</b>	Jorge Luis <b>GARCIGA</b>	X		
COUNCILMAN		Dr. Matthew <b>LARSH</b>	X		
VICE CHAIRMAN		Alberto <b>SANTANA</b>		X	
COUNCILMAN		Jose I. <b>VALDES</b> (C.A.)	X		
COUNCIL WOMAN		Angela M. <b>VAZQUEZ</b>		X	
CHAIRMAN	<b>S</b>	Elliot N. <b>ZACK</b>	X		
VOTE:			4	2	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: Thomas Robertson

# 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 56<sup>th</sup> 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

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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.

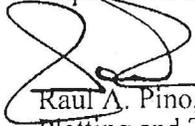
cc: Nathan Kogon, Department of Regulatory and Economic Resources

# 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

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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.

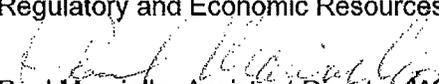
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

# 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 56<sup>th</sup> 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.

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**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

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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 ADMINISTRATIVE 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>	

16

Denis, Joseph, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Dooley, Paul, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Edwards, Raymond, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Flynn, Conor, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Freeman, Christopher, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Gerber, Scott, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Ix, Gregory S., Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Jensen, Scott, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Kurz, Frederick, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Landro, Leah, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

McCarthy, Nicole, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Melson, Michael, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Nadler, Robert, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Onufrey, Scott, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Palacio, Deborah L., Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Parry, Michael E., Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Puma, Paul, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Ramon, Julio, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Rubenstein, Bruce, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Simmons, Wilbur E., III, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Smith, Kevin, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Taddeo, Thomas, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Vasquez, Armand, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Weinkranz, Joshua, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Westbrook, Paul, Vice President  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Buckstein, Todd, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Cook, Jennifer, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Cooper, Kim, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Elliott, Mina, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Gazerro, Kathleen M., Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Goodwin, John, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Hauscarriague, Nicole, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Johnson, Joel, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Masone, Susan L., Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Salzhandler, Norma, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Snyder, Christina, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Turner, Rick, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
New Hyde Park, NY 11042

Welter, John, Assistant Secretary  
3333 New Hyde Park Rd, Suite 100  
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

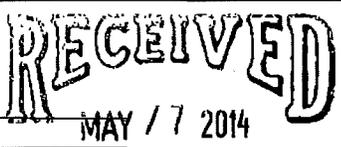
Duncan, Dave, Vice President  
3300 Publix Corporate Pkwy  
Lakeland, FL 33811-3311

\*\*\* 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
_____	_____
_____	_____
_____	_____



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.

**MILLERDODÉ**  
KIMCO OF MILLERDODÉ, INC.,  
a Florida corporation

Attest: *Jenny Best*

BY: *[Signature]*

(Corp. Seal)

Print Name: Paul Puma

Sworn to and subscribed to before me on this 5<sup>th</sup> day of May



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

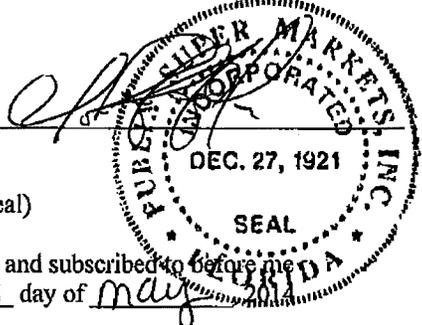
\*Disclosure shall not be required for any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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, 2011



**PUBLIX SUPER MARKETS, INC.,**  
a Florida corporation

BY:

*[Signature]*

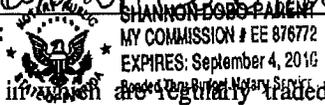
Print Name:

**Robert Stephen Balcerak, Jr.**  
Director of Real Estate Strategy

Notary Public:

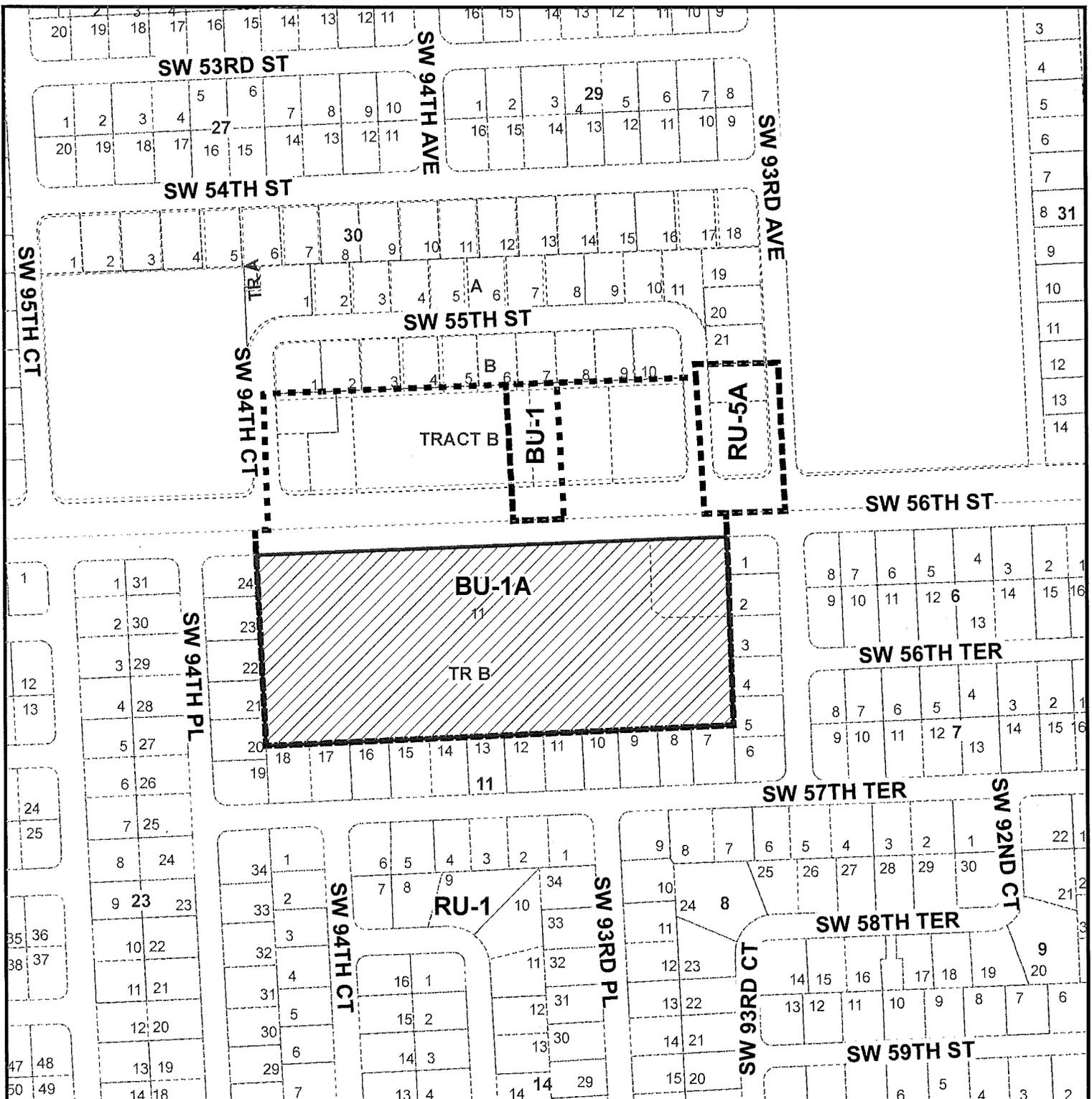
*[Signature]*

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
		25





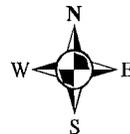




**MIAMI-DADE COUNTY**  
**CDMP MAP**

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 Development  
Staff Report to Community Council No. 12**

**PH: Z14-037 (14-12-CZ12-1)**

**December 2, 2014**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	7
<b>Applicants</b>	Mario and Angelina Bustamante
<b>Summary of Requests</b>	The applicants are seeking to change the zoning on the property from EU-1, Single-Family One Acre Estate Residential District, to EU-S, Single-Family Suburban Estate District, or in the alternative, to permit lots with reduced areas to allow the subdivision of the subject EU-1 zoned parcel into two lots with less lot area than required by zoning regulations. Additionally, with either of the aforementioned requests, the applicants seek to permit the aforementioned two lots with reduced lot frontages.
<b>Location</b>	7615 Ponce de Leon Road, Miami-Dade County, Florida
<b>Property Size</b>	1.33 acres
<b>Existing Zoning</b>	EU-1; Single-Family One Acre Estate Residential District
<b>Existing Land Use</b>	Single-family residence
<b>2020-2030 CDMP Land Use Designation</b>	Estate Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change Section 33-311(A)(4)(b) Non-Use Variance <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions of request #3, and denial without prejudice of requests #1 and #2.</b>

**REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from EU-1 to EU-S.
- (2) NON-USE VARIANCE to permit 2 proposed lots each with a minimum lot frontage of 115' (125' required).  

OR IN THE ALTERNATIVE TO REQUESTS #1 & # 2
- (3) NON-USE VARIANCE to permit 1 proposed lot with a lot area of 0.73 acre gross and a 2<sup>nd</sup> proposed lot with a lot area of 0.60 acre gross (1 acre gross required for each) and to permit both proposed lots with a minimum lot frontage of 115' (125' required for each).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled "Site Plan 7615 Ponce Del Leon Road Mario Bustamante", as prepared by Robayna and Assocs., Inc., dated stamped received 4/9/14, consisting of 1 sheet. Plan may be modified at public hearing.

**PROJECT DESCRIPTION:**

The applicants are seeking to subdivide the subject property into two (2) lots. A submitted site plan illustrates same with each lot measuring approximately 23,000 sq. ft. in size.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>North</b>	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)
<b>South</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>East</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>West</b>	EU-M; single-family residences	Estate Density Residential (1 to 2.5 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a 1.33 acre site, located at 7615 Ponce de Leon Road, Miami-Dade County, Florida. The subject property is surrounded by single-family residences zoned EU-1, to the north, east and south, and single-family residences zoned EU-M, Single-Family Modified Estate District, to west.

**SUMMARY OF IMPACT:**

The approval of this application could allow the applicants to build up to two new residences on the lot. This could result in additional impacts on schools and other public services in the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as *Estate Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan’s (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. The CDMP Estate density could allow the applicants to develop the 1.33 acre parcel with 3 residential units. However, staff notes that the applicants have indicated in their letter of intent that the subject property will be developed with two (2) residential units only, which is within the maximum density allowed under the density threshold of the CDMP Estate Density Residential designation on the LUP map. As such staff opines that, the rezoning of the subject property to EU-S with reduced frontage, or in the alternative to allow two (2) lots with reduced lot areas and frontage would be **consistent** with the Estate Density Residential designation on the CDMP LUP map.

**ZONING ANALYSIS:**

The applicants are seeking a district boundary change from EU-1 to EU-S (request #1) in order to sub divide the 1.33 acre parcel into two lots would reduce lot frontages (request #2). In the alternative to the aforementioned requests, the applicants seek to subdivide the parcel into substandard EU-1 lots would reduce lot frontages (request #3).

Staff is supportive of the alternative request to permit 1 proposed lot with a lot area of 0.73 acre gross and a 2<sup>nd</sup> proposed lot with a lot area of 0.60 acre gross (1 acre gross required for each) and to permit both proposed lots with a minimum lot frontage of 115’ (125’ required for each) (request #3). In staff’s opinion, approval of this request will not be incompatible with the area concerned since there are a number of lots in the vicinity that are similar or less in size than

those requested by the subject application. As previously mentioned, to the west of the subject property is a pocket of EU-M, with lots ranging in size from approximately 19,072 sq. ft. to 22,230 sq. ft. Immediately to the east are two lots that were approved, pursuant to Resolution #Z-22-05, with lot areas of 0.645 and 0.793 gross acres where 1 acre gross was required for each. Additionally, a number of the platted EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by zoning regulations. The EU-1 parcel on the northeast corner of Ponce De Leon Boulevard and SW 76 Street is 23,958 sq. ft., the EU-1 zoned parcel located at the southeast corner of SW 76 Street and SW 48 Court is 33,106 sq. ft., another EU-1 parcel located two lots removed to the south is 23,087 sq. ft. In staff's opinion, the approval of the subdivision of the subject 1.33-acre parcel into two approximately 23,000 sq. ft. lots will be **compatible** with the surrounding community and will maintain the stability and residential appearance of same. **Accordingly, staff recommends approval with conditions of request #3 of this application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.**

However, staff does not support request #1, a district boundary change from EU-1 to EU-S, and request #2, to permit 2 proposed lots each with a minimum lot frontage of 115' (125' required), for the following reasons. The EU-1 district allows a minimum lot depth of 200' whereas, the EU-S district allows a minimum lot depth of 135'. Additionally the minimum front setback in the EU-1 district is 50' and in the EU-S district the minimum front setback is 35'. Staff notes that the properties within the block in the block in which the subject property is located as well as the abutting blocks to north and east, the properties are developed under the EU-1 zoning district regulations. Therefore, staff opines that introducing the EU-S zoning district within this block, amidst the properties primarily developed under the EU-1 zoning regulations would be **incompatible** with the established developmental trend in this area of Miami-Dade County. Further, approving the EU-S zone change could potentially foster the introduction of more intensive residential zoning districts in this area. Staff also notes that to the west is a pocket of EU-M developed parcels, which are not abutting the subject property, and are separated from the subject property by Ponce de Leon Road. In addition, as previously mentioned, a number of the platted EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by the zoning regulations. In 2005, this Board denied a similar application on a parcel of land located immediately to the south of the subject site, pursuant to Resolution #CZAB12-31-07. This Board's decision was sustained by the Board of County Commissioners (BCC), which denied an appeal, pursuant to Resolution #Z-12-08. Therefore, staff is of the opinion that the approval of request #1 would be spot zoning and could initiate a proliferation of similar requests in this area. Additionally, staff opines that request #2 is germane to request #1, which staff does not support. **As such, staff recommends denial without prejudice of request #1 under Section 33-311, District Boundary Change, and denial without prejudice of request #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

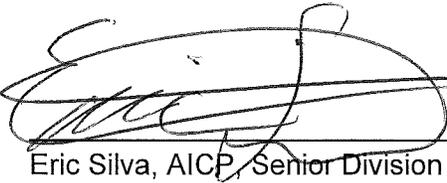
**RECOMMENDATION:**

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

**CONDITIONS FOR APPROVAL:** For request #3 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan 7615 Ponce Del Leon Road Mario Bustamante", as prepared by Robayna and Assocs., Inc., dated stamped received 4/9/14, consisting of 1 sheet
3. That the use be established and maintained in accordance with the approved plan.
4. That the property be subdivided into two (2) lots only.

ES:NN:CH:JV



NON

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

# ZONING RECOMMENDATION ADDENDUM

Mario and Angelina Bustamante  
Z14-037

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

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

<p><i>Estate Density</i> (Pg. I-31)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311 District Boundary Change</b></p>	<p>(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></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(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></li> <li>(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></li> <li>(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></li> <li>(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></li> </ol>
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# ZONING RECOMMENDATION ADDENDUM

Mario and Angelina Bustamante  
Z14-037

	<p>(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></p>
<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></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. MARIO & ANGELINA BUSTAMANTE**  
**(Applicant)**

**14-12-CZ12-1 (14-037)**  
**Area 12/District 07**  
**Hearing Date: 12/02/14**

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?

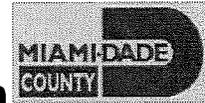
Disclosure of interest form attached? **Yes**  **No**

**Previous Zoning Hearings on the Property:**

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

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

# Memorandum



**Date:** May 6, 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 #Z2014000037  
Mario and Angelina M. Bustamante  
7615 Ponce de Leon Road, Miami, FL 33143  
Zone change from EU-1 to EU-S; Non-Use Variance to permit a lot  
frontage of 115' (125' frontage required)  
(EU-1) (1.32 Acres)  
31-54-41

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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

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

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

#### Wastewater Disposal

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

#### Stormwater Management

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

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:** Z2014000037  
Name: Mario & Angelina Bustamante  
Location: 7615 Ponce De Leon Rd  
Section 31 Township 54 South Range 41 East

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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.

A road closing petition is required to successfully close the portion of the right-of-way for Ponce De Leon Rd. The applicant must contact the Right-of-Way Division at 305-375-4654 for details.

This project meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

# Memorandum



**Date:** April 24, 2014

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

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

A handwritten signature in black ink, appearing to read "Paul Mauriello". The signature is written in a cursive style and is positioned to the right of the "From:" field.

**Subject:** Mario and Angelina M. Bustamante (#14\_037)

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

The property is located within the Department's waste collection service area. According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the single family residence on the property meets the definition of a residential unit. The current waste collection fee of \$439 will cover all associated costs for the residence. The residential unit on the property will continue to receive PWWM waste collection and recycling services. A lot split will likely result in a residential unit on each property. Once the property is divided, the fee for the residential unit on each lot will be \$439.

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 1, 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:** Z2014000037: MARIO & ANGELINA BUSTAMANTE

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**Application Name:** MARIO & ANGELINA BUSTAMANTE

**Project Location:** The site is located at 7615 PONCE DE LEON RD, Miami-Dade County.

**Proposed Development:** The request is for a district boundary change from EU-1 TO EU-S and non-use variance(s) for a lot split.

**Impact and demand:** This application proposes a development of 2 single family 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:** 23-APR-14  
**To:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2014000037

**Fire Prevention Unit:**

No objection to the site plan with an April 9, Zoning Department received date.

**Service Impact/Demand**

Development for the above Z2014000037  
located at 7615 PONCE DE LEON RD, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1761 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 6:10 minutes

**Existing services**

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

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Not applicable to service impact analysis.

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

DATE: 22-APR-14

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

MARIO & ANGELINA BUSTAMANTE

7615 PONCE DE LEON RD, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

---

ADDRESS

Z2014000037

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HEARING NUMBER

**HISTORY:**

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

Mario & Angelina Bustamante

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

**REPORTER NAME:**

RECEIVED

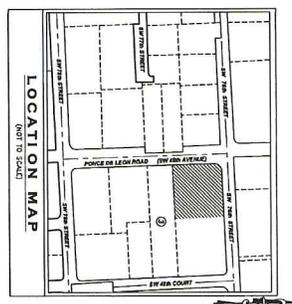
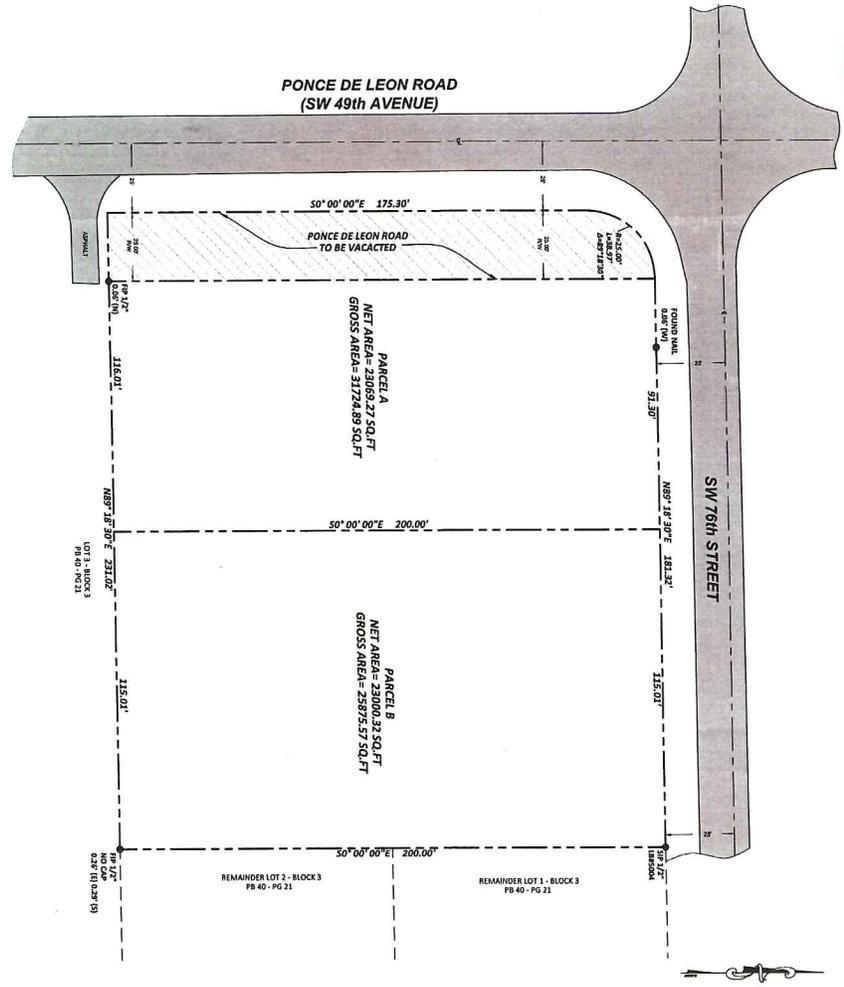
24-037

APR 09 2014

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

By *[Signature]*

# SITE PLAN



**LEGAL DESCRIPTION:**  
THE WEST HALF OF LOTS 1 AND 2 IN BLOCK 3, GERMAN PARK AMENITIES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, AT PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

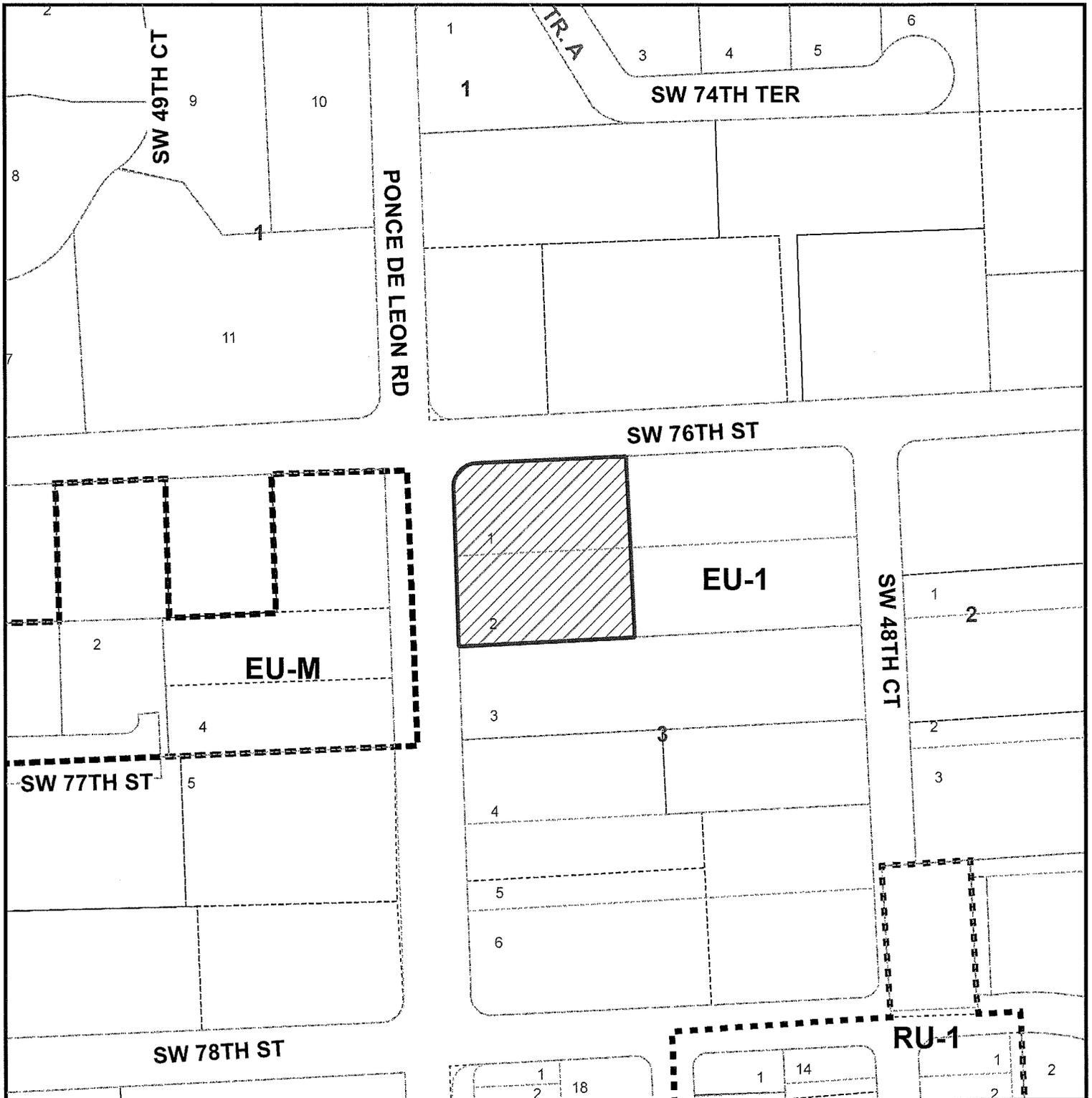
Plan No. 20-41-11-009-0100  
Property Address: 7615 PONCE DE LEON ROAD, MIAMI, FL 33143.  
**NATIONAL FLOOD INSURANCE PROGRAM:**  
Community Panel No. 10080-C-049 L  
Flood Zone: "X"  
Base Flood Elevation: N/A  
Map Reference: Supplement 11-2011 L.

RECEIVED

24-037

APR 09 2014

<p><b>DRAWING NAME:</b> SITE PLAN</p> <p><b>PROJECT:</b> 7615 PONCE DE LEON ROAD</p> <p><b>PREPARED FOR:</b> MARIO BUSTAMANTE</p>	<p><b>FIELD BOOK:</b> DRAWN: AA CHECKED: RLR SCALE: 1" = 20'</p>	<p><b>CERTIFICATION:</b></p> <p>BY: <i>[Signature]</i> FOR THE FIRM</p> <p>RAFAEL L. ROBAYNA P.E. 18453 STATE OF FLORIDA</p> <p>APR 08 2014</p> <p>NOT VALID WITHOUT ENGINEER SEAL</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>APPROVALS</th> <th>DATE</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	APPROVALS	DATE	REVISIONS	DATE												
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**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**Z2014000037**



Section: 31 Township: 54 Range: 41  
 Applicant: MARIO & ANGELINA BUSTAMANTE  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, April 21, 2014

REVISION	DATE	BY
		16



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2013**

Process Number

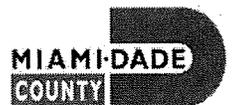
**Z2014000037**



Section: 31 Township: 54 Range: 41  
 Applicant: **MARIO & ANGELINA BUSTAMANTE**  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: **JEFFER GURDIAN**  
 Scale: NTS

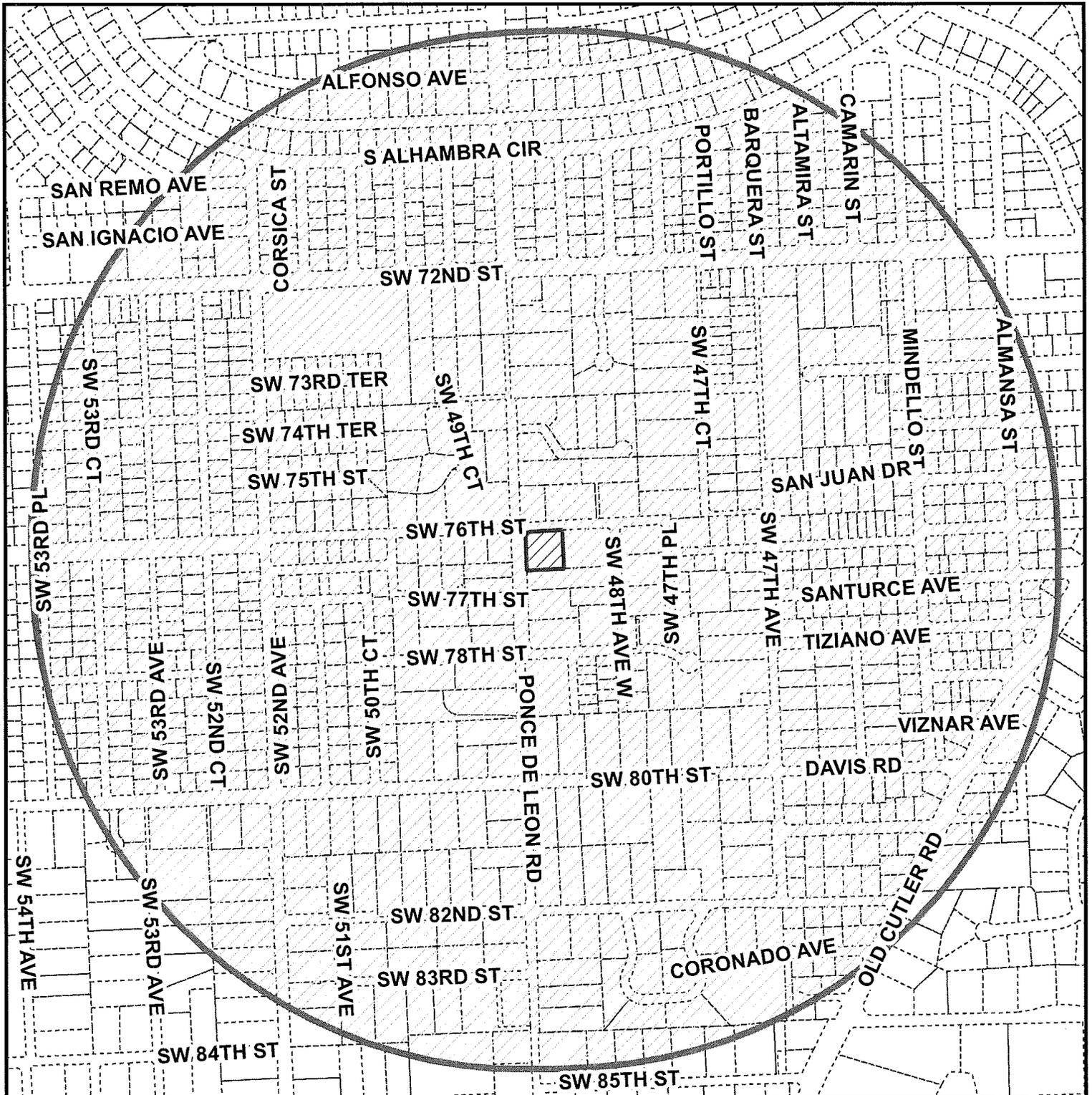
**Legend**

 Subject Property



SKETCH CREATED ON: Monday, April 21, 2014

REVISION	DATE	BY
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**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2014000037**

RADIUS: 2640



Section: 31 Township: 54 Range: 41  
 Applicant: MARIO & ANGELINA BUSTAMANTE  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Monday, April 21, 2014

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number

**Z2014000037**



Section: 31 Township: 54 Range: 41  
 Applicant: MARIO & ANGELINA BUSTAMANTE  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, April 21, 2014

REVISION	DATE	BY

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

**PH: Z14-089 (14-11-CZ12-2)**

**December 2, 2014**  
Item No. 2

<b>Recommendation Summary</b>	
<b>Commission District</b>	7
<b>Applicant</b>	Mark H. Kravetz
<b>Summary of Requests</b>	The applicants are seeking to permit an existing residence setback less than required from the front property line and permit additions to the residence that will result in more lot coverage than permitted.
<b>Location</b>	4840 SW 86 Terrace, Miami-Dade County, Florida.
<b>Property Size</b>	182.85' x 207.50'
<b>Existing Zoning</b>	EU-1, Single-Family one acre Estate District
<b>Existing Land Use</b>	Single-family residence
<b>2020-2030 CDMP Land Use Designation</b>	Estate Density Residential, 1 to 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions of request #1, denial without prejudice of request #2</b>

**REQUESTS:**

- 1) NON-USE VARIANCE to permit an existing carport addition to a single-family residence setback a minimum of 28.42' (50' required, 30' previously approved) from the front (north) property line.
- 2) NON-USE VARIANCE to permit a lot coverage of 27% (20% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Kravet-Argarwal Residence," as prepared by TSAO Design Group, dated stamped received, 8/6/14, and consisting of 3 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The plan submitted depicts the existing one-story single-family residence and the proposed addition. Staff notes that the residence was approved pursuant to Administrative Variance #V1995000079, to permit an addition to the residence setback 30' (50' required) from the front (north) property line and permit the one-story single-family residence with an 18% lot coverage, where a maximum of 15% was allowed at that time by the Code.

The applicant now seeks to permit the one-story single-family residence with proposed additions, including an approximately 1,702.79 sq. ft. master bedroom suite and approximately 978 sq. ft. rear porch. Said additions will result in a lot coverage of 27%, where the Code now allows a maximum lot coverage of 20%, along with the existing, additional encroachment into the front (north) setback area.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>North</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>South</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>East</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>West</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a 0.87-net acre, EU-1, Single-Family one acre Estate District lot, located at 4849 SW 86 Terrace. The submitted plans depict the parcel with the existing residence and the proposed additions. The area surrounding the subject property is primarily characterized by single-family residences developed under the EU-1 zoning district regulations.

**SUMMARY OF THE IMPACTS:**

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

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* Approval of these requests would permit additions to the existing single-family residence on the 0.41-gross acre parcel. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, the application is **consistent** with the density threshold of Estate Density Residential Communities map of the CDMP LUP map designation.

**ZONING ANALYSIS:**

When the request to permit an existing carport addition to a single-family residence encroaching into the front (north) setback area (request #1) is analyzed under the Non-Use Variance (NUV) From Other Than Airport Regulations Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Staff notes that the existing carport addition was approved pursuant to

Administrative Variance #V1995000079, to permit the carport setback 30' (50' required) from the front (north) property line. Staff opines that the existing 28.42' setback of the carport addition is likely due to construction error. In staff's opinion, the additional 1.58' encroachment does not create any more of a visual impact on the residences to the north and is not out of character with the surrounding area. **Therefore, staff recommends approval with conditions of request #1, under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

However, when request #2, to permit the proposed master bedroom suite and rear porch additions to the residence that result in a 27% lot coverage (20% maximum permitted for one-story residences), is similarly reviewed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that approval of same would be **incompatible** with the surrounding area. Staff notes that pursuant to the aforementioned Administrative Variance in 1995, the subject property was also approved to permit an 18% lot coverage, where a maximum 15% lot coverage was permitted by the Code. In 2004, the Code was amended to allow a maximum 20% lot coverage for one-story single-family residences in the EU-1 district. Staff's research of prior approvals in the area did not indicate any similar approvals for lot coverage for one-story residences as intensive as is being requested herein. For example, pursuant to Administrative Variance #V1996000213, a property located to the north of the subject property at 4870 SW 82 Street was approved to permit the residence with a 16.3% (15% maximum permitted) lot coverage. Additionally, pursuant to Resolution #5-ZAB-513-94, a property located northwest of the subject property at 5095 SW 82 Street was approved to permit the residence with a 19.4% lot coverage, where a maximum of 15% was permitted. This reflected, at the most, a maximum variance in lot coverage of 4.4% beyond the zoning district regulations. Although the proposed additions that result in the increased lot coverage are to the rear of the property and will not have a major visual impact on the surrounding properties, staff opines that the requested 27% (20% maximum permitted) lot coverage, a 7% increase in lot coverage above the maximum, that is the subject of this request (request #2), is excessive, is out of character with prior approvals in the area and **incompatible** with same. **Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

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

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

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

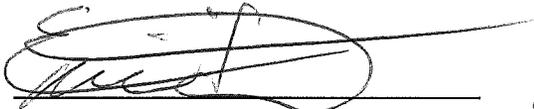
Mark H. Kravetz

Z14-089

Page | 4

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Kravetz-Argarwal Residence," as prepared by TSAO Design Group, dated stamped received, 8/6/14, and consisting of 3 sheets, except as herein amended to show the removal of the master suite and master bathroom addition to the single-family residence. Except any future additions on the property which conform to zoning code requirements will not require further public hearing action.

ES:MW:NN:EJ:CH



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

*MM*

# ZONING RECOMMENDATION ADDENDUM

Mark H. Kravetz  
Z14-089

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
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

<b>Estate Density Residential (Pg. I-29)</b>	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

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

**14-12-CZ12-2 (14-089)**  
**Area 12/District 07**  
**Hearing Date: 12/02/14**

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>
No History				

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

# Memorandum



**Date:** September 8, 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 #Z2014000089-1<sup>st</sup> Revision  
Mark Kravetz  
4840 SW 86<sup>th</sup> Terrace, Miami, FL 33143  
Non-Use Variance to permit lot coverage more than permitted and  
setback less than required  
(EU-1) (.871 Acres)  
31-54-41

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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

The closest public water main is located approximately 234 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements. The property owner has submitted a letter to DERM acknowledging that a water main extension is required and has agreed to connect the proposed development to the aforementioned water main, in compliance with the Code.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Permitting Section of DERM.

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

#### Wastewater Disposal

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

### 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 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 footprint of the proposed additions do not contain specimen sized trees (trunk diameter 18 inches or greater). Please be advised that within the yard of a single family home, a Miami Dade County Tree Removal/Relocation Permit is required only for specimen-sized trees and/or tree resources on the right-of-way. The proposed work depicted on the site plans will not impact specimen-sized trees and/or trees within the right of way. Therefore, DERM recommends approval of the site plans provided that no tree that is subject to the Tree Preservation and Protection provisions of the Code is removed and/or relocated.

### Enforcement History

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

### Concurrency Review Summary

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

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

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

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

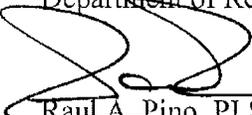
cc: Nathan Kogon, Department of Regulatory and Economic Resources

# Memorandum



**Date:** August 26, 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:** Z2014000089  
Name: Mark H. Kravetz  
Location: 4840 SW 86 Terrace  
Section 31 Township 54 South Range 41 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 8, Block 1, Plat Book 55, Page 79.

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:** August 18, 2014

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

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

**Subject:** Mark H. Kravetz (#14\_089)

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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:** August 25, 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:** Z2014000089: MARK H. KRAVETZ

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**Application Name:** MARK H. KRAVETZ

**Project Location:** The site is located at 4840 SW 86 TER, Miami-Dade County.

**Proposed Development:** The request is for lot coverage more than permitted and setbacks less than required an addition to an existing single family home.

**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:** 14-AUG-14  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2014000089

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## Fire Prevention Unit:

No objection with survey with Zoning received date of August 6, 2014.

## Service Impact/Demand

Development for the above Z2014000089  
located at 4840 SW 86 TER, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1803 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 8:07 minutes

## Existing services

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

Station 14 - South Miami - 5860 SW 70 Street  
Rescue, ALS Engine, Battalion 8

## Planned Service Expansions:

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

N/A

## Fire Planning Additional Comments

N/A

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

MARK H. KRAVETZ

4840 SW 86 TER, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

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Z2014000089

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HEARING NUMBER

**HISTORY:**

THERE ARE NO CURRENT NEIGHBORHOOD REGULATIONS OR BUILDING SUPPORT  
REGULATIONS CASES

MARK H. KRAVETZ

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

**REPORTER NAME:**



KRAVET - AGARWAL RESIDENCE  
 4840 SW 86 TER  
 MIAMI, FLORIDA, 33143

**TSAO DesignGroup**  
 7636 NE 4th Court, Suite 101  
 Miami, FL 33138  
 T 305-576-2006  
 F 305-576-2005  
 www.tsaodesign.com

Project No. 1433.02  
 Revision Date Checked by Description

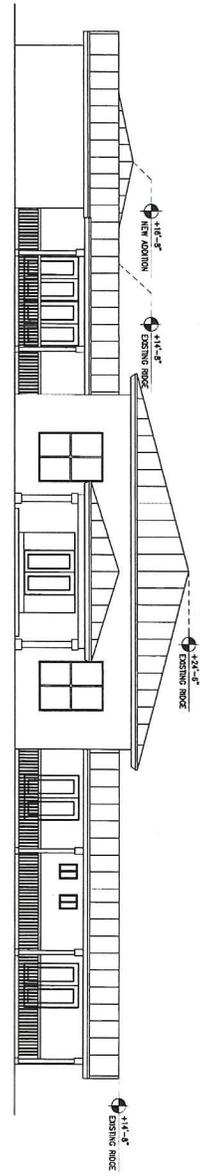
RECEIVED  
 AUG 8 5 2011  
 OFFICE OF THE CITY CLERK  
 100 N. WASHINGTON AVENUE, 10TH FLOOR  
 MIAMI, FLORIDA 33138

JASON R. HAGOPIAN LICENSE #AR0091288

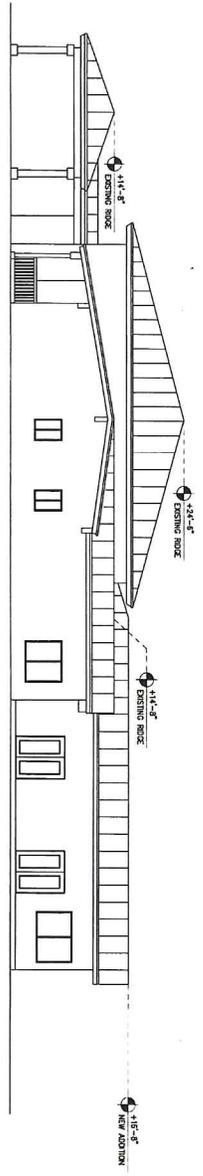
PROJECT BUILDING ELEVATIONS



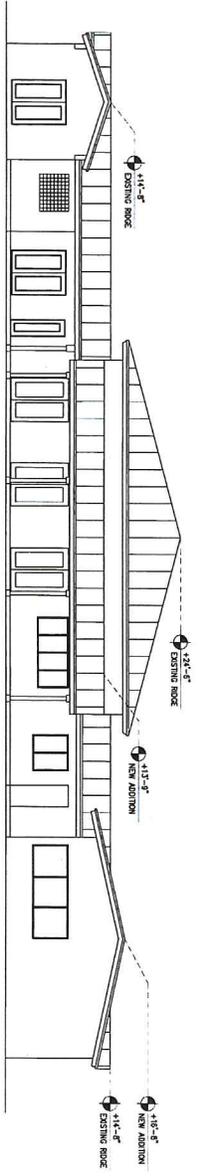
A3



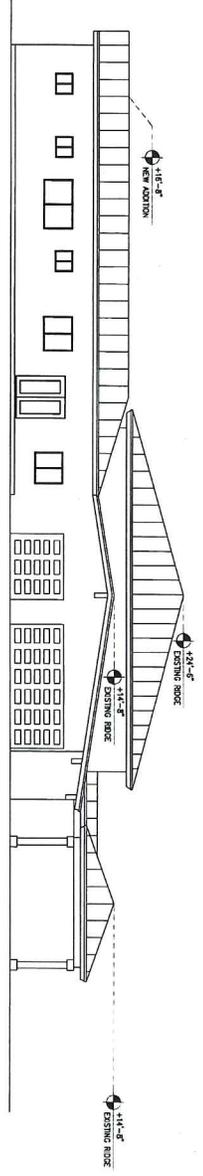
1 NORTH ELEVATION



2 EAST ELEVATION



3 SOUTH ELEVATION



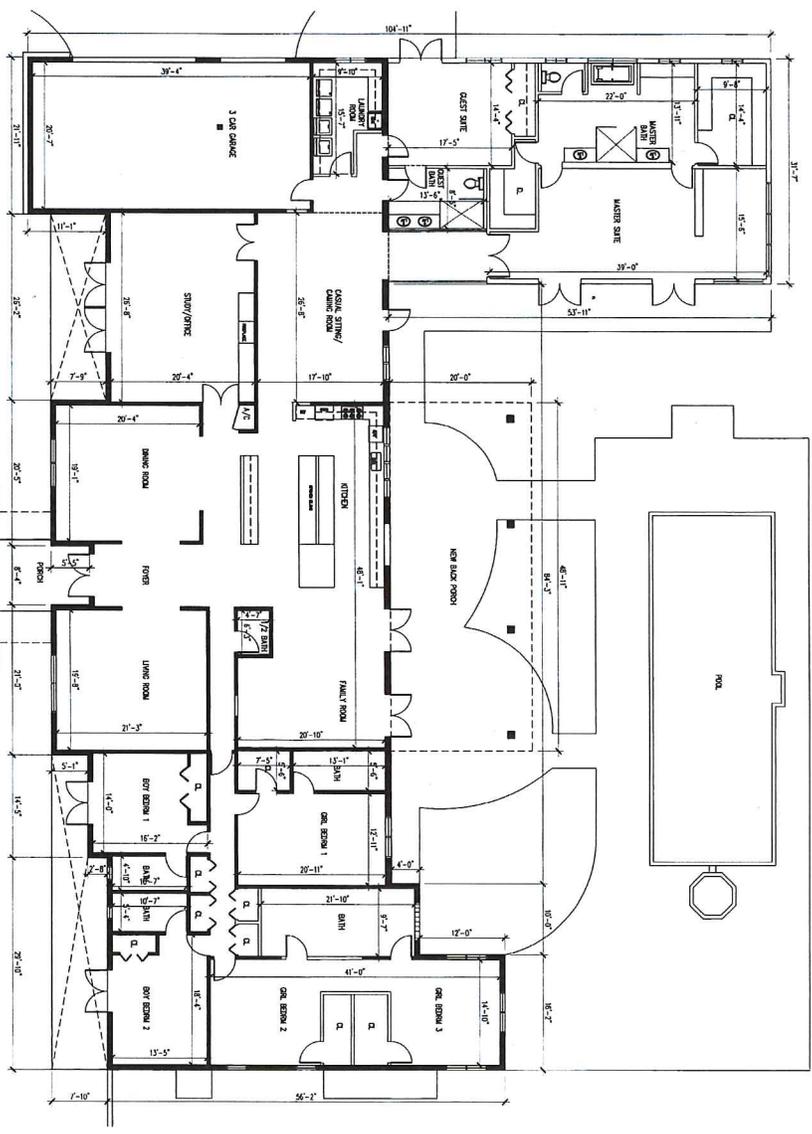
4 WEST ELEVATION

KRAVET - AGARWAL RESIDENCE  
 4840 SW 86 TER  
 MIAMI, FLORIDA, 33143

**TSAO DesignGroup**

7636 NE 4th Court, Suite 101  
 Miami, FL 33138  
 T 305-576-5006  
 F 305-576-5005  
 www.tsaodesign.com

Project No. 1488.02  
 Date: 08/11/2014  
 Scale: As Shown  
 Drawing: 1/18 - 1/09



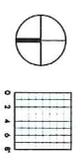
1 FLOOR PLAN

1/8"=1'-0"

214-089  
 RECEIVED  
 AUG 13 2014  
 PROJECT: 1488.02 - KRAVET - AGARWAL RESIDENCE

JASON R. HAGOPAN, LICENSE #AK0097288

**PROJECT BUILDING FLOOR PLAN**



A2



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2014000089**



Section: 31 Township: 54 Range: 41  
 Applicant: MARK H. KRAVETZ  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: GGARCIA  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, August 22, 2014

REVISION	DATE	BY
		17



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2014**

Process Number  
**Z2014000089**

**Legend**

-  MDC STL Index Poly
-  Subject Property
-  Zoning



Section: 31 Township: 54 Range: 41  
 Applicant: MARK H. KRAVETZ  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: GGARCIA  
 Scale: NTS



SKETCH CREATED ON: Friday, August 22, 2014

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 31 Township: 54 Range: 41  
 Applicant: MARK H. KRAVETZ  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: GGARCIA  
 Scale: NTS

Process Number  
**Z2014000089**  
 RADIUS: 500

**Legend**

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Street (Centerline)
-  Property Boundaries



SKETCH CREATED ON: Friday, August 22, 2014

REVISION	DATE	BY
		19





**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number

**Z2014000089**



Section: 31 Township: 54 Range: 41  
 Applicant: MARK H. KRAVETZ  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: GGARCIA  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, August 22, 2014

REVISION	DATE	BY