

FINAL AGENDA

4-15-2015 Version # 2



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, May 12, 2015 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----------------|---|-------|----------|---|
| A. 15-2-CZ12-1 | <u>KIMCO DEVELOPMENT OF MILLERODE, INC.</u> | 14-78 | 28-54-40 | N |
| B. 15-4-CZ12-1 | <u>OLGA HERRERA</u> | 14-21 | 06-55-40 | |

CURRENT

- | | | | | |
|----------------|---|-------|----------|---|
| 1. 15-5-CZ12-1 | <u>SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION, INC.</u> | 13-97 | 27-54-40 | N |
| 2. 15-5-CZ12-2 | <u>PONCECAT 57, LLC</u> | 15-26 | 25-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, MAY 12, 2015

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

2. PONCECAT 57, LLC (15-5-CZ12-2/15-026)

25-54-40
Area 12/District 07

NON-USE VARIANCE of zoning and subdivision regulations requiring the right-of-way of SW 57 Avenue to be 100' in width; to vary same to permit 35' of dedication (50' required) for the west half SW 57 Avenue.

A survey is on file and may be examined in the Department of Regulatory and Economic Resources entitled "6200 Red Road" as prepared by Sergio Redondo & Associates, dated stamped received 4/7/15.

LOCATION: 6200 Red Road & 5710 SW 62 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 0.36 acre

Department of Regulatory and
Economic Resources
Recommendation:

Modified approval.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board

located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

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

PH: Z14-078 (15-2-CZ12-1)

May 12, 2015

Item No. A

Recommendation Summary	
Commission District	7
Applicant	Kimco Development of Millerode, Inc.
Summary of Request	The approval of the application would allow additional detached signage for the existing shopping center.
Location	9310 – 9420 SW 56 Street, Miami-Dade County, Florida.
Property Size	7.78-Acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Shopping center
2020-2030 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance standards (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice.

This item was deferred from the February 3, 2015, meeting of Community Zoning Appeals Board (CZAB) #12, due to an advertising error. However, the applicant has submitted revised plans for this application; therefore, the application was deferred for two (2) months, to allow staff to review the revised plans. Subsequently, the application was deferred from the April 14, 2015 meeting of CZAB #12 due to an inadvertent error in the advertisement.

REQUEST:

NON-USE VARIANCE to permit a third detached 40 sq. ft. sign for a single tenant (2 – 200 sq. ft. multi-tenant signs permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled “Walgreens” as prepared by Encon Services, Inc., consisting of one (1) sheet and a plan entitled, “ALTA/ACSM Land Title Survey”, as prepared by Avirom & Associates, Inc., consisting of one (1) sheet, both sheets dated stamped received 1/30/15. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

Pursuant to Resolution #10656, the subject property was approved for a zone change to BU-1A, Limited Business District and to permit a shopping center in November 1956. Subsequently, in 1976, pursuant to Resolution #4-ZAB-407-76, the expansion of the previously approved shopping center was approved.

The BU-1A zoning district allows a shopping center with lineal frontage of more than 500', as is the case with the subject parcel, with two 200' sq. ft. signs that identify the shopping center. The applicant is seeking approval to permit a third detached sign identifying a single tenant, setback less than required from the front (north) property line.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property, an existing shopping center is located at 9310-9420 SW 56 Street. The surrounding area is characterized by commercial and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application would allow additional signage for the shopping center. However, the approval of signage in excess of what is allowed by the zoning district regulations could contribute to visual clutter along the abutting roadway and have a negative visual impact on the surrounding area.

CDMP ANALYSIS:

The subject property is currently zoned BU-1A, Special Business District, is located at 9310 – 9420 SW 56 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 subject property contains an existing shopping center, which, based on the zoning records, was approved at this site from 1956 pursuant to Resolution #10656, and subsequently, pursuant to Resolution #4-ZAB-407-76, was expanded. The current application for additional signage does not seek to change the existing shopping center use. Therefore, staff opines that since the approval of the application will not change the existing shopping center use, the subject property is **consistent** with the CDMP LUP map Business and Office designation and the CDMP Business and Office Land Use Element interpretive text describing the uses allowed in this land use category.

ZONING ANALYSIS:

The subject property is a 7.78 acre property is located at 9310-9420 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 institutional uses to the north.

The applicant submitted revised plans which shows the requested third sign as a monument sign that is smaller in size than the previously proposed detached sign. The revised plans show the monument sign as 40.00 sq. ft. in area, 7' high from grade and set back 12' from the front (north) property line. When the request is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations standards, staff opines that approval of the request would be out of character with the surrounding area and **incompatible** with same. Section 33-105 of the Code, Permanent Point of Sale Sign for Shopping Centers, permits the existing shopping center, which has approximately 916' of frontage along SW 56 Street, with a maximum of two (2), 200 sq. ft. detached signs. According to the Code, said signage *shall be used only to identify the shopping center and/or individual tenants*. The plans submitted by the applicant indicate that there are two (2) existing multi-tenant signs on the subject parcel each respectively with an area of 126 sq. ft. and 140 sq. ft. The applicant now seeks to permit an additional sign for a single tenant, 40.08 sq. ft. in area. The submitted plans indicate that the additional signage will be located within the northeast quadrant of the 7.78-acre parcel, approximately 126' west of the interior side (east) property line of the shopping center, where it abuts single-family residences. Staff notes that the shopping center also abuts single-family residences to the west, which will be spaced approximately 750' from the location of the proposed detached sign.

In staff's opinion, the existing signage within the shopping center is adequate and the requested additional detached signage would be excessive and out of character with the primarily residential uses that surround the property to the south, east and west. Further, staff's research did not indicate any similar approvals for variances of the sign regulations for the existing commercial uses in this area. As such, staff opines that approval of the additional signage could lead to a proliferation of detached signage in this area, which could be a visual detriment to the surrounding residential uses. Therefore, staff opines that apart from being out of character with the area, approval of the requested variance could contribute to visual clutter along the abutting roadway, SW 56 Street, and would have a negative visual impact on traffic along this roadway. **As such, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations standards.**

ACCESS, CIRCULATION AND PARKING: N/A

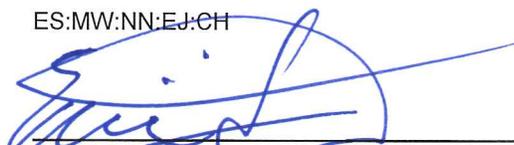
NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:EJ:CH


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

NON

ZONING RECOMMENDATION ADDENDUM

*Kimco Development of Millerode, Inc.
PH: Z14-078*

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

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

<p>Business and Office (Page I-41)</p>	<p><i>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. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

15-2-CZ12-1 (14-078)
Area 12/District 07
Hearing Date: 05/12/15

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>
1956	Emil J. Goulds	- Zone change from RU-1 to BU-1A.	BCC	Approved
1976	Emil J. Gould	- Special Exception to permit expansion of existing communication structure.	ZAB	Approved with Condition(s)
2011	Mark Trommsdorff	- Site plan approval entitled "KIMCO Realty", proposed shopping center.	ACC	Approved

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

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

#A

APPLICANT'S NAME: KIMCO DEVELOPMENT OF MILLERODE, INC.

REPRESENTATIVE: MARK BRENCHLEY

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
15-2-CZ12-1 (14-078)	April 14, 2015	CZAB12	--	15

REC: Deferral

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: 5/12/15 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: Deferred to re-advertise due to error in ad.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Peggy BRODEUR	X		
COUNCILMAN		Javier GONZALEZ-ABREU	X		
COUNCILMAN		Matthew LARSH	X		
COUNCILMAN		Alberto SANTANA	X		
VICE CHAIRWOMAN		Angela M. VAZQUEZ			X
COUNCILMAN	M	Elliot N. ZACK	X		
CHAIRMAN		Jose I. VALDES (C.A.)	X		

VOTE: **6** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: Lauren Morse

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

#1

APPLICANT'S NAME: KIMCO DEVELOPMENT OF MILLERODE, INC.

REPRESENTATIVE: MARK BRENCHLEY

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
15-2-CZ12-4 (14-078)	February 3, 2015	CZAB12	5	15

REC: Denial without prejudice.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>April 14, 2015</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:		
Deferred with leave to amend to 4/14/15 to be properly advertised at the County's expense and allow time for staff to review recently submitted plans.		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR			X
COUNCILMAN		Javier GONZALEZ-ABREU	X		
COUNCILMAN		Matthew LARSH	X		
COUNCILMAN		Alberto SANTANA	X		
VICE CHAIRWOMAN	S	Angela M. VAZQUEZ	X		
COUNCILMAN	M	Elliot N. ZACK	X		
CHAIRMAN		Jose I. VALDES (C.A.)	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: Sabrina Levin

Memorandum



Date: July 29, 2014

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

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

Subject: C-12 #Z2014000078
Kimco Devp of Millerode Inc.
9310 SW 56 Street, Miami, FL
Non-Use Variance to permit 3 detached signs
(BU-1A) (7.78 Acres)
28-54-40

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

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). 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.

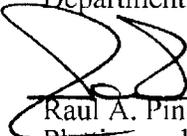
This memorandum shall constitute written approval as required by Chapter 24 of the Code.

Memorandum



Date: August 13, 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: 72014000078
Name: Kimcodeup of Millerode
Location: 9310 SW 56 Street
Section 28 Township 54 South Range 40 East

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

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

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

Memorandum



Date: August 4, 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: KIMCO Development of Millerode, Inc. (#14_078)

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

The application requests a non-use variance of sign requirements for an existing retail shopping center. Development of the property meets the County Code definition of a commercial establishment. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

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

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.

The application will have no PWWM impact or associated costs. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661.

Memorandum



Date: August 5, 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: Z2014000078: KIMCO DEVP. OF MILLERODE INC

Application Name: KIMCO DEVP. OF MILLERODE INC

Project Location: The site is located at 9310 SW 56 STREET, Miami-Dade County.

Proposed Development: The request is for a nonuse variance for signage.

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: Z2014000078

Fire Prevention Unit:

Not applicable.

Service Impact/Demand

Development for the above Z2014000078
located at 9310 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1633 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: 6:22 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, Ai Truck.

Planned Service Expansions:

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

N/A

Fire Planning Additional Comments

N/A

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

KIMCO DEVP. OF MILLERODE INC

9310 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA

Miami-Dade County, Florida

APPLICANT

ADDRESS

March 24, 2015

Z2014000078

DATE

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Neighborhood Regulations:

There are no current open or closed Neighborhood Regulations cases.

BUILDING SUPPORT REGULATIONS OPEN:

BSS Case 20140164972-B- 9420 SW 56 Street opened on February 6, 2014. Notice of Violation issued for Failure to obtain required building permits prior to commencing work on: Remodel of retail store without plans and permits. Case remains open. BSS Case 2015000884 9352 SW 56 Street opened on January 11, 2015. Notice of Violation issued for expired permit no. 2014028893. Case remains open.

BUILDING SUPPORT REGULATIONS CLOSED:

20140164642-B – 9342 SW 56 Street – Case closed on 8/5/2014

20140166240-B - 9420 SW 56 Street – Case closed on 04/09/14

A2015000668 - 9350 SW 56 Street – Case closed on 12/22/14

VIOLATOR:

KIMCO DEVP. OF MILLERODE INC

OUTSTANDING LIENS:

There is no outstanding lien

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 Dev of Millarode, Inc.

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

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Kimco Realty Corporation is a publicly traded company.

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

X Signature: Joseph Denis Joseph Denis, Vice President
(Applicant)

Sworn to and subscribed before me this 11th day of June, 2014. Affiant is personally known to me or has produced _____ as identification.

Cynthia Meadows
(Notary Public)
STATE OF NC
COUNTY-MECKLENBURG
My commission expires: 6/1/16



*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.

PROPOSED SIGN #3

SIGN PLANS/PHOTOGRAPHS/SITE PLAN

RECEIVED

JUL 24 2014

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

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 603 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGN.

WIRE SIGN IS TO BE WIRED WITH 14 GAUGE STRANDED 1000 WIRE THIN PER DIAGRAM ON BALLAST. ELECTRICAL LEADS TO BE 12 GAUGE STRANDED 600 V WIRE. 3/4" SIGN MUST BE GROUNDING WITH 14 GAUGE SOLID 600 V GREEN WIRE THIN.

DESIGN LOADS
175 MPH WIND LOAD
RISK CATEGORY II, EXPOSURE C
2010 FLORIDA BUILDING CODE
SECTION 18 WIND LOAD ASCE 7-10

NOTE: WIRE LAYOUT SHOWN FOR GRAPHICAL REPRESENTATION ONLY. SEE ARTWORK FOR PRODUCTION.

FOUNDATION NOTE:
3000 PSI CONCRETE @ 28 DAYS
2000 PSF SOIL BEARING
150 PSF/FT SOIL LATERAL BEARING UNOBTURGED SOIL

PROTECT ANCHOR BOLTS, NUTS AND WASHERS FROM CORROSION WITH BITUMINOUS COATING

THIS SIGN TO BEAR THIS MARK

ELECTRIC SIGN

NOTE: DISCONNECT SWITCH TO BE WITHIN SIGHT OF SIGN

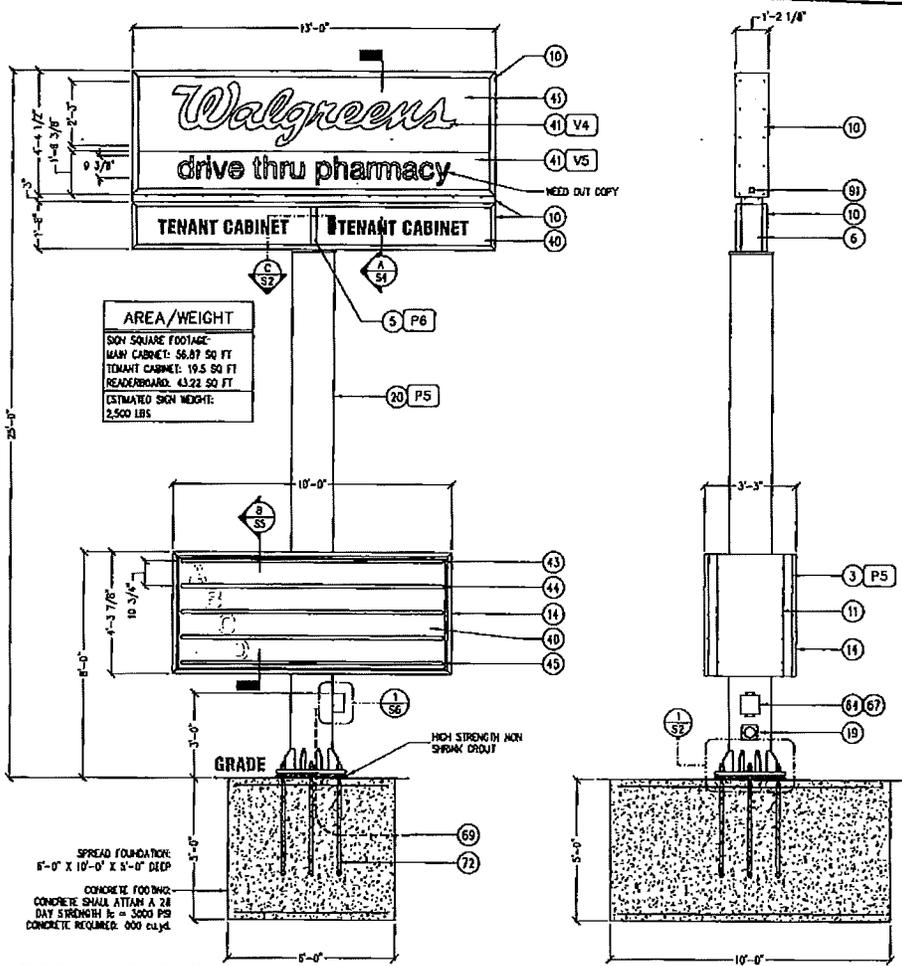
USE WHITE SILICONE TO CONCEAL LIGHT LEAKS

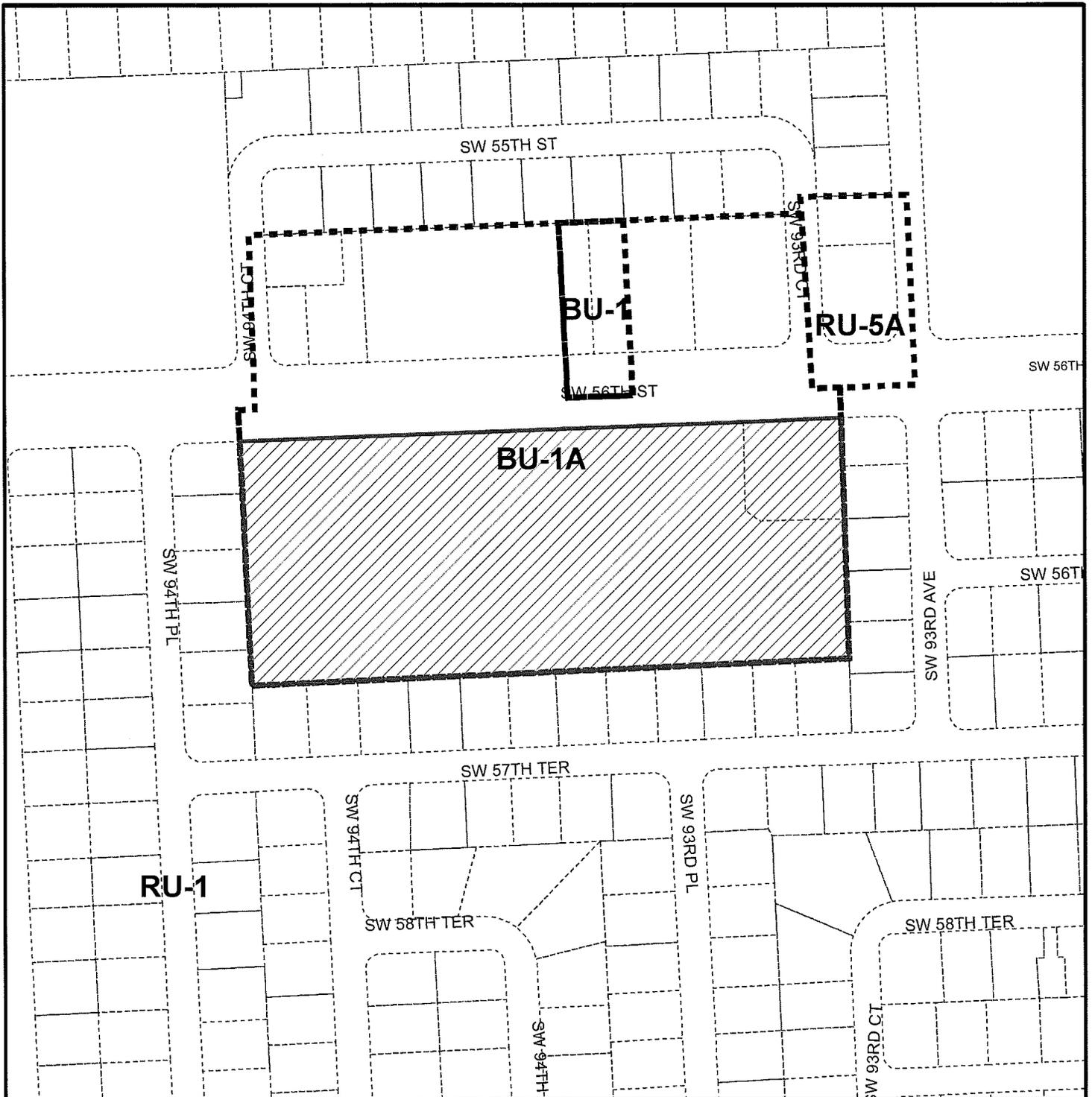
SIGN INTERIOR TO BE PAINTED FLAT WHITE FOR MAXIMUM REFLECTIVITY

TOLERANCE: ± 1/8" ON ALL DIMENSIONS

ELECTRICAL

HEADER		
LAMPS	(1) F/40/T-12 C.W.H.O.	
BALLAST	(1) 8W-40 (SIGN)	
AMPS	10.25	
V.A.	120 VOLTS	WATTS 1,224
TENANT CABINET		
LAMPS	(14) F/40/T-12 C.W.H.O.	
BALLAST	(2) 432-14 (SIGN)	
AMPS	6.68	
V.A.	120 VOLTS	WATTS 360
MANUAL READERBOARD (2)		
LAMPS	(8) F/17/T-12 C.W.H.O.	
BALLAST	(2) 131040-14 (SIGN)	
AMPS	3.7	
V.A.	120 VOLTS	WATTS 682
TOTAL		
AMPS	20.63	
V.A.	120 VOLTS	WATTS 2,464
CIRCUITS	2-20 AMP	





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000078



Section: 28 Township: 54 Range: 40
 Applicant: KIMCO DEVP. OF MILLERODE INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: F. Arencibia
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2014000078

Legend

-  MDC STL Index Poly
-  Subject Property
-  Street (Centerline)

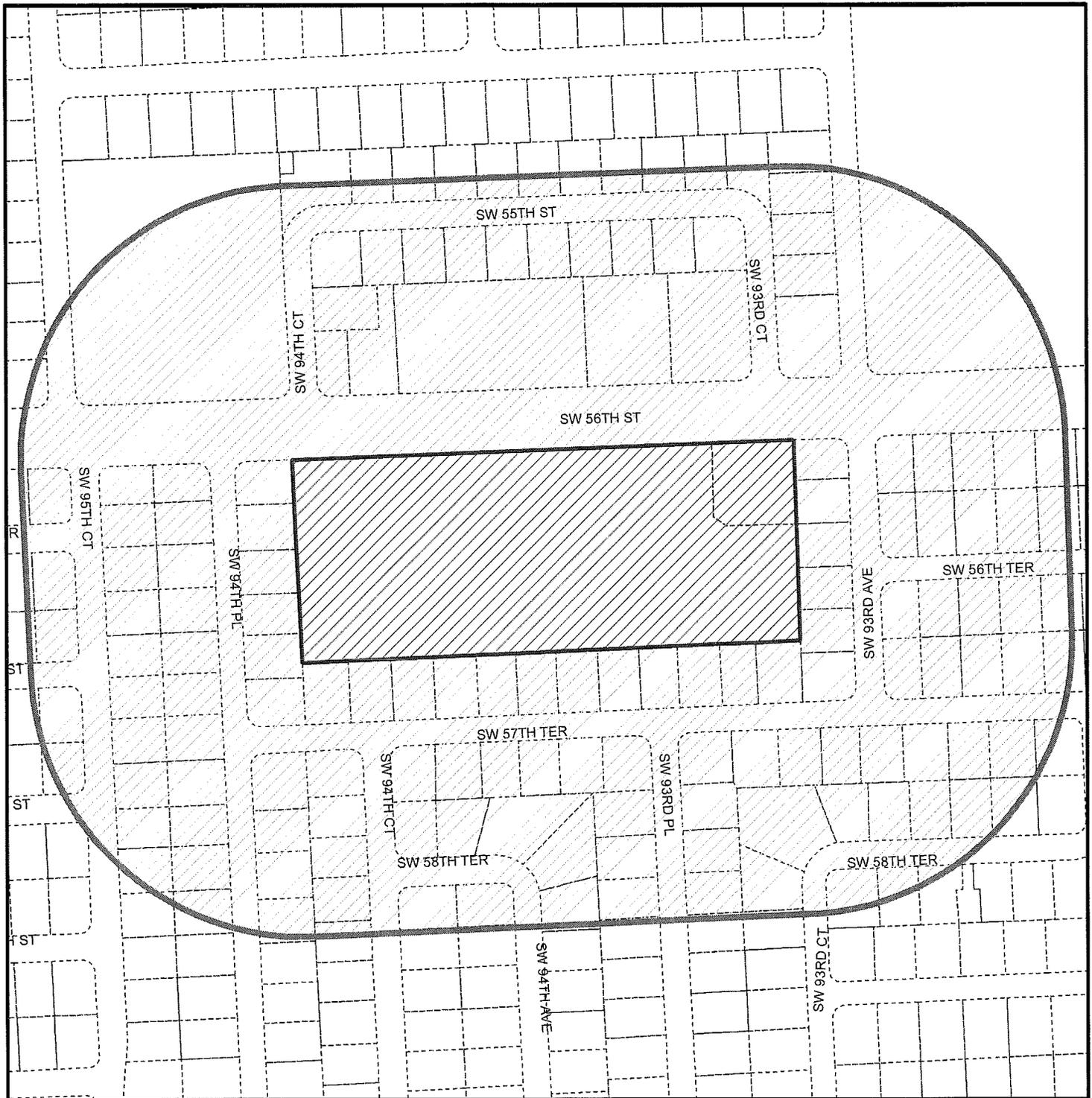


Section: 28 Township: 54 Range: 40
 Applicant: KIMCO DEVP. OF MILLERODE INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: F. Arencibia
 Scale: NTS



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2014000078
 RADIUS: 500

Section: 28 Township: 54 Range: 40
 Applicant: KIMCO DEVP. OF MILLERODE INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: F. Arencibia
 Scale: NTS

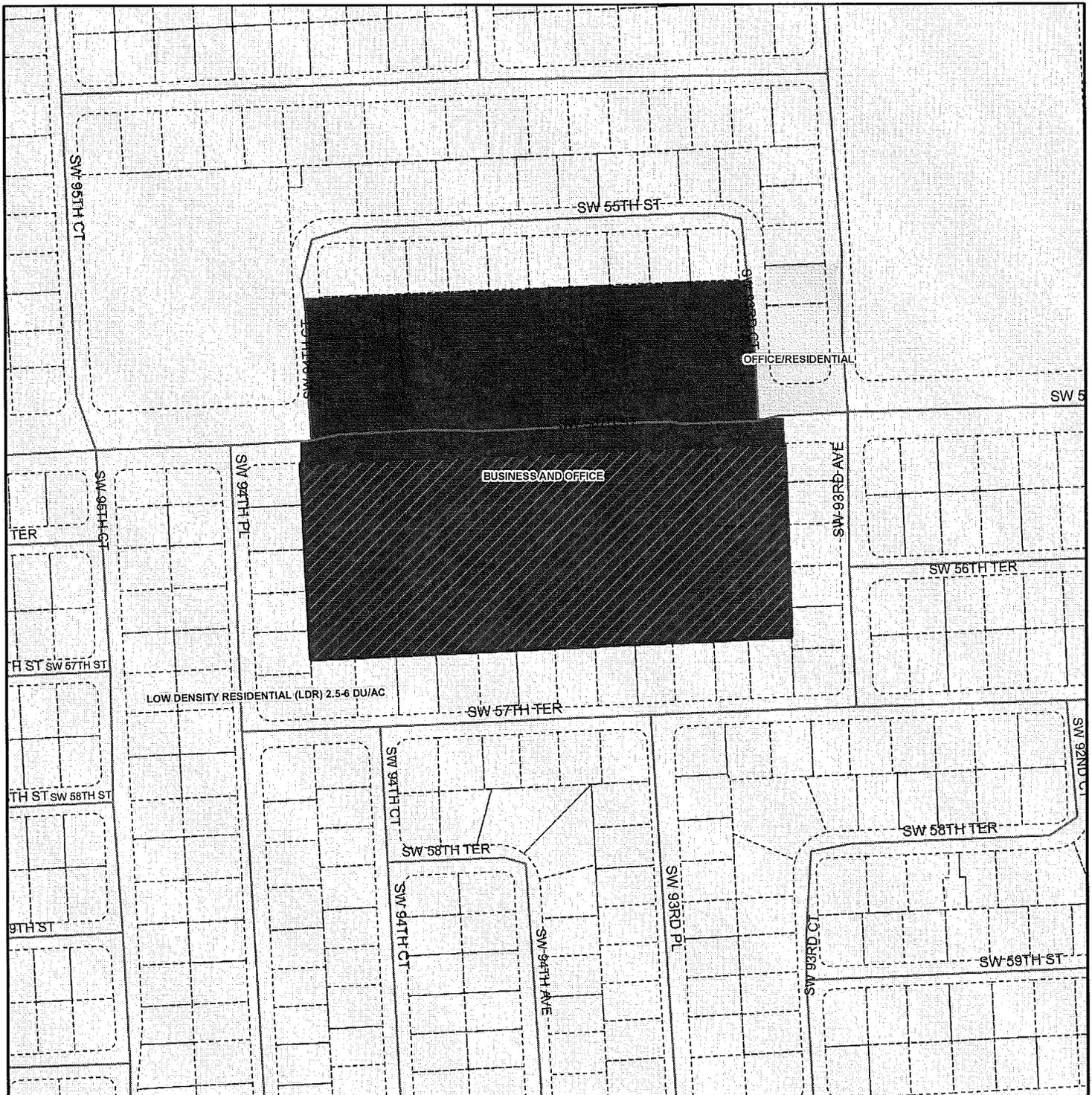
Legend

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



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000078



Section: 28 Township: 54 Range: 40
 Applicant: KIMCO DEVP. OF MILLERODE INC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: F. Arencibia
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		22

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

PH: Z14-021 (15-4-CZ12-1)

May 12, 2015

Item No. B

Recommendation Summary	
Commission District	8
Applicant	Olga Herrera
Summary of Requests	The applicant is seeking approval of a private school use on the subject property with grades kindergarten through 5 in conjunction with the previously approved daycare center / pre-k private school with after school care. Additionally, the applicant seeks to modify a previously approved resolution to establish the aforementioned private school on the subject property, along with ancillary non-use variances.
Location	10701 - 03 SW 95 Street, Miami-Dade County, Florida.
Property Size	2.48 Acres
Existing Zoning	AU (Agricultural District 5 Acres Gross)
Existing Land Use	Daycare/private school
2020-2030 CDMP Land Use Designation	Low-Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards, Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, Section 33-311(A)(4)(b) Non-Use Variance <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

This item was deferred from the April 14, 2015 Community Zoning Appeals Board (CZAB) #12 meeting due to the applicant being absent.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a private school in conjunction with a previously approved daycare center and after school care.
- (2) MODIFICATION of Condition #2 of Resolution 4-ZAB-279-84, last modified by Resolution #4-ZAB-487-86, both passed and adopted the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Our Lady of the Rosary School - Proposed School Enlargement', as prepared by Alfredo Quintero, P.E., Consulting Engineers, and dated October 2, 1986, and consisting of three pages."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Daycare Zoning Hearing" as prepared by Jose Ramos, with sheets SP-1 and L-1 dated stamped received 11/18/14 and the remaining 3 sheets dated stamped received 5/30/14, for a total of 5 sheets."

- (3) MODIFICATION of Condition #7 of Resolution #4-ZAB-279-84, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "7. That the use be restricted to children in the age group of from infants to seven years."

TO: "7. That the use be restricted to children in the age group of from infants to 5th grade."

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan showing a private school in conjunction with the previously approved daycare center with after school care and increase the age group of the children.

- (4) NON-USE VARIANCE to the existing private school buildings to setback a minimum of 48'-17" from the front (south) property line setback a minimum of 46.84' from the interior side (west) property line, setback a minimum of 160.76' from the rear (north) property line, setback a minimum of 21.36' from the side street (east) property line (250' required from all property lines).
- (5) NON-USE VARIANCE to permit (3) existing canvas roof structures setback varying from 61'-5" to 93'-5" from the rear (north) property line, setback a minimum of 82'-1" from the side street (east) property line, setback a minimum of 122'-4" from the interior side (west) property line, setback a minimum of 186'-6" from the front (south) property line (250' required from all property lines).
- (6) NON-USE VARIANCE to permit the existing playground area setback less than the required 250' from property lines.
- (7) NON-USE VARIANCE to permit parking and drives within 25' of an official right-of-way (not permitted).

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

PROJECT HISTORY & DESCRIPTION:

Staff notes that the subject property has received several approvals to expand the existing daycare center / pre-k private school with after school care since 1984 when an application to establish same was approved, pursuant to Resolution #4-ZAB-279-84.

The subject 2.48-acre, AU zoned lot is located at 10701 - 03 SW 95 Street and is currently used as a daycare/private school from infant to pre-k grade. There is a church/school to the north of the subject property, office buildings to the south, a single-family residence to the west and single-family residences to the east. The existing buildings on the subject property are all one story in height and maintain the single-family residential scale commonly found in the residential density area abutting the subject property to the west and east. Further, the school property is located at the northwest corner of the intersection of a section line road (SW 107 Avenue) and SW 95 Street. Staff notes that the applicant is not requesting an increase in the number of students, which is approved for a maximum of 150 students on the subject property. The applicant is requesting to add grade levels 1 to 5.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; educational facility	Low Density Residential (2.5 to 6 dua)
North	AU; church/school	Low Density Residential (2.5 to 6 dua)
South	RU-5A; office condominium	Office/Residential
East	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
West	AU; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD CHARACTER:

The subject 2.48-acre, AU zoned lot is located at 10701 - 03 SW 95 Street and is currently used as a daycare/private school from infant to pre-k grade. The subject property is surrounded by single-family residences, an office condominium building and another educational facility.

SUMMARY OF IMPACT:

The approval of this application will provide the members of the existing daycare center / pre-k private school with after school care and the community with a new private school for infants through grade 5. However, since the proposed use will be located in the existing buildings, no new visual impacts will be created on the surrounding neighborhood. Further, staff opines that approval of the proposal will not create a negative impact on traffic on the abutting roadways based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this property for **Low Density Residential** use. Staff notes that the existing daycare/pre-k private school was approved, and subsequently expanded throughout the years since 1984, pursuant to Resolution #4-ZAB-279-84. As such, staff opines that the existing daycare and proposed school use are consistent with the CDMP. Also permitted in Residential Communities are neighborhood and community services including **schools**, parks, **houses of worship**, **daycare centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. Staff notes that the criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are *access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable*. Staff opines that the requested expansion of grade levels is compatible with the surrounding community for the reasons explained in the Zoning Analysis section below. As such, staff is of the opinion that the approval of the proposed private school use expansion is **compatible** with the area based on the criteria described in the CDMP Land Use Element **Policy LU-4A** and **consistent** with the CDMP Land Use Element interpretative text for the **Residential Communities**, and the CDMP Land Use Plan map designation for the subject property.

ZONING ANALYSIS:

When request #1, to permit a private school in conjunction with a previously approved daycare center and after school care, is reviewed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, staff opines that the approval of this request would be **compatible** with the surrounding community. Staff opines that based on memoranda from the Division of Environmental Resource Management (DERM) of the Department of Regulatory and Economic Resources (RER), the Miami-Dade Fire Rescue Department (MDFRD) and the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, approval with conditions of the request would not generate or result in excessive traffic or burden public facilities.

Staff notes that the existing buildings are all one story in height to maintain the single-family residential scale commonly found in the residential area abutting the subject property to the west and east. Staff further notes that the property abuts another institutional use (church/school) to the north. As such, staff opines that the proposed use is compatible with the area given that: the bulk and scale of the structures are similar to the abutting residential developments; does not exceed the maximum height requirement for this residential zoning designation; provides adequate access to the property, and exceeds the minimum parking requirements. The existing private school is a lawful non-residential use. Its expansion to include grades kindergarten through 5, designed with the same architectural scale as the surrounding community and with landscaping buffers to lessen any adverse impacts on adjacent residential uses, is in keeping with other similar uses in the immediate area and **compatible** with the neighborhood. **Therefore, staff recommends approval with conditions of request #1, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.**

When requests #2 and #3, to modify conditions of a prior resolution to allow the applicant to have elementary grades students along with the previously approved nursery and preschool age students, are analyzed under Section 33-311(A)(7), General Modification Standards, staff opines that approval of the same would be **compatible** with the surrounding neighborhood. Staff notes that the existing buildings on the subject property will be used for the proposed private school use and therefore will not create any new visual impact to the surrounding area. Again, staff notes that the buildings footprints are not changing to accommodate the proposed grade levels. The existing project incorporates abundant landscaping in the form of trees and hedges to buffer adjacent land uses from any aural or visual impacts generated by the proposed grade levels increase on the surrounding area. Staff further notes that approval of this application will not increase the number of students, which is approved for a maximum of 150 students on the subject property.

Staff opines that the existing parking and traffic configuration for the drop off and pick up of the existing students provides a controlled and orderly traffic flow that benefits the esthetic character of the site and of the surrounding area. Moreover, as previously mentioned, the memoranda submitted by other departments do not object to the proposed application. Based on the aforementioned, staff opines that the proposed private school use will not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the surrounding area. **Therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(7) Generalized Modification Standards.**

Staff opines that requests #4 through #6 are germane to the applicant's request to modify the approved nursery and preschool (requests #1 through #3). Also, staff notes that except for the playground request, all of these requests represent existing conditions on the site, and are due to the additional requirements in the Code for the requested private school use and additional grade

levels. When these requests are analyzed under the Non-Use Variance (NUV) Standards, 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area. Staff opines that the existing private school buildings and canvas roof structures, which encroach into the rear, interior side, front and side street setback areas, and new playground area are adequately mitigated by an existing fence and abundant landscaping which include the required street and lot trees and hedges along all property lines. Staff further opines that approval of same would not create any new visual impacts on the surrounding properties or on passersby along the abutting area roadways. Additionally, staff opines that the overall design of the existing buildings and location provide for a cohesive campus for the proposed private school use because the façade and scale were previously designed to match that of the existing surrounding residential community.

When request #7 is analyzed under the Non-Use Variance (NUV) Standards, 33-311(A)(4)(b), staff is of the opinion that the approval with conditions of this request would also be **compatible** with the surrounding area. In addition, staff opines that the applicant's request to permit parking within 25' of an official right-of-way will still provide a minimum of 15'-5" spacing from the right-of-way. Also, the submitted plans indicate that there will be adequate landscaping to the stacking area which will mitigate any potential negative visual impact on passersby along SW 95 Street. Staff further notes that the Platting and Traffic Review Section of the RER does not object to the approval of this request. Therefore, staff opines that approval with conditions of this request will not create a negative visual impact, will not be intrusive to the surrounding area and would be **compatible** with the same. **Therefore, staff recommends approval with conditions of requests #4 through #7 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has one (1) ingress and one (1) egress drive along SW 95th Street. The plans also show a total of 24 parking spaces, which meets the parking requirement.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

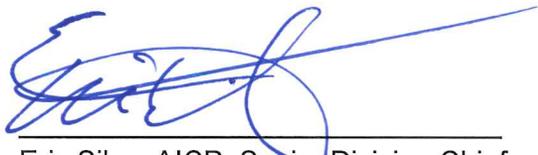
RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #4-ZAB-279-84 remain in full force and effect, except as herein modified.
2. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
4. That at the time of Certificate of Use renewal and each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

5. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
6. That the waste pick-up for the school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
7. That night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
8. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
9. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in its attached memorandum dated June 13, 2014.

ES:MW:NN:CH:JV



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

ZONING RECOMMENDATION ADDENDUM

Olga Herrera
Z14-021

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

Low Density Residential (Pg. I-29)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.</i>
Land Use Element LU-4A (Pg. I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(3) Special exceptions, unusual and new uses	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof,</i>
--	---

ZONING RECOMMENDATION ADDENDUM

Olga Herrera
Z14-021

	<i>and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i>
Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>

B. OLGA HERRERA
(Applicant)

15-4-CZ12-1 (14-021)
Area 12/District 08
Hearing Date: 05/12/15

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? **Olga Herrera**

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>
1984	Carl F. Fisher	- Unusual Use to permit a day care center with after school care. - Non-Use Variance of Setback.	ZAB	Approved with Condition(s)
1986	Martha R. Sirven	- Unusual Use & Special Exception to permit the expansion of an existing day care center. - Non-Use Variance to permit additional children and of Setback. - Modification of Condition of Resolution.	ZAB	Approved with Condition(s)
1992	Martha Sirven	- Modification of Condition of Resolution. - Special Exception for Private School. - Non-Use Variance for number of students.	ZAB	Denied Without Prejudice

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

#1

APPLICANT'S NAME: OLGA HERRERA

REPRESENTATIVE: DENIA MESSA

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
15-4-CZ12-1 (14-021)	April 14, 2015	CZAB12	15

REC: Approval with conditions

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 5/12/15 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred due to applicant's absence. There will be no re-advertisement.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCILMAN		Javier GONZALEZ-ABREU	X		
COUNCILMAN	M	Matthew LARSH	X		
COUNCILMAN		Alberto SANTANA	X		
VICE CHAIRWOMAN		Angela M. VAZQUEZ			X
COUNCILMAN	S	Elliot N. ZACK	X		
CHAIRMAN		Jose I. VALDES (C.A.)	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: Lauren Morse

Memorandum



Date: February 11, 2015

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 #Z2014000021-4th Revision
Our Lady of The Rosary
10701 - 10703 SW 95th Street, Miami, FL 33171
Unusual Use: Pre K to 5th grade (add). Operate as a private facility.
Non-Use Variance to modify existing hearing to operate as a private facility and add grade from Pre K to 5th Grade. Special Exception privatizes existing Day Care and to add Pre K to 5th grade.
Modification of Previous Resolution/Plan Present plans to accommodate on existing building B west side for Pre K to 5th grade and become a private facility.
(AU) (2.01 Acres)
06-55-40

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

Wellfield Protection

The subject property is located within the Average Wellfield Protection Area for the Alexander Orr Wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service

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

The existing structures are currently served by a septic tank and drainfield as means for the disposal of domestic liquid waste. A 12-inch sanitary sewer force main abuts the subject site along SW 107th Avenue. Section 24-43.1(7) of the Code requires that when an approved sanitary sewer main is available and operative and abutting a property, any existing individual sewage disposal system, device or equipment shall, within ninety (90) days, be abandoned and the sewage waste from the residence or building be discharged into the sanitary sewer.

Based on the available information and historical records for the above referenced property, the Environmental Plan Review Section issued the Minor Departmental Review 2012-039, which determined that the facility complies with the sewage loading requirements as defined in Section 24-43.1(3) of the Code and accordingly, granted administrative approval of the interim use of an on-site sewage treatment and disposal system for those operations specific to those associated with the proposed daycare/school.

Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

According to the information found on this project, the proposed change will not affect the existing stormwater management system.

Wetlands

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

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

Tree Preservation

According to the site plan submitted, the subject application 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: June 13, 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: Z2014000021
Name: Olga Herrera
Location: 10701 SW 95 Street
Section 06 Township 55 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and objects for the following reasons:

Public Works and Waste Management Department Traffic Engineering Division Comments:

Miami-Dade County Public Works and Waste Management Department (PWWM) recommends disapproval of this application due to the project comments indicated below. Any approval of this application must require the project conditions stated below.

On Site Comments:

1. A vehicle turn around area (e.g. T-turn around) must be provided for the "dead-end" parking drive aisle.
2. A minimum 15 foot effective inside turning radius must be provided, and shown on plans, along all standard automobile vehicle paths.
3. Sufficient exit maneuverability must be provided to the first vehicle located at the head of the passenger loading zone.

Traffic Study Comments:

A traffic impact study that justifies sufficient site vehicle accumulation capacity and includes a school Traffic Operations Plan must be submitted for this application. The applicant is highly encouraged to meet with PWWM to determine the appropriate traffic impact study scope.

Project Conditions:

Operational Requirements:

The school will be required to operate as per the Traffic Operation Plan approved by PWWM.

Offsite Infrastructure Requirements:

The adjacent existing school speed zone is required to be improved along the school's frontage roads (SW 95 Street and SW 107 Avenue), upon the approval of all governing agencies. The school speed zone must be composed of signs (fluorescent yellow-green material must be used where applicable), pavement markings, and flashing beacons as per the governing standard. The existing posted time intervals for the school speed zone are required to be modified for the new schedule, if applicable.

Standard Requirements:

1. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian (ADA) ramps where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
2. Safe sight distance clearance is required at all driveways; therefore, all tree placements in sight triangles shall meet or exceed FDOT Index 546. No tree foliage or branches shall descend below 7 feet within the public right-of-way. No trees shall remain or be planted in any clear zones.
3. Plans submitted for Permit shall conform to MUTCD, PWWM and other appropriate standards for engineering design in the public right-of-way. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

The PWWM reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

Please contact Ricardo Gavilan or Jeff Cohen at 305-375-2030, if you have any questions concerning this recommendation.

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-15788.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **15 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9748	SW 117 Ave s/o SW 88 St to SW 104 St	C	C
1092	SW 107 Ave s/o SW 93 St between SW 104 St – SW 88 St	C	C
1089	SW 112 St e/o SR 874 between SW 107 Ave – SW 95 Ave	C	C
9716	SW 104 St w/o SW 107 Ave to SW 117 Ave	E	E
9750	SW 117 Ave s/o SW 112 St between SW 103 St – SW 136 St	D	D

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

Memorandum



Date: March 20, 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, flowing style.

Subject: Olga Herrera (#14_021)

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: *Olga Herrera* is requesting a special exception to permit a private elementary school in facilities currently being used as a children's daycare. The structures on the property are single family homes modified as educational facilities. The property is zoned in an Agricultural District (AU).

Size: The subject property is 1.90 acres.

Location: The subject property is located at 10701 and 10703 S.W. 95 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 conversion of the single-family residences on the property to educational facilities meets 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." This property is on residential waste collection route 5122, 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.

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: Our Lady of The Rosary

School Address: 10701-03 SW 95 St. Mia, FL 33186 Tax Folio # 30 - 500600000400

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: 150 and age and grade ranges originally approved: DAYCARE
2. Total size of site: _____ x _____ = 88200 / 43,560 sq. ft. = 1.9 acres
3. Number of children or students requested: 150 Ages: Infant to 11 years old
4. Number of teachers: 15 Number of administrative & clerical personnel: 1
5. Number of classrooms: 9 Total square footage of classroom area: 4794
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
3006 SF
7. Amount of outdoor recreation/play area in square footage: 39,749

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:

9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 18 parking spaces required by §33-124(L) 10
10. Indicate the number of auto stacking spaces: 5 provided 5 required.
11. Proposed height for the structure(s): 10 See §33-151.18(g).
12. Size of identification sign: _____ x _____ = _____ sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: Monday to Friday from 7 to 6
14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans).

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PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 50 (number of children) = 1750 sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x 100 (number of children) = 3000 sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12) N/A

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required. ✓

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 4750 ✓
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 4794 ✓

OUTDOOR RECREATION SPACE:

- a. Day nursery/Kindergarten, preschool and after school care

45 sq. ft. x 25 (1/2 of children) = 1,125 ✓

- b. Grades 1-6

500 sq. ft. x 30 (first 30 children) = 15,000

300 sq. ft. x 70 (remaining children) = 21,000 } 36,000

- c. Grades 7-12

800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

N/A

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 37,125
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 39,749

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 54 Trees provided: 54

- b. Ten shrubs are required for each tree required. Shrubs required: 540 Shrubs provided: 540

- c. Grass area for organized sports/play area in square feet: 39,749

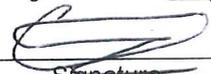
- d. Lawn area in square feet (exclusive of organized sports/play area): 23,738

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 ZONING HEARINGS SECTION
 MIAMI DADE PLANNING AND ZONING DEPT.
 BY: AH

School Address: 10701.03 SW 95 St. Miami, Fla Zip Code: 33186^{4.}

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 6 day of Dec, 2013 at Miami-Dade County, Florida.



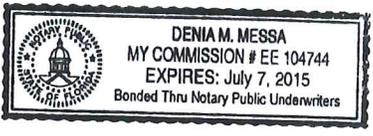
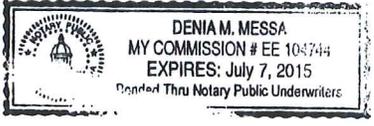
Signature

WITNESSES:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 6 day of Dec 2013, _____, before me personally appeared Olga Herrera, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:



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214-02
MAR 04 2014

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

Memorandum



Date: December 1, 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: Z2014000021: OLGA HERRERA
Revised Plans Submitted Dated Stamped Received 11/18/2014

Application Name: OLGA HERRERA

Project Location: The site is located at 10701 SW 95 ST, Miami-Dade County.

Proposed Development: The request is for approval for a special exception to permit a school.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Furney, Susan (RER)

From: Castillo, Guillermo (MDFR)
Sent: Monday, February 09, 2015 12:10 PM
To: Henderson, Cassandra (RER)
Cc: Furney, Susan (RER); Connally, Ronald (RER); Gutierrez, Franklin (RER); Heredia, Carlos (MDFR)
Subject: Zoning Hearings Distribution of Revision (Cas # Z2014000021)

The Miami-Dade Fire Rescue Department has reviewed the subject application and has the following comments:

No objection to the site plan with a 11/18/14, RER received date.

Thank you,

Guillermo E. Castillo, Principal Planner
Planning Section
Miami Dade Fire Rescue Department
9300 NW 41 St., Miami - FL 33178
786-331-4545 Direct Phone
786-331-4540 Main Phone
786-331-5259 Fax Number
Castilo@miamidade.gov
www.miamidade.gov
"Delivering Excellence Every Day"

DATE: 13-FEB-15
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

OLGA HERRERA

10701 -03 SW 95 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000021

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case 201402-8808 opened on September 17, 2014 for Sign on private property, warning issued. Violation corrected October 17, 2014 and case closed. BNC: No bss cases open

Olga Herrera

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

REPORTER NAME:

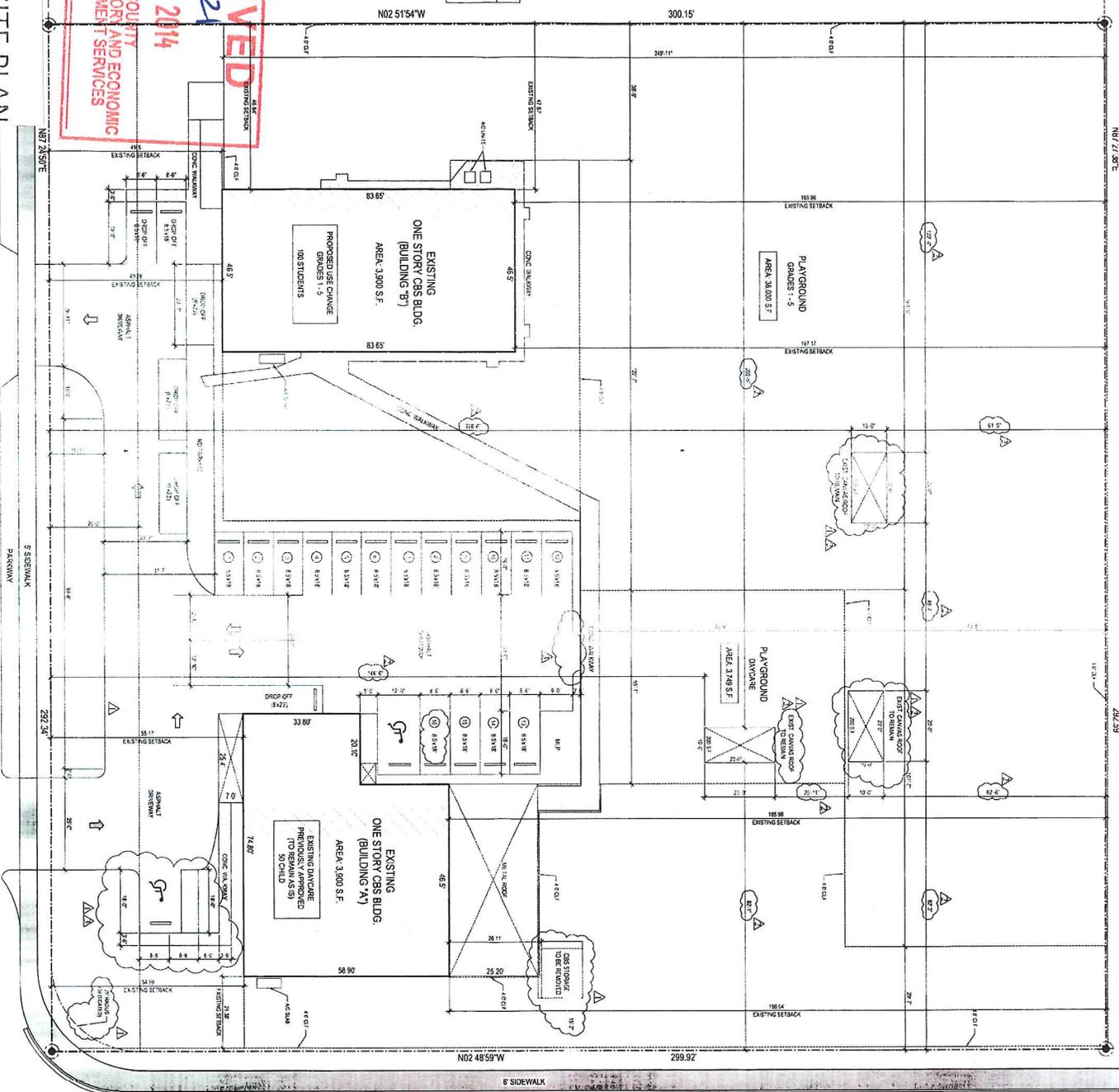
ENLARGED SITE PLAN

SOUTHWEST 95TH STREET

50' ZONED RIGHT-OF-WAY
24' ASPHALT PAVEMENT

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214-021
NOV 18 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By: *[Signature]*

S. CALCULATION
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1
16



SOUTHWEST 107TH AVENUE
54' ASPHALT PAVEMENT

2 LANES SOUTH BOND

FLOOD LEGEND
 Commercial, Industrial, &
 Residential

AREA OF FLOOD HAZARD: 1.14 ACRES
 AREA OF FLOOD HAZARD: 1.14 ACRES

AREA OF FLOOD HAZARD: 1.14 ACRES
 AREA OF FLOOD HAZARD: 1.14 ACRES

AREA OF FLOOD HAZARD: 1.14 ACRES
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LEGAL DESCRIPTION
 BEING THE SOUTH 1/4 OF THE SOUTH 1/4 OF SECTION 8, TOWNSHIP 26 SOUTH, RANGE 28 EAST, LESS THE EAST 1/2 OF SAID SOUTH 1/4, COUNTY OF DADE, FLORIDA.

ZONING LEGEND

ZONING ASSOCIATION	DA
EXISTING LAND USE	DAYCARE
PROPOSED USES	DAYCARE

ADULTS CALCULATION

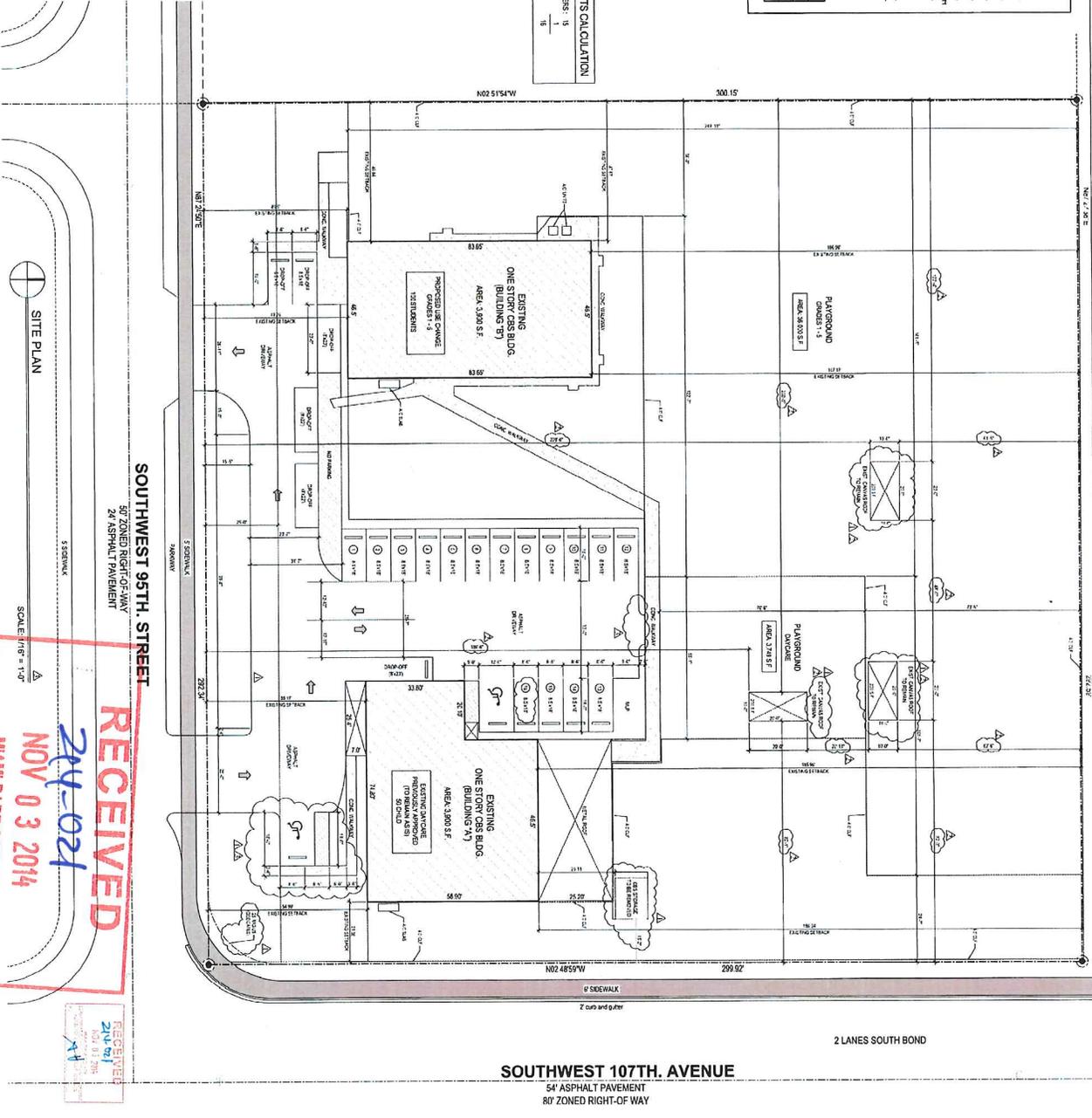
TEACHERS	1
STAFF	1
TOTAL	2

AREAS

EXISTING ONE STORY CAS BLDG. (BUILDING B)	AREA: 3,000 SF
EXISTING ONE STORY CAS BLDG. (BUILDING A)	AREA: 3,000 SF

PARKING SPACES

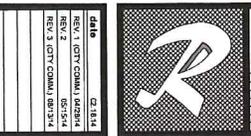
ALLOWED	EXISTING
20'	49'
20'	98'
20'	98'
20'	49'



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 NOV 03 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By: [Signature]

PROJECT NUMBER
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PROPOSED PLANS FOR:
DAYCARE ZONING HEARING
 10701 SW 95TH STREET MIAMI, FLORIDA, 33176

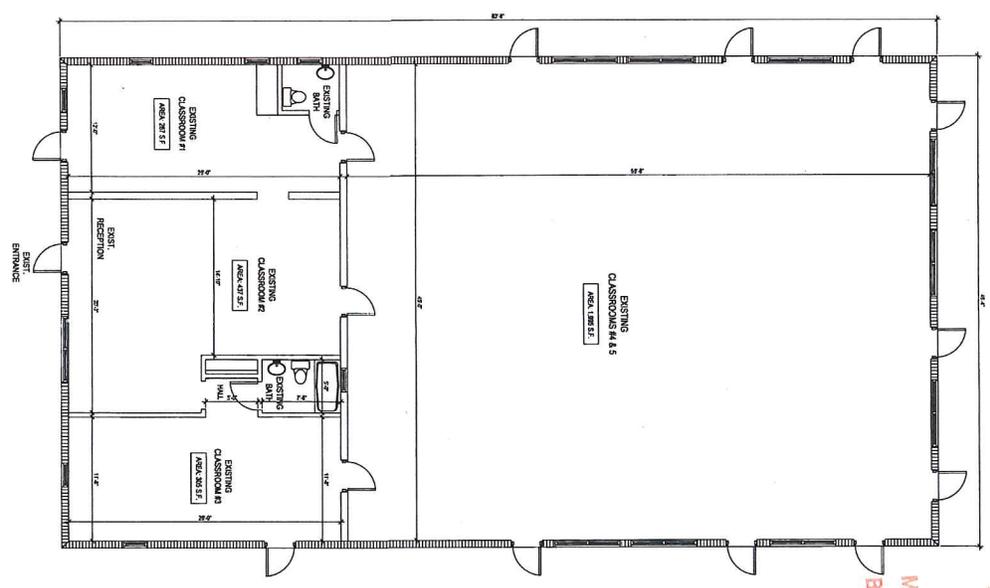
Ramos Architects & Associates architects and planners
 15428 NW 72TH COURT, 402 MIAMI LAKES, FL 33056 (305) 443-5140

PROJECT ARCHITECT
 JOSE RAMOS
 FLA. REG. AR11115
 AAC1595

ALL OVERSIGHT, MANAGEMENT, AND PLANNING SHALL BE THE RESPONSIBILITY OF THE CLIENT AND NOT THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

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 BY AD

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

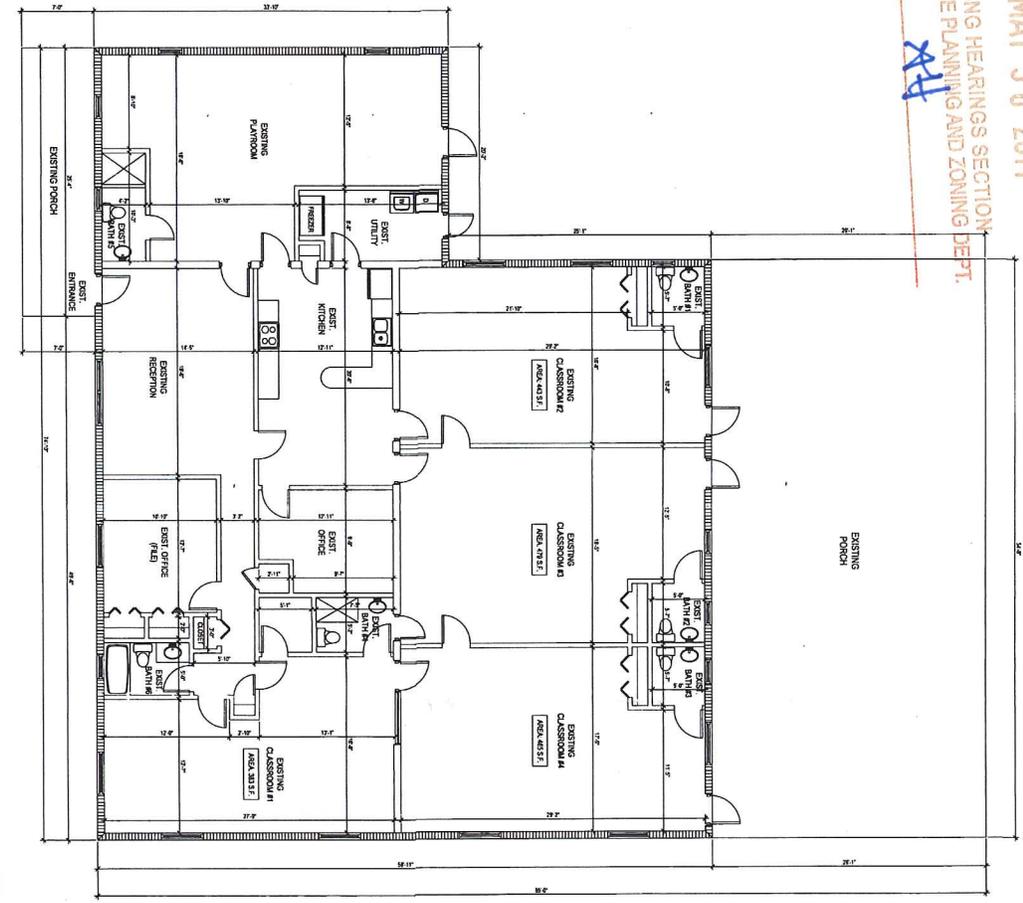


FLOOR PLAN
 EXISTING BUILDING (A)
 (PROPOSED USE CHANGES)

SCALE: 1/16" = 1'-0"

GRADES 1-5:

INTERIOR CLASSROOM AREA: 11,243 SF.
100,130 SF. - 1,200 SF. REQUIRED
- EXISTING CLASSROOM #1: 287 SF.
- EXISTING CLASSROOM #2: 327 SF.
- EXISTING CLASSROOM #3: 327 SF.
- EXISTING CLASSROOM #4 & 5: 1,986 SF.
TOTAL CLASSROOM AREA: 3,244 SF.



FLOOR PLAN
 EXISTING BUILDING (B)
 (EXISTING DAYCARE PREVIOUSLY APPROVED)

SCALE: 1/16" = 1'-0"

EXISTING DAYCARE:

INTERIOR CLASSROOM AREA: 11,243 SF.
94,130 SF. - 1,100 SF. REQUIRED
- EXISTING CLASSROOM #1: 287 SF.
- EXISTING CLASSROOM #2: 327 SF.
- EXISTING CLASSROOM #3: 327 SF.
- EXISTING CLASSROOM #4 & 5: 1,986 SF.
TOTAL CLASSROOM AREA: 1,770 SF.

Handwritten signature and date: 1-30-14



PROPOSED PLANS FOR:
DAYCARE ZONING HEARING
 1070 SW 95TH STREET MIAMI, FLORIDA 33176

PROJECT ARCHITECT
JOSE RAMOS
 FLA. REG. AR11115
 AAC1595

Ramos Architects & Associates ■ architects and planners
 15476 NW 77th COURT, 402 MIAMI LAKES, FL 33018 ■ (305) 445-8340

ALL BEAR, DIMENSIONS, ARRANGEMENTS, AND PLANS INDICATED ON THESE PLANS ARE OWNED BY, AND THE PROPERTY OF, THE CLIENT AND CONTRACTOR. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS WITH THE ARCHITECT PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

Sheet
A-1
 of 1

Project number
14005

DATE	02.18.14
REVISION	REV. 1 (DITV CORRECT 1.02.2014)
DATE	07/10/13
REVISION	REV. 2 (S&C 05-13)

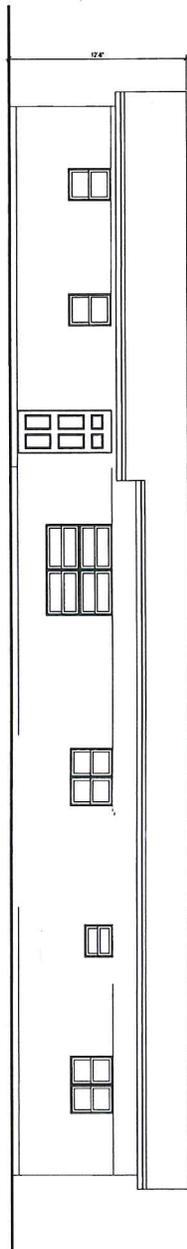
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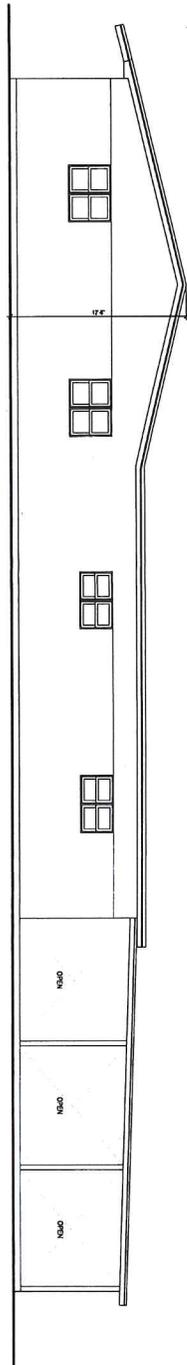
214-001

MAY 30 2014

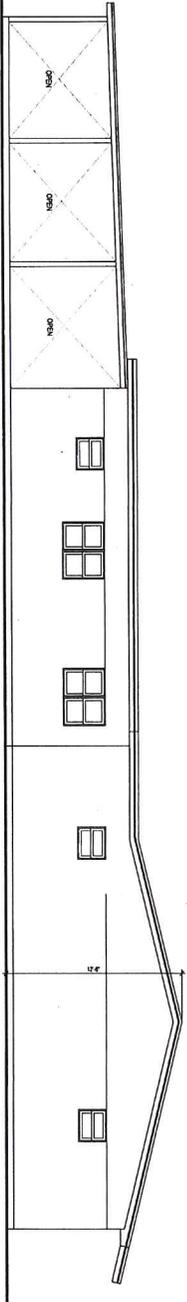
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY XY



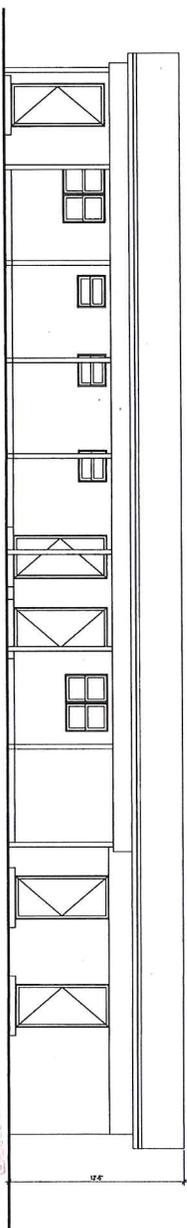
NORTH ELEVATION
EXISTING BUILDING (S/A)
(EXISTING DAYCARE PREVIOUSLY APPROVED)
SCALE: 1/4" = 1'-0"



EAST ELEVATION
EXISTING BUILDING (S/A)
(EXISTING DAYCARE PREVIOUSLY APPROVED)
SCALE: 1/4" = 1'-0"



WEST ELEVATION
EXISTING BUILDING (S/A)
(EXISTING DAYCARE PREVIOUSLY APPROVED)
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
EXISTING BUILDING (S/A)
(EXISTING DAYCARE PREVIOUSLY APPROVED)
SCALE: 1/4" = 1'-0"

214-001

1/30-14

J. Ramos

Sheet	A-2
Project number	14005
Date	02.16.14
Rev. 1 (CITY CODE)	02/16/14
Rev. 2 (S/A)	02/16/14



PROPOSED PLANS FOR:
DAYCARE ZONING HEARING
(70701 S.W. 95TH STREET MIAMI, FLORIDA, 33176)

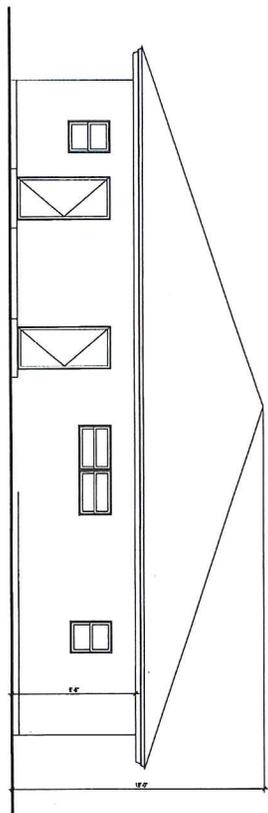
Ramos Architects & Associates - architects and planners
18425 NW 77th COURT, 402 MIAMI LAKES, FL 33016 (305) 445-6140

PROJECT ARCHITECT
JOSE RAMOS
FLA. REG. ARCHITECT
AAC1595

ALL SCALE, NUMBER, ABANDONMENT, AND PLAIN ENGLISH TO BE REPRESENTED BY THE DRAWING AND CANNOT BE THE PROPERTY OF TECHNICAL ASSOCIATES, INC. AND THE QUALITY OF THE DRAWING IS NOT GUARANTEED. TECHNICAL ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE ORIGINAL DRAWING OR ANY COPY OF IT. THE ORIGINAL DRAWING SHALL BE KEPT BY OR DELIVERED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF TECHNICAL ASSOCIATES, INC.

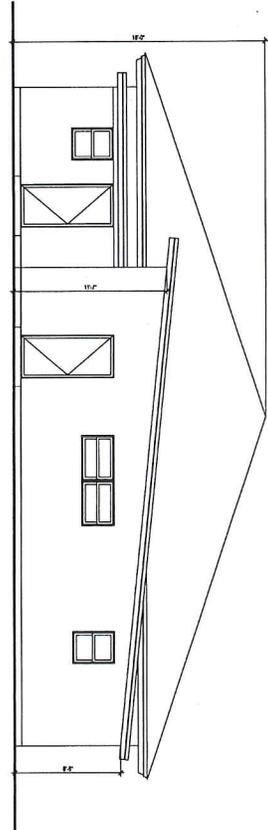
WRITTEN MEMORANDUM OF THESE DRAWINGS SHALL HAVE PRECEDENCE OVER THESE DRAWINGS. CONTRACTORS SHALL VERIFY ALL INFORMATION FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OFFICE MAY BE NOTIFIED OF ANY VARIATIONS FROM THE DRAWINGS AND MUST BE SUBMITTED TO THE OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION.

29



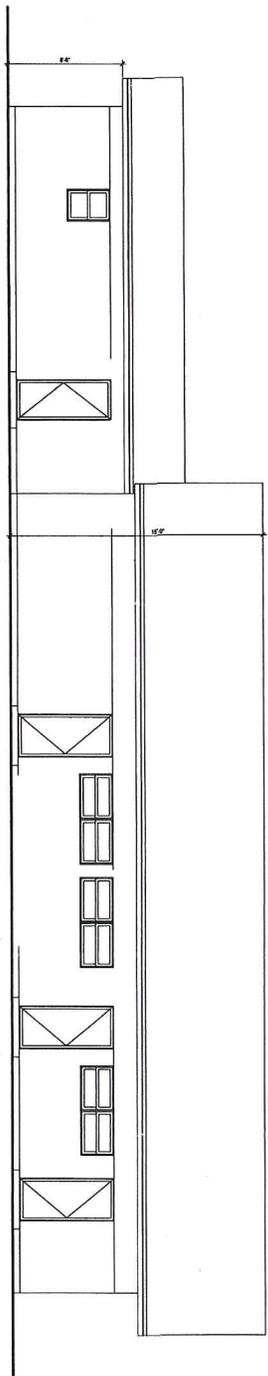
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EXISTING BUILDING (A)
(PROPOSED USE CHANGE)

SCALE: 1/4" = 1'-0"



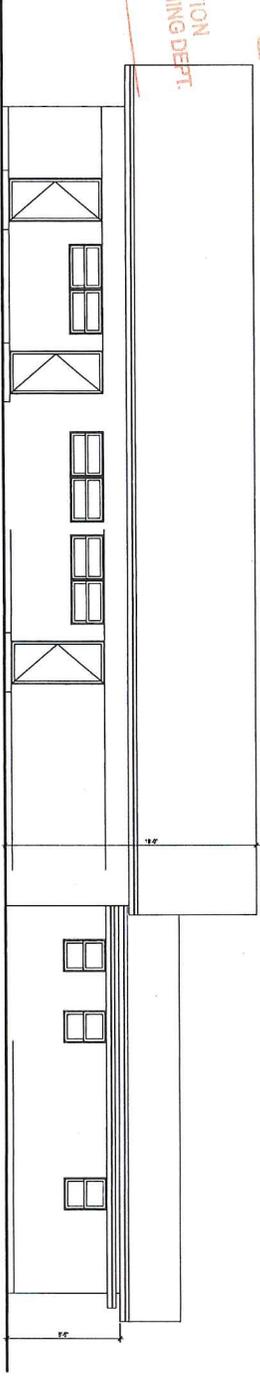
NORTH ELEVATION
EXISTING BUILDING (A)
(PROPOSED USE CHANGE)

SCALE: 1/4" = 1'-0"



EAST ELEVATION
EXISTING BUILDING (A)
(PROPOSED USE CHANGE)

SCALE: 1/4" = 1'-0"



WEST ELEVATION
EXISTING BUILDING (A)
(PROPOSED USE CHANGE)

SCALE: 1/4" = 1'-0"

RECEIVED
214-021
MAY 30 2014
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

PREPARED BY
214-021
AV

[Signature]

Sheet
A-3
of

Project number
14005

DATE	02-18-14
REV. 1 (CITY COM. 10/28/14)	
10/27/14 - 09:20:05 ET	

PROPOSED PLANS FOR:
DAYCARE ZONING HEARING
10701 SW 95TH STREET MIAMI, FLORIDA, 33176

Ramos Architects & Associates - architects and planners
18476 NW 27TH COURT, 402 MIAMI LAKES, FL 33016 | 305.445.6100

PROJECT ARCHITECT
JOSE RAMOS
FLA. REG. ARCHITECT
AAC1595

ALL DEED, RECORD, AGREEMENTS, AND PLANS INDICATED OR REFERENCED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF TREVINO ASSOCIATES, INC. AND WILL BE RETURNED TO THE ARCHITECT UPON COMPLETION OF THE PROJECT. NO PART OF SUCH DEEDS, RECORDS, AGREEMENTS OR PLANS SHALL BE LOANED, REPRODUCED, COPIED, OR IN ANY MANNER BE MADE PUBLIC IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF TREVINO ASSOCIATES, INC.

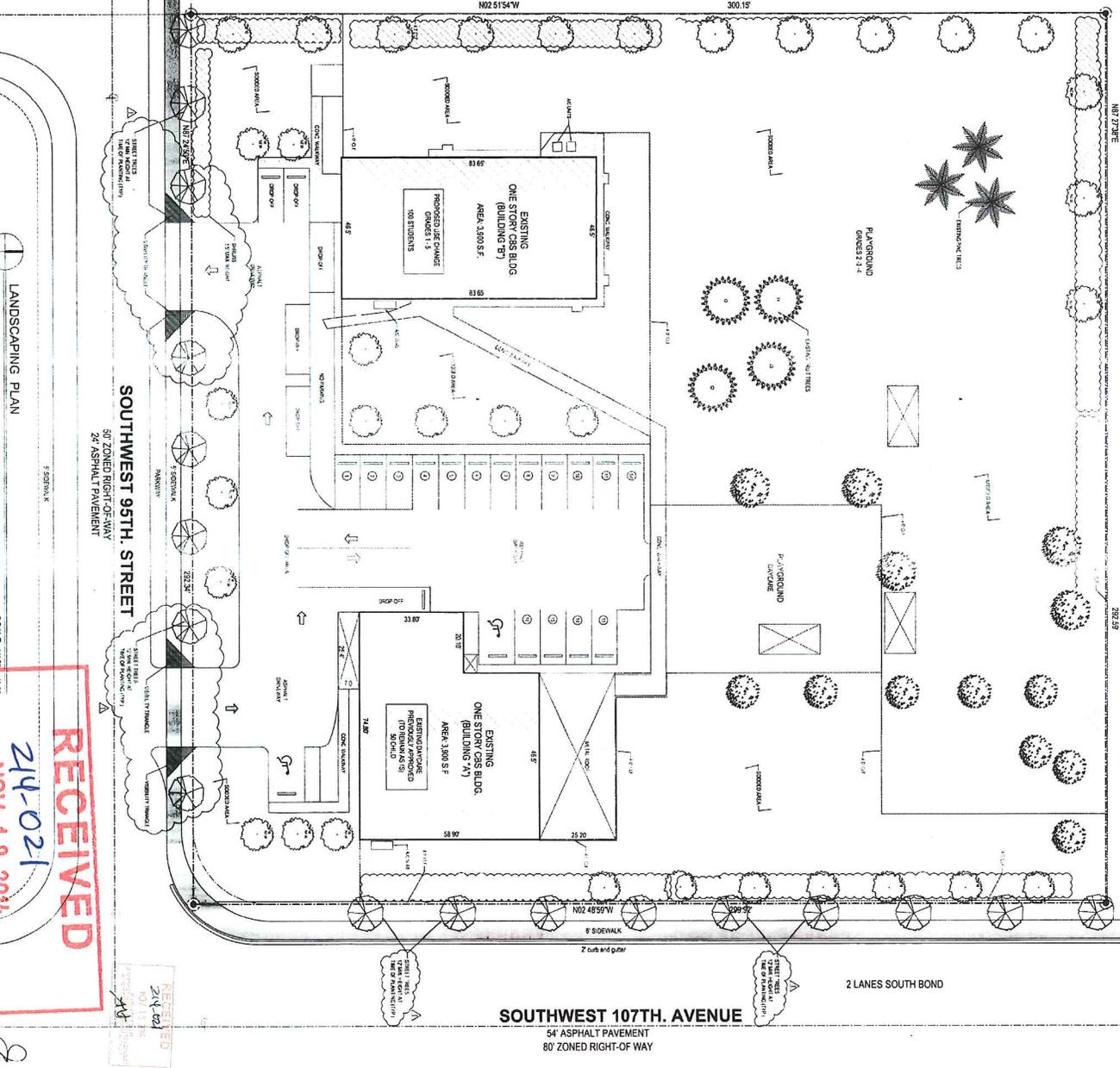
THE ARCHITECT AND ENGINEER SHALL HAVE PROVIDED OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OWNER SHALL BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THIS DRAWING. THESE DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR A PROVAL BEFORE PROCEEDING WITH FABRICATION.

LANDSCAPE LEGEND		REQUIRED	PROPOSED
ZONING DISTRICT: B-1A NET LOT AREA: 13 ACRES (88,000 S.F.)			
OPEN SPACE			
A. Square feet of open space required by Chapter 25A, Article 10, Section 25A.04(1)(a) shall be 10% of the total lot area.	14,112 S.F.	14,112 S.F.	
B. The number of trees to be planted shall be 1 tree per 1,000 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(b).	14 TREES	14 TREES	
C. The number of shrubs to be planted shall be 1 shrub per 100 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(c).	141 SHRUBS	141 SHRUBS	
LAWN AREA CALCULATION			
A. Total square feet of landscaped open space required by Chapter 25A, Article 10, Section 25A.04(1)(a) shall be 14,112 S.F.	14,112 S.F.	14,112 S.F.	
B. Minimum lawn area shall be 10% of the total lot area.	13,800 S.F.	13,800 S.F.	
TREES			
A. The number of trees required per acre shall be 1 tree per 1,000 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(b).	14 TREES	14 TREES	
B. 25% of the trees shall be palm trees.	3 TREES	3 TREES	
C. The number of trees to be planted shall be 1 tree per 1,000 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(b).	11 TREES	11 TREES	
D. The number of trees to be planted shall be 1 tree per 1,000 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(b).	11 TREES	11 TREES	
E. The number of trees to be planted shall be 1 tree per 1,000 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(b).	11 TREES	11 TREES	
F. Total number of trees provided	14 TREES	14 TREES	
SHRUBS			
A. The number of shrubs required per acre shall be 1 shrub per 100 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(c).	141 SHRUBS	141 SHRUBS	
B. The number of shrubs required per acre shall be 1 shrub per 100 S.F. of open space required by Chapter 25A, Article 10, Section 25A.04(1)(c).	141 SHRUBS	141 SHRUBS	
IRRIGATION PLAN			
REQUIRED BY CHAPTER 25A			
Also include: _____ provided			

LANDSCAPE LIST	QUANTITY	SYMBOL	DESCRIPTION	EXIST/NEW
18	18		STREET TREES	NEW
36	36		TREES	EXIST/ L.I.C.
12	12		SHADE TREES	EXISTING
3	3		PALM TREES	EXISTING
4	4		FRUIT TREES	EXISTING
540	540		SHRUBS	EXIST. L.I.C.

LANDSCAPE NOTES:

- STREET TREES
- 12 MINIMUM HEIGHT AT TIME OF PLANTING
- SHRUBS
- 7 MAX HEIGHT FROM 1.50E STREET PROPERTY LINES
- 9 MAX HEIGHT FROM 1.50E STREET PROPERTY LINES



LANDSCAPING PLAN

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

RECEIVED
 24-021
 NOV 18 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 BY: *SH*

Q. Lopez
 11-17-14

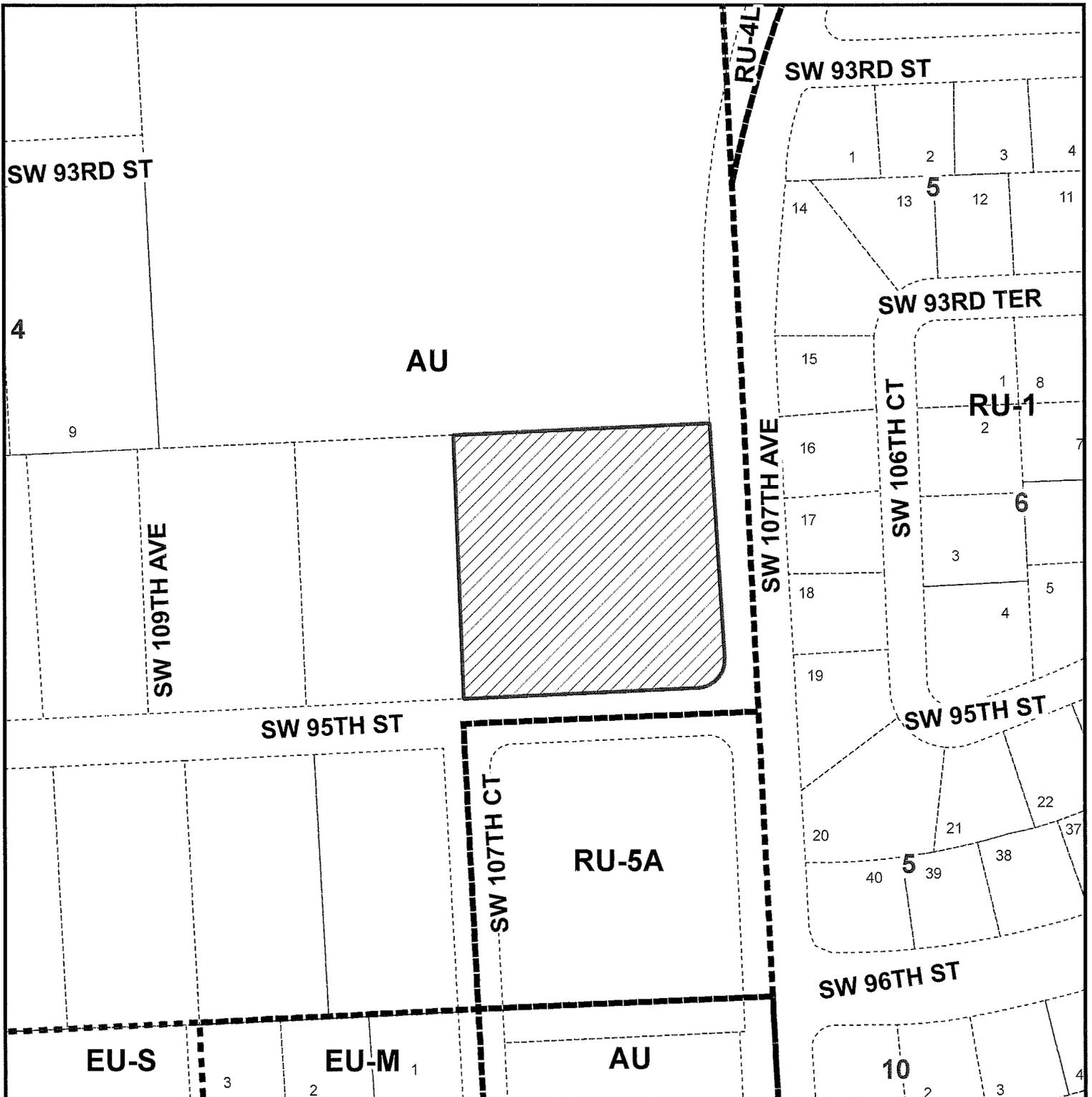
sheet	L-1
of	1
Project number	11005
DATE	07-24-14
REV.	1 (CITY COMMENT) 08-29-14

PROPOSED PLANS FOR
DAYCARE ZONING HEARING
 10701 SW 95TH STREET MIAMI, FLORIDA 33176

Ramos Architects & Associates ■ architects and planners
 15478 NW 77TH COURT, 402 MIAMI LAKES, FL 33016 ■ (305) 445-6140

PROJECT ARCHITECT
JOSE RAMOS
 FLA. REG. AR11115
 AAC1595

ALL SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES. THE OFFICE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE OFFICE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE OFFICE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000021



Section: 06 Township: 55 Range: 40
 Applicant: OLGA HERRERA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



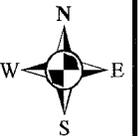
REVISION	DATE	BY
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MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000021

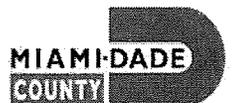


Section: 06 Township: 55 Range: 40
 Applicant: OLGA HERRERA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

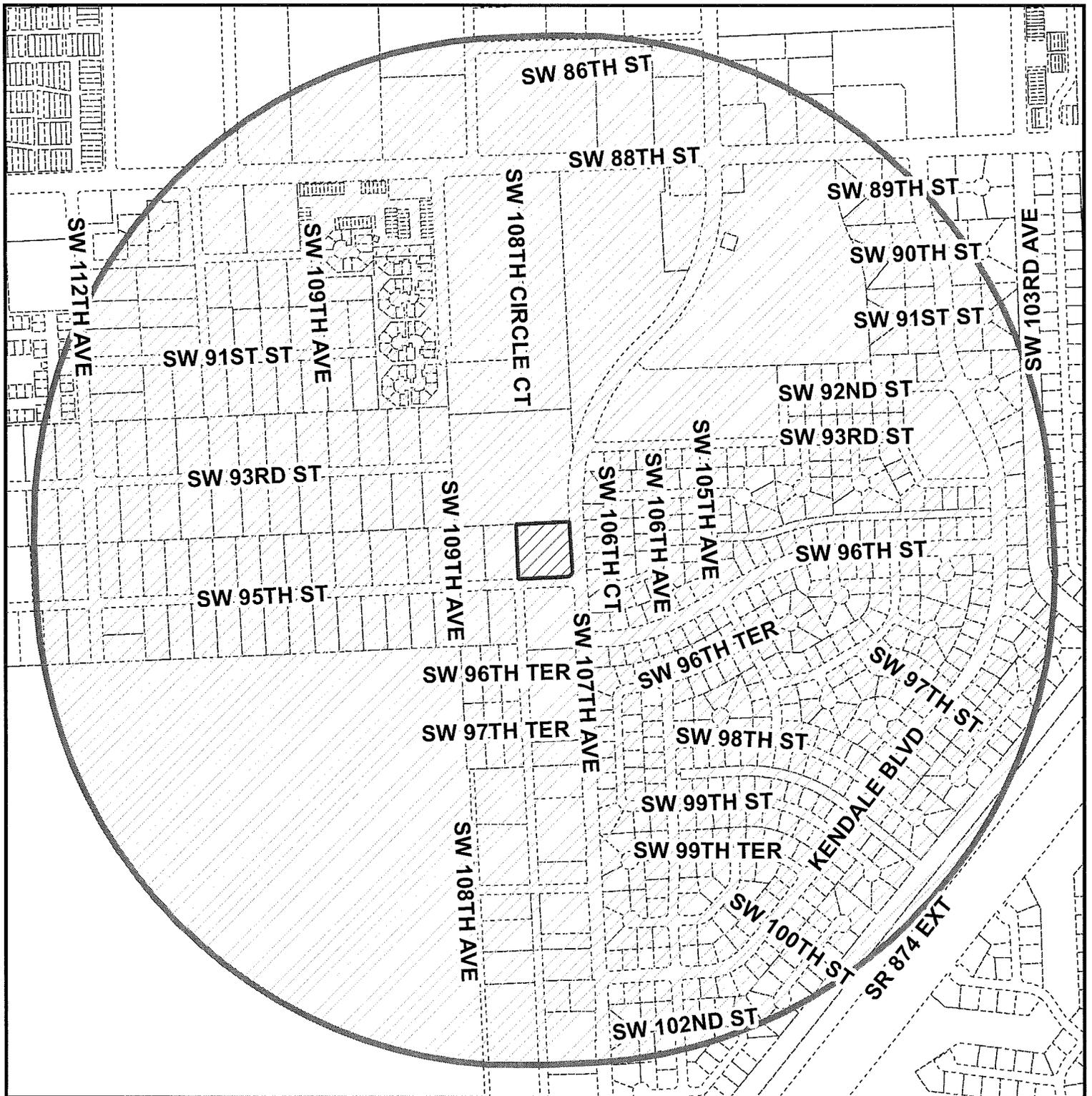


Subject Property



SKETCH CREATED ON: Tuesday, March 18, 2014

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY
RADIUS MAP

Section: 06 Township: 55 Range: 40
 Applicant: OLGA HERRERA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2014000021
 RADIUS: 2640



Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, March 18, 2014

REVISION	DATE	BY
		34



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000021



Section: 06 Township: 55 Range: 40
 Applicant: OLGA HERRERA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, March 18, 2014

REVISION	DATE	BY

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

PH: Z13-097 (15-5-CZ12-1)

May 12, 2015

Item No. 1

Recommendation Summary	
Commission District	7
Applicant	Sunset At Galloway Condominium Association, Inc.
Summary of Requests	The applicant is seeking to modify a previously approved resolution and delete a condition of another resolution in order to show a new site plan with additional parking spaces located along the east and west sides of the property. Additionally, the applicant seeks to permit said parking spaces with less depth. Further, the applicant seeks to permit a 1-way drive with reduced width and an existing 4' high wall on the subject property.
Location	8585 Sunset Drive, Miami-Dade County, Florida.
Property Size	1.94 acres
Existing Zoning	RU-1, Single-family Residential District
Existing Land Use	Office Building
2020-2030 CDMP Land Use Designation	Low Density Residential (2.5-6 du/ac) <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map designation. Inconsistent with the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Standards, Section 33-311(A)(4)(a), Use Variance Standards, Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) MODIFICATION of site plan approval pursuant to Resolution #Z-26-72 passed and adopted by the Board of county Commissioners, reading as follows:

"FROM: All according to plans submitted with application and on file in Zoning Department as rendered by Ferendino/Grafton/Spillis/Candela, entitled "Proposed Holyman Office Bldg" and dated Sept. 12/1971."

"TO: That in the approval of the plan the same be substantially in accordance with that submitted for the hearing entitled "As Built Survey/Site Plan for Sunset At Galloway Condominium Association", as prepared by Hadonne Corp. dated stamped received 1/29/15 and consisting of 1 sheet."

- (2) DELETION of Condition #9 of Resolution #4-ZAB-145-90, passed and adopted by the Zoning Appeals Board, reading as follows:

"9. That the 25' landscape area on the west side of the property be protected from encroachment or intrusion of vehicles through the use of non-mountable reinforced concrete curbing."

The purpose of Requests #1 and #2 is to allow the applicant to submit a new site plan showing additional parking spaces and to delete a condition restricting parking to be located on the west side of the property for a previously approved office building.

- (3) NON-USE VARIANCE to permit parallel parking spaces with a minimum depth of 18.4' (23' required).
- (4) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 13.8' (14' required).
- (5) NON-USE VARIANCE to permit a wall with a height of 4' (5' high required) along the north (rear) property line.

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

PROJECT DESCRIPTION AND PROJECT HISTORY:

The subject property located at 8585 Sunset Drive and is developed with an office building. Although the property is zoned RU-1, it was approved through a Use Variance request in 1972 to allow the construction of an office building as it would be permitted in the RU-5A zone, pursuant to Resolution #Z-26-72. This one-story office building fronts SW 72 Street (Sunset Drive), a section line road. The main parking area located to the rear north of the property is reachable by SW 86 Avenue. Additionally, the applicant now seeks to permit two existing parking areas located along the west and east property lines (SW 86 Avenue and SW 85 Avenue) and variances for a wall height.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; office building	Low Density Residential 2.5-6 du/ac
North	RU-1; single-family residences	Low Density Residential 2.5-6 du/ac
South	EU-M; single-family residences	Estate Density Residential 1-2.5 du/ac
East	EU-M; church and daycare	Low Density Residential 2.5-6 du/ac
West	BU-1A; veterinary hospital	Low Density Residential 2.5-6 du/ac

NEIGHBORHOOD COMPATIBILITY:

Staff notes that the properties to the north and south are zoned RU-1 and EU-M, and contain single-family residences. To the west a veterinary hospital exists in a parcel of land zoned BU-1A, and to the east there is a church/daycare in a parcel of land zoned EU-M.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to show additional parking spaces on both sides of the subject property along SW 85 Avenue and SW 86 Avenue with said parking spaces to be with less depth. Further, the applicant seeks to permit an existing 4' high wall on the subject

property. However, approval of same could have traffic and visual impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low Density Residential** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The subject property was approved, pursuant to Resolution #Z-26-72, to permit an office building in the RU-1 zone as it would be permitted in the RU-5A zone. Staff notes that the current application seeking to modify a previously approved resolution and delete a condition of another resolution in order to show a new site plan with additional parking spaces located along the east and west sides of the subject property, and to permit ancillary variances, does not seek to change the existing office use previously approved on the subject property. Therefore, staff opines that since the approval of the application will not change the existing office use, the subject property is **consistent** with the CDMP Low Density Residential designation on the CDMP LUP map.

ZONING ANALYSIS:

When requests #1 and #2, to modify a previously approved resolution and delete a condition of another resolution in order to show a new site plan with additional parking spaces located along the east and west sides of the property, are analyzed under Section 33-311(A)(7), General Modification Standards, staff opines that approval of the same would be **compatible** with the surrounding neighborhood. Staff notes that the existing office building on the subject property will not change and therefore will not create any new visual impact to the surrounding area. The existing project incorporates abundant landscaping in the form of trees and hedges to buffer adjacent land uses from any aural or visual impacts generated by the proposed modifications on the surrounding area.

Staff opines that the proposed parking and traffic configuration for the existing office building along the east and west sides of the property provide a controlled and orderly parking situation that benefits the esthetic character of the site and of the surrounding area. Staff notes that the proposed parking changes to the site plan represent existing parking conditions, which staff opines have not resulted in a negative visual impact on the surrounding area. Moreover, the memoranda submitted by the Departments concerned with reviewing this application do not object to the proposed application. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application will not generate any new additional daily peak hour trips and meets the traffic concurrency criteria for an Initial Development Order. Based on the aforementioned, staff opines that the proposed modification and deletion will not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the surrounding residential area. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) Generalized Modification Standards.**

When analyzing requests #3 through #5 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of these requests will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and will be **compatible** with the surrounding area. In addition, staff is of the opinion that approval of the reduced 1-way drive width and parking spaces with less depth will not result in spillage of parking onto the abutting streets or have a negative impact on traffic in the area. On the contrary, staff opines that approval of same will improve the parking and traffic configuration for the existing

office building. Staff notes that most of these requests are minor and located within the property immediately to the west and east of the existing office building. Additionally, staff opines that approval of a reduced wall along the north (rear) property line will not create any new visual impact to the surrounding area as said existing office building and parking lot located to the rear of the property will not change. Staff notes that the applicant has provided abundant landscaping in the form of trees and hedges to buffer adjacent land uses from any aural or visual impacts generated by these requests. **As such, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV).**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolutions #Z-26-72 and #4-ZAB-145-90, remain in full force and effect, except as herein modified.
2. 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.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "As Built Survey/Site Plan for Sunset At Galloway Condominium Association", as prepared by Hadonne Corp. dated stamped received 1/29/15 and consisting of 1 sheet, except as herein modified.
4. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:EJ:JV



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

NDN

ZONING RECOMMENDATION ADDENDUM

Sunset At Galloway Condominium Association, Inc.
Z13-097

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

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

<p>Low Density Residential (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 Low Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
<p>Office Uses in Residential Communities (Page I-35)</p>	<p><i>Office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office uses which are not inconsistent already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(4)(b) Non-Use Variances From</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</i></p>
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ZONING RECOMMENDATION ADDENDUM

Sunset At Galloway Condominium Association, Inc.
Z13-097

Other Than Airport Regulations	<i>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>
Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations	<i>The Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i>

**1. SUNSET AT GALLOWAY CONDOMINIUM
ASSOCIATION, INC.**
(Applicant)

**15-5-CZ12-1 (13-097)
Area 12/District 07
Hearing Date: 05/12/15**

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1971	Charlotte Jennings	- Use Variance for Office Use and of Landscaping.	ZAB	Denied Without Prejudice
1972	Charlotte Jennings	- Use Variance for Office Use and of Landscaping.	BCC	Approved
1990	8585 Sunset Ltd.	- Unusual Use to permit a prescribed pediatric extended care center.	ZAB	Approved with Condition(s)

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

Memorandum



Date: February 17, 2015

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". The signature is written in a cursive, flowing style.

Subject: C-12 #Z2013000097-1st Revision
Sunset at Galloway Condominium Association, Inc.
8585 Sunset Drive, Miami, Florida
Modification of previous resolution to show reconfiguration of the parking lot for an existing office building. Non-Use Variance to permit parking spaces to back out into the rights-of-way; and Non-Use Variance to permit less landscaping than required.
(RU-1) (1.94 Acres)
27-54-40

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

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area for the Alexander Orr Wellfield. The site is situated within the 30 days travel time contour of the Alexander Orr Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Supply and Wastewater Disposal

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

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

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would

generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

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

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

Drainage restrictions may be applicable, since the site is located within 30 days travel time contour of the Alexander Orr Wellfield.

Wetlands

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

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

Tree Preservation

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree 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. Projects shall be designed to meet the requirements of Sections 24-49.2 and 24-49.4 of the Code including compliance with the specimen tree preservation requirements of Chapter 24 as well as CON 8A of the Comprehensive Development Master Plan.

Pursuant to Section 24-49 of the Code and the minimum requirements of the Miami-Dade County Landscape Ordinance, prohibited plant species shall be removed or eradicated from all portions of this property prior to development or redevelopment. See the following link for a list of the species:

<http://www.miamidade.gov/environment/prohibited-plants.asp>.

Furthermore, prohibited plant species shall not be sold, propagated, planted, imported or transported and each property shall be maintained at all times to prevent the growth or accumulation of all prohibited species including non-native grasses, weeds and undergrowth.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

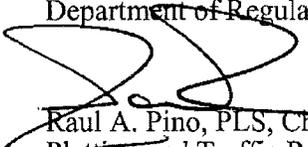
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: March 27, 2014

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

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

Subject: Z2013000097
Name: Sunset at Galloway Condominium Association, Inc.
Location: 8585 Sunset Drive
Section 27 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and objects for the following reasons:

This Department objects to the request to permit backing out into the right-of-way.

Angled parking spaces do not comply with the minimum requirements and must be removed. In the alternative, the applicant may wish to provide parallel parking spaces in lieu of the angled parking.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 4 thru 6, Block 2 of Plat Book 46, Page 79.

Additional improvements may be required at time of permitting.

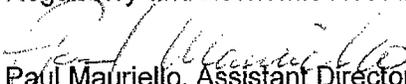
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: December 6, 2013

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

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

Subject: Sunset at Galloway Condominium Association (#13_061)

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: *Sunset at Galloway Condominium Association* is requesting a modification of Resolution No.Z-26-72 to reflect current conditions of the property and non-use variances for parking, a wall, and landscaping in regards to an office condominium.

Size: The subject property is 1.94 acres.

Location: The subject property is located at 8585 Sunset Drive 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 office condominium on the property meets the County Code definition of a commercial establishment. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

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

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: November 18, 2013

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

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

Subject: Z2013000097: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION, INC.

Application Name: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION, INC.

Project Location: The site is located at 8585 SUNSET DR, Miami-Dade County.

Proposed Development: The request is for approval of non-use variances of setback, parking & landscaping for an existing office condominium.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Furney, Susan (RER)

From: Castillo, Guillermo (MDFR)
Sent: Wednesday, February 25, 2015 3:12 PM
To: Henderson, Cassandra (RER)
Cc: Furney, Susan (RER); Connally, Ronald (RER); Gutierrez, Franklin (RER); Heredia, Carlos (MDFR)
Subject: Advertisement for Zoning Hearing Z2013000097

The Miami-Dade Fire Rescue Department has reviewed the subject application and has the following comments:

- No objection to the site plan with a January 29, 2015 RER received date.

Thank you,

Guillermo E. Castillo, Principal Planner
Planning Section
Miami Dade Fire Rescue Department
9300 NW 41 St., Miami - FL 33178
786-331-4545 Direct Phone
786-331-4540 Main Phone
786-331-5259 Fax Number
Castilo@miamidade.gov
www.miamidade.gov
"Delivering Excellence Every Day"

DATE: 13-FEB-15
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

SUNSET AT GALLOWAY
CONDOMINIUM ASSOCIATION,
INC.

8585 SUNSET DR, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000097

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case 201403-1444 opened on February 13, 2014 for resolution violation and ticket issued February 20, 2014. Compliance inspection April 4, 2014, violation corrected, settlement memo and cvn electronically closed April 5, 2014. BNC: No bss cases open

Sunset At Galloway Condominium

**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].

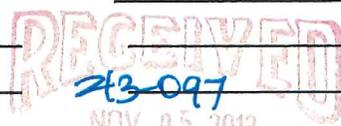
CORPORATION NAME: Sunset at Galloway Condominium Association, Inc.

	<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
(P)	<u>Eric Estape, 8585 Sunset Dr. #202, Miami, FL 33143</u>	<u>0</u>
(S)	<u>CRISTINA CARDENAL - 8585 Sunset Dr. #109, Miami, FL 33143</u>	<u>0</u>
(T)	<u>JEFF RUBIN, 8585 Sunset Dr. #105, Miami, FL 33143</u>	<u>0</u>

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

TRUST/ESTATE NAME _____

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


 RECEIVED
 213-097
 NOV 05 2013
 ZONING HEARINGS SECTION
 MIAMI DADE PLANNING AND ZONING DEPT.
 BY AD

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

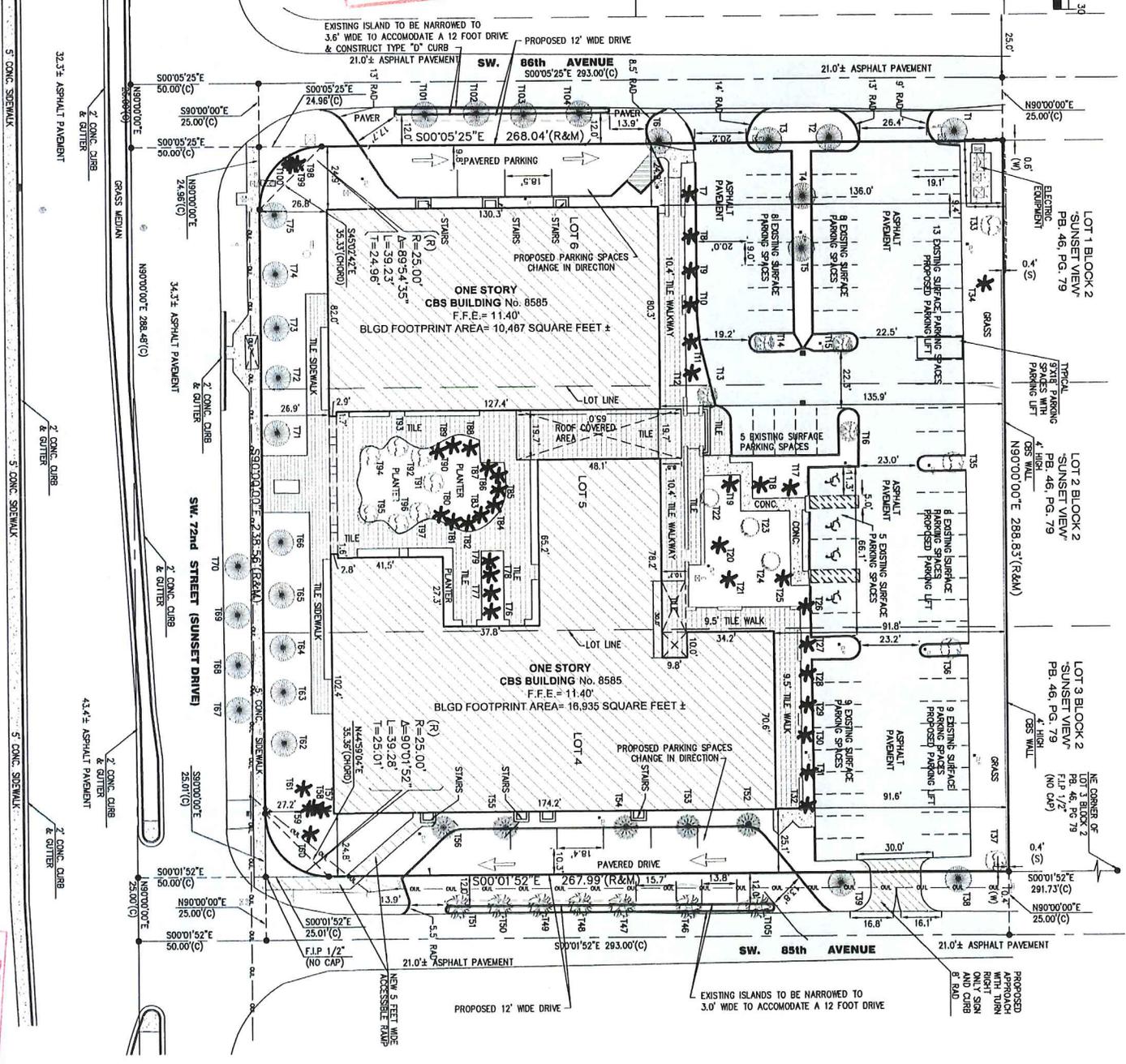
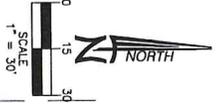
If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other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

ENLARGED SITE PLAN

RECEIVED
 23-007
 JAN 29 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATION AND RESOURCES DEVELOPMENT SERVICES
 BY *[Signature]*

LOT 12 BLOCK 1
 "SUNSET VIEW"
 PB. 46, PG. 79

LOT 13 BLOCK 1
 "SUNSET VIEW"
 PB. 46, PG. 79

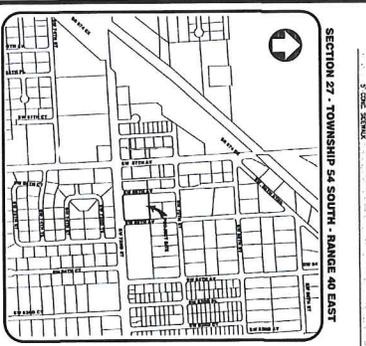
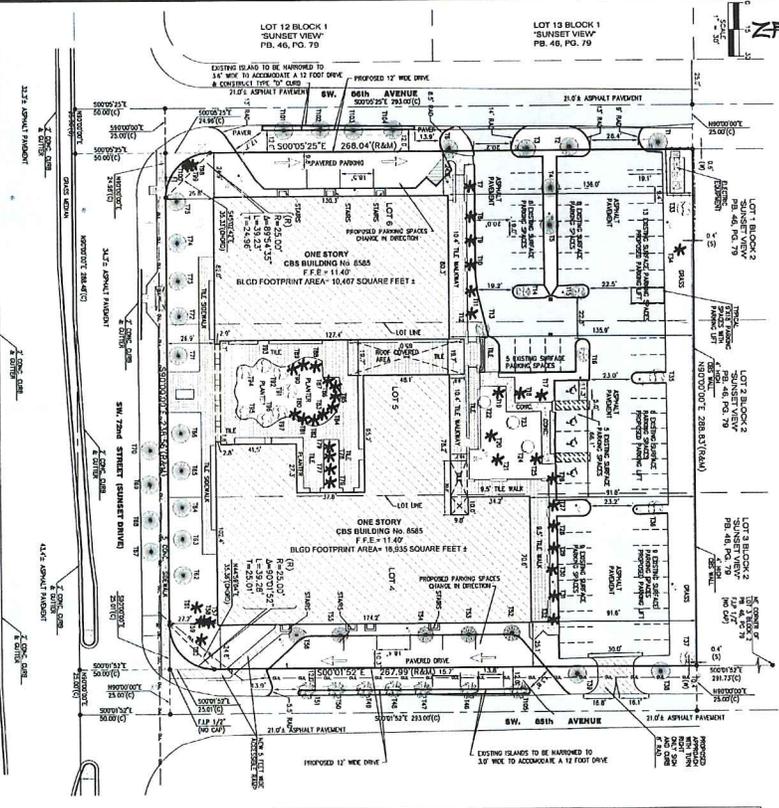


AND BULLY BULLY
 LOTS 4, 5, AND 6, BLOCK 2 OF "SUNSET VIEW", RECORDED IN SECTION 27, TOWNSHIP 54 SOUTH

RECEIVED
 21-007

AS BUILT SURVEY / SITE PLAN

RECORDED IN PLAT BOOK 46 PAGE 79 MIAMI-DADE COUNTY RECORDS
 LOTS 4, 5, AND 6, BLOCK 2 OF 'SUNSET VIEW' RECORDED IN PLAT BOOK 46 PAGE 79 MIAMI-DADE COUNTY RECORDS
 LINDA IN SECTION 27, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA



LEGEND

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

2. ALL BEARINGS ARE TRUE BEARINGS.

3. ALL CURVES ARE CIRCULAR UNLESS OTHERWISE NOTED.

4. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

5. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

6. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

7. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

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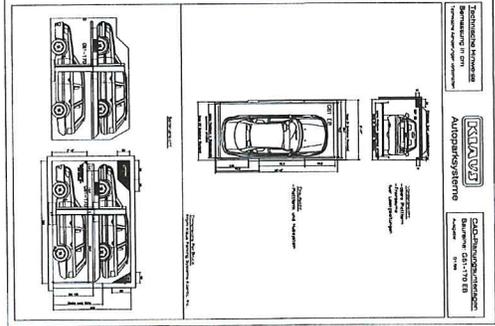
9. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

10. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

TABLE

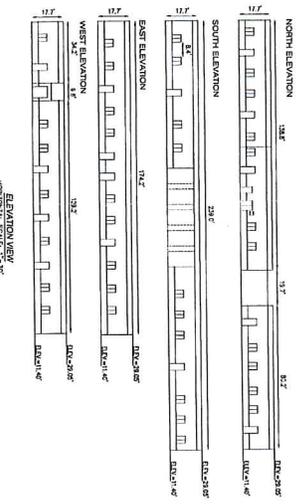
NO.	NAME	HEIGHT	COUNTY	NUMBER	MADE	NUMBER	HEIGHT	COUNTY
1	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
2	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
3	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
4	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
5	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
6	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
7	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
8	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
9	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000
10	10'00"	10'	MIAMI-DADE	1000	10'	10'	MIAMI-DADE	1000

RECEIVED
 JAN 29 2010
 MIAMI-DADE COUNTY
 PLANNING DEPARTMENT



LANDSCAPE LEGEND

SYMBOL	DESCRIPTION	QUANTITY	REMARKS
1	1" TREE	25	PLANTED
2	2" TREE	10	PLANTED
3	3" TREE	5	PLANTED
4	4" TREE	2	PLANTED
5	5" TREE	1	PLANTED
6	6" TREE	1	PLANTED
7	7" TREE	1	PLANTED
8	8" TREE	1	PLANTED
9	9" TREE	1	PLANTED
10	10" TREE	1	PLANTED



FOUNDATIONS
 FOUNDATION TYPE: CONCRETE ON GRAVEL
 FOUNDATION DIMENSIONS: 12" x 12" x 12"

CONCRETE
 CONCRETE TYPE: 4000 PSI
 CONCRETE DIMENSIONS: 12" x 12" x 12"

ROOFING
 ROOF TYPE: FLAT
 ROOF DIMENSIONS: 12" x 12" x 12"

MECHANICAL
 MECHANICAL TYPE: AIR CONDITIONING
 MECHANICAL DIMENSIONS: 12" x 12" x 12"

ELECTRICAL
 ELECTRICAL TYPE: WIRING
 ELECTRICAL DIMENSIONS: 12" x 12" x 12"

PLUMBING
 PLUMBING TYPE: PIPING
 PLUMBING DIMENSIONS: 12" x 12" x 12"

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

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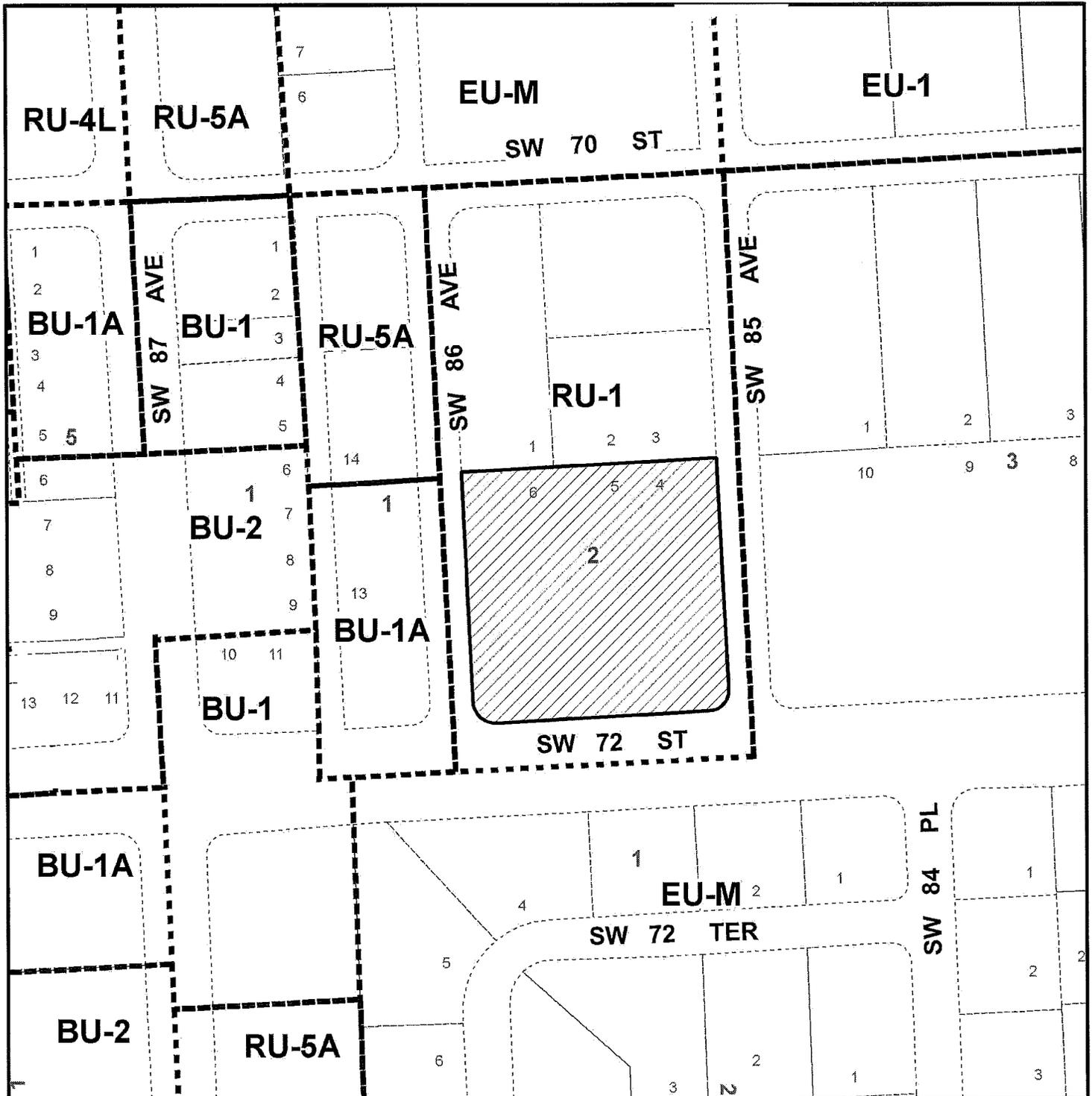
10. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.

REVISIONS

NO.	DATE	DESCRIPTION
1	1/29/10	ISSUED FOR PERMIT
2	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
3	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
4	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
5	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
6	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
7	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
8	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
9	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS
10	1/29/10	REVISED PER PLANING DEPARTMENT COMMENTS

AS BUILT SURVEY / SITE PLAN
 for
 SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION
 of
 8585 SW 72nd STREET, MIAMI, FLORIDA

HADONNE
 CORP.
 PROFESSIONAL LAND SURVEYORS AND MAPPERS
 8700 W Flagler Street, Suite 420, Miami, Florida 33174
 phone: 305.266.1188 fax: 305.207.6845 www.hadonne.com



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000097

Legend



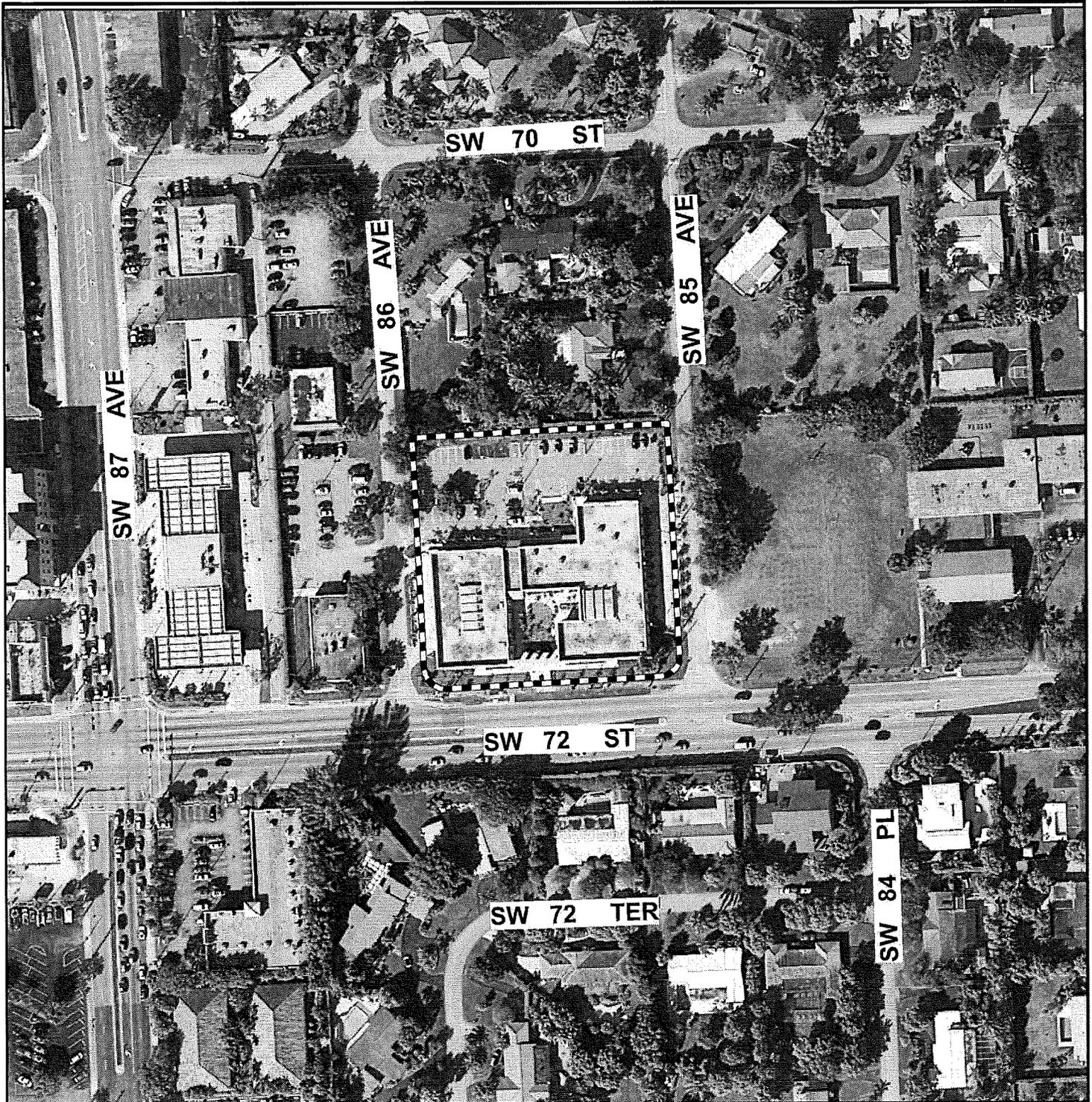
-  Subject Property Case
-  Zoning

Section: 27 Township: 54 Range: 40
 Applicant: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON:

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY

Process Number

AERIAL YEAR

Z2013000097



Section: 27 Township: 54 Range: 40

Applicant: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION INC.

Zoning Board: C12

Commission District: 7

Drafter ID: JEFFER GURDIAN

Scale: NTS



SKETCH CREATED ON:

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2013000097

RADIUS: 2640

Section: 27 Township: 54 Range: 40
 Applicant: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

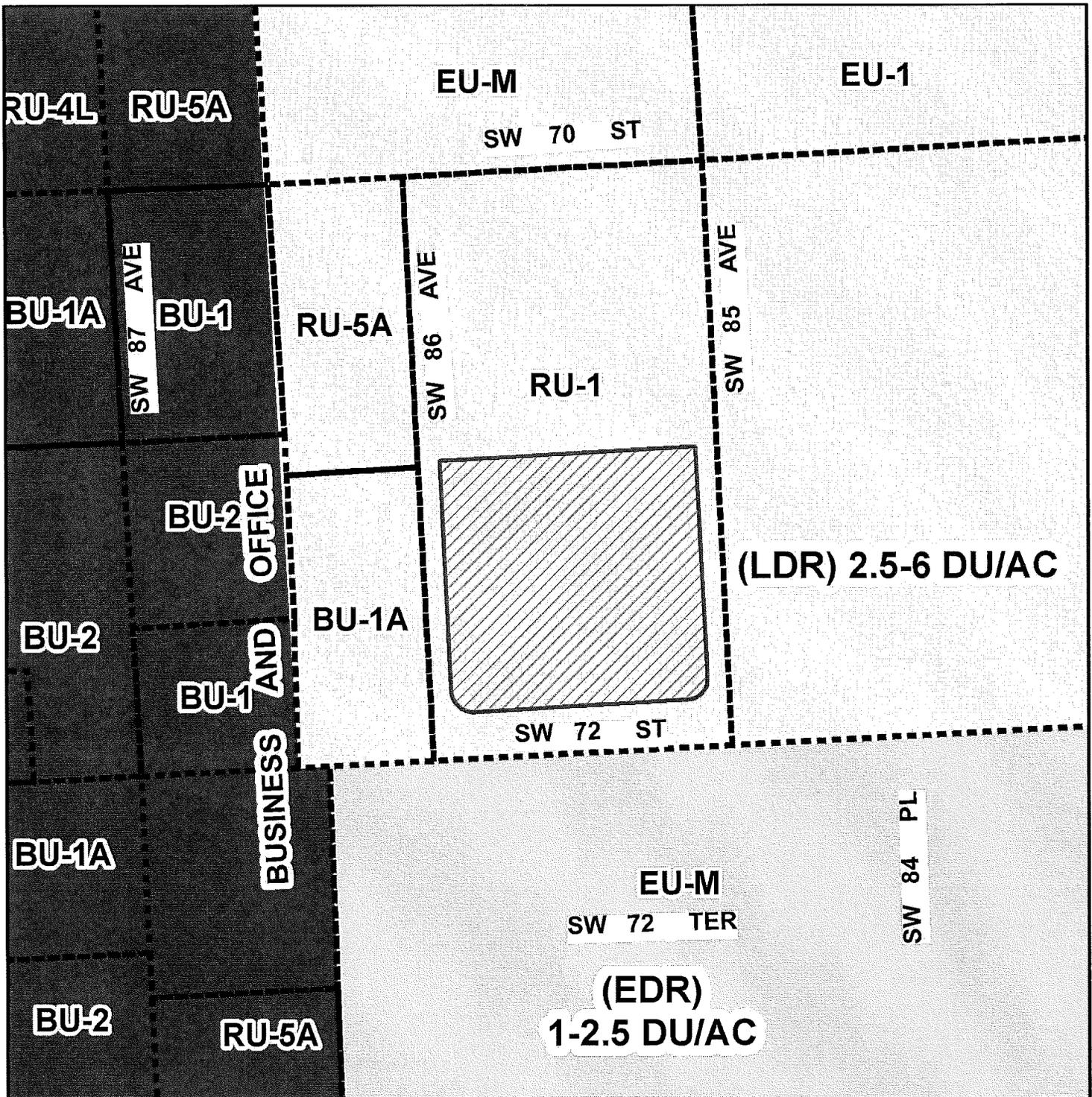


-  Subject Property
-  Buffer



SKETCH CREATED ON:

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
 CDMP MAP

Process Number
Z2013000097



Section: 27 Township: 54 Range: 40
 Applicant: SUNSET AT GALLOWAY CONDOMINIUM ASSOCIATION INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON:

REVISION	DATE	BY

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

PH: Z15-026(15-5-CZ12-2)

May 12, 2015

Item No. 2

Recommendation Summary	
Commission District	7
Applicant	Poncecat 57, LLC
Summary of Requests	The applicant is seeking to waive the right-of-way dedication for a section line roadway.
Location	6200 SW 57 Avenue & 5710 SW 62 Street, Miami-Dade County, Florida.
Property Size	0.36 acre
Existing Zoning	RU-4, High Density Apartment House District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Medium Density Residential 6 to 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified Approval.

REQUEST:

NON-USE-VARIANCE of zoning regulations requiring SW 57 Avenue to be 100' in width, to waive same to permit 35' of dedication (50' required) for the west half of SW 57 Avenue.

A survey is on file and may be examined in the Department of Regulatory and Economic Resources entitled "6200 Red Road" as prepared by Sergio Redondo & Associates, dated stamped received 4/7/15. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The application seeks to waive the required right-of-way dedication for SW 57 Avenue (Red Road), in order to create a larger buildable lot from two (2) existing lots and to develop same under the current zoning district requirements.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4; duplex residences	Low-Medium Density Residential (6 to 13 dua)
North	RU-4; utility sub-station	Low-Medium Density Residential (6 to 13 dua)
South	RU-4; office, single-family residence	Low-Medium Density Residential (6 to 13 dua)
East	City of Coral Gables; university dormitories	Low Density Residential (2.5 to 6 dua)
West	RU-2; duplex residence	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The 0.36-acre subject property is surrounded by duplexes, single-family residences to the west and south, office and utility uses to the north and south, as well as university dormitories located to the east.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the parcels to be developed in conformity with other parcels that abut Red Road to the north and south, which have also been approved to waive the required right-of-way dedication. Further, based on staff memoranda, with this application, approval will not create any negative impact on traffic flow along the Red Road corridor.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Low-Medium Density Residential* use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Approval of the application will allow the applicant to waive a portion of the right-of-way dedication for Red Road, in order to develop the two (2) parcels under the underlying zoning district regulations. Since the applicant is not requesting to add additional dwelling units or change the existing residential uses on the parcels, approval of the application, is **consistent** with the uses allowed under the Low-Medium Density Residential Land use category text and the CDMP Low-Medium Density Residential Communities LUP map designation.

ZONING ANALYSIS:

When this application is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not affect the appearance of the community. Staff is also of the opinion that the approval of the proposed 15' reduction of the required 50' dedication of the west half of Red Road will not have a negative impact on the adjacent parcels lying to the north, south, east and west of the subject property. In addition, based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), staff opines that approval of the reduced right-of-way dedication for Red Road will not negatively impact traffic on the surrounding roadways.

Further, staff notes that the properties to the north and south of the subject property abutting Red Road have also been approved for similar requests to waive the right-of-way dedication for Red Road. In 1993, pursuant to Resolution #Z-156-93, the property to the south was approved to permit office uses and to waive the required 100' right-of-way dedication for SW 57 Avenue (Red Road) and permit the subject property with a 35' dedication. Most recently, pursuant to Resolution #CZAB12-5-15, the Alexander School, located to the north of the subject parcels, was also approved for a similar non-use variance of the required 100' dedication for Red Road. As such, staff opines that approval of the application will not be out of character with prior approvals in the surrounding area.

Staff notes that the request was advertised as a non-use variance of zoning "and subdivision" regulations. The only regulation that the applicants must seek a variance from is the provision in

Poncecat 57, LLC

Z15-026

Page | 3

Section 33-133 establishing the right-of-way width. No variances of the subdivision regulations in Chapter 28 are necessary. Accordingly, that portion of the request should be withdrawn.

Based on the foregoing analysis, staff recommends modified approval of the request under the NUV standards, Section 33-311(A)(4)(b).

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Modified approval.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:EJ:CH



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

NDN

ZONING RECOMMENDATION ADDENDUM

*Poncecat 57, LLC
Z15-026*

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

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

<p><i>Low-Medium Density Residential (Pg. I-29)</i></p>	<p><i>This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
--	---

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><i>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</i></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i></p>
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2. PONCECAT 57, LLC
(Applicant)

15-5-CZ12-2 (15-026)
Area 12/District 07
Hearing Date: 05/12/15

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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: April 23, 2015

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 #Z2015000026
Poncecat 57, ILC
6200 Red Road & 5710 SW 62nd Street
Non-Use Variance to waive the zoning regulations requiring section
line right of way with a lesser width.
(RU-4) (0.368 Acres)
25-54-40

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

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 subject property contains tree resources. Please note that Section 24-49 of the Code provides for the preservation and protection of tree resources. If the development that would be allowed within the existing right-of-way, as a result of the approval of this application, requires the removal and/or relocation of trees, the applicant shall obtain a Miami-Dade County Tree Permit.

Please note that a Miami-Dade County Tree 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. Projects shall be designed to meet the requirements of Sections 24-49.2 and 24-49.4 of the Code including compliance with the specimen tree preservation requirements of the Code as well as CON 8A of the Comprehensive Development Master Plan.

Finally, in accordance with the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

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

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.

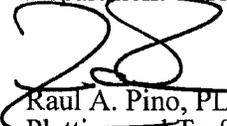
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: April 20, 2015

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: Z2015000026
Name: Poncecat 57, LLC
Location: 6200 Red Road & 5710 SW 62 Street
Section 25 Township 54 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 87, Plat Book 47 at Page 7. A Unity of Title is required to unify this property as one folio.

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

Memorandum



Date: April 30, 2015

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

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

Subject: Poncecat 57, LLC (DIC #15_026)

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, Intergovernmental and External Affairs Division, at 305-375-1354. **The PWWM has no objections to the proposed application.**

Application: *Poncecat 57, LLC* is requesting a non-use variance of right-of-way requirements to demolish two one story single family residences and develop on a property zoned in a High Density Apartment House District (RU-4).

Location: The subject property is located at 6200 Red Road and 5710 SW 62nd Street, in Miami-Dade County, Florida.

Size: The subject property is 0.368 acres

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 18, 2014, 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: and Commercial Establishments

Development on a property zoned in a High Density Apartment House District (RU-4) meets the definition of multi-family residential establishment. Chapter 15 of the Code requires the following of commercial and multi-family establishments located in unincorporated Miami-Dade County:

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

3. Recycling

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

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

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved

(between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Memorandum



Date: April 22, 2015

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: Z2015000026: PONCECAT 57, LLC

Application Name: PONCECAT 57, LLC

Project Location: The site is located at 6200 RED ROAD & 5710 SW 62 ST, Miami-Dade County.

Proposed Development: The request is for a non-use variance to waive the right-of-way dedication.

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 Planning Section Supervisor

Memorandum



Date: 14-APR-15
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2015000026

Fire Prevention Unit:

Not applicable.

Service Impact/Demand

Development for the above Z2015000026 located at 6200 RED ROAD & 5710 SW 62 ST, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1678 is proposed as the following:

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

Based on this development information, estimated service impact is: No Impact. N/A alarms-annually.

Existing services

The Fire station responding to an alarm in the proposed development will be: Station # 14
The estimated average travel time is: 5:27 minutes

Planned Service Expansions:

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

Fire Planning Additional Comments

None

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

PONCECAT 57, LLC

6200 RED ROAD & 5710 SW 62 ST
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

MAY 15, 2015

Z2015000026

DATE

HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 17, 2015

Neighborhood Regulations:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

BUILDING SUPPORT REGULATIONS:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

VIOLATOR:

PONCECAT 57, LLC

OUTSTANDING LIENS AND FINES:

As of April 17, 2015, There are no Outstanding Liens or Fines

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: Ponccat 57, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Ponccat Holdings, TAZ Partners and AJP Ventures</u>	<u>each have 33.3% ownership</u>
<u>2990 Ponce DeLeon Blvd, Suite 500</u>	<u></u>
<u>Coral Gables, FL 33134</u>	<u></u>
<u></u>	<u></u>

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

TRUST/ESTATE NAME

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

RECEIVED
215-026
APR 07 2015
DADE COUNTY
DEPARTMENT OF REGISTRY AND ECONOMIC
RECORDS DEVELOPMENT SERVICES
By: *[Signature]*

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

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

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

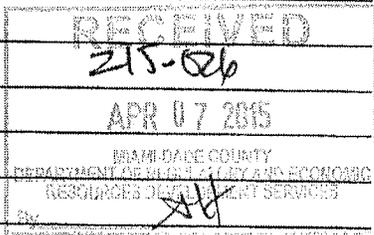
CORPORATION NAME: Poncecat Holdings, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Juan Carlos Mas	100%
2990 Ponce DeLeon Blvd., Suite 500	
Coral Gables, FL 33134	

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

TRUST/ESTATE NAME: _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

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

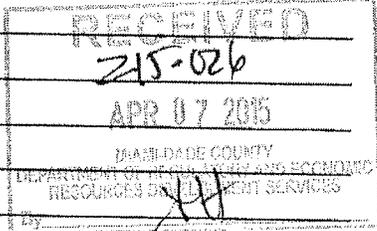
CORPORATION NAME: TAZ Partners, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Joe & Michelle Zubizarreta	50% each
2990 Ponce DeLeon Blvd., Suite 500	
Coral Gables, FL 33134	

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

TRUST/ESTATE NAME: _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

DISCLOSURE OF INTEREST*

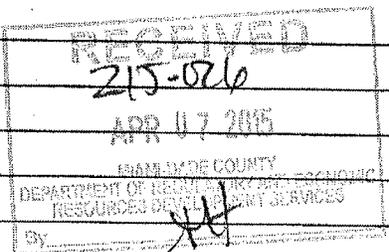
If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: AJP Ventures, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Alberto J. Perez	100%
2990 Ponce DeLeon Blvd., Suite 500	
Coral Gables, FL 33134	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

NAME OF PURCHASER: _____

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

Date of contract: _____

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

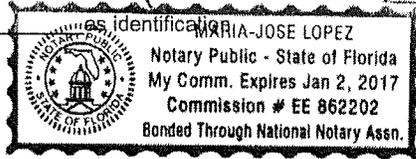
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature _____ Alberto Perez
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 07 day of April, 2015. Affiant is personally know to me or has produced _____ as identification. ALBERTA-JOSE LOPEZ

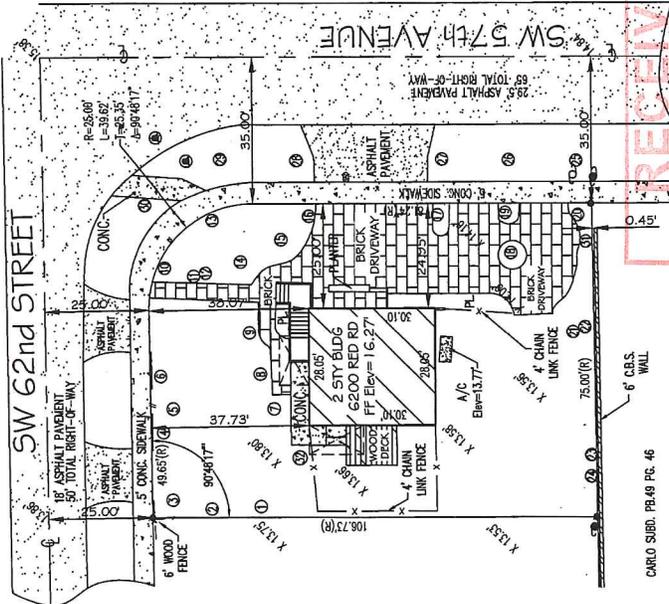
 (Notary Public)



My commission expires: _____ Seal

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

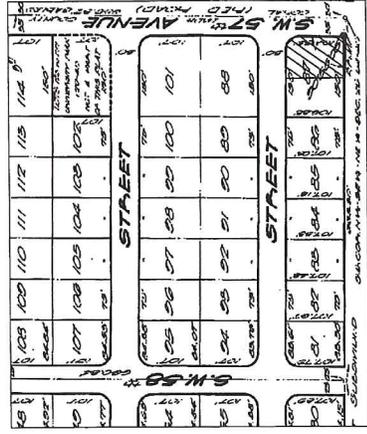
BOUNDARY SURVEY



TREE CHART

BRANCH NAME	COMMON NAME	DIAMETER	CUMPT	HIGHT	STEMCAL NAME	COMMON NAME	DIAMETER	CUMPT	CODE
1	GEORGIA WISMANNA	1.5"	10.5'	27.5'	18	FRONDO CHURCHES	1.5"	10.5'	27.5'
2	GEORGIA WISMANNA	1.5"	10.5'	27.5'	19	FRONDO CHURCHES	1.5"	10.5'	27.5'
3	GEORGIA WISMANNA	1.5"	10.5'	27.5'	20	FRONDO CHURCHES	1.5"	10.5'	27.5'
4	GEORGIA WISMANNA	1.5"	10.5'	27.5'	21	FRONDO CHURCHES	1.5"	10.5'	27.5'
5	GEORGIA WISMANNA	1.5"	10.5'	27.5'	22	FRONDO CHURCHES	1.5"	10.5'	27.5'
6	GEORGIA WISMANNA	1.5"	10.5'	27.5'	23	FRONDO CHURCHES	1.5"	10.5'	27.5'
7	GEORGIA WISMANNA	1.5"	10.5'	27.5'	24	FRONDO CHURCHES	1.5"	10.5'	27.5'
8	GEORGIA WISMANNA	1.5"	10.5'	27.5'	25	FRONDO CHURCHES	1.5"	10.5'	27.5'
9	GEORGIA WISMANNA	1.5"	10.5'	27.5'	26	FRONDO CHURCHES	1.5"	10.5'	27.5'
10	GEORGIA WISMANNA	1.5"	10.5'	27.5'	27	FRONDO CHURCHES	1.5"	10.5'	27.5'
11	GEORGIA WISMANNA	1.5"	10.5'	27.5'	28	FRONDO CHURCHES	1.5"	10.5'	27.5'
12	GEORGIA WISMANNA	1.5"	10.5'	27.5'	29	FRONDO CHURCHES	1.5"	10.5'	27.5'
13	GEORGIA WISMANNA	1.5"	10.5'	27.5'	30	FRONDO CHURCHES	1.5"	10.5'	27.5'
14	GEORGIA WISMANNA	1.5"	10.5'	27.5'	31	FRONDO CHURCHES	1.5"	10.5'	27.5'
15	GEORGIA WISMANNA	1.5"	10.5'	27.5'	32	FRONDO CHURCHES	1.5"	10.5'	27.5'
16	GEORGIA WISMANNA	1.5"	10.5'	27.5'	33	FRONDO CHURCHES	1.5"	10.5'	27.5'
17	GEORGIA WISMANNA	1.5"	10.5'	27.5'	34	FRONDO CHURCHES	1.5"	10.5'	27.5'

LOCATION SKETCH



SURVEYOR'S NOTES:

- The herein captioned Property was surveyed and described based on the shown Legal Description: Provided by Client.
- This Certification is only for the lands as depicted. It is not a certification of title, zoning, or other restrictions. Freedom of Encumbrances. ADVERSE RIGHTS NOT REPRESENTED.
- There may be other rights or interests not shown on the survey that may be the subject of a future lawsuit. This survey is not intended to constitute a title commitment or to be used for title purposes.
- Technical instruments, if any affecting this property, are recorded in the Public Records of Miami-Dade County, Examination of the same is recommended.
- The expected use of the land, as classified in the Minimum Technical Standards (51-17), is "High Risk Residence". The minimum relative distance accuracy for this type of boundary survey is 1 foot in 10,000 feet. The accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.
- Foundations and/or footings that may cross beyond the boundary lines of the parcel herein described are not shown hereon.
- Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- Contact the appropriate authority prior to any design work on the herein described parcel for Building and Zoning information.
- Underground utilities are not depicted hereon, contact the appropriate authority prior to any design work or construction on the property herein described. Surveyor shall be notified as to any deviation from utilities shown hereon.
- Area of Property: 7,860 sq.ft.
- Ownership subject to OPINION OF TITLE
- Type of Survey: Boundary Survey
- North arrow direction and bearings are based on Center line of SW 55th Avenue of Miami-Dade County, Florida
- Deviations are based on the official Geodetic Vertical Datum of 1929
- Benches used: CGP 324 Elev=9.84'
- Florida State Plane: NAD 83
- 6200 RED ROAD
- Panel Number: 12096C0456 L
- Date: 5/11/11, 2009
- Base Flood Elev. = N/A
- Miami, FL 33143
- (17) This PLAN OF SURVEY has been prepared for the exclusive use of the parties named hereon. The Certificate does not extend to any unnamed party.

LEGAL DESCRIPTION:

The East 75.00 feet of Lot 87 of UNIVERSITY MANOR, according to the plat thereof as recorded in Plat Book 47 Page 7 of the Public Records of Miami-Dade County, Florida.



SURVEYOR'S CERTIFICATE:

I Herely Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the BOUNDARY SURVEY, of the real property described hereon. I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 55-17 Florida Administrative Code.

Original Field Survey Date: November 11, 2013

By: *Sergio Redondo*
Sergio Redondo P.S.M.
Professional Surveyor and Mapper
State of Florida, Registration No. 3162



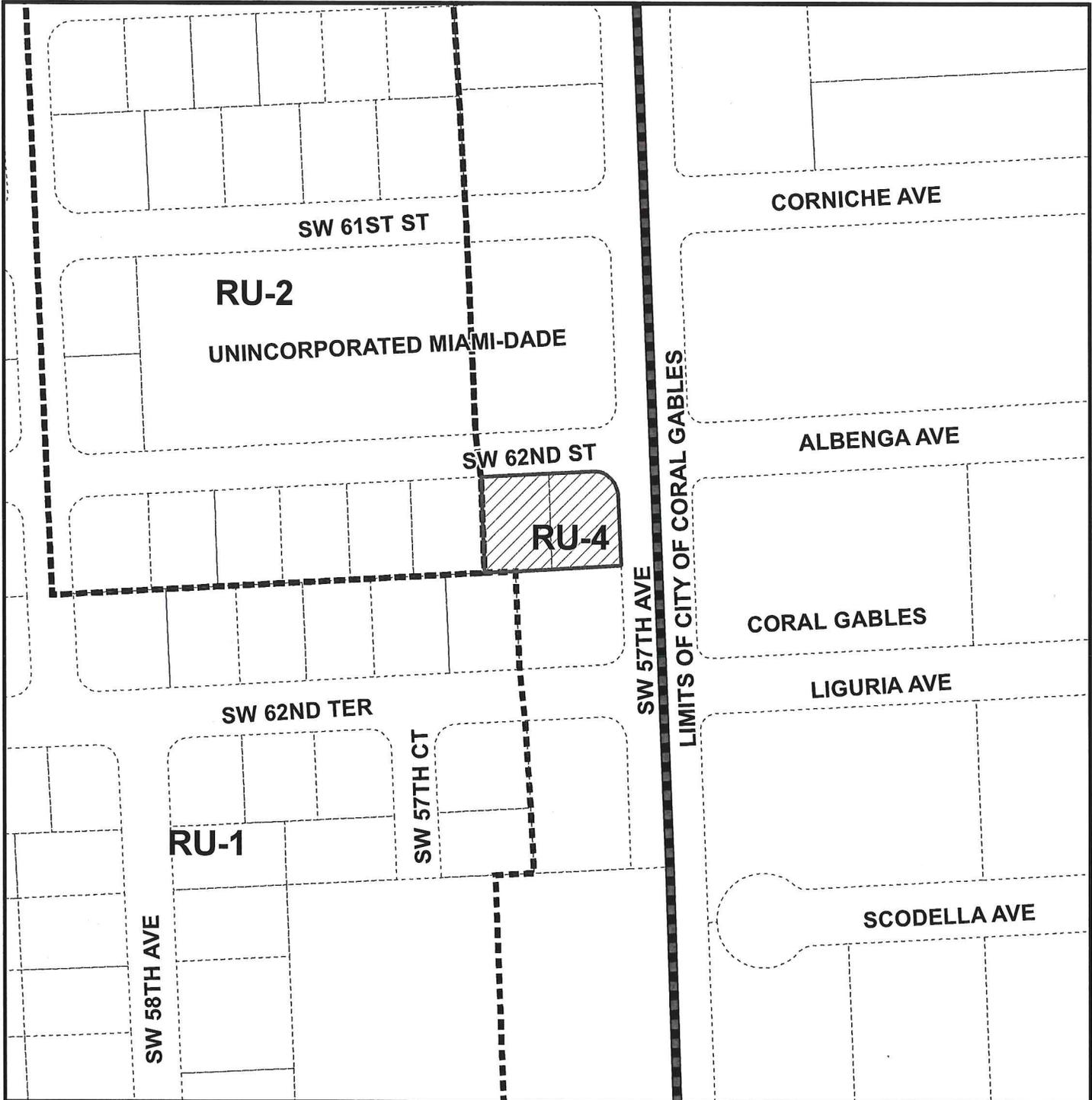
13800 S.W. 145th COURT
MIAMI, FLORIDA 33186
PH. (305) 378-4443
FAX (305) 378-4582
L.B. No. 4474

REVISION NO.	DATE	DESCRIPTION OF REVISION
001	3/10/15	REVISED TREES

6200 RED ROAD
BOUNDARY SURVEY
Alberto Perez

PROJECT NAME	SCALE	DRAWN BY	DATE	DATE OF FIELD WORK
6200 RED ROAD	1" = 20'	A.M./N.R.	11/18/13	

- LEGEND**
- Fire Hydrant
 - Black Corner
 - Overhead Wire Line
 - Wire Fence
 - Chain Link Fence
 - Sewer Manhole
 - Utility easement
 - Found Nail and Disc
 - Light Pole
 - Sat 1/2" Iron PIN
 - Water Meter
 - Catch Basin
 - Measured (P)=Pit



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2015000026

Legend

-  Subject Property Case
-  Zoning
-  Municipalities

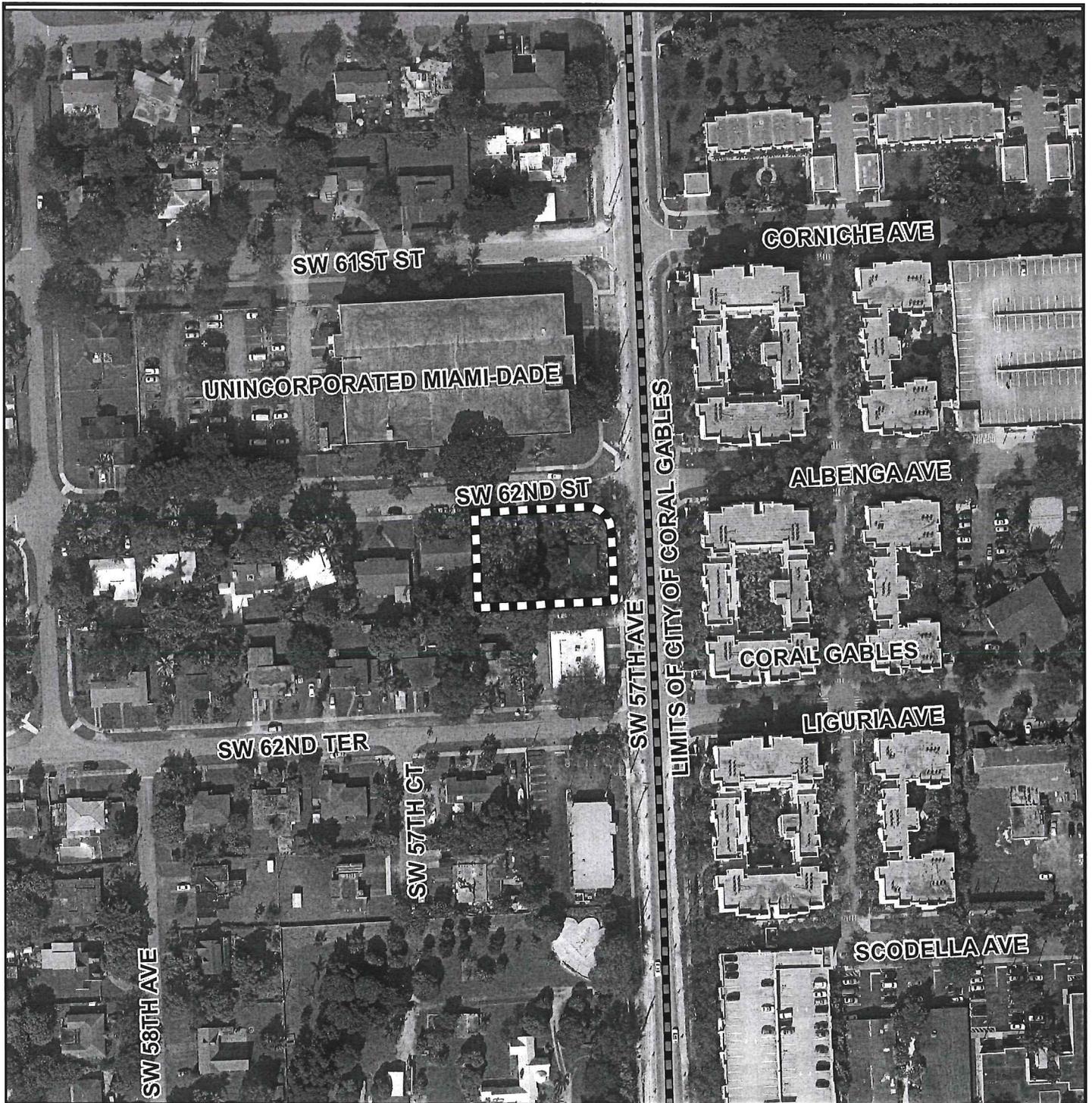


Section: 25 Township: 54 Range: 40
 Applicant: PONCECAT 57, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, April 7, 2015

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2015000026

Legend
 Subject Property
 Municipalities

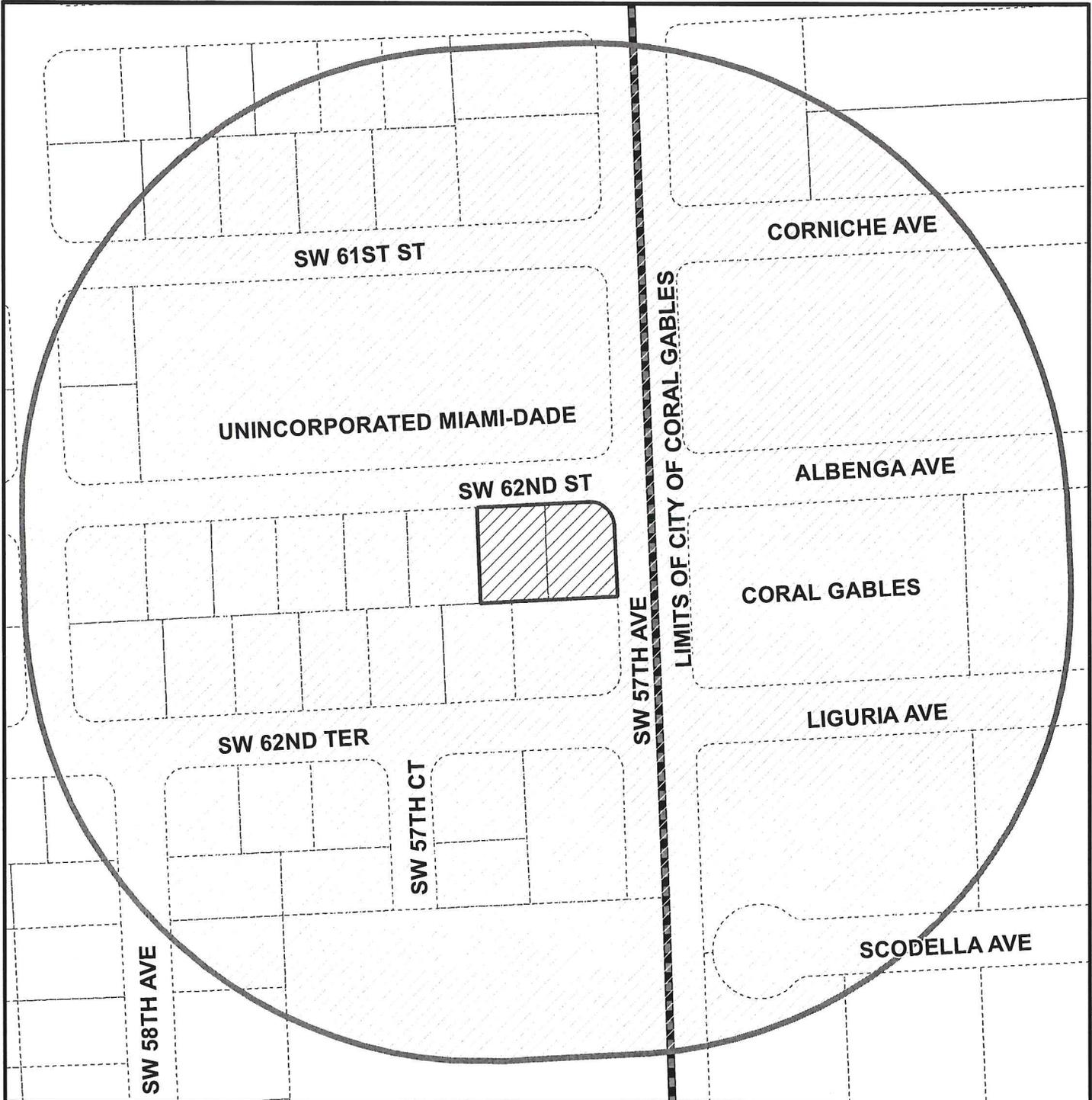


Section: 25 Township: 54 Range: 40
Applicant: PONCECAT 57, LLC
Zoning Board: C12
Commission District: 7
Drafter ID: E.CESPEDES
Scale: NTS



SKETCH CREATED ON: Tuesday, April 7, 2015

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
RADIUS MAP

Section: 25 Township: 54 Range: 40
 Applicant: PONCECAT 57, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS

Process Number
Z2015000026
 RADIUS: 500

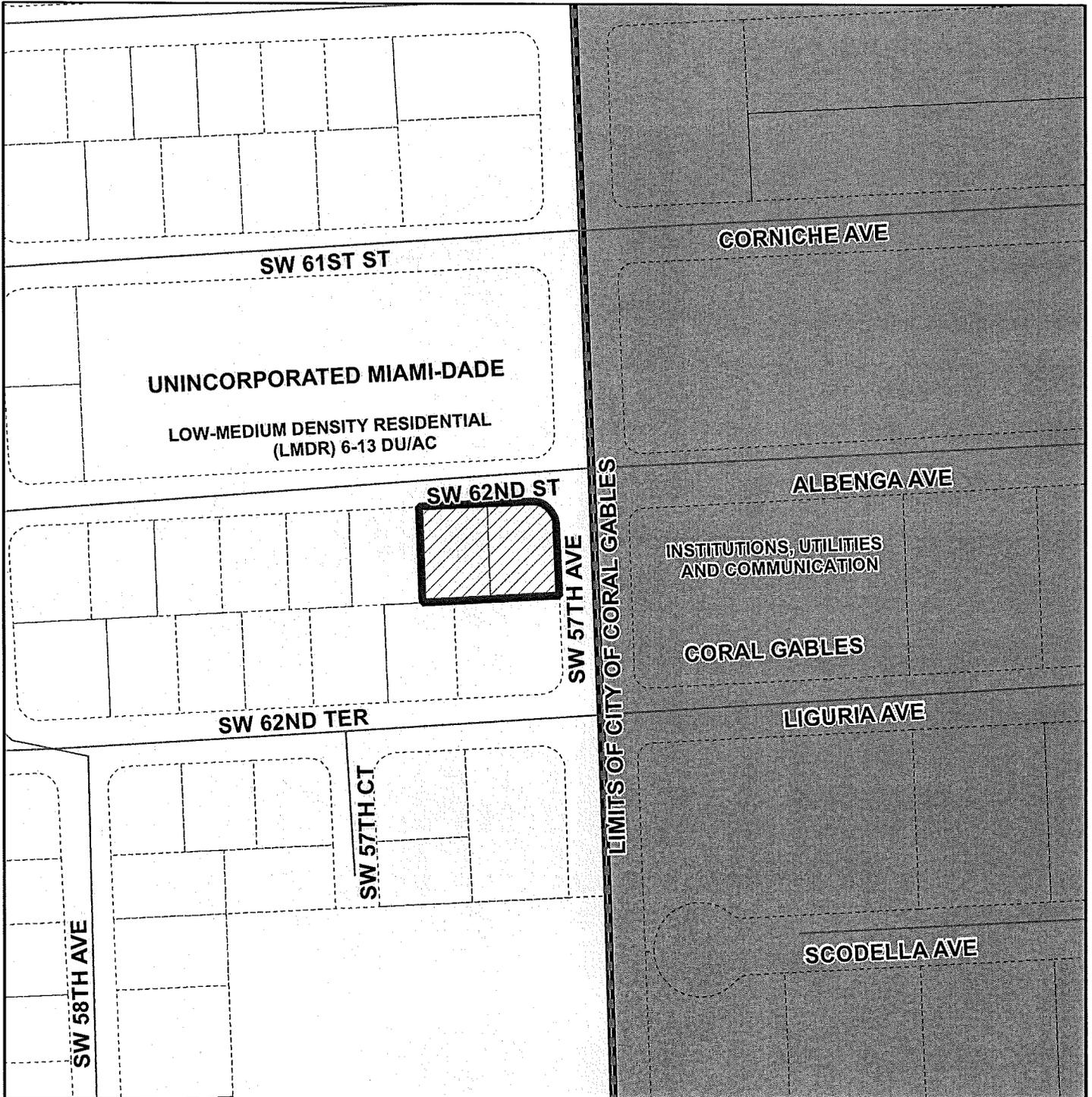
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Tuesday, April 7, 2015

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2015000026

Legend

-  Subject Property Case
-  Municipalities



Section: 25 Township: 54 Range: 40
 Applicant: PONCECAT 57, LLC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, April 7, 2015

REVISION	DATE	BY