

FINAL AGENDA

5-13-2015 Version # 2



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, June 9, 2015 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | | |
|----|-------------|---|-------|----------|---|
| A. | 15-4-CZ12-2 | <u>CHILDREN'S RESOURCE FUND, INC.</u> | 14-96 | 10-55-40 | N |
| B. | 15-2-CZ12-1 | <u>KIMCO DEVELOPMENT OF MILLERODE, INC.</u> | 14-78 | 28-54-40 | |

CURRENT

- | | | | | | |
|----|-------------|-------------------------------------|--------|----------|---|
| 1. | 15-6-CZ12-1 | <u>MARIA FANTI</u> | 14-48 | 27-54-40 | N |
| 2. | 15-6-CZ12-2 | <u>TIMOTHY & ELSIE MCKERNAN</u> | 14-82 | 16-55-40 | N |
| 3. | 15-6-CZ12-3 | <u>J. DAVID & JOAN SCHEINER</u> | 14-94 | 31-54-41 | N |
| 4. | 15-6-CZ12-4 | <u>CMG HOMES-10201, LLC</u> | 14-142 | 17-55-40 | N |
| 5. | 15-6-CZ12-5 | <u>NARCISO RUIZ</u> | 15-15 | 24-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, JUNE 9, 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

A. CHILDREN'S RESOURCE FUND, INC. (15-4-CZ12-3/14-096)

**10-55-40
Area 12/District 08**

- (1) SPECIAL EXCEPTION to permit a private school.
- (2) MODIFICATION of plans approved pursuant to Resolution 5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12, reading as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received July 03, 2006 consisting of five sheets."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, Sheet A-00, dated stamped received 1/6/15 and the remaining 5 sheets dated stamped received 8/20/14 for a total of 6 sheets".

- (3) MODIFICATION of Condition #7 of Resolution 4ZAB-217-90, passed and adopted by the Zoning Appeals Board last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12, reading as follows:

FROM: "7. Instructions will be limited to nursery and preschool age students".

TO: "7. The instructions will include nursery, preschool and elementary (grades K through 6 grade) age students."

- (4) MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That the uses be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m."

TO: "5. That the uses be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m."

- (5) MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 691, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900, reading as follows:

FROM: "3c. The use will be conducted on the premises Monday through Saturday from 8:00 AM to 6:00 PM."

"3d. Instruction will be limited to nursery and preschool age students"

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of

the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

TO: "3c. The use will be conducted on the premises Monday through Saturday from 7:30 AM to 6:00 PM."

"3d. The instruction will include nursery, preschool and elementary (grades K through 6 grade) age students."

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

- (6) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Page 0054 as recorded in Official Records Book 25649, pages 3897-3900, reading as follows:

FROM: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, P.A., dated stamped received 7/3/06 and consisting of five (5) sheets."

TO: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, Sheet A-00, dated stamped received 1/6/15 and the remaining 5 sheets dated stamped received 8/20/14 for a total of 6 sheets".

The purpose of Requests #2 through #6 is to submit a revised site plan showing a new covered canopy play area, to increase the grades from K through 6th grade and to increase the hours of operation for a previously approved nursery & kindergarten.

- (7) NON-USE VARIANCE to permit an existing detached sign setback 4.6' from the rights-of-way for both SW 87th Avenue and SW 112 Street (15' required).

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

LOCATION: 8571 SW 112 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.08 Acres

Department of Regulatory and
Economic Resources
Recommendation:

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

Protests: 244

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

Deferred from April 14, 2015

B. KIMCO DEVELOPMENT OF MILLERODE, INC. (15-2-CZ12-1/14-078)

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

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 Escon Services, Inc., consisting of 1 sheet and a plan entitled "ALTA/ACSM Land Title Survey" as prepared by Avirom & Associates, Inc., consisting of 1 sheet, both sheets dated stamped received 1/30/15. Plans may be modified at public hearing.

LOCATION: 9310 - 9420 SW 56 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.78 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

Deferred from May 12, 2015

Gary B. Castel Surveying, Inc. and dated last revised 2-6-96, as it pertains to the variance related construction. Any future additions on the property which conform to Zoning Code requirements will not require further hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Residence For the Scheiner Family" as prepared by David Wearne Johnson AIA, with sheets A-1, A-2.1 & A-2 dated stamped received 03/26/15 and the remaining 6 sheets dated stamped received 02/26/15, for a total of 9 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

The purpose of request #1 is to allow the applicant to submit a revise site plan showing demolition of the existing residence and construction of a new residence and a coral rock wall with decorative fence on the property.

- (2) NON-USE VARIANCE of zoning regulations requiring fences, rocks and walls not to exceed 2.5' in height when placed within the safe sight distance triangle; to waive same to permit a 5' high decorative fence with coral rock within the safe sight distance triangle.

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

LOCATION: 8180 SW 47 Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.16 Gross Acres

Department of Regulatory and Economic Resources
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. CMG HOMES – 10201, LLC (15-6-CZ12-4/14-142)

**17-55-40
Area 12/District 08**

DISTRICT BOUNDARY CHANGE from AU to EU-M.

LOCATION: 10201 SW 136 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 154.12' X 260'

Department of Regulatory and
Economic Resources
Recommendation:

Approval.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

5. NARCISO RUIZ (15-6-CZ12-5/15-015)

**24-54-40
Area 12/District 07**

NON-USE VARIANCE to permit an addition to a single family residence setback 15' (25' required) from the front (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Private Residence" as prepared by Berry Design Studio, dated stamped received 3/2/15 and consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 5831 SW 51 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 75' X 100'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

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

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

PH: Z14-096 (15-4-CZ12-3)

June 9, 2015

Item No. A

Recommendation Summary	
Commission District	8
Applicant	Children's Resource Fund, Inc.
Summary of Requests	The applicant is seeking approval of a private school use on the subject property with grades kindergarten through 6. Additionally, the applicant seeks to modify a previously approved resolution and declaration of restrictions to establish the aforementioned private school on the subject property, to increase the hours of operation for a previously approved nursery and kindergarten, and permit an existing detached sign to setback less than required from property lines.
Location	8571 SW 112 Street, Miami-Dade County, Florida.
Property Size	2.08 Acres
Existing Zoning	EU-1; Estates 1 Family 1 Acre Gross
Existing Land Use	Daycare/private school
2020-2030 CDMP Land Use Designation	Estate Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(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, subject to the Board's acceptance of the proffered covenant.

This item was deferred from the April 14, 2015 Community Zoning Appeals Board (CZAB) #12 meeting to allow for a request to be properly advertised.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a private school.
- (2) MODIFICATION of plans approved pursuant to Resolution #5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution #CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12, reading as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received July 03, 2006 consisting of five sheets."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, Sheet A-00, dated stamped received 1/6/15 and the remaining 5 sheets dated stamped received 8/20/14 for a total of 6 sheets".

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FROM: "7. Instructions will be limited to nursery and preschool age students".

TO: "7. The instructions will include nursery, preschool and elementary (grades K through 6 grade) age students."

- (4) MODIFICATION of Condition #5 of Resolution #Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That the uses be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m."

TO: "5. That the uses be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m."

- (5) MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 69, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900, reading as follows:

FROM: "3c. The use will be conducted on the premises Monday through Saturday from 8:00 AM to 6:00 PM."

"3d. Instruction will be limited to nursery and preschool age students."

"The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

TO: "3c. The use will be conducted on the premises Monday through Saturday from 7:30 AM to 6:00 PM."

"3d. The instruction will include nursery, preschool and elementary (grades K through 6 grade) age students."

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of

students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

- (6) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Pages 0054 as recorded in Official Records Book 25649, pages 3897-3900, reading as follows:

FROM: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, P.A., dated stamped received 7/3/06 and consisting of five (5) sheets."

TO: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, Sheet A-00, dated stamped received 1/6/15 and the remaining 5 sheets dated stamped received 8/20/14 for a total of 6 sheets".

The purpose of requests #2 through #6 is to submit a revised site plan showing a new covered canopy play area, to increase the grades from K through 6th grade and to increase the hours of operation for a previously approved nursery and kindergarten.

- (7) NON-USE VARIANCE to permit an existing detached sign setback 4.6' from the rights-of-way for both SW 87th Avenue and SW 112 Street (15' required for both).

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 HISTORY & DESCRIPTION:

On June 9, 1982, the subject property was part of a zoning hearing that requested a special exception to permit a private school with grades kindergarten through 8. Said request was approved by the Zoning Appeals Board with conditions pursuant to Resolution 4-ZAB-190-82 but was appealed to the Board of County Commissioners who sustained the decision of the Zoning Appeals Board to approve the request pursuant to Resolution No. Z-161-82. In 1990, the property was once again the subject of a public hearing requesting an unusual use to permit a day nursery and preschool in conjunction with a special exception to permit the expansion of an existing building and modification of conditions for new hours of operation, limiting the school age of children, additional teachers and teacher assistants, and additional vehicles to serve the facility. These requests were sought to amend the conditions existing on the site relative to the private school use to coincide with the proposed and anticipated day nursery/preschool use. Said requests were approved pursuant to Resolution 4-ZAB-217-90. In 1999, non-use variances to permit a larger monument sign and to permit a second sign on the subject property were sought and approved by Community Zoning Appeals Board-12 (CZAB-12), pursuant to Resolution No. CZAB12-24-99.

In 2001, the Children's Resources Fund, Inc. applied for a public hearing requesting a modification of a condition of a previous resolution to increase the number of children for the school and to modify a Declaration of Restrictions to extend hours of the day care service for additional school children. A non-use variance to permit less classroom area than required was also requested as part of the hearing. The requests were approved on a modified basis with conditions, pursuant to Resolution No. CZAB12-7-01. In 2007, pursuant to Resolution No. CZAB12-8-07, several requests were approved to modify previously approved plans, conditions and a Declaration of Restrictive Covenants which allowed for the physical expansion of a previously approved school and increased the number of teachers and classrooms and students. The applicant was also approved to permit new construction to encroach into setbacks.

The subject 2.08-acre, EU-1 zoned lot is located at 8571 SW 112 Street and is currently used as a daycare/private school from infant to pre-k grade. There is a church to the north of the subject property, a Montessori School to the south, a single-family residence to the east and a vacant parcel to the west. The existing buildings on the subject site are all one story in height and maintain the single-family residential scale commonly found in the estate density area surrounding the subject property. Further, the school property is located at the intersection of a section line road (SW 87 Avenue) and a half-section line road (SW 112 Street). **Staff notes that the applicant is not requesting an increase in the number of students, which was approved for a maximum of 104 students on the subject property.**

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; Children's Resources Fund School	Estate Density Residential, 1 to 2.5 dua
North	EU-1; church	Estate Density Residential, 1 to 2.5 dua
South	EU-1; Montessori School	Estate Density Residential, 1 to 2.5 dua
East	EU-1; single-family residence	Estate Density Residential, 1 to 2.5 dua
West	EU-S; vacant property	Estate Density Residential, 1 to 2.5 dua

NEIGHBORHOOD CHARACTER:

The subject property is located on the northeast corner of SW 87 Avenue (Galloway Road) and SW 112 Street (Killian Drive). The area surrounding the subject property is developed with single-family homes and institutional uses such as schools and houses of worship.

SUMMARY OF IMPACT:

The approval of this application will provide the members of the existing daycare and the community with a new private school including grades kindergarten through 6. 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 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for ***Estate Density Residential*** use. *The Estate Density Residential land use designation falls within the Residential Communities category that also permits 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 the Comprehensive Development Master Plan (CDMP) 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.*

The applicant proposes to utilize the existing buildings on the subject site for a new private school with grades kindergarten through 6, while modifying the starting time from 8 am to 7:30 am. Additionally, the applicant seeks approval of a detached sign setback less than required from the west and south property lines. Staff opines that the proposed use would not generate additional traffic for the surrounding area, and the 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. Therefore, staff opines that approval of the proposed use is **compatible** with the surrounding neighborhood, in accordance with Policy LU-4A criteria.

Staff also opines that the proposed private school use would be adequately buffered by the existing landscaping elements which include the required street and lot trees and hedges. 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 because the façade and scale were previously designed to match that of the existing surrounding residential community. For these reasons, staff is of the opinion that the approval of the proposed private school use 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 with grades kindergarten through 6 on the property 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 residential 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 all existing and new buildings being proposed are and would be one story in height to maintain the single-family residential scale commonly found in the estate density area surrounding the subject property. Staff further notes that the property is surrounded by other institutional uses such as a Montessori School to the south and houses of worship to the north and southwest. The private school is an existing lawful non-residential use in an estate density land use category and its expansion to include grades kindergarten through 6, 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 through #6, to modify conditions of a prior resolution and declaration of restrictions to allow the applicant to have elementary grades students along with the previously approved nursery and preschool age students, and increase the hours of operation for a previously approved nursery & kindergarten, 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 104 students on the subject property. Additionally, the applicant has submitted a revised covenant that restricts the development of the subject property to the submitted plans, new hours of operation and maintains all the prior restrictions that are not modified with this application.

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 parking situation that benefits the esthetic character of the site and of the surrounding area. Staff further opines that the proposed 30-minute increase in the hours of operation from 8:00 am to 7:30 am will not detrimentally impact 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, will not exceed the acceptable level of service of the surrounding roadways and meets the traffic concurrency criteria for an Initial Development Order.

The Division of Environmental Resources Management (DERM) of the RER indicates that the approval with conditions of the aforementioned request will not have an unfavorable impact on the environmental resources of the County. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed facilities will have a negative impact on fire rescue services in the area. 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 residential area. **Therefore, staff recommends approval with conditions of requests #2 through #6, subject to the Board's acceptance of the proffered covenant under Section 33-311(A)(7) Generalized Modification Standards.**

When request #7, to permit an existing detached sign setback 4.6' (15' required) from the SW 87th Avenue (west) property line and SW 112 Street (south) property line, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes that in order to mitigate any visual impact generated from the existing detached sign, the landscape plan depicts ample landscaping along the aforementioned property lines in the general area where the sign is located. Staff further notes that the detached sign is setback 4.6' from the said property lines which, in staff's opinion, is sufficient to mitigate any visual impacts along an existing 80' wide section line right-of-way (SW

87 Avenue) and an existing 70' wide half-section line right-of-way (SW 112 Street). As such, staff opines that approval of request #7 will not have a negative visual impact on the surrounding area. Staff further notes that the Platting and Traffic Review Section of the RER does not object to the approval of this request. Staff further opines the requested non-use variance will have minimal impact on the surrounding area, provides curb appeal to the subject property and would be **compatible** with same. **As such, staff recommends approval with conditions of request #7 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: N/A.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

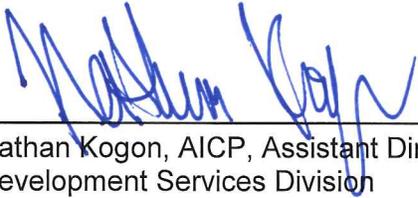
RECOMMENDATION: Approval with conditions, subject to the Board's acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #4ZAB-217-90, last modified by Resolution #CZAB12-8-07 remain in full force and effect, except as herein modified.
2. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 22264, Pages 0054 thru 0058 remain in full force and effect except as herein modified.
3. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Pages 0054 as recorded in Official Records Book 25649, pages 3897-3900 remain in full force and effect except as herein modified.
4. 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.
5. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
6. 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.
7. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
8. 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.

9. 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.
10. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.

ES:MW:NN:EJ:JV



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

NK

ZONING RECOMMENDATION ADDENDUM

Children's Resource Fund, Inc.
Z14-096

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

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

Children's Resource Fund, Inc.
Z14-096

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>

A. CHILDREN'S RESOURCE FUND, INC.
(Applicant)

15-4-CZ12-2 (14-096)
Area 12/District 08
Hearing Date: 06/09/15

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>
1982	Charles T. & Marguerite A. Bethel	- Special Exception Private School kindergarten to 8 th grade.	ZAB	Approved with Condition(s)
1990	Ronald & Parricia Cantwell	- Unusual Use to permit day nursery & preschool. - Special Exception to permit expansion of the existing building. - Modification of Condition of Resolution.	ZAB	Approved with Condition(s)
1994	Children's Resource	- Modification of Condition of Resolution.	ZAB	Approved with Condition(s)
2001	Children's Resource Fund, Inc.	- Modification of Condition #4 of Resolution and Agreement.	C12	Approved with Condition(s)
2007	Children's Resource Fund, Inc.	- Modification of Condition of Resolution. - Non-Use Variance of students.	C12	Approved with Condition(s)

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

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

#2

APPLICANT'S NAME: CHILDREN'S RESOURCE FUND, INC.

REPRESENTATIVE: ALAN KRISHNER

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
15-4-CZ12-2 (14-096)	April 14, 2015	CZAB12 15

REC: Approval with conditions, subject to the Board's acceptance of the proffered covenant.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 6/9/15 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 advertise an additional request. Will re-advertise at County's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCILMAN		Javier GONZALEZ-ABREU	X		
COUNCILMAN		Matthew LARSH			Departed at 7:46 pm
COUNCILMAN		Alberto SANTANA	X		
VICE CHAIRWOMAN		Angela M. VAZQUEZ			X
COUNCILMAN		Elliot N. ZACK	X		
CHAIRMAN		Jose I. VALDES (C.A.)	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: Laurne Morse

12

Memorandum



Date: August 27, 2014

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

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

Subject: C-12 #Z2014000096
Children's Resource Fund, Inc.
8571 SW 112th Street Miami-Dade County
Modify previous resolution from day care to school
special exception to permit a school
(EU-1) (2.08 Acres)
10-55-40

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the "From:" field.

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

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

Concurrency Review Summary

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

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

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

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

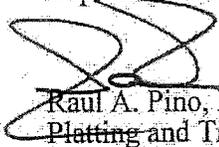
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 29, 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: Z2014000096
Name: Children's Resource Fund
Location: 8571 SW 112 Street
Section 10 Township 55 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 21 of Plat Book 40, Page 52.

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: September 9, 2014

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

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

Subject: Children's Resource Fund (#14_096)

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, Fiscal Management and Planning Division, at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *Children's Resource Fund* The applicant requests a special exception for the expansion of an existing private school for special needs children. The applicant also requests modification of 1) the Declaration of Restrictions recorded at Official Records Book 16537 at Page 691 of the Public Records of Miami-Dade County, Florida, and 2) Resolution No. Z-161-82.

Size: The subject property is 2.1 acres.

Location: The subject property is located at 8571 SW 112th 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, new construction for the school 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.

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.

Check List of Requirements
Day Nursery, Day Care, Kindergarten, Private School

School Name: Children's Resource Child Development Center

School Address: 8751 SW 112th Avenue, Miami-Dade County, FL

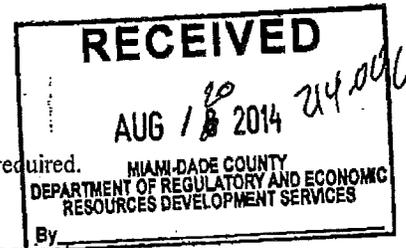
Tax Folio #: 30-5010-007-0380

1. Is this an expansion to an existing school? Yes No if so, indicate the number of students: 104 and age and grade ranges originally approved: up to age 8
2. Total size of site: 300.96 x 301.46 = 90,676 ÷ 43,560 sq. ft = 2.08+/- acres
3. Number of children or students requested: 104 Ages: up to age 11
4. Number of Teachers: 21; number of administrative & clerical personnel 4
5. Number of classrooms: 8 Total square footage or classroom area: 5,323 s.f.
6. Total square footage of non-classroom area: 1,246 s.f.
7. Amount of exterior recreation / play area in square footage: 9,950 s.f.
8. Number of vehicles(s) that will be used in conjunction with the operation of the facility: 0 Type of vehicles(s): N/A
9. Number of parking spaces provided for staff, visitors, and transportation vehicles: 27 parking spaces provided 21 parking spaces required by Section 33-124(L).
10. Indicate the number of auto stacking spaces: 7 provided 7 required
11. Proposed height for the structures(s): 16' See Section 33-151.18(c).
12. Size of identification sign: 2 x 3 = 6 sq. ft. See Section 33-151.18(c). signage will require a separate permit. Contact the Permit Section at 375-2475.]
13. Days and hours of operation: Monday – Friday 7:30 a.m. to 6:00 p.m.
14. Does the subject facility share the site with other facilities Yes No (If so, the space which will be used solely for the school facility during the hours of operations must be indicated on the plans, pursuant to Section 33-151.16.)
15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans.)

PHYSICAL STANDARDS, SITE SIZE, 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 based on site size calculations only. **WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.**

CLASSROOM SPACE: Calculated by grade levels.



- a. Day Nursery / Kindergarten, preschool and afterschool care
35 sq. ft x 52 (number of children) = 1,820 sq. ft of classroom area required.
- b. Elementary Grades 1 – 6
30 sq. ft x 52 (number of children) = 1,560 sq. ft of classroom area required.
- c. Junior High and Senior High School (Grades 7 – 12)
25 sq. ft x 0 (number of children) = _____ sq. ft of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 3,380 s.f.
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 10,442 s.f. proposed

OUTDOOR RECREATION SPACE

- a. Day nursery/kindergarten, preschool and afterschool care
45 sq. ft x 26 (1/2 of children) = 1,170 sf
- b. Grade 1 – 6
500 sq. ft x 30 (first 30 children) = 15,000 sf
300 sq. ft x 22 (remaining children) = 6,600 sf
- c. Grade 7 – 12
800 sq. ft. x _____ (first 30 children) = _____
300 sq. ft. x _____ (next 30 children) = _____
150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 22,770 s.f.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 82,286 s.f.

TREES: See Section 33-151.18(h), and Planning Department for additional requirements

- a. 28 trees are required per net acre. Trees required: 58 Trees Provided: 66
- b. Seven shrubs are required for each tree required. Shrubs required: 406 Shrubs provided: 406
- c. Grass area for organized sports/play area in square feet: 9,950 s.f.
- d. Lawn area in square feet (exclusive of organizes sports/play area): 53,128 s.f.

School Address: 8571 SW 112th Avenue, Miami-Dade County, Florida Zip Code: 33176

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

Signed, sealed, executed and acknowledged on this 19 day of August, 2014 at Miami-Dade County, Florida.

WITNESSES:

Luigi Lelites
Dennis J. Jones

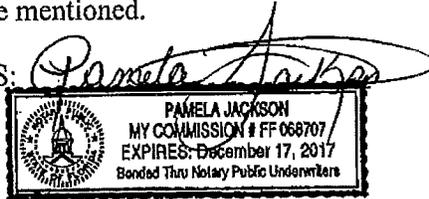
By: *Tracy Slavens*
Printed Name: Tracy Slavens
Title: Attorney for Applicant

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I hereby certify that on this 19 day of August, 2014, before me personally appeared TRACY SLAVENS, to me known to be the person described in and who executed the foreign instrument and he/she acknowledged to me that the execution thereof to be his/her free act for the use and purpose mentioned.

MY COMMISSION EXPIRES:



3864552_v1

Memorandum



Date: September 3, 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: Z2014000096: CHILDREN'S RESOURCE FUND INC

Application Name: CHILDREN'S RESOURCE FUND INC

Project Location: The site is located at 8571 SW 112 ST, Miami-Dade County.

Proposed Development: The request is for modification of grade levels for a school.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 09-SEP-14
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2014000096

Fire Prevention Unit:

No objection to the site plan with a August 20, 2014 Zoning Department received date.

Service Impact/Demand

Development for the above Z2014000096
located at 8571 SW 112 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1894 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>3,288</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.2 alarms-annually.
The estimated average travel time is: 6:06 minutes

Existing services

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

Station 23- Suniland - 7825 SW 104 Street
Rescue, BLS 75' Lader

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received August 20, 2014. Substantial changes to the plan will require additional service impact analysis.

DATE: 07-OCT-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

CHILDREN'S RESOURCE FUND,
INC.

8571 SW 112 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000096

HEARING NUMBER

HISTORY:

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

CHILDREN'S RESOURCE FUND, INC

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

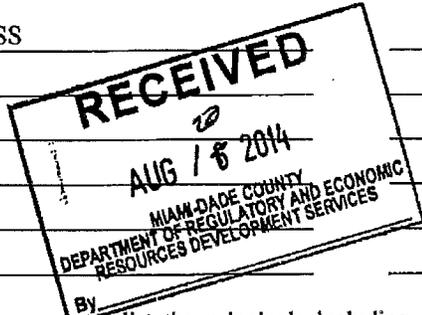
CORPORATION NAME: Children's Resource Fund, Inc., a Florida not for profit corporation Board of Trustees

NAME AND ADDRESS	Percentage of Stock
Margaret Armaly 7141 SW 136 Street, Pinecrest, Florida	0%
Joseph Armaly 7141 SW 136 Street, Pinecrest, Florida	0%
Gerard Berger 8571 SW 112 Street, Miami, Florida	0%
Daniel Tasciotti 8571 SW 112 Street, Miami, Florida	0%
Ronald Cantwell 8571 SW 112 Street, Miami, Florida	0%
Address: 8571 SW 112 Street, Miami, Florida 33156	

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: _____

NAME AND ADDRESS	Percentage of Interest



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: _____

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (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 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.

Children's Resource Fund, Inc.,

a Florida not for profit corporation

By: *Margaret Armaly*
Print Name/Title Margaret Armaly, Board Chairman

Sworn to and subscribed before me this 15 day of April, 2014, ~~2013~~. Affiant is personally known to me or has produced _____ as identification.

Gigliola Del Valle
(Notary Public)

My commission expires 4/30/16



*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.

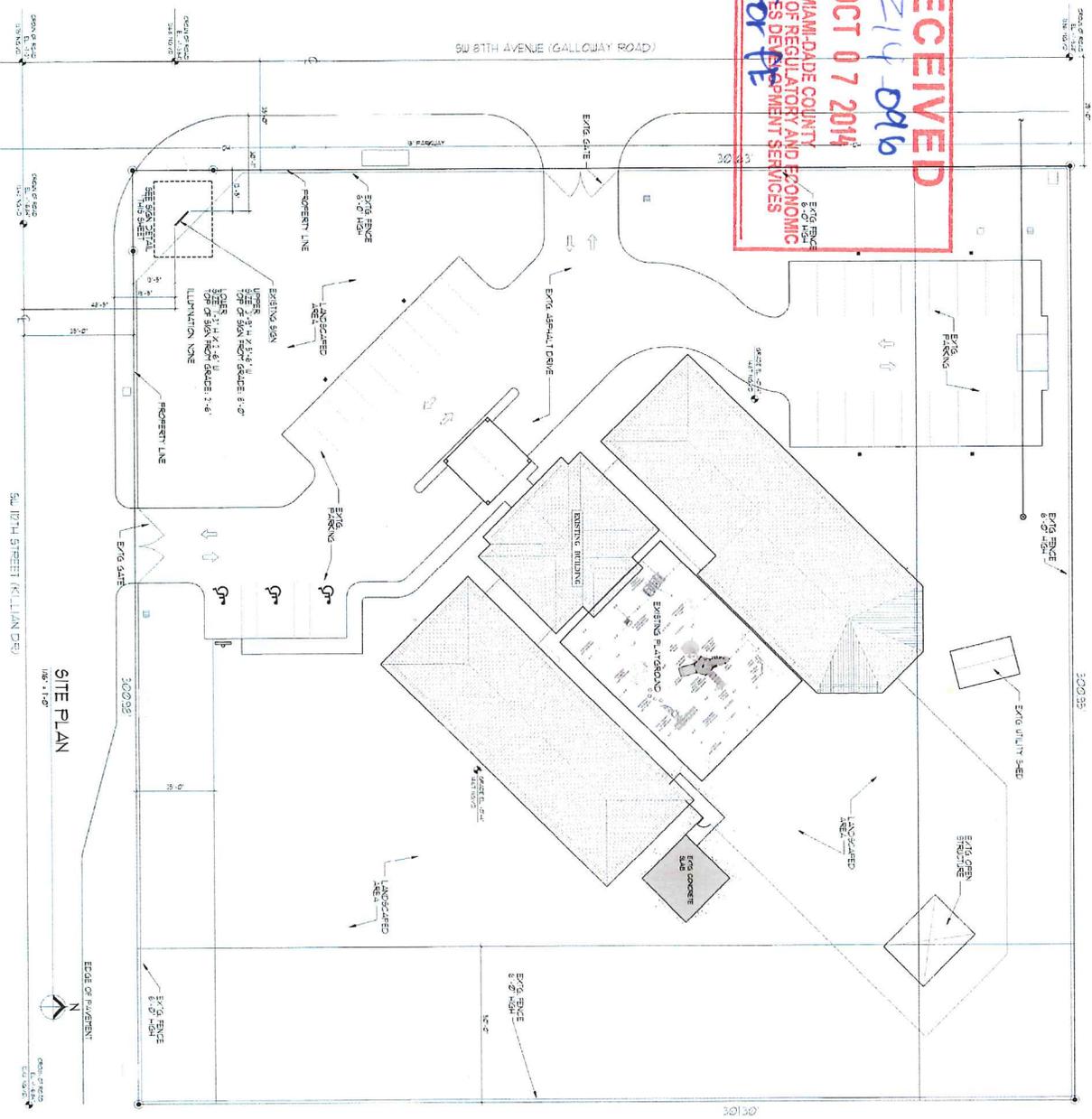
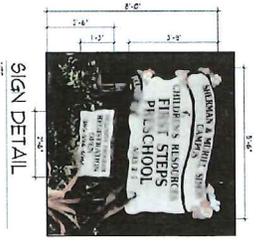
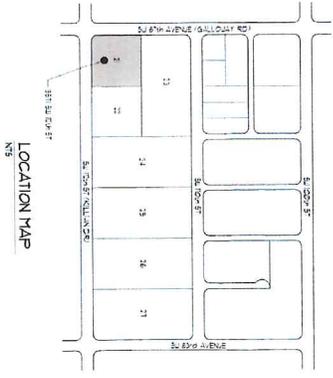
SIGN FOR: CHILDREN'S RESOURCES EDUCATIONAL CENTER

RECEIVED
OCT 17 2014
MARIETTA, GA

PROJECT DEVELOPER/OWNER:
CHILDREN'S RESOURCES
6571 SW 112th STREET
MIAMI, FLORIDA 33156
TEL. (305) 596.6999 FAX (305) 596.1186

ARCHITECTURE:
COHEN, FREEDMAN, ENCINOSA & ASSOC.
ARCHITECTS, P.A.
8085 N.W. 155th STREET
MIAMI LAKES, FLORIDA 33016
TEL. (305) 826.3999 FAX (305) 826.4155

RECEIVED
214-0916
OCT 07 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By [Signature]



A-00
DATE: 12/14/14
DRAWN BY: [Signature]
CHECKED BY: [Signature]
PROJECT: SIGN FOR: CHILDREN'S RESOURCES EDUCATIONAL CENTER
8571 SW 112th STREET, MIAMI, FLORIDA 33156

COHEN • FREEDMAN • ENCINOSA & ASSOC.
Architects, PA
8085 N.W. 155th Street Miami Lakes, Florida 33016 305 826 3999
AA C000779

Check List of Requirements
 Day Nursery, Day Care, After-School, Private School
 School Name: Children's Resource Child Development Center
 School Address: 8571 SW 112 Avenue, Miami Lakes, Florida, FL
 Tax Value No. 352501002/2380

- Is this an expansion to an existing building? Yes X No If so, indicate the number of students. 112 and age and gender ranges equally approved. MARKED
- Total size of site: 30026 x 33046 = 992026 - 42,569 sq. ft. 23874 acres
- Number of children or students proposed: 100 Age/attendance: 11
- Number of teachers: 21 number of administrative & clerical personnel: 4
- Number of classrooms: 8 Total square footage of classroom area: 23234 sq. ft.
- Total square footage of non-classroom area: 12845 sq. ft.
- Amount of exterior recreation / play area in square footage: 2,953 sq. ft.
- Number of vehicles (that will be used in conjunction with the operation of the facility): 2 Type of vehicles: 2
- Number of parking spaces provided for staff, visitors, and transportation vehicles: 2 Type of vehicles: 2
- Indicate the number of auto stacking spaces: 7 provided: 2 required
- Proposed height for the mainwrests: 16' See Section 33.151.18(6).
- Size of identification sign: 2 x 3 = 6 sq. ft. See Section 33.151.18(6). signage will require separate permit. Contact the permit Section at 375-2773.
- Days and hours of operation: Monday - Friday 7:30 am to 6:00 pm.
- Does the subject facility share the site with other facilities? Yes X No If so, the subject facility shall include a separate entrance and exit. The hours of operation must be indicated on the plans, pursuant to Section 33.151.16.
- If the school will include residential uses, do such uses meet the standards provided in Section 33.151.17? Yes X No If yes, describe the residential uses and indicate same on the plans.

PHYSICAL STANDARDS, SITE, SIZE, OUTDOOR RECREATION SPACE AND NUMBER OF CHILDREN BY GRADE LEVEL 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 based on site size calculations only: **WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.**

CLASSROOM SPACE: Calculated by grade levels.

1. Day Nursery / Kindergarten: proposed and approved area: 1200 sq. ft. of classroom area required.

2. 3 yr. old: 6 children: 6 sq. ft. of classroom area required.

3. 4 yr. old: 6 children: 6 sq. ft. of classroom area required.

4. Junior High and Senior High School (Grade 7 - 12): 21 sq. ft. (number of children) = 91 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 12334 sq. ft.

OUTDOOR RECREATION SPACE:

a. Day nursery/Kindergarten, preschool and structured care: 11,700 sq. ft.

b. Grade 1 - 6: 42 sq. ft. x 28 (first 30 children) = 1,176 sq. ft.

c. Grade 7 - 12: 300 sq. ft. x 21 (remaining children) = 6,300 sq. ft.

18,176 sq. ft. x (remaining children) =

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 20232 sq. ft.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 20234 sq. ft.

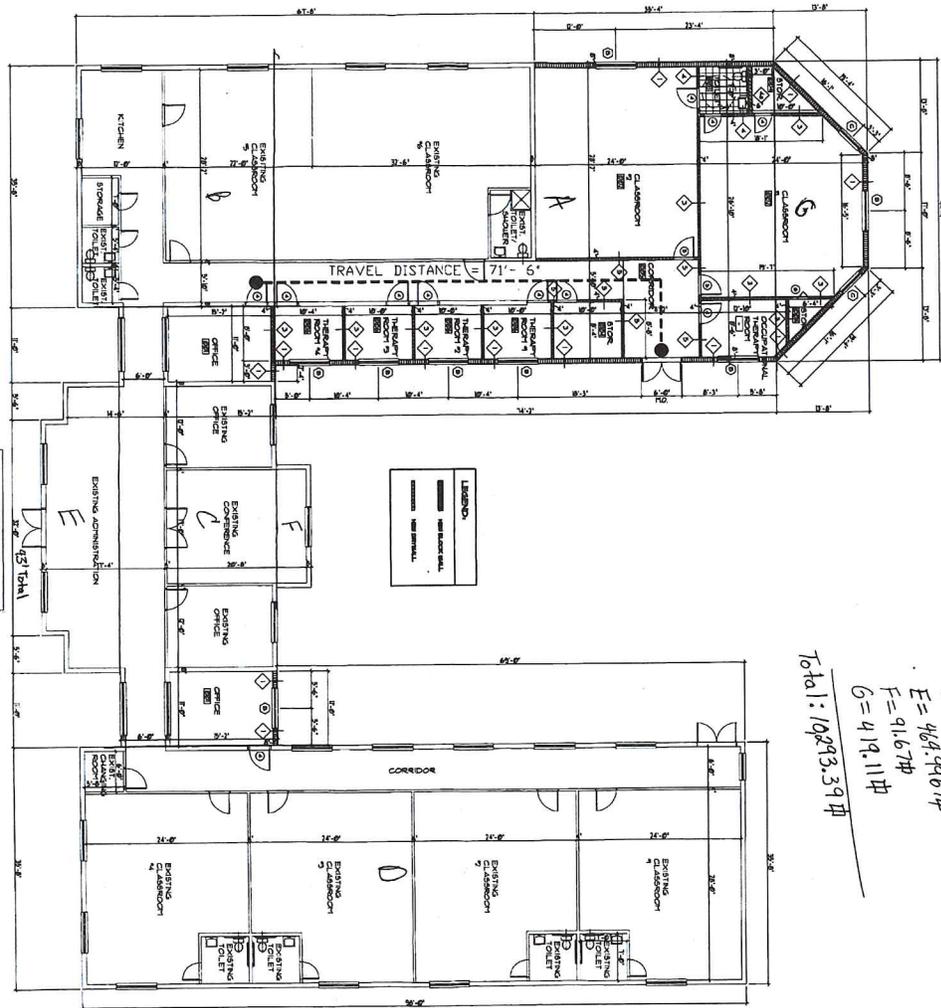
OTHERS: See Section 33.151.18(8) and Planning Department for additional requirements.

a. 27 acres are required for site size. 28 acres provided: 66 acres.

b. Scoreboards are required for each line required. 200 scoreboards provided: 200.

c. Grass area is required. 5000 sq. ft. of grass area provided: 5000 sq. ft.

d. Lawn area is required. 5000 sq. ft. of lawn area provided: 5000 sq. ft.



$A = 2988.0564 \text{ ft}^2$
 $B = 10280.3894 \text{ ft}^2$
 $C = 1505.8335 \text{ ft}^2$
 $D = 5495.335 \text{ ft}^2$
 $E = 464.9467 \text{ ft}^2$
 $F = 91.67 \text{ ft}^2$
 $G = 419.11 \text{ ft}^2$
Total: 10293.39 ft²

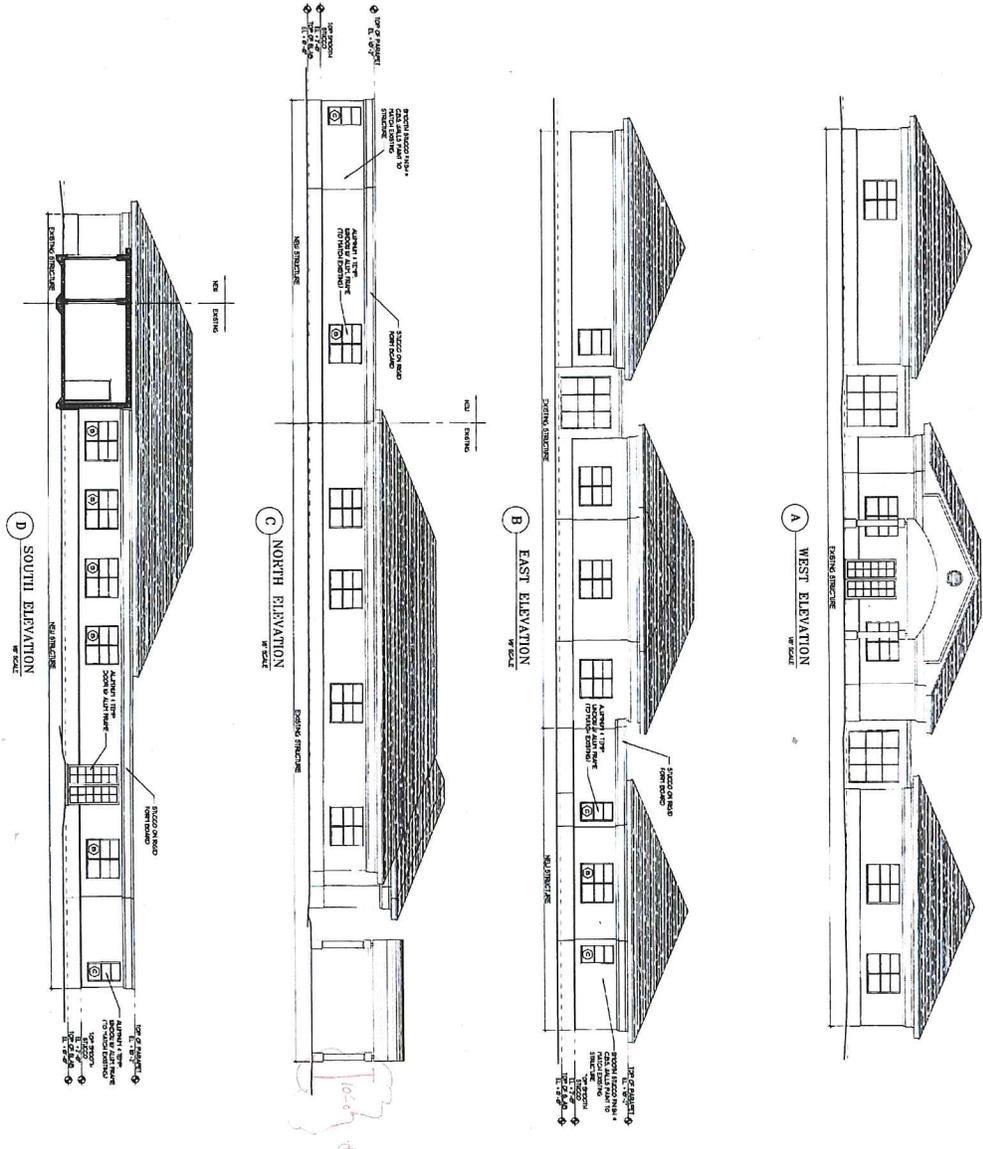
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 214-096
 AUG 20 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By: *[Signature]*

RECEIVED
 AUG 19 2014
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By: *[Signature]*

CLASSROOM ADDITION FOR:
CHILDREN'S CENTER
 8571 SW 112 St. MIAMI, FLORIDA 33156
 REV: 08-20-08
 SHEET NO: 0204/040
 TOTAL SHEETS: 0204/040
A02
 9280

COHEN · FREEDMAN · ENCINOSA & ASSOC.
Architects, PA AA C000779
 8085 N.W. 155th Street Miami Lakes, Florida 33016 305-826-3999

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214-096

AUG 20 2014

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

By: [Signature]

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AUG 19 2014

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

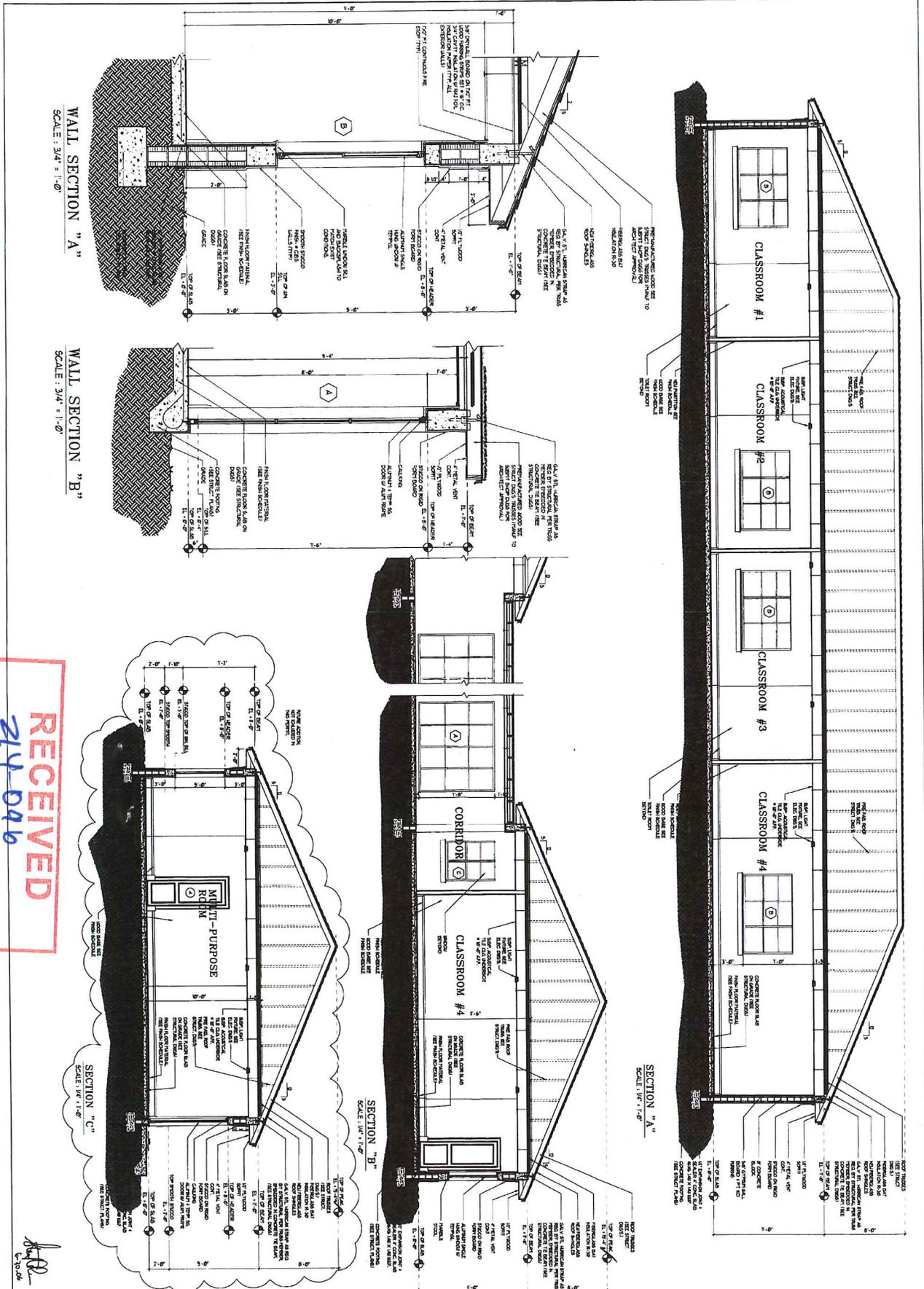
By: [Signature]

<p style="font-weight: bold;">A03</p> <p>9290</p>	<p>CLASSROOM ADDITION FOR: CHILDREN'S CENTER 8571 SW 112 ST, MIAMI, FLORIDA 33156</p>
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COHEN · FREEDMAN · ENCINOSA & ASSOC.

Architects, PA

8085 N.W. 155th Street Miami Lakes, Florida 33016 305-826-3999



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

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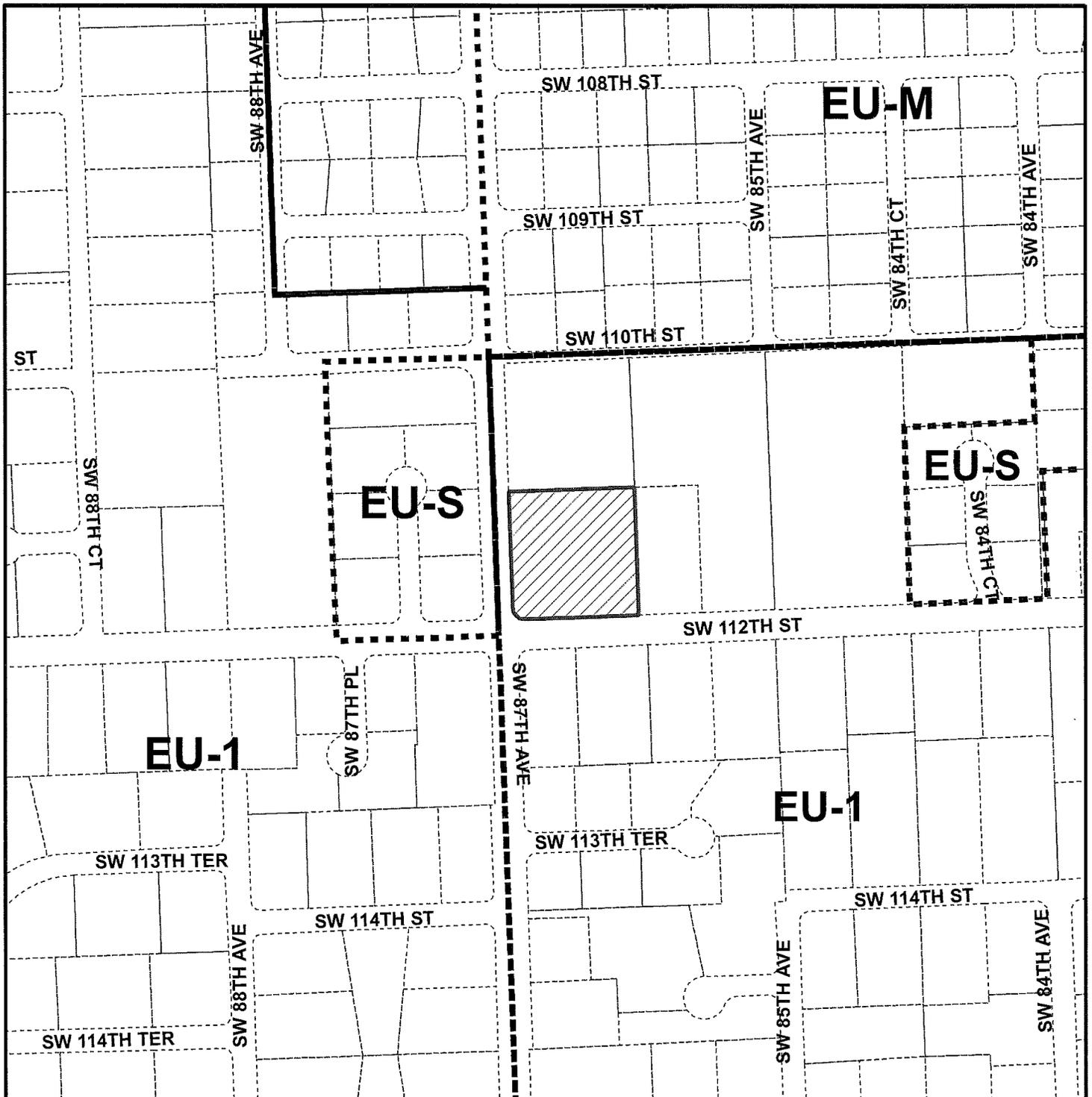
AUG 19 2014

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9280	A04	
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**CLASSROOM ADDITION FOR:
CHILDREN'S CENTER**
8571 SW 112 St. MIAMI, FLORIDA 33156

COHEN · FREEDMAN · ENCINOSA & ASSOC.
Architects, PA AA C000779
8085 N.W. 155th Street Miami Lakes, Florida 33016 305-826-3999



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2014000096



Section: 10 Township: 55 Range: 40
 Applicant: CHILDREN'S RESOURCE FUND, INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS

Legend

 Subject Property Case

 Zoning



SKETCH CREATED ON: Tuesday, October 14, 2014

REVISION	DATE	BY
		32



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2014000096

Legend

-  MDC STL Index Poly
-  Subject Property
-  Zoning



Section: 10 Township: 55 Range: 40
 Applicant: CHILDREN'S RESOURCE FUND, INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS



SKETCH CREATED ON: Tuesday, September 23, 2014

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000096



Section: 10 Township: 55 Range: 40
 Applicant: CHILDREN'S RESOURCE FUND, INC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, September 23, 2014

REVISION	DATE	BY

Children's Resource Fund
CZAB12 6/9/15
Z14-096

This instrument was prepared by:

PLANNING AND ZONING
AGENDA OFFICE

Name: Tracy R. Slavens, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

2015 MAY 32 P 12: 02

(Space reserved for Clerk of Court)

MODIFICATION OF DECLARATION OF RESTRICTIONS
RECORDED IN OFFICIAL RECORDS BOOK 16537 AT PAGE 691

THIS MODIFICATION OF DECLARATION OF RESTRICTIONS is made this 9th day of June, 2015, by **Children's Resource Fund, Inc.**, a Florida not for profit corporation (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner, holds the fee simple title to that certain parcel of land in legally described in Exhibit "A" attached hereto and hereinafter referred to as the "Property"; and

WHEREAS, a Declaration of Restrictions in favor of Miami-Dade County was recorded in Official Records Book 16537 at Page 691 of the Public Records of Miami-Dade County, Florida (the "Declaration"), which placed certain restrictions and conditions on the use of the Property; and

WHEREAS, the Declaration has been amended from time to time;

WHEREAS, an application for a zoning public hearing was filed with the County pursuant to Public Hearing Application No. Z2014000096 (the "Application") seeking to, in relevant part, modify Paragraphs 1, 3(c), and 3(d) of the Declaration, as amended; and

WHEREAS, the Application was approved by Community Zoning Appeals Board 12 on June 9th, 2015, at which public hearing Resolution No. CZAB12- _____ (the "Resolution") was approved and adopted;

WHEREAS, the Resolution approved the modification of Paragraph 1 of the Declaration, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264; Pages 0054 as recorded in Official Records Book 25649, pages 3897-3900, reading as follows:

FROM: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received July 03, 2006 consisting of four sheets."

(AS)

TO: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15."

WHEREAS, the Resolution approved the modification of a portion of Paragraph 3 of the Declaration, as last modified by a Declaration of Restrictions recorded in Official Records Book 22264, Pages 0054 thru 0058, reading as follows:

FROM:

"(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery and preschool age students;
- e) the number of classrooms shall not exceed six (6);
- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening."

TO:

“(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery, preschool, and elementary age students;
- e) the number of classrooms shall not exceed six (6);
- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening.”

WHEREAS, since the date of the last amendment to this Declaration, Section 20-8.8 of the Code of Miami-Dade County has been added to provide:

The Board of County Commissioners shall require, as a condition of municipal boundary change, that the Board retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.

WHEREAS, since the date of the last amendment to this Declaration, Section 20-26 of the Code of Miami-Dade County has been amended to provide:

(h) As a condition of incorporation approved pursuant to Article VI of the Miami-Dade County Home Rule Charter, each new municipality shall provide, as a part of the charter, that the Board of County Commissioners retains jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board of County Commissioners or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owner during its consideration of the Application and the approval of the Resolution will be abided by, the Owner freely, voluntarily, and without duress, hereby agrees as follows:

A. Paragraph 1 of the Declaration shall now read as follows:

1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15.

B. Paragraph 3 of the Declaration shall now read as follows:

(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery, preschool, and elementary age students;
- e) the number of classrooms shall not exceed six (6);

- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening.

- C. The Declaration and any future amendments thereto shall be subject to Sections 20-8.8 and 20-26 of the Miami-Dade Code, as they may be amended from time to time.
- D. Except as hereby amended, all other restrictions in the Declaration, as amended, shall remain in full force and effect.

[Execution Pages Follow]

EXHIBIT "A"

LEGAL DESCRIPTION:

Tract 21 of "Kendall Greens Homesites," according to the Plat thereof, as recorded in Plat Book 40 at Page 52 of the Public Records of Miami-Dade County, Florida.

**JOINDER BY MORTGAGEE
CORPORATION**

The undersigned, _____, a Florida _____, under that certain Mortgage from Children's Resource Fund, Inc., a Florida not for profit corporation, recorded in Official Records Book __, Pages __, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing instrument, does hereby consent to the execution of this instrument by Children's Resource Fund, Inc., a Florida not for profit corporation, and agree that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Covenant shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this ___ day of _____, 2015.

WITNESSES:

MORTGAGEE

Roxana Rapaport
ROXANA RAPAPORT
Print or Type Name

By: Peggy Armaly
Title: Chairman of the Board
Print name: Peggy Armaly
Address: 7147 S.W. 136 Street
Miami, FL 33156

Amy Gonzalez
Amy Gonzalez
Print or Type Name

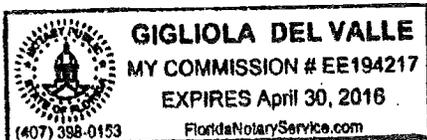
(Corporate Seal)

STATE OF FLORIDA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 15th day of May, 2015 by Peggy Armaly as Chairman of the board of Children's Resources, on behalf of the company. He/She is personally known to me or has produced _____, as identification and did/did not take an oath.

Gigliola Del Valle
Notary Public - State of Florida
Print Name Gigliola Del Valle

My Commission Expires:



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

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

June 9, 2015

Item No. B

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. The application was again deferred from the May 12, 2015, meeting of CZAB #12 to allow the applicant to submit a revised affidavit for representation.

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.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property, an existing shopping center is located 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

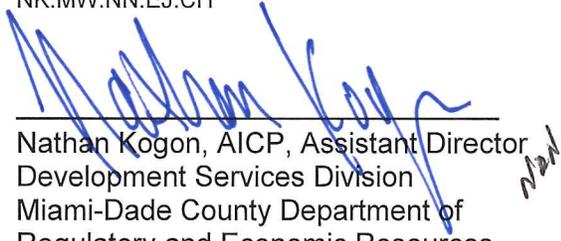
NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

NK:MW:NN:EJ:CH


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

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>
---	---

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>
---	--

B. KIMCO DEVELOPMENT OF MILLERODE, INC.
(Applicant)

15-2-CZ12-1 (14-078)
Area 12/District 07
Hearing Date: 06/09/15

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)	May 12, 2015	CZAB12	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>6/9/15</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 type="checkbox"/> OTHER:		

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	M	Angela M. VAZQUEZ	X		
COUNCILMAN	S	Elliot N. ZACK	X		
CHAIRMAN		Jose I. VALDES (C.A.)	X		

VOTE: 5 0

EXHIBITS: YES NO

COUNTY ATTORNEY: Abbie Schwaderer

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

<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>5/12/15</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 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.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: April 14, 2015 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 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 signature is written in a cursive, flowing style.

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.

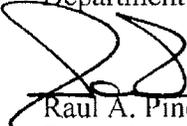
This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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: Z2014000078
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 Millerside, 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

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)

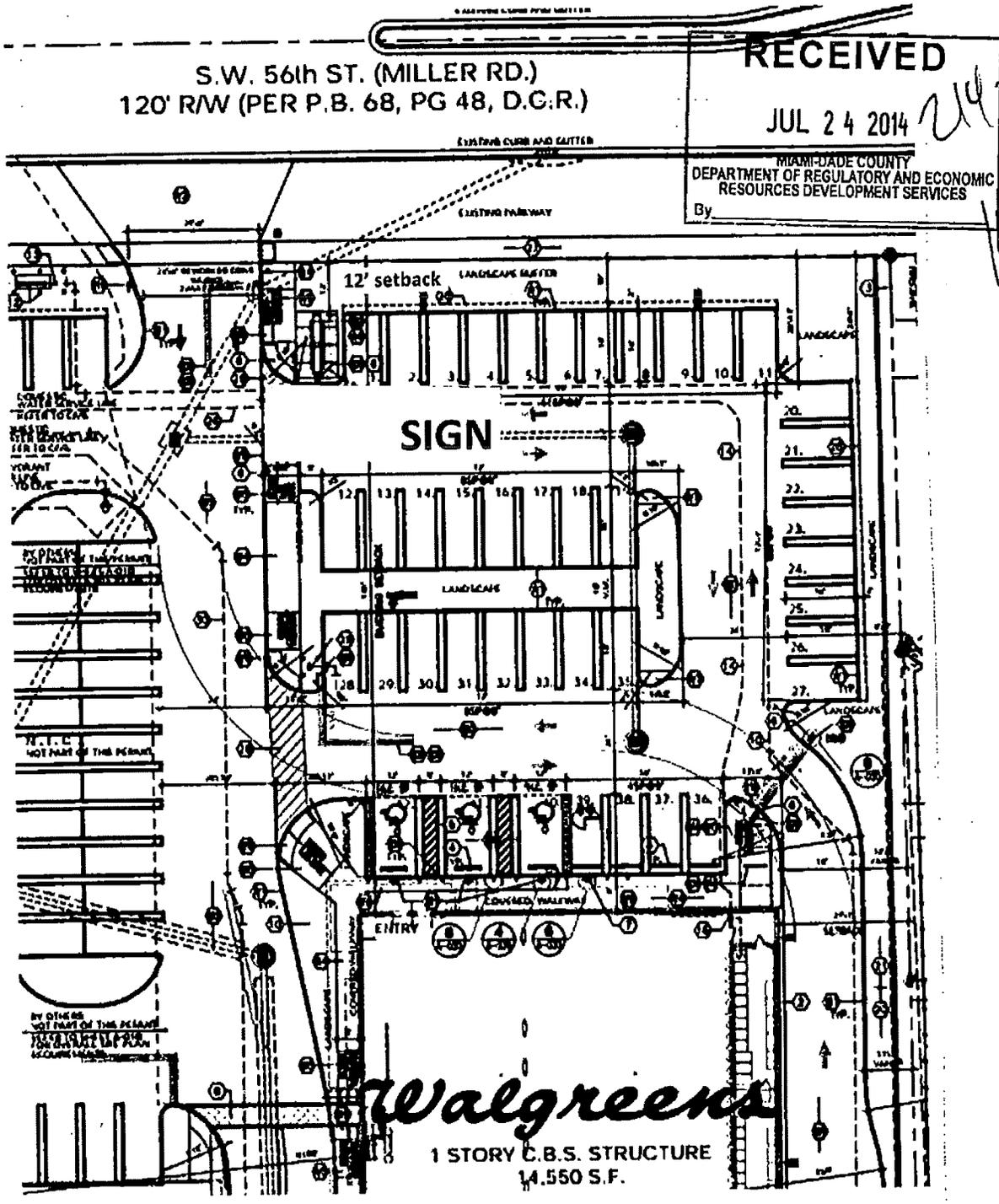
Sworn to and subscribed before me this 11th day of June 2014. Affiant is personally known to me or has produced _____ as identification.

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.

SIGN PLANS/PHOTOGRAPHS/ENLARGED SITE PLAN



24078

Walgreens

1 STORY C.B.S. STRUCTURE
14,550 S.F.



PROPOSED SIGN #3

SIGN PLANS/PHOTOGRAPHS/SITE PLAN

RECEIVED

JUL 24 2014 *WJ*

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

By _____

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGN.

NOTES: 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. THIN SIGN MUST BE GROUNDING WITH 14 GAUGE SOLID 600 V GREEN WIRE THIN.

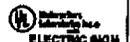
DESIGN LOADS:
175 MPH WIND LOAD
RISK CATEGORY II, EXPOSURE C,
2010 FLOOR BUILDING CODE
SECTION 18 WIND LOAD ASCE 7-10

NOTE: VINYL 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 UNDISTURBED 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

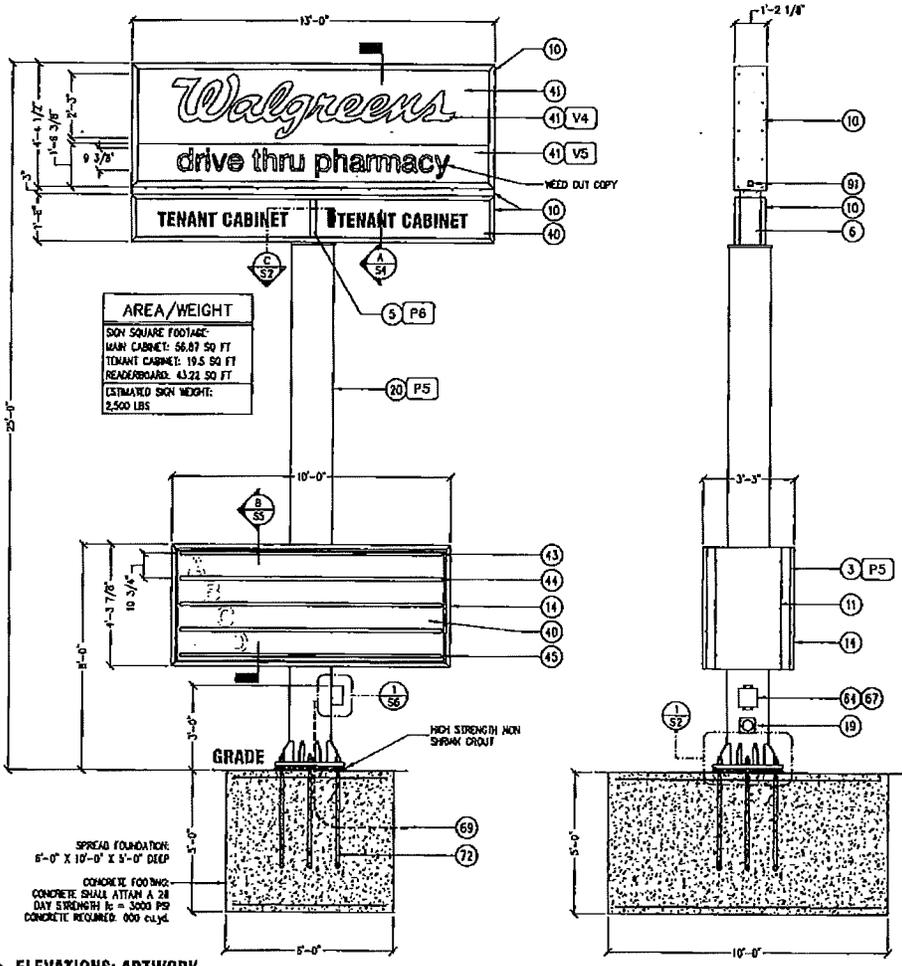
USE WHITE SLIDING TO CONCEAL LIGHT LEAKS

SIGN INTERIOR TO BE FINISHED FLAT WHITE FOR MAXIMUM REFLECTIVITY

TOLERANCE: ± 1/32" ON ALL DIMENSIONS

ELECTRICAL

HEADER	
LAMPS	(11) F/48/T-12 C.W.H.O.
BALLAST	(3) 848-16 (SQUA)
AMPS	10.25
V.A.	120 VOLTS WATTS 1,224
TENANT CABINET	
LAMPS	(11) F/18/T-12 C.W.H.O.
BALLAST	(2) 432-14 (SQUA)
AMPS	4.68
V.A.	120 VOLTS WATTS 560
MANUAL READERBOARD (2)	
LAMPS	(8) F/17/T-12 C.W.H.O.
BALLAST	(2) ESR104-14 (SQUA)
AMPS	5.7
V.A.	120 VOLTS WATTS 682
TOTAL	
AMPS	20.63
V.A.	120 VOLTS WATTS 2,466
CIRCUITS	2-20 AMP

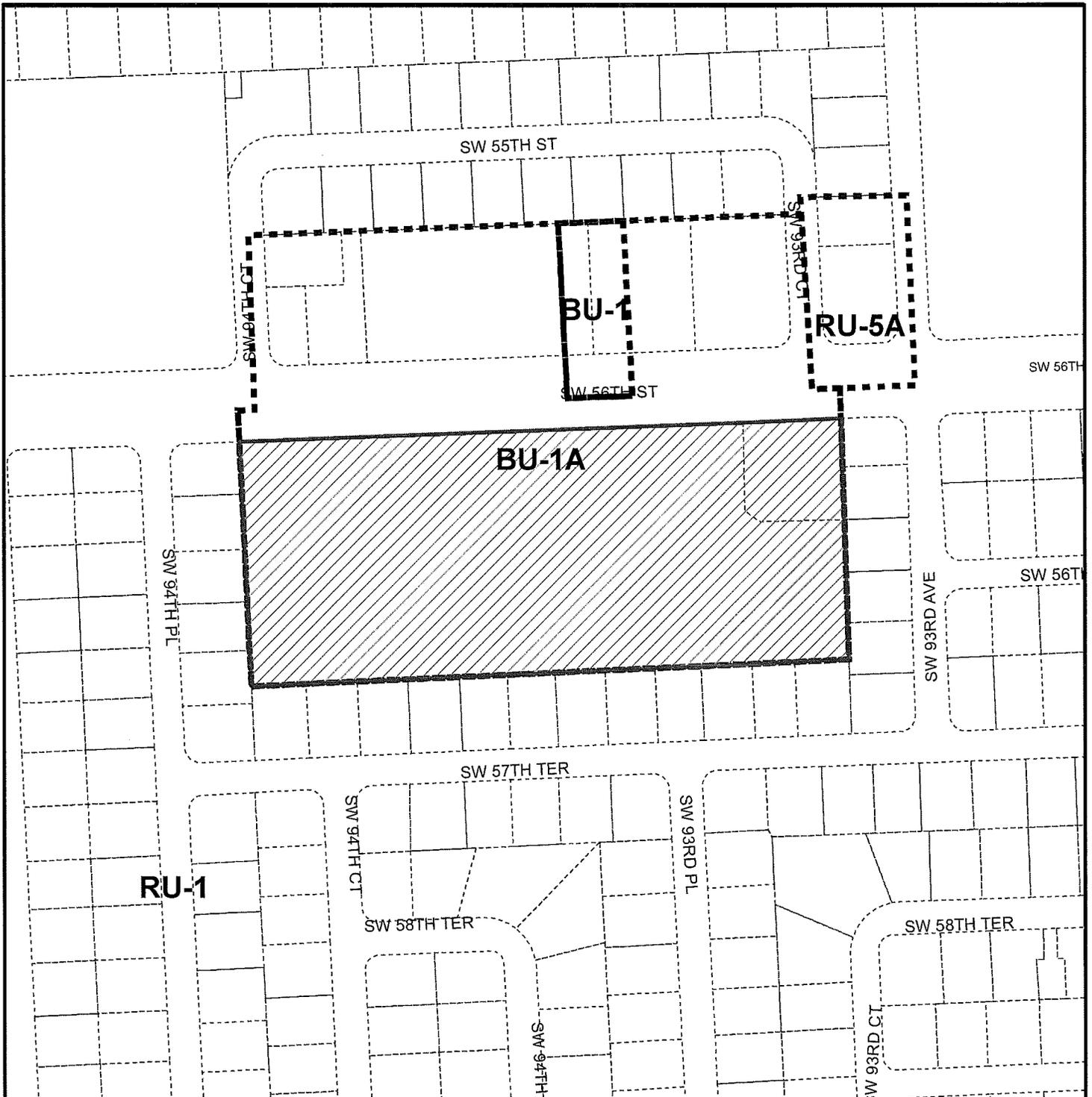


ELEVATIONS: ARTWORK

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

REF. DWG.	 <p>1418 ELMHURST RD. BLK GROVE VILLAGE ELGIN, IL 60120</p>	DATE: 10/19/2013	LOCATION: MIAMI, FL	
SIGN ID: -		4'-4 1/2" X 13'-0" X 25'-0" OAH PYLON w/ 4'-3 7/8" X 10'-0" READERBOARD & TENANT CABINET	LOCATION No.: 13851	
<small>WARRANTY: ALL THE FACTS FROM PROPERTY OF OWNER MUST BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.</small>		DRAWN BY: RICARDO RODRIGUEZ	CHECKED BY: CLAY SPANJER	
		DATE DRAWN: 10/19/2013	DATE CHECKED: 10/19/2013	
		DRAWING SCALE: AS NOTED	FILE: WAL4838A	SHEET: 1/6

RECORDS: WALGREENS PHARMACY (Walgreen Pharmacy) WAL 4838A 4'-4 1/2" X 13'-0" X 25'-0" OAH PYLON w/ 4'-3 7/8" X 10'-0" MANUAL READERBOARD & 10/19/2013 07:58:14 PM



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
		20



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2014000078

Legend

 MDC STL Index Poly
 Subject Property
 Street (Centerline)

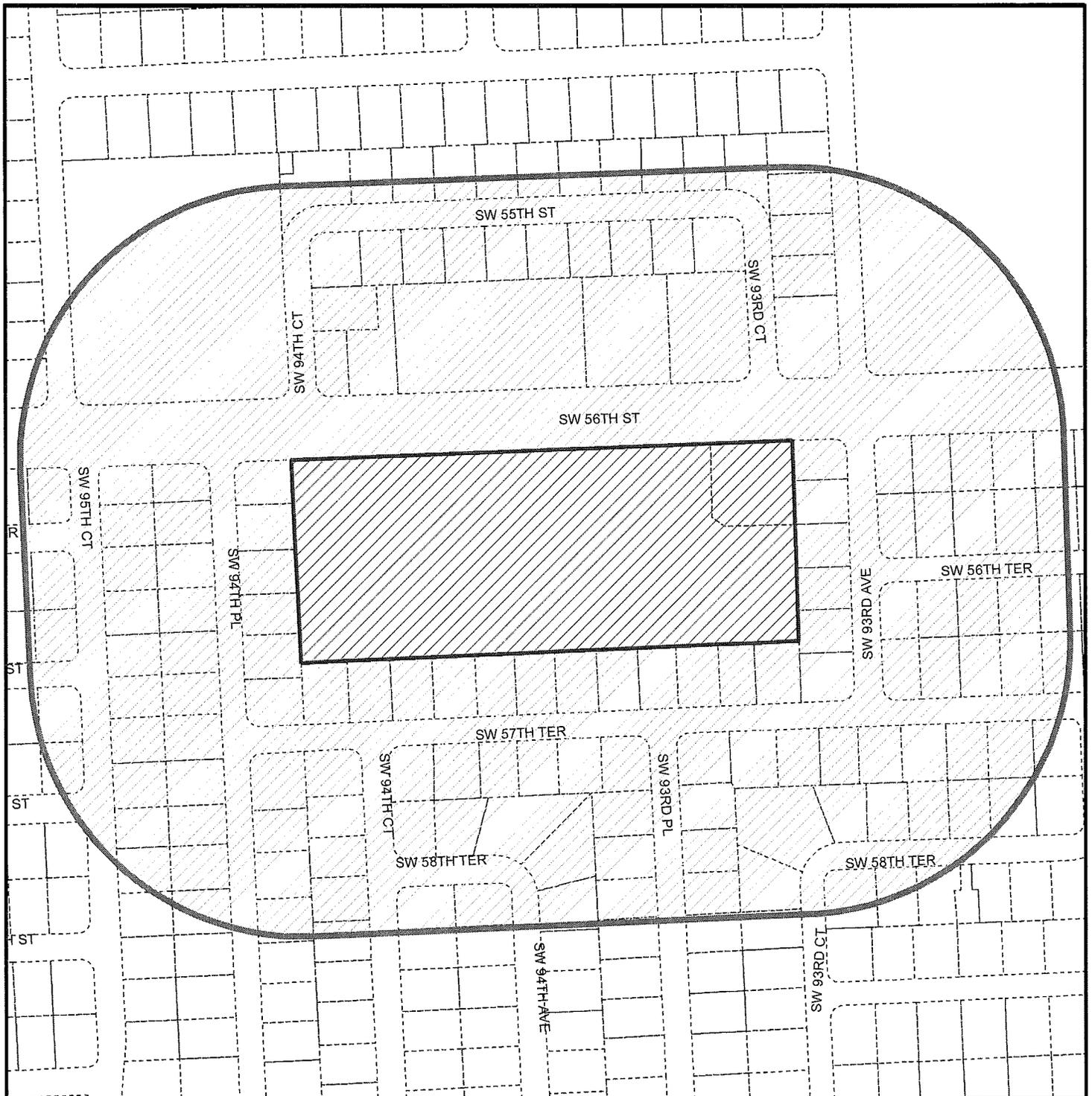


Section: 28 Township: 54 Range: 40
Applicant: KIMCO DEVP. OF MILLERODE INC
Zoning Board: C12
Commission District: 10
Drafter ID: F. Arencibia
Scale: NTS



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		21



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

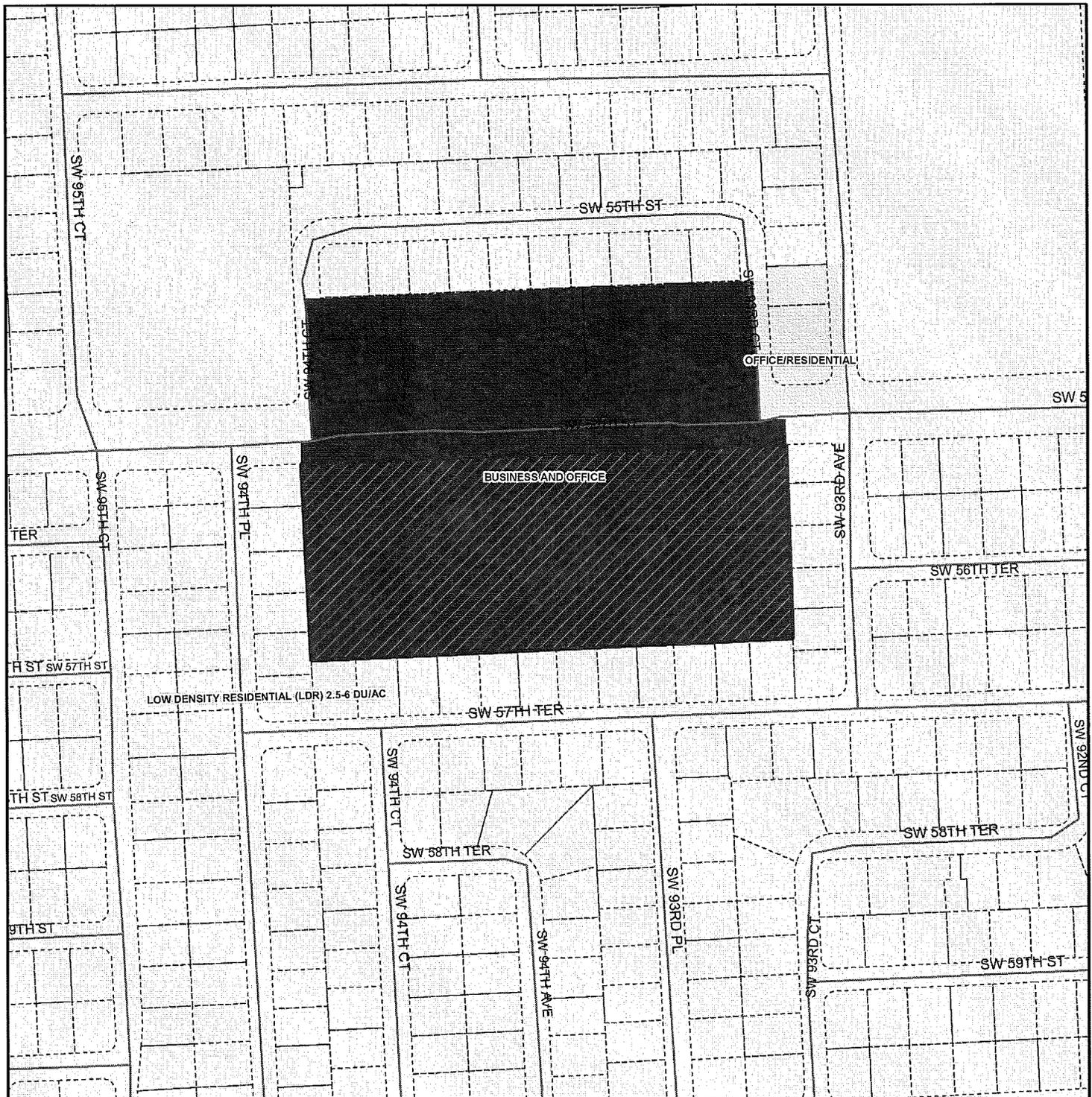
Legend

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



SKETCH CREATED ON: Monday, August 11, 2014

REVISION	DATE	BY
		22



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

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

PH: Z14-048 (14-4-CZ12-1)

June 9, 2015

Item No. 1

Recommendation Summary	
Commission District	7
Applicants	Maria Fanti
Summary of Requests	The applicant seeks to split the existing 1.5 acre parcel into two lots, with variances to the lot frontage, lot area and lot depth requirements. Additionally, the applicant seeks to permit proposed residences on the parcels with setback less than required from property lines, and with more lot coverage than allowed by the zoning district regulations.
Location	Lying approximately 141' south of SW 69 terrace, between theoretical SW 79 Avenue and SW 79 Court AKA 7001 SW 79 Court, Miami-Dade County, Florida.
Property Size	1.5 acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice.

REQUESTS:

REQUESTS #1 THROUGH
#3 ON PARCEL "A"

1. NON-USE VARIANCE to permit proposed Parcel "A" with an area of 30,359 (43,560 sq. ft. required), a frontage of 50' (125' minimum required) and a lot depth of 160' (200' minimum required).
2. NON-USE VARIANCE to permit a lot coverage of 26% (20% maximum permitted).
3. NON-USE VARIANCE to permit the proposed building to setback 25' (50' required) from the front (east) property line and setback 23'-25" (25' required) from the rear (west) property line.

REQUESTS #4 AND #5 ON PARCEL "B"

4. NON-USE VARIANCE to permit the proposed Parcel "B" with an area of 37,455 sq. ft. (43,560 sq. ft. required).
5. NON-USE VARIANCE to permit a proposed lot coverage of 22.17% (20% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Residence for Mr. & Mrs. Doner Garcia" as prepared by Richard Cortes Architect, Sheets A-1, A-2, A-3 & A-4 dated stamped received 10/22/14, Sheets, SP-1.2, A-1.2, A-2.1 & L-1.2 dated stamped received 2/27/15 and the remaining 2 sheets dated stamped received 11/6/14 for a total of 10 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The subject property has a gross area of 69,056 sq. ft. (1.5 acres). The applicant seeks to subdivide the subject property into two (2) parcels (Parcel "A" and "B"). The site plan shows Parcel A with a proposed 7,896 sq. ft. single-family residence and Parcel B with a proposed 7,277 sq. ft. single-family residence.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is zoned EU-1, Single-Family One Acre Estate District, and lying approximately south of SW 69 Terrace, between theoretical SW 79 Avenue and SW 79 Court. The area surrounding the subject property is primarily characterized by single-family residences developed under the EU-1 zoning district regulations

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, approval of the requests could have a visual impact on the surrounding properties, and could negatively impact traffic on the abutting roadways based on memorandum submitted by the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. Approval of these requests would result in the construction of two (2) single-family residential units on the 1.5-gross acre parcel, which meets the density threshold of the land use designation. Staff opines that because this application does not propose a use different from those allowed in this land use category and does not generate any additional units, approval of the requests is **consistent** with the uses allowed

under the Estate Density Residential Land use category text and the density threshold of CDMP Estate Density Residential Communities LUP map designation.

ZONING ANALYSIS:

The 1.5 gross acre subject property is zoned EU-1, and the applicant seeks to create two contiguously owned non-conforming lots (Parcel A and Parcel B), on which the applicant is proposing to develop two single-family residences.

When analyzing the requests on Parcel A, to permit the parcel with less lot area, less lot frontage, and less lot depth than is required (request #1), to permit the parcel with less lot coverage than is required (request #2) and to permit a proposed residence on this parcel setback less than required from the front and rear property lines (requests #3), under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff opines that approval of these requests would be **incompatible** with the surrounding area for the reasons stated below.

In request #1, the applicant seeks to permit proposed Parcel "A" with an area of 30,359 sq. ft. (required 43,560 sq. ft.), a frontage of 50' (125' minimum required) and a lot depth of 160' (200' minimum required). The applicant also seeks to access to Parcel A from SW 70 Street located to the east. Staff did research of the area and found similar approvals for lot area and lot depth. However, staff did not find any similar approvals in the area for lot frontage, which staff opines is too intensive and would be out of character with the area. Because the requested lot area and lot depth are contingent on the requested lot frontage, and the requests are inextricably intertwined, staff therefore opines that request #1 in its entirety would be incompatible with the surrounding area. In addition, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) has stated their objection to the proposed access from SW 70 Street, as it could negatively impact traffic on the abutting roadways, SW 70 Street and SW 79 Avenue. Without access from SW 70th Street, there would be no street access to Parcel A, and for this additional reason, staff opines that the request would be incompatible with the surrounding area.

In analyzing request #2, to permit a lot coverage of 26% (20% minimum required) and request #3, to permit the proposed building to setback 25' (50' required) from the front (east) property line and setback 23'-25" (25' required) from the rear (west) property line, staff did research of the area, and found similar or more intensive approvals for lot coverage and front and rear setbacks. However, the requested lot coverage and the requested front and rear setbacks for Parcel A are inextricably intertwined with request #1 for Parcel A, and cannot stand on their own, and staff therefore opines that requests #2 and 3 would not be **compatible** with the surrounding area.

In analyzing requests on Parcel "B" to permit a lot area of 37,455 sq. ft. (43,560 sq. ft. required) (request #4) and to permit a proposed lot coverage of 22.17% (20% maximum permitted) (request #5), under the Non-Use Variance (NUV) Standards, staff opines that the requests would not be compatible with the surrounding area for the reasons stated herein. Staff did research of the area and found similar or more intensive approvals for lot area and lot coverage. However, staff opines that these requests for Parcel B are inextricably intertwined with the requests on Parcel A, and the requests for Parcel B cannot stand on their own. As previously discussed, the requests for Parcel A are too intensive and are not compatible with the surrounding area. Therefore, for the reasons that were previously explained in the above mentioned zoning analysis, approval of the requests for both Parcel A and Parcel B, which are

inextricably intertwined, would not maintain the basic intent of the zoning, subdivision and other land use regulations, and would be incompatible with surrounding area. **Based on the foregoing analysis, staff recommends that the application be denied without prejudice 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: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

NK:MW:NN:CH:EJ



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

ZONING RECOMMENDATION ADDENDUM

Applicant: Maria Fanti
PH: Z14-048

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	*Objects
Parks	No objection
Fire Rescue	No objection
Police	No comment
Public Works and Waste Management Department	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

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

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

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

1. MARIA FANTI
(Applicant)

15-6-CZ12-1 (14-048)
Area 12/District 07
Hearing Date: 06/09/15

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>
None				

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

Memorandum



Date: March 16, 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 #Z2014000048-2nd Revision
Maria Fanti
7001 SW 79th Court, Miami, FL 33143
7900 SW 70 Street, Miami, FL 33143
Non-Use Variance of lot area and lot frontage requirements.
(EU-1) (1.57 Acres)
27-54-40

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

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 100-day and 210-day 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.

As per the Code, resources that generate, handle, dispose of, discharge or store hazardous materials are not allowed on the property. Applicant is advised that the only fuel allowed for the proposed generator is natural gas.

Potable Water Service

Parcel "A":

Public water is not available to the subject property. DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters and any other source of contamination.

Parcel "B":

The closest public water main is located approximately 390 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development on Parcel "B" to the public water supply system shall be required in accordance with the Code requirements. The required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Plan Review Specialty Section of DERM.

Wastewater Disposal

Parcel "A":

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

Wastewater Disposal

Parcel "B":

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

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 the 100-day and 210-day travel time contour of the Alexander Orr Wellfield.

Tree Preservation

The subject properties contain specimen-sized (trunk diameter 18 inches or greater) trees. Please note that Section 24-49 of the Code and CON 8A of the CDMP provide for the preservation and protection of specimen trees. 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. The landscape plans submitted depict specimen sized trees to be preserved on-site however non specimen trees will be removed.

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.

Finally, in accordance with the Code and CON8I of the CDMP, all plants prohibited by the Code 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 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.

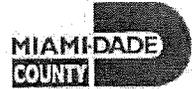
This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any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

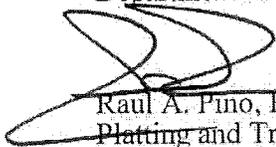
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: December 19, 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: Z2014000048
Name: Maria Fanti
Location: 9001 SW 79 Court
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 the easterly lot to be accessed from SW 70th Street. Proposed driveway off of SW 70th Street will not comply with Standard Detail R12.1 of The Public Works Manual of Miami-Dade County. The applicant must provide an ingress/egress easement along the westerly lot to provide access to the easterly lot as previously discussed with applicant. Said easement is to be provided by plat.

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **2 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-1068	SW 72 St. w/o Palmetto Expwy	C	C

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

Memorandum



Date: May 21, 2014

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

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

Subject: Maria Fanti (#14_048)

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: *Maria Fanti* is requesting a use variance to divide a lot with two separate folio numbers in two halves and allow two separate residences. The property is currently zoned Estates, single family (EU-1).

Size: The subject property is 1.57 acres.

Location: The subject property is located at 7001 SW 79th Court, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management the single family residences to be developed on the property will meet the County Code definition of residential units. As such, according to the Code, the residential units will

receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: March 23, 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: Z2014000048: MARIA FANTI
Revised Plans Submitted Dated Stamped Received 2/27/2015

Application Name: MARIA FANTI

Project Location: The site is located at 9001 SW 79 CT, Miami-Dade County.

Proposed Development: The request is for a non-use variance(s) for a lot split.

Impact and demand: This application proposes a development of 2 residential dwelling units resulting in a de minimis impact to Level of Service. The site is located in Park Benefit District 2 which has a surplus of 504.72 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Furney, Susan (RER)

From: Castillo, Guillermo (MDFR)
Sent: Thursday, March 19, 2015 3:19 PM
To: Holness, Damon (RER)
Cc: Furney, Susan (RER); Connally, Ronald (RER); Gutierrez, Franklin (RER); Heredia, Carlos (MDFR)
Subject: Zoning Hearings Document Distribution (Case #Z2014000048)

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

- There has been no new site plan since 10/22/14 site plan that resulted in a no objection disposition

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: 28-OCT-14
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

MARIA FANTI

7001 SW SW 79 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000048

HEARING NUMBER

HISTORY:

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

Maria Fanti

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

REPORTER NAME:

GENERAL NOTES:

1. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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SECTION NAME:
 SECTION NUMBER:
 SECTION DATE:

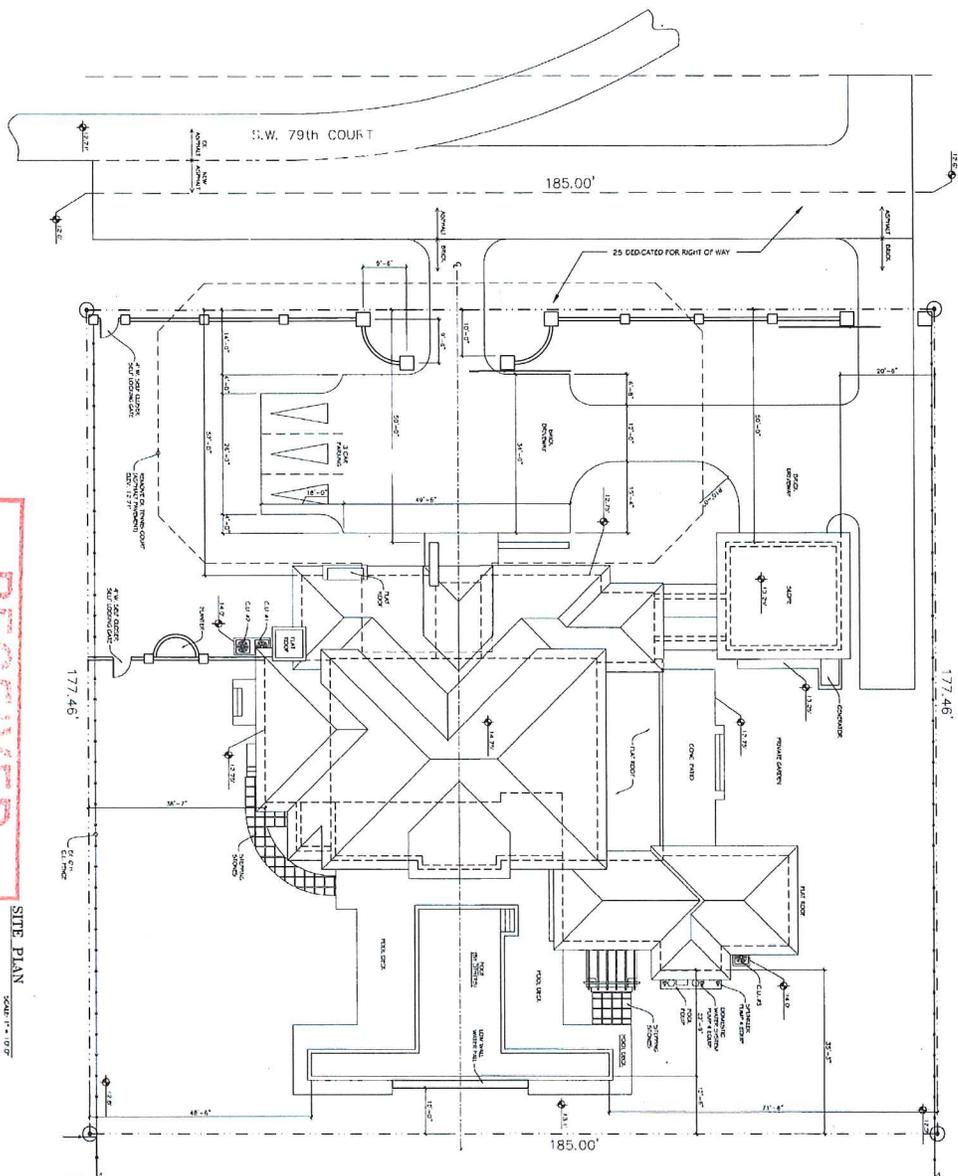
REVISIONS/DATE INFORMATION

NO.	DESCRIPTION	DATE
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2	REVISIONS	03/10/14
3	REVISIONS	03/10/14
4	REVISIONS	03/10/14
5	REVISIONS	03/10/14
6	REVISIONS	03/10/14
7	REVISIONS	03/10/14
8	REVISIONS	03/10/14
9	REVISIONS	03/10/14
10	REVISIONS	03/10/14

LOCAL DESCRIPTION:
 LOCAL ADDRESS:
 LOCAL CITY:
 LOCAL STATE:
 LOCAL ZIP:

SQUARE FOOT CALCULATION:

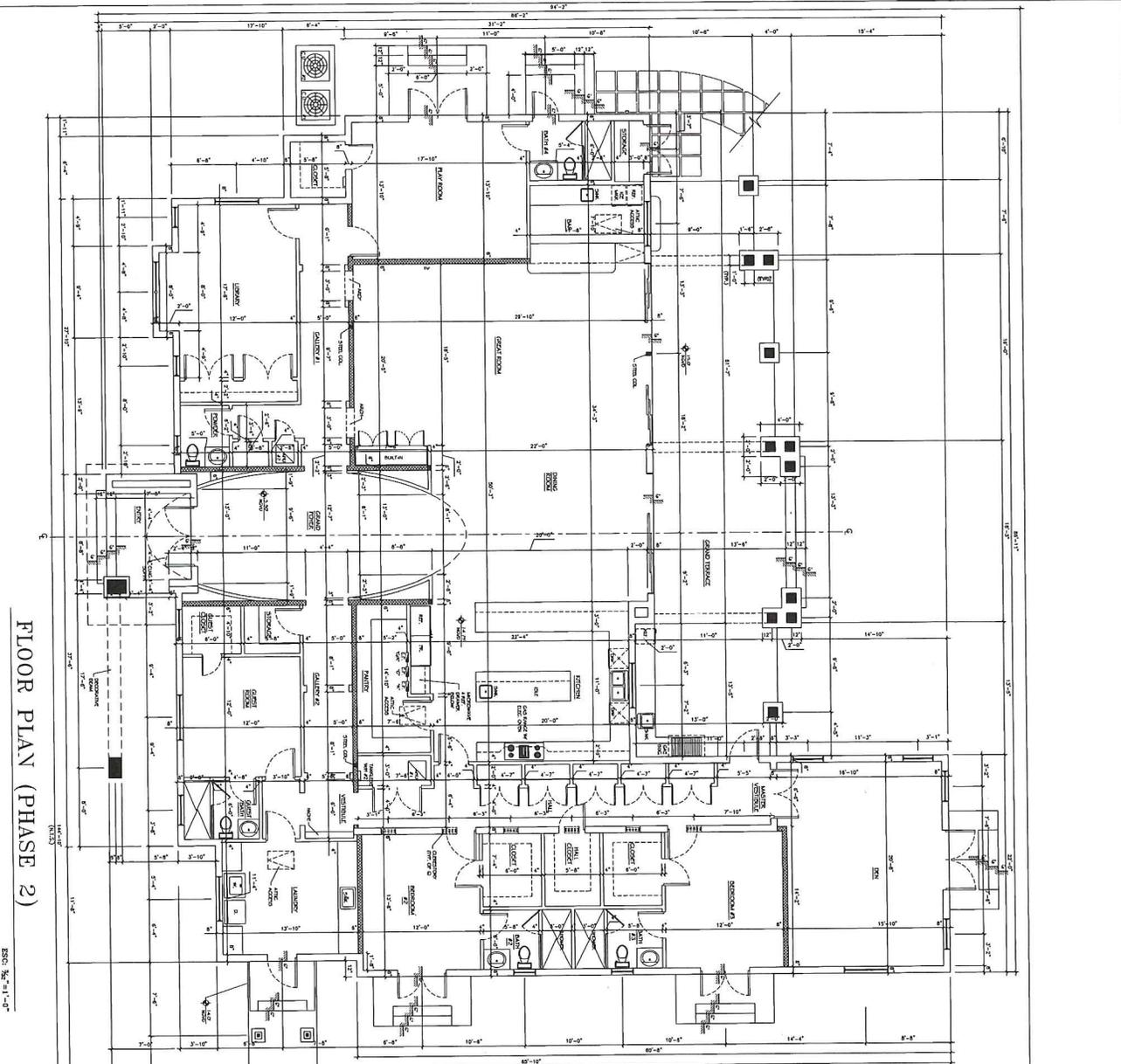
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CEILING	1,200
WALLS	1,200
ROOF	1,200
MECHANICAL	1,200
ELECTRICAL	1,200
PLUMBING	1,200
PAINT	1,200
LANDSCAPE	1,200
OTHER	1,200
TOTAL	12,000



RECEIVED
 2-14-098
 FEB 27, 2014
 HARRIS COUNTY
 DEPARTMENT OF REVENUE AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 BY:

RECEIVED
 2/27/14

 NORTH	SHEET No. A-1	SCALE 1" = 10'-0"	DATE 02/24/14	DRAWN BY: PMP	CHECKED BY: PMP	PROJECT NO. 14-0001	SHEET NAME NEW RESIDENCE FOR: MR. & MRS. DONER GARCIA 7001 SW 79th COURT MIAMI, FL 33143	SEAL RICHARD CORTES ARCHITECT AIA #004256 7700 SW 112 St MIAMI, FL 33156 TEL: 305 323-4638 FAX: 305 323-4638 www.richardcortes.com
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FLOOR PLAN (PHASE 2)

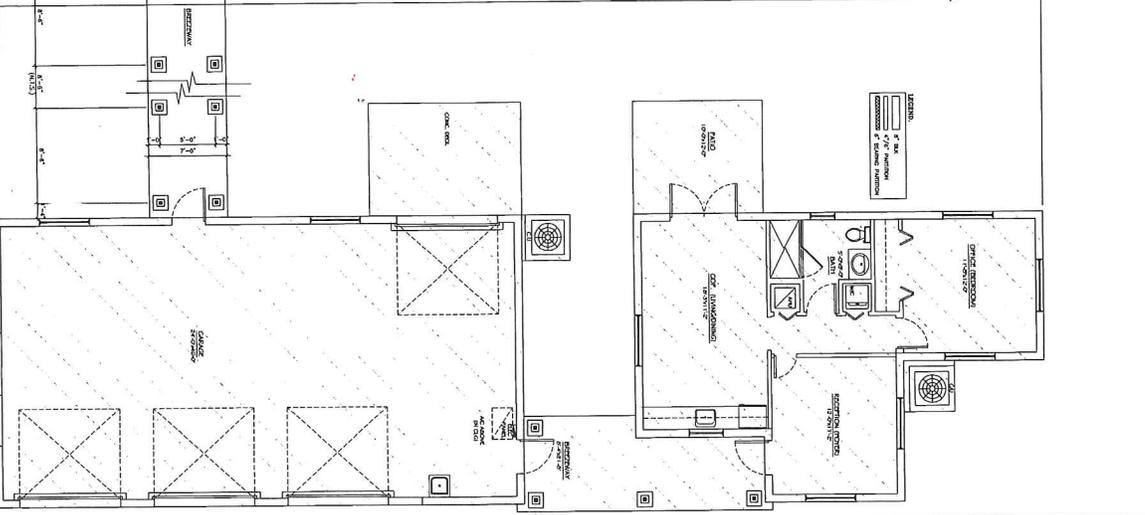
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RECEIVED

2-11-15

FEB 27 2015

DEPARTMENT OF PERMITTING AND ECONOMIC RESOURCES DEVELOPMENT SERVICES



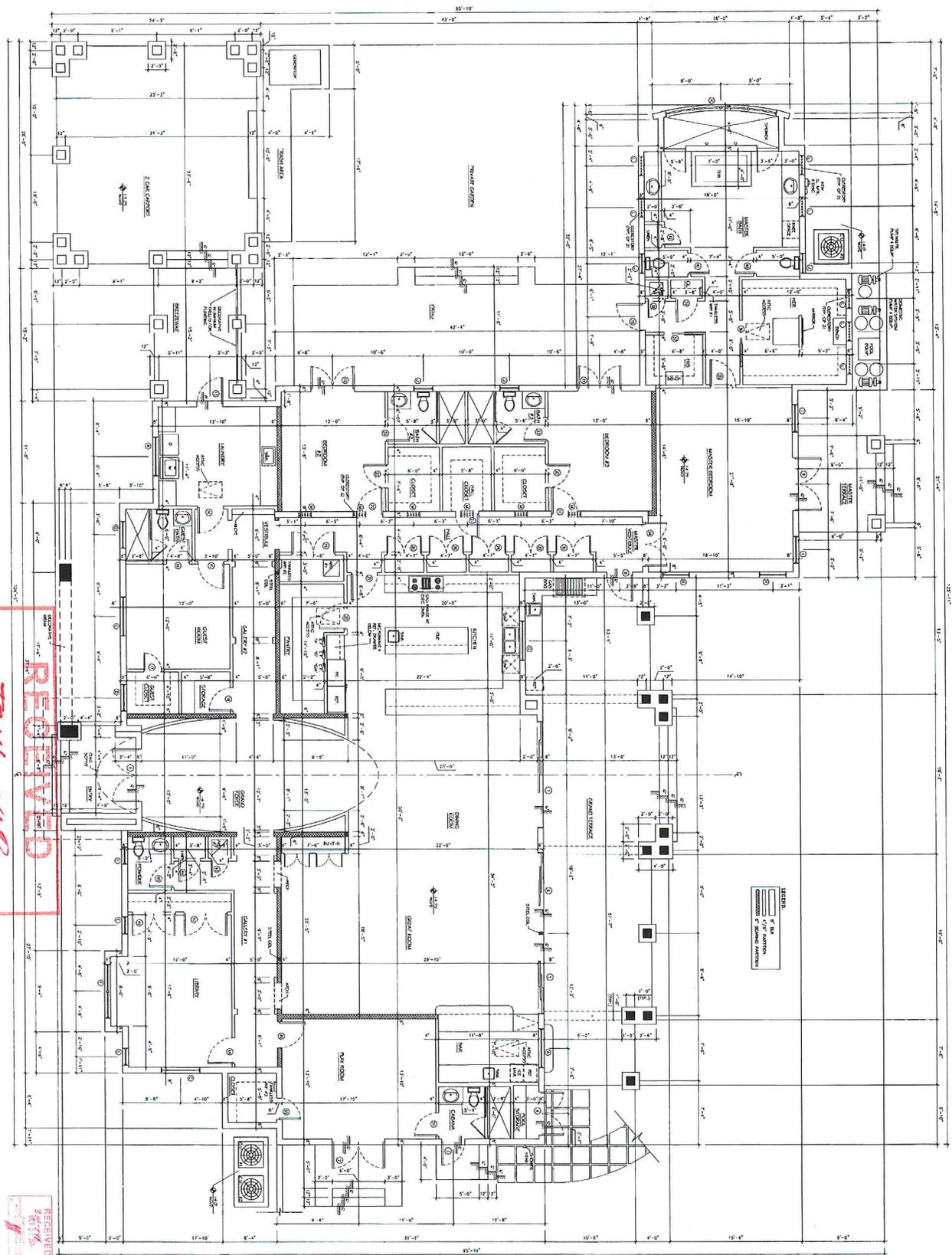
NEW RESIDENCE FOR:
 MR. & MRS. DONER GARCIA
 7001 SW 79TH COURT
 MIAMI, FL. 33143

SHEET NAME	FLOOR PLAN
DATE	2/17/15
DRAWN BY	C.C.
SCALE	1/8" = 1'-0"
NOTES	1. SEE SHEET A-1.1 FOR PHASE 1 FLOOR PLAN.
	2. SEE SHEET A-1.2 FOR PHASE 2 FLOOR PLAN.
	3. SEE SHEET A-1.3 FOR PHASE 3 FLOOR PLAN.
	4. SEE SHEET A-1.4 FOR PHASE 4 FLOOR PLAN.
	5. SEE SHEET A-1.5 FOR PHASE 5 FLOOR PLAN.
	6. SEE SHEET A-1.6 FOR PHASE 6 FLOOR PLAN.
	7. SEE SHEET A-1.7 FOR PHASE 7 FLOOR PLAN.
	8. SEE SHEET A-1.8 FOR PHASE 8 FLOOR PLAN.
	9. SEE SHEET A-1.9 FOR PHASE 9 FLOOR PLAN.
	10. SEE SHEET A-1.10 FOR PHASE 10 FLOOR PLAN.
	11. SEE SHEET A-1.11 FOR PHASE 11 FLOOR PLAN.
	12. SEE SHEET A-1.12 FOR PHASE 12 FLOOR PLAN.
	13. SEE SHEET A-1.13 FOR PHASE 13 FLOOR PLAN.
	14. SEE SHEET A-1.14 FOR PHASE 14 FLOOR PLAN.
	15. SEE SHEET A-1.15 FOR PHASE 15 FLOOR PLAN.
	16. SEE SHEET A-1.16 FOR PHASE 16 FLOOR PLAN.
	17. SEE SHEET A-1.17 FOR PHASE 17 FLOOR PLAN.
	18. SEE SHEET A-1.18 FOR PHASE 18 FLOOR PLAN.
	19. SEE SHEET A-1.19 FOR PHASE 19 FLOOR PLAN.
	20. SEE SHEET A-1.20 FOR PHASE 20 FLOOR PLAN.

A-1.2



8



RECEIVED

2-14-048

FEB 27 2005

MIAMI-DADE COUNTY
 DEPARTMENT OF PLANNING AND ECONOMIC
 RESOURCES
 PLANNING SERVICES

FLOOR PLAN

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

RECEIVED

FEB 27 2005

DATE	02/24/14
DRAWN BY	TMP
SCALE	1/4" = 1'-0"
SHEET NAME	FLOOR PLAN
SHEET NO.	A-2

NEW RESIDENCE FOR:

MR. & MRS. DONER GARCIA
 7001 SW 79th COURT
 MIAMI, FL. 33143

SEAL

7/12/01

REGISTERED PROFESSIONAL ARCHITECT

RICHARD
 COURTES
 ARCHITECTS
 7000 SW 115 ST
 MIAMI, FL 33156
 TEL: 305 553-4888
 FAX: 305 553-4888
 www.richardcourtes.com



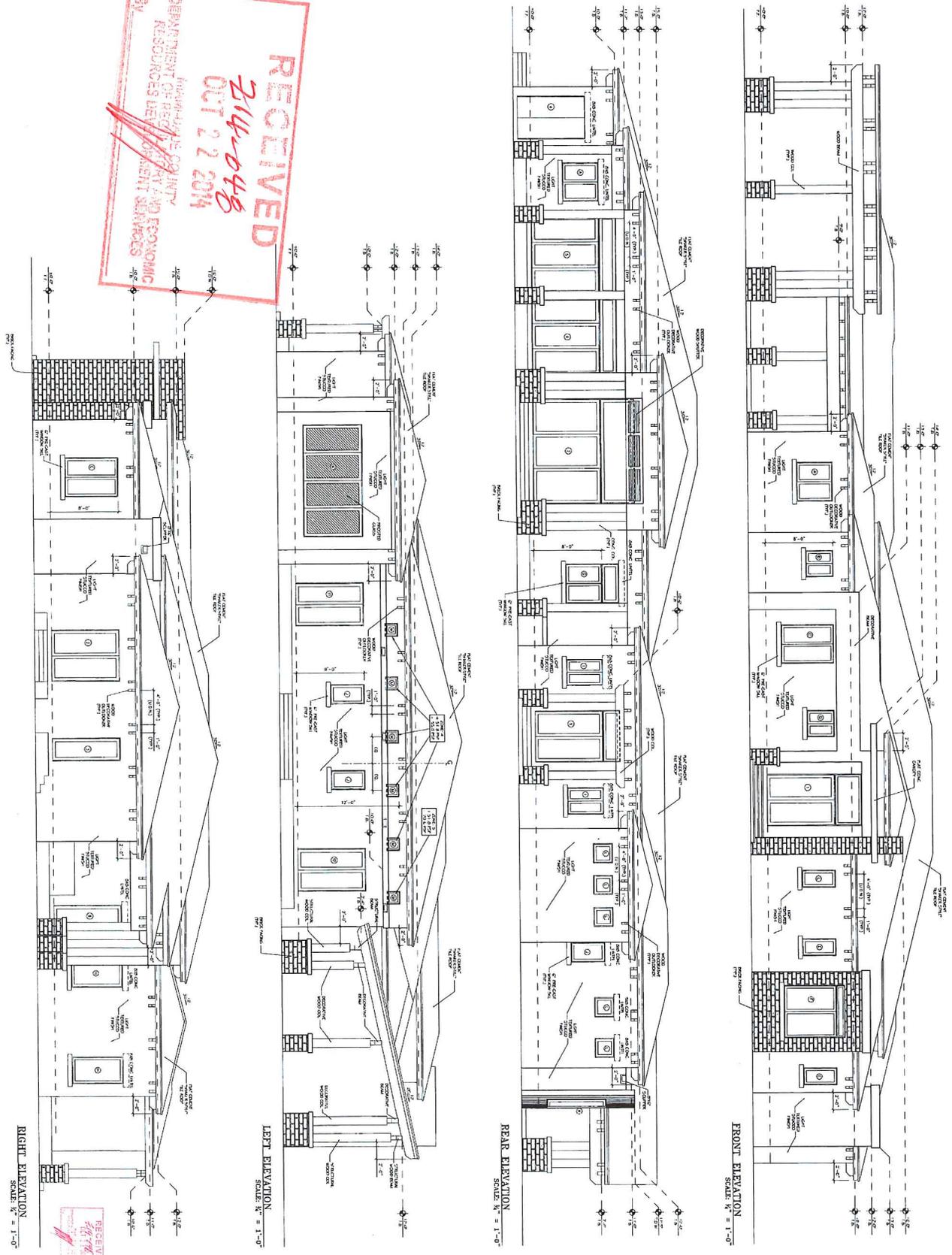
19

RECEIVED

214-048

OCT 22 2014

DEPARTMENT OF REGISTRATION
RESOURCES DIVISION
BY: [Signature]



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

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

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

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

SHEET NAME		NEW RESIDENCE FOR:	
ELEVATIONS		MR. & MRS. DONER GARCIA	
DATE:		7001 SW 79th COURT	
DRAWN BY:		MIAMI, FL 33143	
SCALE:			
1/4" = 1'-0"			
SHEET No.			
A-3			

RECEIVED

214-048

OCT 22 2014

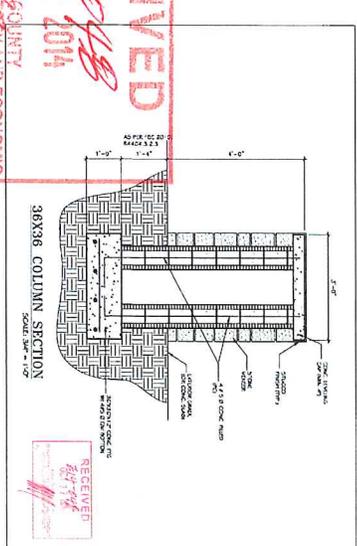
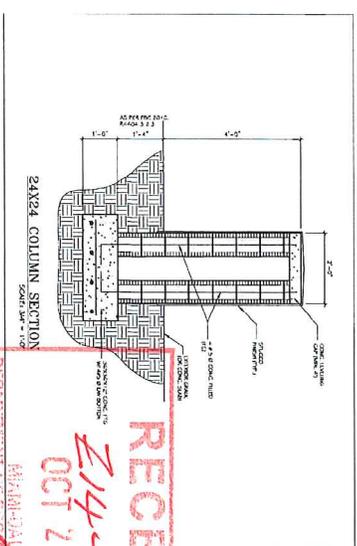
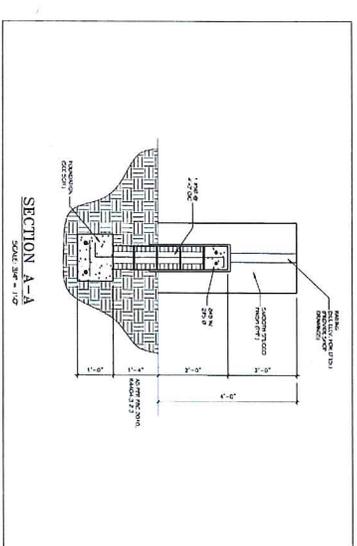
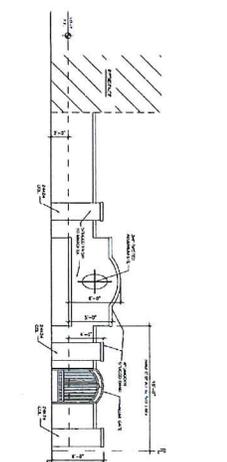
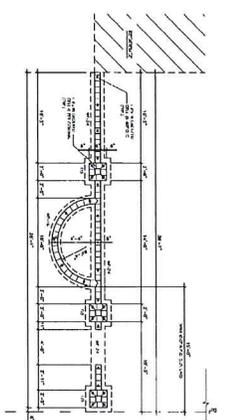
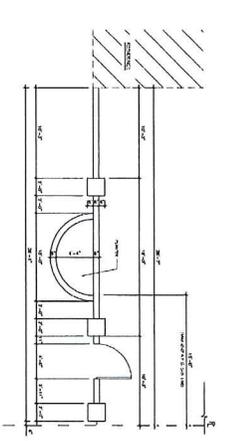
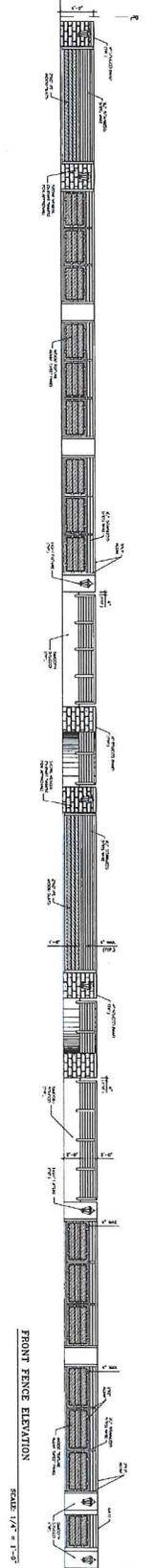
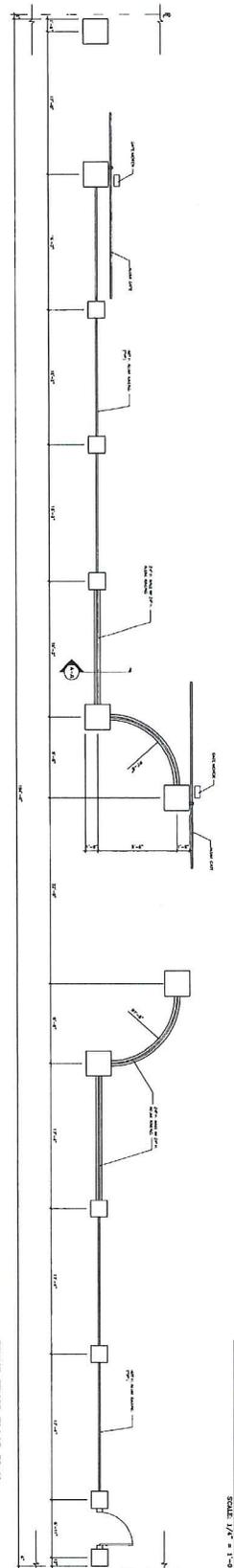
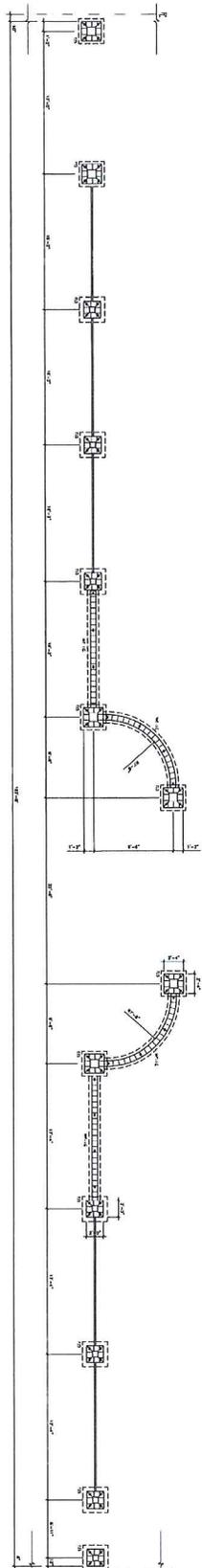
DEPARTMENT OF REGISTRATION
RESOURCES DIVISION
BY: [Signature]

Richard Cortesi
 ARCHITECT
 7001 SW 79th St
 Miami, FL 33143
 PH: 305-221-0825
 FAX: 305-221-4848
 richard@richardcortesi.com

SEAL

DATE: 02/24/14

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



RECEIVED

214-048

OCT 22 2014

BY

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BY

RECEIVED

214-048

OCT 22 2014

BY

DATE: 02/24/14

DRAWN BY: PMP

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

SHEET NO. A-4

NEW RESIDENCE FOR:

MR. & MRS. DONER GARCIA

7001 SW 79th COURT

MIAMI, FL. 33143

SEAL

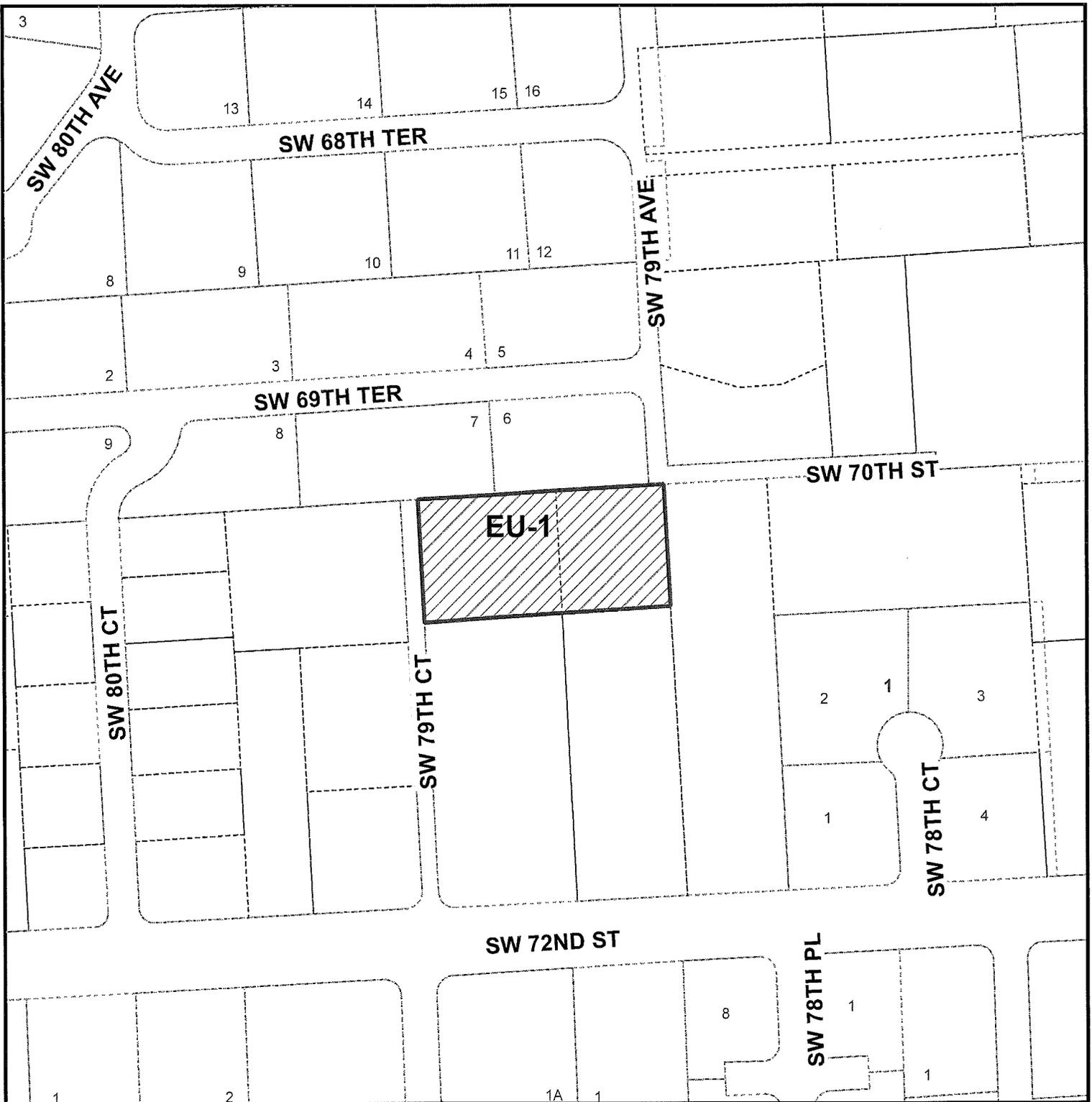
RICHARD CORES

7001 SW 117 ST

MIAMI, FL 33156

PH: 305 225-4466

richardcores.com



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2014000048



Section: 27 Township: 54 Range: 40
 Applicant: MARIA FANTI
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, June 9, 2014

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number
Z2014000048

Legend
 Subject Property

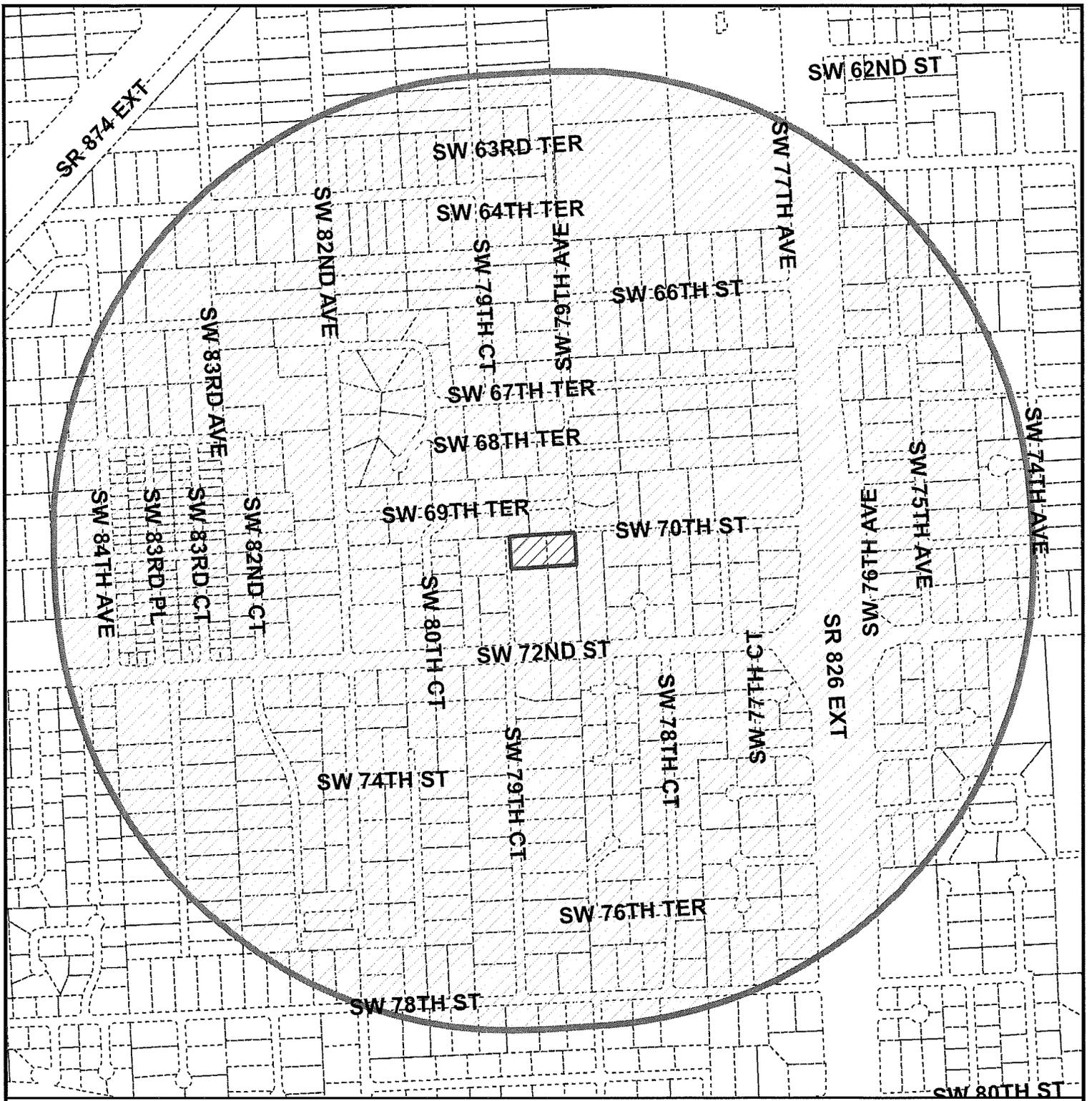


Section: 27 Township: 54 Range: 40
 Applicant: MARIA FANTI
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Monday, June 9, 2014

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
RADIUS MAP

Section: 27 Township: 54 Range: 40
 Applicant: MARIA FANTI
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2014000048
 RADIUS: 2640

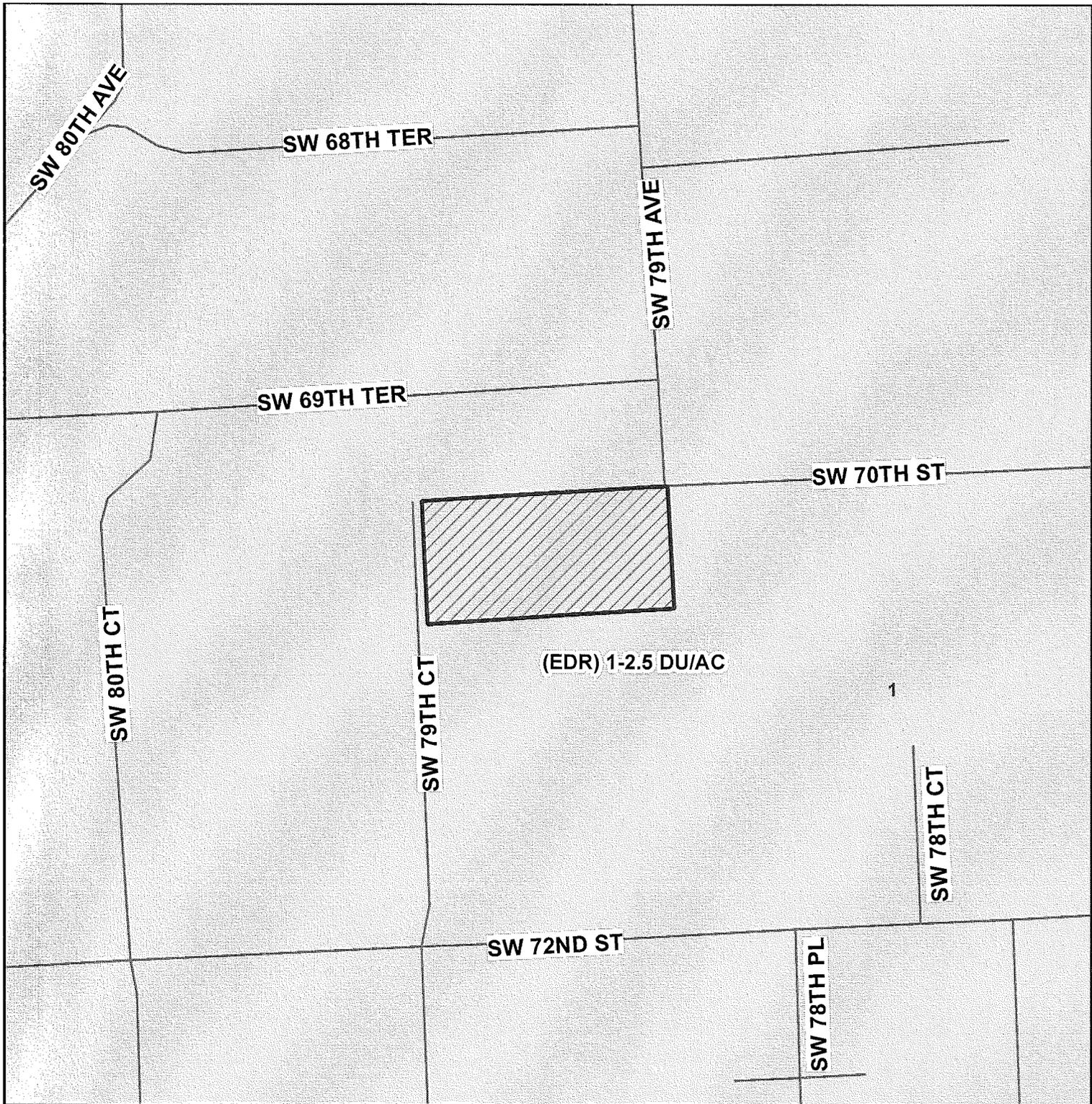
Legend

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



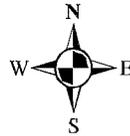
SKETCH CREATED ON: Monday, June 9, 2014

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000048



Section: 27 Township: 54 Range: 40
 Applicant: MARIA FANTI
 Zoning Board: C12
 Commission District: 7
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, June 9, 2014

REVISION	DATE	BY

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

PH: Z14-082 (15-6-CZ12-2)

June 9, 2015

Item No. 2

Recommendation Summary	
Commission District	8
Applicants	Timothy and Elsie Mckernan
Summary of Requests	The applicants seek a district boundary change from AU, Agricultural District to EU-1, Single-Family One Acre Estate District along with requests to permit less lot area and frontage than required, and to permit access to a public street from a private easement. In addition, the applicants also seeks to permit less lot depth than required and more rear lot coverage than permitted.
Location	9440 SW 120 Street, Miami-Dade County, Florida.
Property Size	2.48 acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 dua, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311, Non-Use Variances <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of request #1 and approval of approval of requests #2 through #5 with conditions.

REQUEST:

1. DISTRICT BOUNDARY CHANGE from AU to EU-1.
2. NON-USE VARIANCE to permit 3 proposed lots with a lot area varying from .080 to .90 (1 gross acre required).
3. NON-USE VARIANCE of ZONING and Subdivision regulations requiring that all lots to have frontage on a public right-of-way; to waive same to permit proposed Lots 2 and 3 with 0' of frontage (125' required) and to permit access to a public street by means of a 50' wide private easement.
4. NON-USE VARIANCE to permit 2 lots with a minimum lot depth of 166.42' (200' required).
5. NON-USE VARIANCE to permit proposed Lot 2 with a guest house resulting in a rear yard lot coverage of 7.59% (5% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Bayview Garden Design", with sheets I-1 thru I-3 dated stamped received 12/16/14, consisting of 3 sheets and the remaining 2 sheets dated stamped received 01/27/15, for a total of 5 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

The site plan shows the subdivision of a 2.48 acre property into three proposed lots (Lots #1, #2 and #3) with the existing 2,626 sq. ft. single-family residence and the 813.6 sq. ft. guest house remaining on the subject site, along with access from SW 120 Street and from a private drive along SW 121 Terrace. Said plans indicate that the three lots will vary in lot size. Plans show Lot #1 with a propose lot area of 29,098 sq. ft., and Lots #2 and #3 with lot areas of 39,557 sq. ft. and 39,543 sq. ft. Plans further show Lots #1 and #3 as vacant land and Lot #2 with the existing residence and guest house. In addition, plans also show the removal of a shade house from Lot #1 and two shade houses from Lot #3.

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

NEIGHBORHOOD COMPATIBILITY:

The subject 2.48 acre parcel is located at 9440 SW 120 Street, Miami-Dade County, Florida. Staff notes that the abutting properties to the north, east and west are zoned EU-1, Single Family One Acre Estate District, and that the property to the south is zoned EU-M, Single-Family Modified Estate District.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, approval of the requests could create more traffic in the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Estate Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. The CDMP Estate density could allow the applicants to develop the 2.48 acre parcel with 6 residential units. However, staff notes that the applicants have indicated in the site plan that the subject property will be developed with three (3) residential units only, which is within the maximum density allowed under the density threshold of the CDMP Estate Density Residential designation on the LUP map. Further, the subject property is surrounded by EU-1 zoned properties to the north, east and west. As such, and for reasons stated in the zoning analysis, the rezoning of the subject property to EU-1 would be **consistent** with the density threshold allowed under the Estate

Density Residential designation of the parcel on the CDMP Land Use Plan map, the CDMP's Land Use Element the interpretative text for the Estate Density Residential category; and with the Land Use Element **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the 2.48 acre parcel to EU-1, Single-Family Suburban Estate District (request #1) in order to subdivide the parcel into three (3) lots is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Additionally, staff notes that the memorandum from the Environmental Division of RER indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. Staff notes that the approval of the applicant's request to rezone the property will be consistent with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map. Furthermore, staff is of the opinion that the proposed zone change to EU-1 is **compatible** with the residential developmental trend based on similar approvals in the surrounding area. **Therefore, staff recommends approval of Request #1 under Section 33-311, District Boundary Change.**

When requests #2, #3, #4, and #5 are analyzed under the Non-Variance Standards, Section 33-311(a)(4)(b), staff opines that the requests would be **compatible** with the surrounding area. When request #2, to permit 3 proposed lots with a lot area varying from .080 acre to .90 acre (1 gross acre required) is analyzed in regards to the neighboring area, staff opines that the request is in character with the surrounding area. Staff notes from the County Property Appraiser's (PTXA) system that the lot areas of neighboring properties north, south, east, and west of the subject property vary from .34 acre to 1.6 acres. Staff did research of the area and found more intensive approvals for lot area. For example, a tract of land a tract of land lying on the east and west sides of SW 93 avenue between SW 122 Street and SW 124 Street was approved pursuant to Resolution #Z-13-94, to permit 11 lots with lot areas from .52 acre to .88 acre of an acre (1 acre required). Therefore, staff opines that approval of the requested lot area (request #2) would be in character with the residential lots in the area, and staff recommends approval or Request #2.

In request #3, to permit proposed Lots 2 and 3 with 0' of frontage (125' required) and to permit access to a public street by means of a 30' wide private easement, staff opines that requested frontage would be in character with similar approvals in the area. Staff also opines that the request to permit access to a public street by means of a 30' wide easement would not create any negative safety or traffic impacts in the area. In addition, staff notes that the Platting and Traffic Review Section of RER in their memoranda has no objections to the request. Staff did research of the area and found similar or more intensive approvals for requests for frontage and to permit access to a public street by means of a private drive. For example, a tract of land lying on the east and west sides of SW 93 avenue between SW 122 Street and SW 124 Street, and a tract of land lying east of theoretical SW 95 Avenue and north of theoretical SW 124 Street were approved pursuant to Resolutions #Z-13-94 and #CZAB12-26-04, respectively, to permit a lot frontage of 0' with a proposed access way to a public street from a private drive. Therefore,

staff opines that the request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, and recommends approval of request #3.

When request #4, to permit two lots with a minimum lot depth of 166.42' (200' required) is analyzed in regards to the neighboring area, staff opines that the requested lot area would be in character with the surrounding area and would not create any negative impacts on the neighboring residences. Staff's research of the area found similar or more intensive approval for requests for reduced lot depth. For example, a tract of land lying on the east and west sides of SW 93 Avenue between SW 122 Street and SW 124 Street was approved pursuant to Resolution #Z-13-94 to permit 10 lots with depths varying from 165' to 180' (200' required). Therefore, the approval of the request would maintain the basic intent and purpose of the zoning regulations, and staff recommends approval of Request #4.

In request #5, to permit proposed Lot #2 with a guest house resulting in a rear yard lot coverage of 7.9% (5% maximum permitted), staff opines that the request would not create any negative impacts to the neighboring residences. Staff did research of the area and found a more intensive approval for rear yard coverage. For example, a property located at 12310 SW 93 Court was approved pursuant to Resolution CZAB12-24-06 to permit a rear yard lot coverage of 9.3%(5% allowed).

For all of the reasons stated above, staff recommends approval of requests #2, #3, #4 and #5 with conditions under Section 33-311(A)(4)(b), Non-Use Variances Regulations.

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval.

CONDITIONS FOR APPROVAL: Requests #2 through 5

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Bayview Garden Design", with sheets I-1 thru I-3 dated stamped received 12/16/14, consisting of 3 sheets and the remaining 2 sheets dated stamped received 01/27/15, for a total of 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants comply with the conditions of the Platting and Traffic Review Section of RER from a memorandum dated August 26, 2014.

ES:MW:NN:CH:EJ



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

NNW

ZONING RECOMMENDATION ADDENDUM

Applicant: Timothy and Elsie Mckernan (14-082)

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection
Parks	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management Department	No objection
MDT	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

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

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

Applicant: Timothy and Elsie Mckernan (14-082)

<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>
--	--

2. TIMOTHY & ELSIE MCKERNAN
(Applicant)

15-6-CZ12-2 (14-082)
Area 12/District 08
Hearing Date: 06/09/15

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: March 5, 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 #Z2014000082-2nd Revision
Timothy McKernan and Elsie J. McKernan
9440 SW 120th Street, Miami, FL
DBC from AU to EU-1; Non-Use Variance to permit three (3) single family residence lots with less lot frontage than required and to permit two (2) of the lots with 0' frontage and access to these lots by means of a private ingress-egress easement; Non-Use Variance to permit accessory use structure to setback less than required from property lines.
(AU) (2.36 Acres)
16-55-40

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.

Potable Water Service

Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

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

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

Wastewater Disposal

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

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-hour storm event.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Miami-Dade County Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

An inspection of the subject site by DERM staff on January 22, 2015, confirmed that the site contains several specimen trees (tree with an individual trunk diameter at breast height of 18" or greater), including 5 specimen live oaks (*Quercus Virginiana*) as well as other species.

Policy CON-8A of the Miami-Dade County CDMP and Section 24-49 of the Code require the protection and preservation of specimen trees. In order to insure consistency with the CON-8A of the CDMP, DERM does not recommend approval of this application unless the property owner is required to execute a specimen tree covenant as a condition of the zoning approval for all specimen trees that do not prevent a reasonable use of the property. As a condition of the zoning approval, the covenant should be required to be executed prior to any future plat or any other future proposed development actions on the property.

In accordance with Chapter 24 of the County 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 does not recommend approval of this application unless these requirements are included as conditions of the zoning approval.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

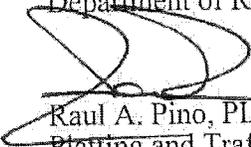
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 29, 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: Z2014000082
Name: Timothy & Elsie McKernan
Location: 9440 SW 120 Street
Section 16 Township 55 South Range 40 East

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

The applicant must construct SW 121st Terrace with the required t-turnaround within the public right-of-way as approved with the Paving and Drainage plans for the plat of "Lilly and Claire Estates" P.B. 167, Page 75.

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **2 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#	LOS present	LOS w/project
F-1093 SW 112 St w/o US-1 to SW 97 Ave	D	D

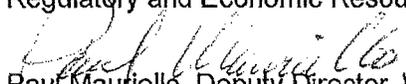
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Memorandum



Date: August 21, 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: Timothy and Elsie McKernan (#14_082)

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: *Timothy and Elsie McKernan* are requesting a district boundary change from Agricultural (AU) to Estate, single family one acre (EU-1), and non-use variances of setback requirements.

Size: The subject property is 2.36 acre.

Location: The subject property is located at 9440 SW 120th 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 district boundary change regarding a single family residence on the property will meet the County Code definition of residential unit.

As such, according to the Code, the residential unit will receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: February 17, 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: Z2014000082: TIMOTHY & ELSIE MCKERNAN
Revised Plans Submitted Dated Stamped Received 1/27/2015

Application Name: TIMOTHY & ELSIE MCKERNAN

Project Location: The site is located at 9440 SW 120 STREET, Miami-Dade County.

Proposed Development: The request is for a district boundary change and non-use variance to permit 3 single family residential dwelling units.

Impact and demand: This application proposes a development not to exceed 3 single family dwelling units resulting in an impact of less than .03 acres to the Level of Service. Ron Ehman Park and Briar Bay Park are both located approximately ½ mile from the site. The site is located in Park Benefit District 2 which has a surplus of 419.32 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Furney, Susan (RER)

From: Castillo, Guillermo (MDFR)
Sent: Wednesday, February 04, 2015 2:58 PM
To: Henderson, Cassandra (RER)
Cc: Furney, Susan (RER); Connally, Ronald (RER); Gutierrez, Franklin (RER); Heredia, Carlos (MDFR)
Subject: MDFR objections to Zoning Hearings Document Distribution (Case # Z2014000082)

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

The proposed turn around does not comply. Provide either a cul-de-sac meeting the minimum dimensions for a residential cul-de-sac in accordance with the public works manual or a T-Turn in accordance with MDFR access road requirements.

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: 12-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

TIMOTHY & ELSIE MCKERNAN

9440 SW 120 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000082

HEARING NUMBER

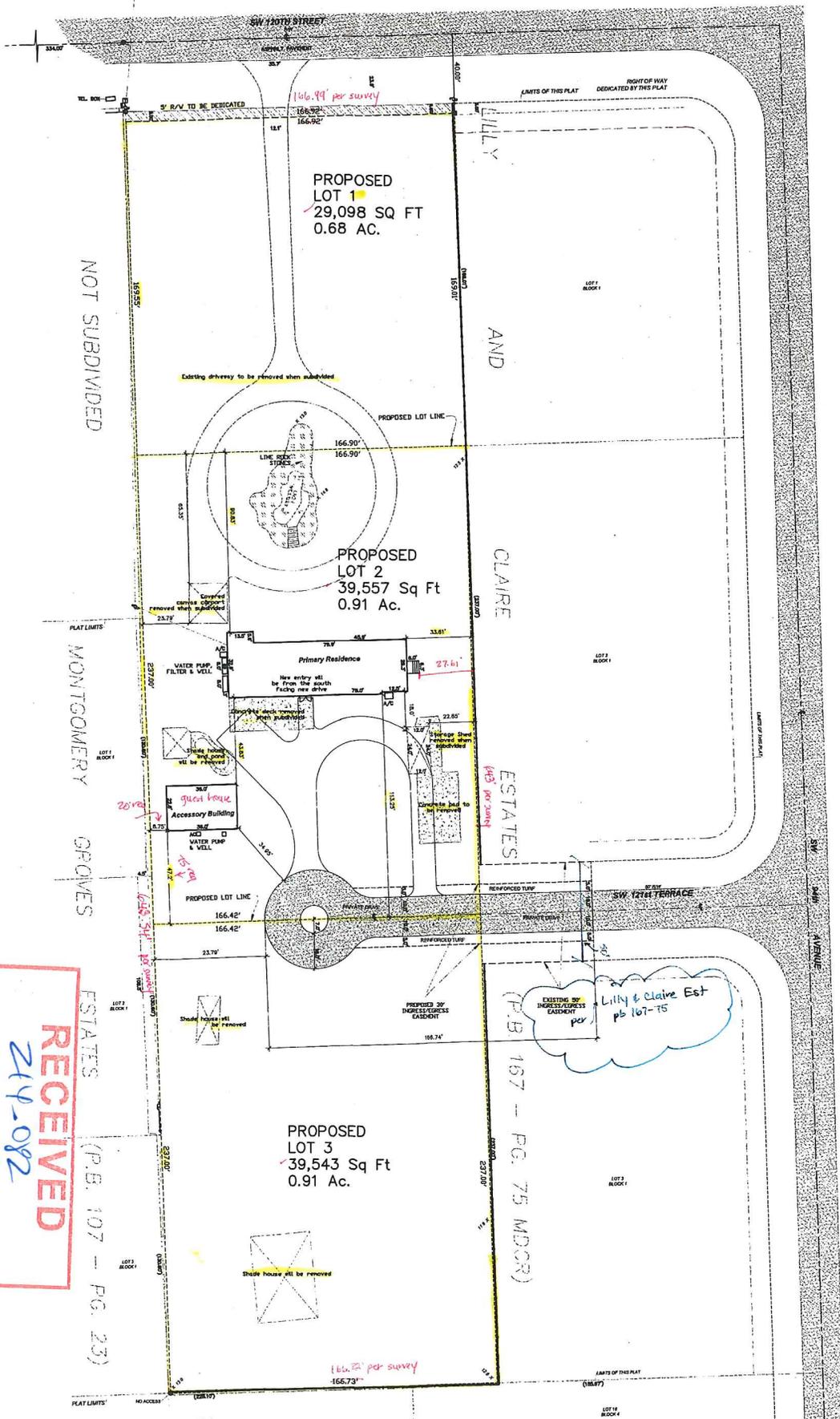
HISTORY:

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

Timothy & Elsie McKernan

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

REPORTER NAME:



PROPOSED LOT 1
29,098 SQ FT
0.68 AC.

PROPOSED LOT 2
39,557 Sq Ft
0.91 Ac.

PROPOSED LOT 3
39,543 Sq Ft
0.91 Ac.

RECEIVED
 214-082
 DEC 16 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *[Signature]*

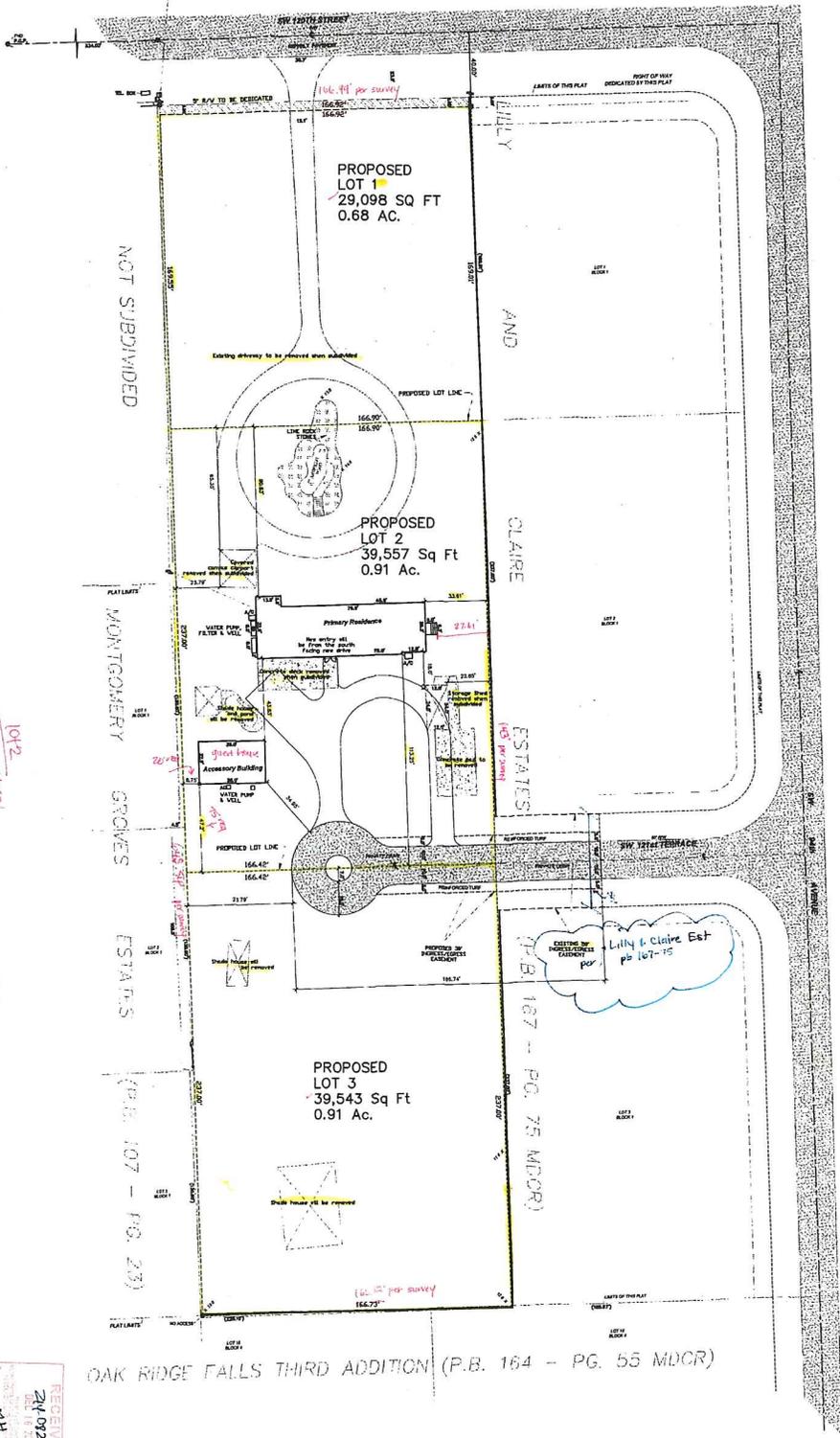
OAK RIDGE FALLS THIRD ADDITION (P.B. 164 - PG. 55 MDCR)

RECEIVED

ENLARGED SITE PLAN

PROPOSED ZONING: EUS		
LOT AREA	29,098 sqft	LOT #1
LOT FRONTAGE on public road	166.92'	39,557 sqft
LOT COVERAGE	8.5% OK	WILL COMPLY
BUILDING SETBACKS LOT #2		
FRONT	113.25'	FRONT
REAR	50.83'	REAR
PRINCIPAL ACCESSORY	48.80'	SIDE
	167.28'	WILL COMPLY
		8.7%

104-00 104-2
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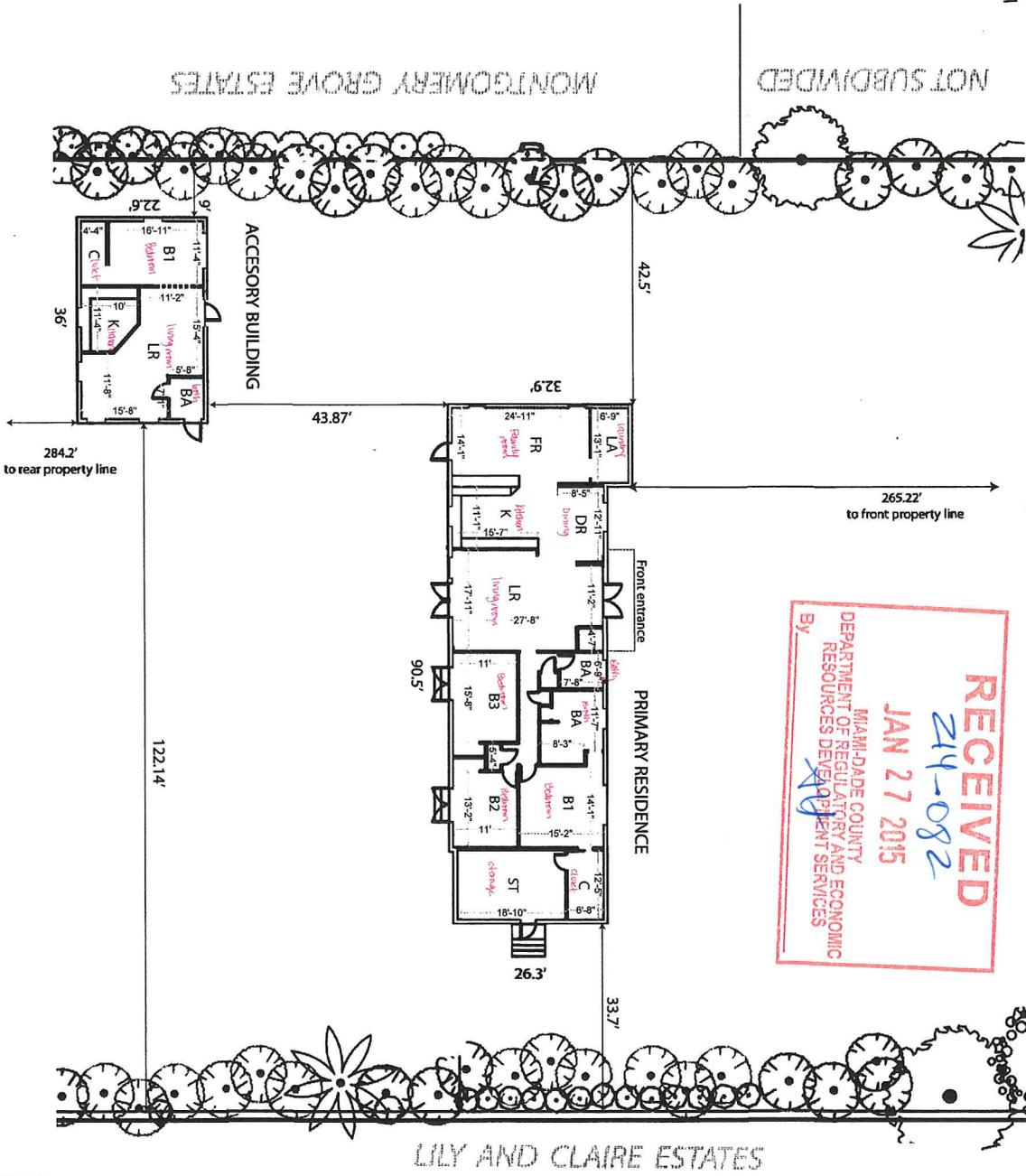
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 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By [Signature]

RECEIVED
 214 082
 11/18/14

PROPOSED SUBDIVISION
 SCALE: 1"=40'

PROJECT FILE LEGAL DESCRIPTION THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 LESS THE NORTH 35 FEET THEREOF, IN SECTION 16 TOWNSHIP 35 SOUTH RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.	SHEET FILE PROPOSED SUBDIVISION SITE PLAN	SEAL PREPARED BY TIM MCKERNAN	

- LA LAUNDRY ROOM
- FR FAMILY ROOM
- DR DINING ROOM
- K KITCHEN
- LR LIVING ROOM
- BA BATH
- B1 BEDROOM 1
- B2 BEDROOM 2
- B3 BEDROOM 3
- ST STORAGE

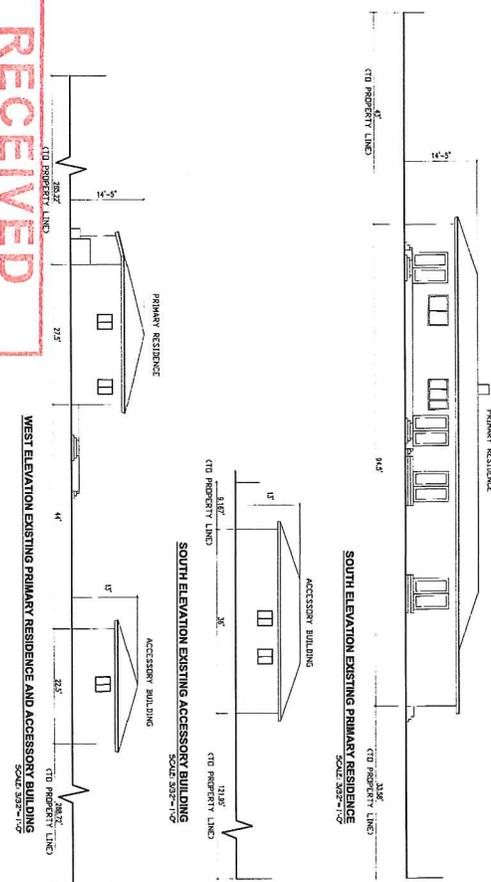
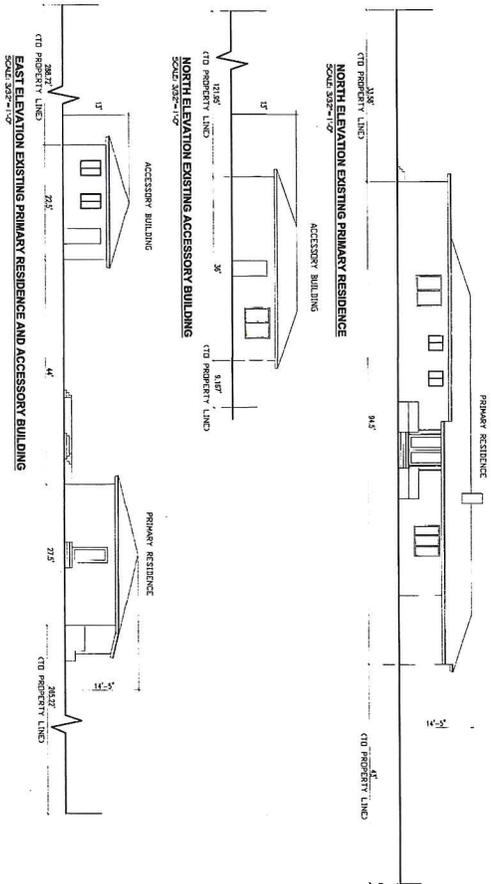


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 24-082
 JAN 27 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By

RECEIVED
 24-082
 JAN 27 2015

FLOOR PLAN

LEGAL DESCRIPTION THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 LESS THE NORTH 25 FEET THEREOF, IN SECTION 16 TOWNSHIP 25 SOUTH RANGE 40 EAST LYING AND BEING IN MIAMI DADE COUNTY, FLORIDA
BAYVIEW GARDEN DESIGN
 DWG BY TIM MCKERNAN
 01/15/2015



RECEIVED
 214-082
 JAN 27 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES/BUILDING PERMIT SERVICES
 By *AVG*

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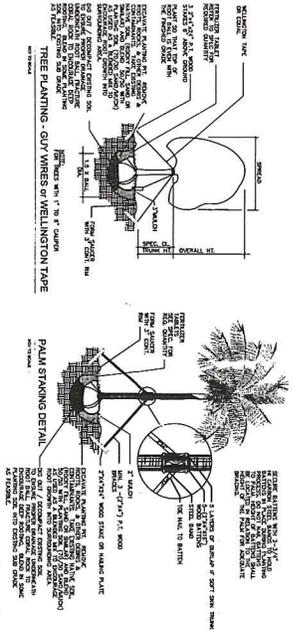
ELEVATIONS

LEGAL DESCRIPTION THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 LESS THE NORTH 35 FEET THEREOF, IN SECTION 16 TOWNSHIP 55 SOUTH RANGE 40 EAST LYING AND BEING IN MIAMI DADE COUNTY, FLORIDA

BAYVIEW GARDEN DESIGN
 DWG BY TIM MCKERNAN
 01/14/2015

NOTE:
 Prohibited Plant Species in Miami-Dade County
 October 2014
 The following exotic pest plant and nuisance species, with scientific nomenclature as set forth in Wunderlin, Richard P. and Hansen, Bruce F., Guide to the Vascular Plants of Florida, 2nd Ed. University of Florida Press, Gainesville, FL (2003), a copy of which shall be maintained by the Director or Director's designee and available for review by the public, may not be sold, propagated or planted anywhere in Miami-Dade County. If a species is listed as prohibited, it shall be prohibited to import, transport, sell, propagate, plant, or otherwise introduce to the jurisdiction and in accordance with Chapter 19 of the Code of Miami-Dade County, Florida, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

Baccharis javanica (Japanese bishopwood, bishopwood, bischofia, tung)



TRANSPLANTING SPECIFICATIONS

1. Root zone at trees and palms to a minimum depth of 24" for the palms and 48" for the trees.
2. Root zone at trees and palms to a minimum width of 24" for the palms and 48" for the trees.
3. Water table with stem wrap plastic, back filling with Canadian peat moss, fill ground and covering roots.
4. Budget with covering soil to hold plastic firmly against root wrap system. Keep 2" deep trench exposed so as to hold water table close to roots for next 2 months or until trees are ready to move.
5. Harvest trees after 5 weeks minimum and trees after 8 to 10 weeks depending on size. Consult with LA prior to moving trees.
6. Root zone and other plants wrap being careful not to disturb or tear, removing back but, re-wrap if needed for transplanting.
7. Root zone at trees and palms to a minimum depth of 24" for the palms and 48" for the trees.
8. Root zone at trees and palms to a minimum width of 24" for the palms and 48" for the trees.
9. Root zone at trees and palms to a minimum depth of 24" for the palms and 48" for the trees.
10. Root zone at trees and palms to a minimum width of 24" for the palms and 48" for the trees.
11. Budget with covering soil to hold plastic firmly against root wrap system. Keep 2" deep trench exposed so as to hold water table close to roots for next 2 months or until trees are ready to move.
12. Additional provisions. Consult additional drawings to ensure establishment and viability of plants.

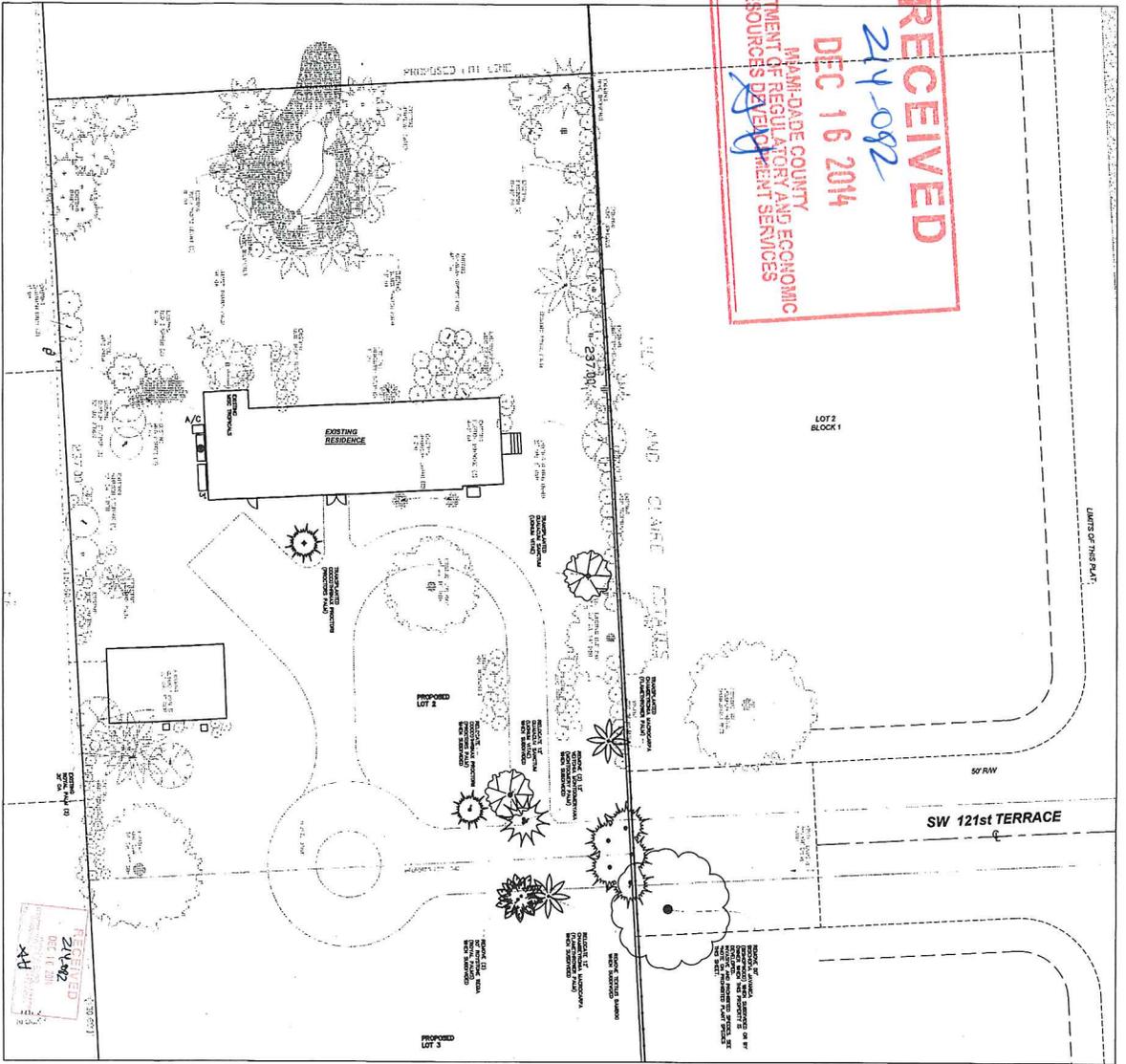
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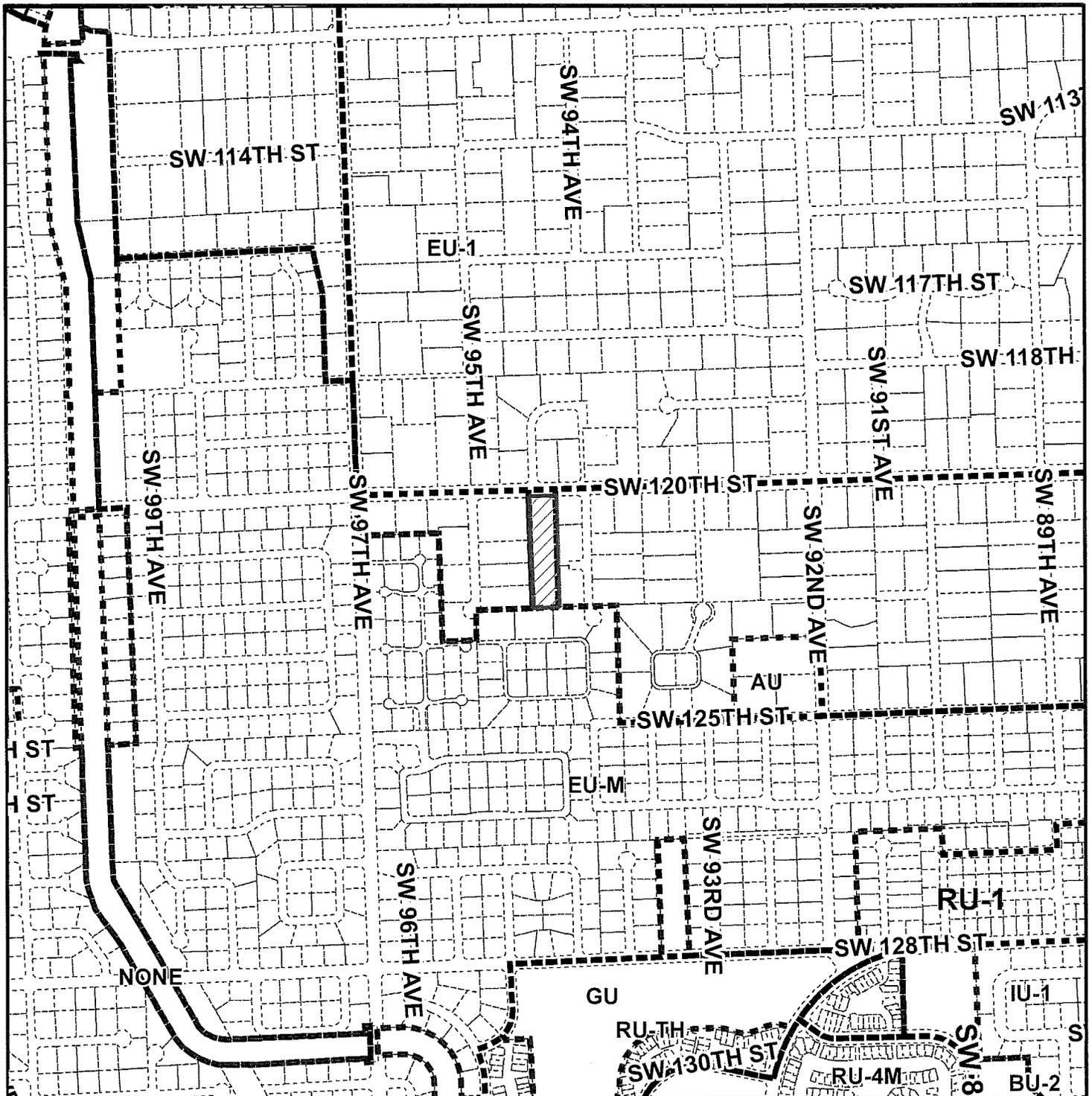
DEC 16 2014

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

By _____



DISPOSITION PLAN
 SCALE: 1/8" = 1'



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000082



Section: 16 Township: 55 Range: 40
 Applicant: TIMOTHY & ELSIE MCKERNAN
 Zoning Board: C12
 Commission District: 8
 Drafter ID: GGARCIA
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, September 8, 2014

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2014000082

Legend

-  MDC STL Index Poly
-  Subject Property
-  Zoning

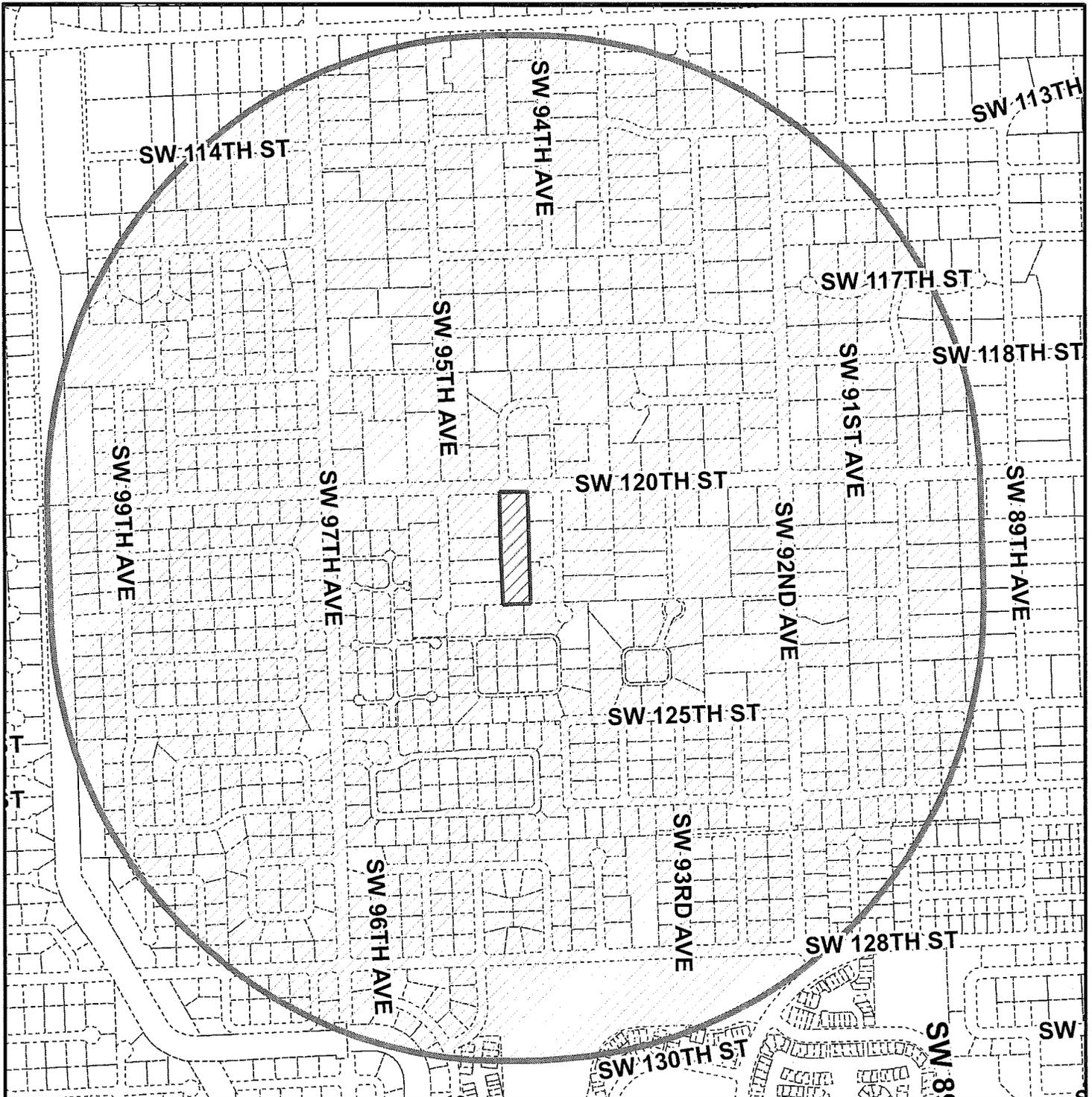


Section: 16 Township: 55 Range: 40
 Applicant: TIMOTHY & ELSIE MCKERNAN
 Zoning Board: C12
 Commission District: 8
 Drafter ID: GGARCIA
 Scale: NTS



SKETCH CREATED ON: Monday, September 8, 2014

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

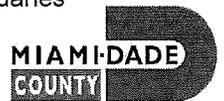
Z2014000082

RADIUS: 2640

Section: 16 Township: 55 Range: 40
 Applicant: TIMOTHY & ELSIE MCKERNAN
 Zoning Board: C12
 Commission District: 8
 Drafter ID: GGARCIA
 Scale: NTS

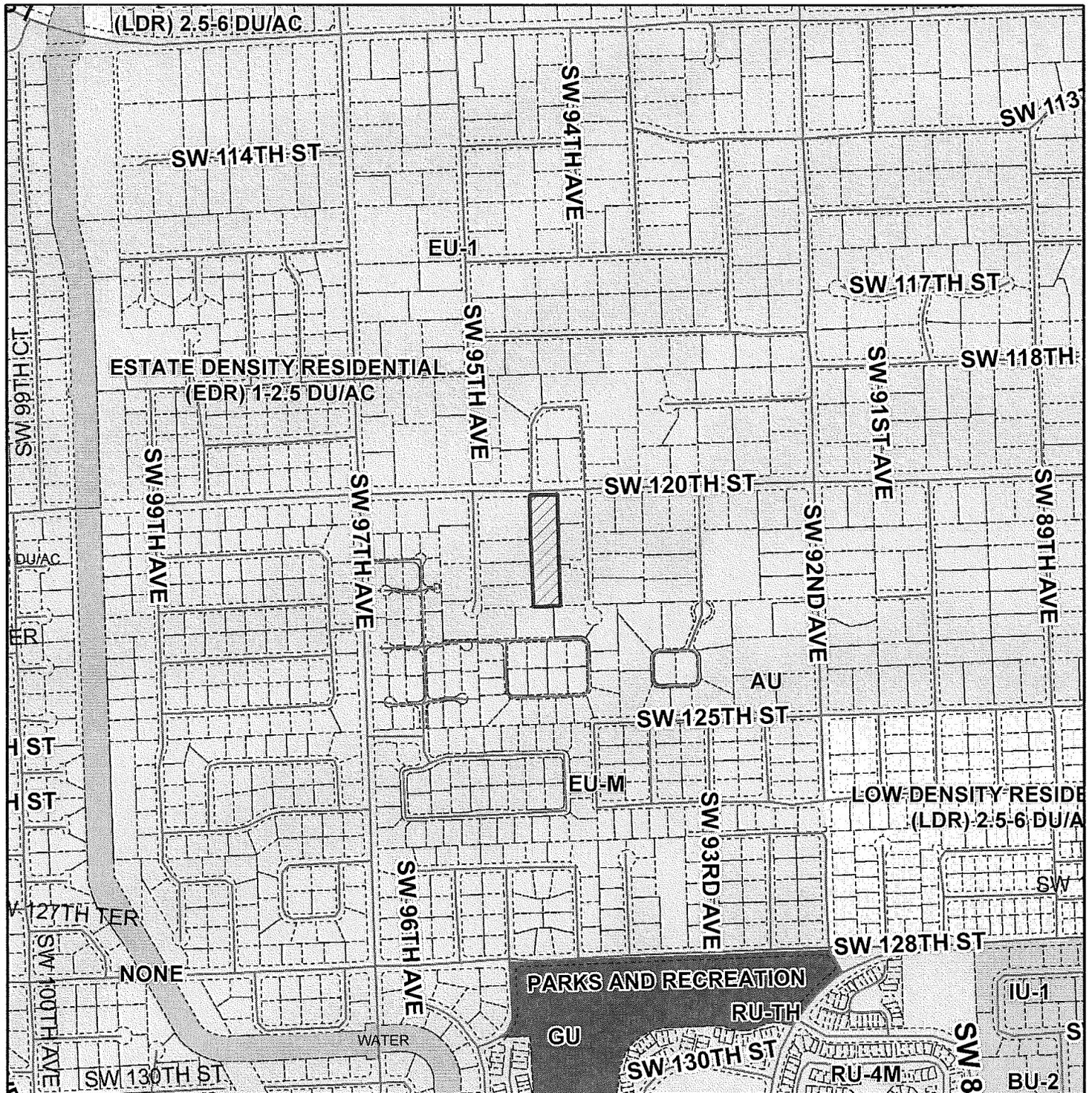
Legend

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



SKETCH CREATED ON: Monday, September 8, 2014

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2014000082



Section: 16 Township: 55 Range: 40
 Applicant: TIMOTHY & ELSIE MCKERNAN
 Zoning Board: C12
 Commission District: 8
 Drafter ID: GGARCIA
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, September 8, 2014

REVISION	DATE	BY

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

PH: Z14-094 (15-6-CZ12-3)

June 9, 2015

Item No. 3

Recommendation Summary	
Commission District	7
Applicant	J. David Scheiner and Joan Scheiner
Summary of Requests	The applicants are seeking to permit a modification of a condition of a prior Resolution in order to submit a revised site plan showing demolition of the existing residence and construction of a new residence, and to permit the previously approved coral rock wall, decorative fence within the safe sight distance triangle.
Location	8180 SW 47 Avenue, Miami-Dade County, Florida
Property Size	1.16 Acre
Existing Zoning	EU-1 (Estates 1 Family 1 Acre Gross)
Existing Land Use	Single-Family Residence
2020-2030 CDMP Land Use Designation	Estate Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) MODIFICATION of condition #2 of Resolution 5-ZAB-8-97, passed and adopted by the Zoning Appeals Board, reading:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Boundary Survey," as prepared by Gary B. Castel Surveying, Inc. and dated last revised 2-6-96, as it pertains to the variance related construction. Any future additions on the property which conform to Zoning Code requirements will not require further hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Residence For the Scheiner Family" as prepared by David Wearne Johnson AIA, with sheets A-1, A-2.1 & A-2 dated stamped received 03/26/15 and the remaining 6 sheets dated stamped received 02/26/15, for a total of 9 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing demolition of the existing residence and construction of a new residence and a coral rock wall with decorative fence on the property line.

- (2) NON-USE VARIANCE of zoning regulations requiring fences, walls not to exceed 2.5' in height when placed within the safe sight distance triangle; to waive same to permit a 5' high coral rock wall with decorative fence within the safe sight distance triangle.

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 HISTORY AND DESCRIPTION:

The subject property was previously approved, pursuant to Resolution #5-ZAB-8-97, to permit a pool setback less than required from the interior side (north) property line, to permit an existing stone concrete fence encroaching into the right-of-way, to waive a portion of the right-of-way, and to permit a covered terrace setback less than required from the interior side (north) property line.

The applicants now seek to demolish the existing one-story home and build a new two-story residence, while maintaining the existing coral rock wall with decorative fence within the safe sight distance triangle. The proposed two-story single-family residence will sit on a corner lot in an established single-family residential area and will have two egress/ingress access points along SW 47 Avenue and SW 82 Street.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is surrounded by single-family residences.

SUMMARY OF IMPACT:

The approval of this application would allow the applicants to build a new residence on the lot.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Estate Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. Approval of these requests would permit the applicants to build a new two-story single-family residence on the 1.16-acre parcel, while maintaining an existing coral rock wall with decorative fence within the safe sight distance triangle. As such, staff notes that the approval of the requests sought in the application will not add additional dwelling units to the site beyond what was previously approved and will not change the single-family residential use. Therefore, staff opines that approval of the application would be **consistent** with the uses allowed under the Low Density Residential land use designation on the CDMP LUP map.

ZONING ANALYSIS:

When request #1 is analyzed under Section 33-311(A)(7), General Modification Standards, staff opines that approval of the same would be **compatible** with the surrounding area for the reasons stated herein. The applicants are seeking approval to modify a previously approved Resolution in order to submit a revised site plan showing a new residence. Staff notes that the proposed two-story single-family residence will sit on a corner lot in an established single-family residential area and will have two egress/ingress access points along SW 47 Avenue and SW 82 Street. Staff opines that the proposed single-family residence is designed and arranged in a manner that would not create materially greater adverse privacy impacts on adjacent residences than what would otherwise be permitted by the underlying district regulations, and the proposed residence is in harmony with the general appearance and character of the subject block face and the block face across the street.

Staff also notes that 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 PM daily peak hour trips, and that this application meets the traffic concurrency criteria for an initial development order. Further, the Division of Environmental Resources Management of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection, and the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposal will have a negative impact on fire rescue services in the area. Based on the aforementioned memoranda, staff opines that approval of the subject request 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. **For the reasons above, staff recommends approval with a condition of request #1 under Section 33-311(A)(7) Generalized Modification Standards.**

When the request to permit the existing 5' high coral rock wall with decorative fence within the safe sight distance triangle (request #2) is analyzed under the Non-Use Variance (NUV) From Other Than Airport Regulations Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of same would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Staff notes that the existing coral rock wall with decorative fence was previously approved, pursuant to Resolution #5-ZAB-8-97, to encroach into SW 47 Avenue right-of-way. In staff's opinion, the requested approval of the entire existing coral rock wall with decorative fence within the safe sight distance triangle does not create any new impact on the vehicles entering or leaving the property or vehicular traffic along this section of SW 47 Avenue, and also adds curb appeal to the subject property. Additionally, staff notes that the Platting and Traffic Review Section of RER does not object to this request. **Therefore, staff recommends approval with a condition of request #2, under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

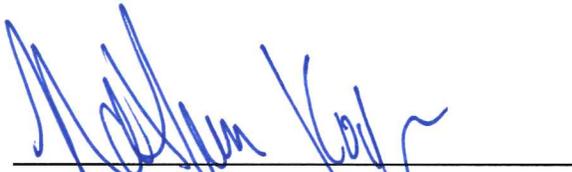
RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all other conditions of Resolution #5-ZAB-8-97 remain in full force and effect, except as herein modified.
2. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources Management of RER as contained in its attached memorandum dated April 28, 2015.

NK:MW:NN:CH:JV



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

ZONING RECOMMENDATION ADDENDUM

J. David Scheiner and Joan Scheiner
Z14-094

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

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

PERTINENT ZONING REQUIREMENTS/STANDARDS

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>
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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>

3. J. DAVID & JOAN SCHEINER
(Applicant)

15-6-CZ12-3 (14-094)
Area 12/District 07
Hearing Date: 06/09/15

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>
1997	Peter Diel	- Non-Use Variance of setback & zoning regulations.	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: March 25, 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 #Z2014000094-3rd Revision
J DAvid Scheiner
8180 Edwin Road Miami Dade County
Special exception - permit a complex of buildings to be used only as
a residence for one family and not as separate rental unit.
Non use variance - to permit greater lot coverage than permitted.
(EU-1) (.89 Acres)
31-54-41

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 Code of Miami-Dade County, Florida (the Code) and has determined that at the present time the same cannot be approved. Therefore, the application must be deferred until the application is found in compliance with all the requirements noted herein.

DEFERRED FOR COMPLIANCE WITH:

Tree Preservation

Specimen trees require preservation and are defined as trees with a Diameter at Breast Height (DBH) equal to or greater than 18 inches that require permits pursuant to the Code. The items submitted with this application do not contain adequate information to determine whether the request would comply with specimen tree protection standards. Pursuant to Section 24-49.3(2)(a) of the Code, proposed site actions not in accordance with said standards cannot be recommended for approval by DERM.

For those proposals that require landscape plans pursuant to the Code, applicant shall include in the application the required landscape plan, including vegetation survey. The applicant must provide the information necessary to determine whether the proposed request would be in accordance with the specimen tree protection standards of the Code. The submittal of a tree survey prepared by landscape architect (L.A.) or engineer registered in the state of Florida is required in order to determine if the proposed request complies with the aforementioned tree protection standards. At a minimum, the tree survey shall include:

1. The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum three-inch DBH or twelve-foot height, including those which are proposed to be removed, relocated or preserved on site.
2. A table showing the following information:

- a. The scientific and common name of each tree, each of which shall be numbered and correspond to the location shown on the survey.
- b. The DBH of each tree, or if a multiple trunk tree, the sum DBH for all trunks and the DBH measurement of the single largest trunk.
- c. An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.
- d. The disposition of each tree (i.e. to be removed, relocated or remain on-site).

In addition to the minimum tree survey requirements listed above, the applicant should also provide:

1. A written statement indicating that all specimen trees shall be preserved in their current location;
or
2. Demonstration that all or a portion of the specimen trees cannot be preserved and that the project is in compliance with the specimen tree removal standards set forth in Section 24-49.2(II) of the Code; or
3. A written statement from an L.A. that the site does not contain specimen trees. For proposals related to a single, existing single family residence, a written statement prepared by the owner or the owner's representative may be submitted in lieu of a statement from a L.A.

The applicant is advised to contact DERM Tree Permitting Program at (305) 372-6574 to address any specimen tree issues on the property.

Based on the above, DERM also recommends that the application not be approved without a condition of the zoning approval that requires specimen trees to be preserved on-site, including a requirement to modify the site plan to accommodate applicable specimen trees pursuant to Section 24-49.2(II)(2) of the Code. This recommended condition shall not apply in cases where DERM has determined that a specimen tree cannot be reasonably preserved pursuant to Section 24-49.2(II) 2 of the Code.

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.

APPROVED FOR COMPLIANCE WITH:

Potable Water Service

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

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

Wastewater Disposal

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

Stormwater Management

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

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

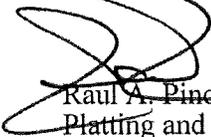
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 29, 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: Z2014000094
Name: J. David Scheiner & Joan Scheiner
Location: 8180 Edwin Road
Section 31 Township 54 South Range 41 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 and was approved under Waiver of Plat D-5746.

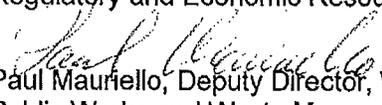
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: September 2, 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: J. David Scheiner and Joan Scheiner (#14_094)

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

The application requests a special exception to permit a complex of buildings to be used only as a single family residence and a non-use variance of lot coverage requirements for the single family home on the property. The application will have no PWWM impact or any associated costs.

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

Memorandum



Date: April 2, 2015

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: Z2014000094: J. DAVID SCHEINER & JOAN SCHEINER
Revised Plans Submitted Dated Stamped Received Through 3/26/2015

Application Name: J. DAVID SCHEINER & JOAN SCHEINER

Project Location: The site is located at 8180 EDWIN ROAD, Miami-Dade County.

Proposed Development: The request is non-use variance of lot coverage for a proposed single family home to be constructed upon demolition of an existing single family home on the site; resulting in no additional increase in population.

Impact and demand: This application does not generate any additional 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 Planning Section Supervisor



Memorandum

Date: 23-MAR-15
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000094

Fire Prevention Unit:

There is no objection to the site plan with a 2/26/15 RER received date.

Service Impact/Demand

Development for the above Z2014000094
 located at 8180 SW 47 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1762 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A. 0.27 alarms-annually.

Existing services

The Fire station responding to an alarm in the proposed development will be: Station #
 The estimated average travel time is: 7:13 minutes

Planned Service Expansions:

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

Fire Planning Additional Comments

N/A

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

DATE: 26-SEP-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

J. DAVID & JOAN SCHEINER

8180 SW 47 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000094

HEARING NUMBER

HISTORY:

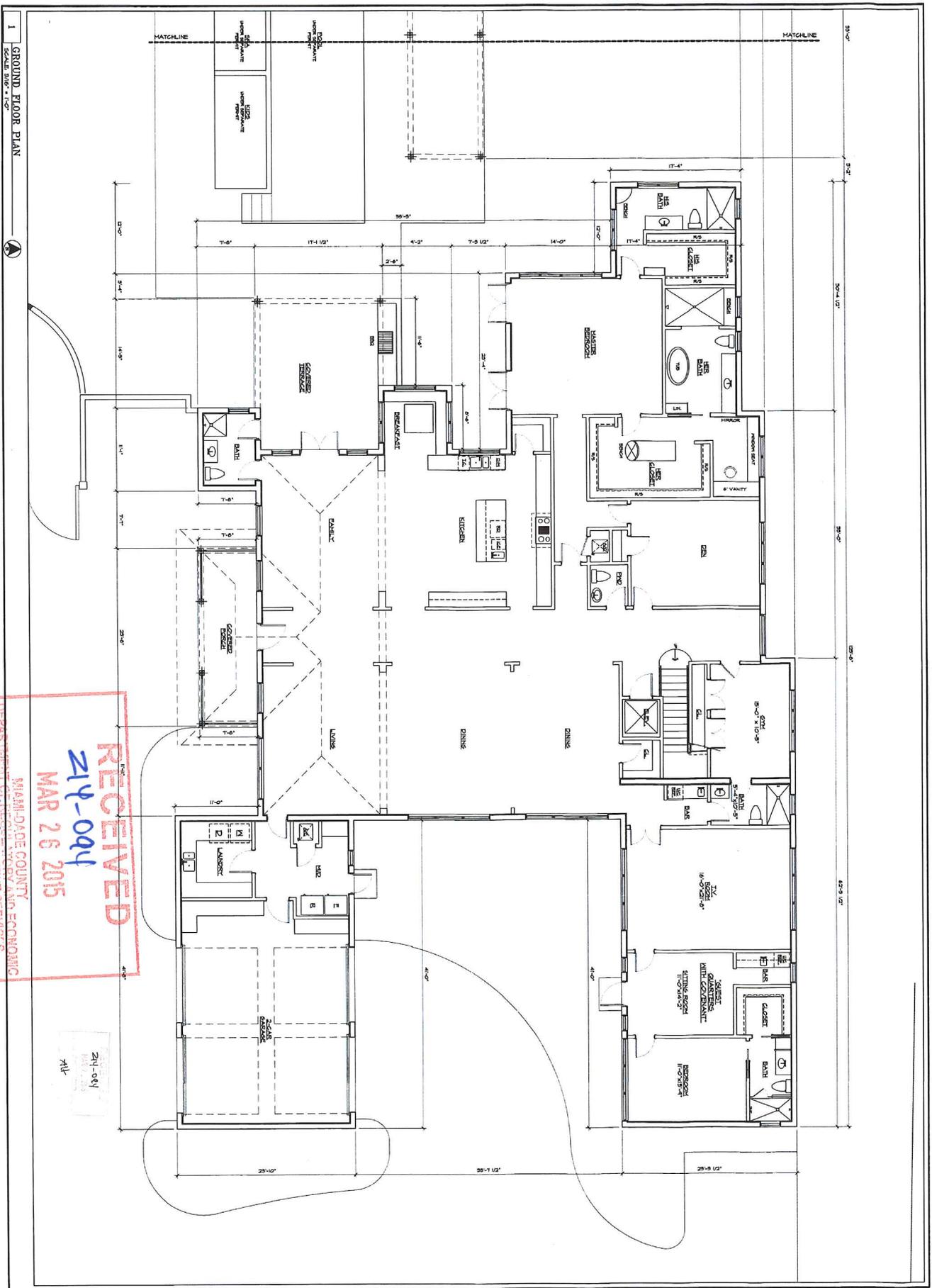
NC: THERE ARE NO CURRENT OPENED OR CLOSED NEIGHBORHOOD REGULATIONS
CASES

BLDG: THERE ARE NO CURENT OPENED OR CLOSED BUILDING REGULATIONS CASES

J DAVID & JOAN SCHEINER

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

REPORTER NAME:



SHEET NO. A-2

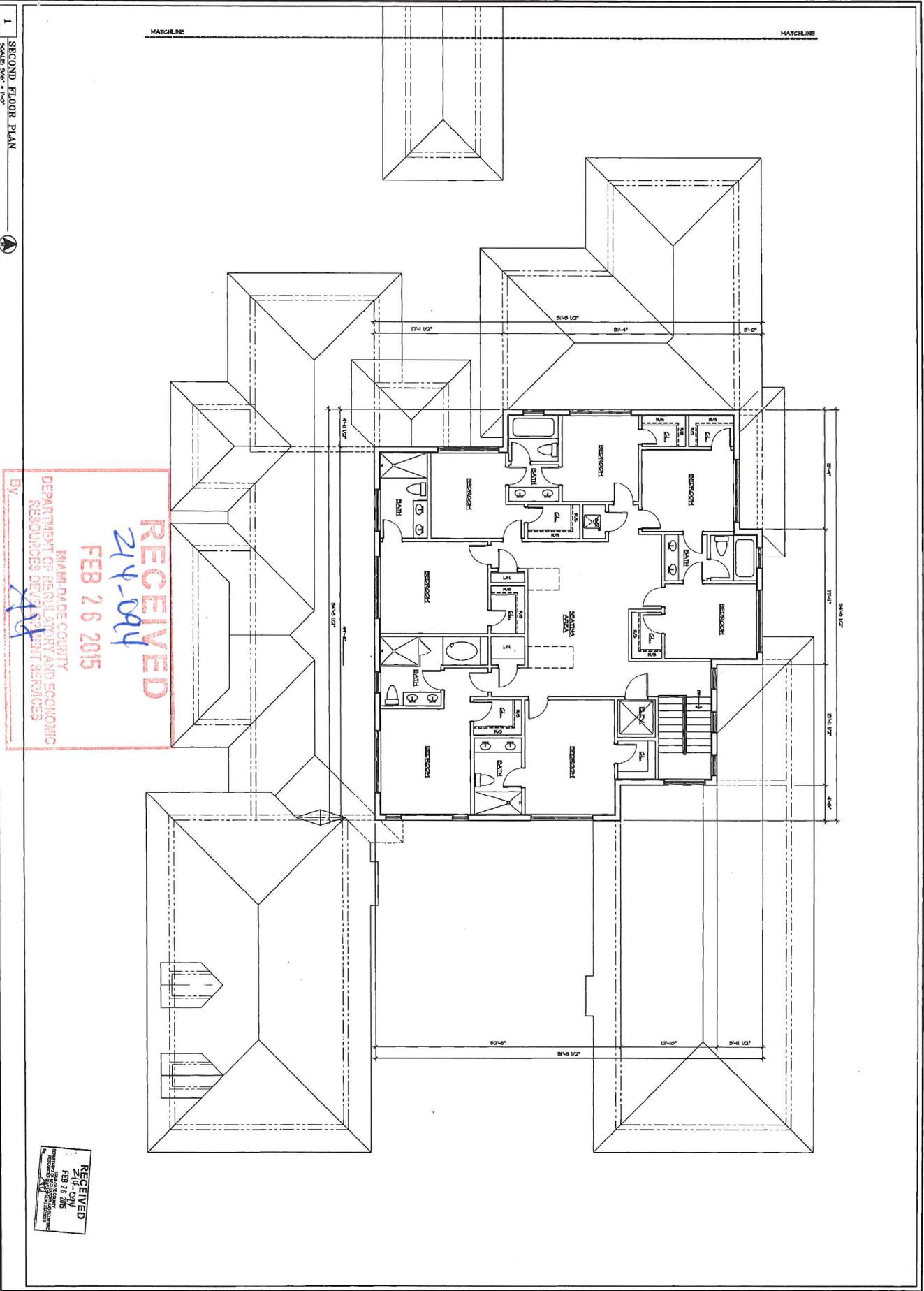
DATE	REVISION

CONSULTANT
DRAWING TITLE
GROUND FLOOR PLAN

PROJECT TITLE:
NEW RESIDENCE FOR THE SCHEINER FAMILY
8180 SW 47th AVENUE (ERWIN ROAD)
Miami, Florida 33143

DAVID WEARNE JOHNSON AIA
ARCHITECT
7740 SW 104th Street, Suite 101 Miami, FL 33156
PH. (305)661-8387 FAX. (305)661-7621
AR 000624

18



1 SECOND FLOOR PLAN
SCALE: 3/8" = 1'-0"

RECEIVED

214-041

FEB 26 2015

MIAMI DADE COUNTY
DEPARTMENT OF REGULATION AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES

By: *[Signature]*

RECEIVED

214-041

FEB 26 2015

MIAMI DADE COUNTY
DEPARTMENT OF REGULATION AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES

A-3

DATE	REVISION

CONSULTANT

DRAWING TITLE
SECOND FLOOR PLAN

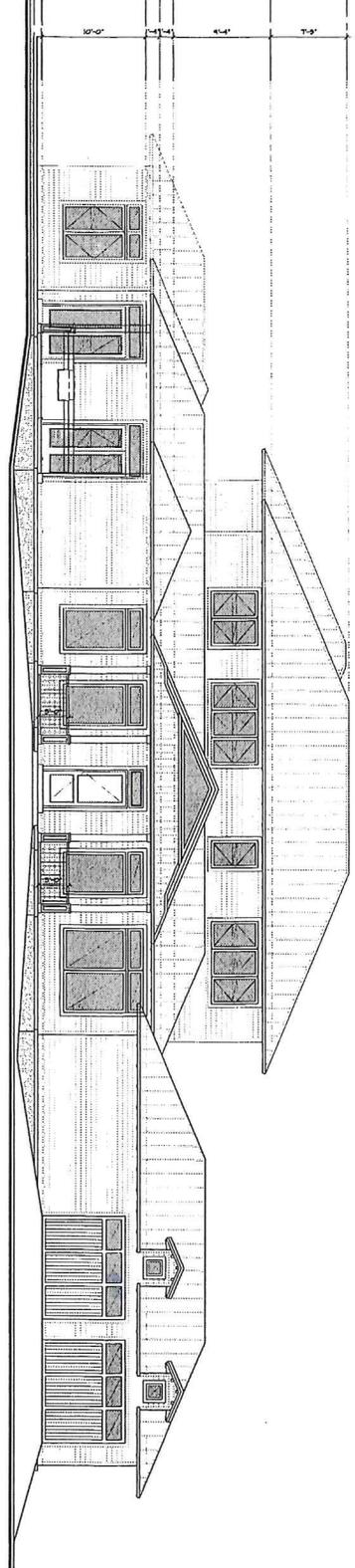
PROJECT TITLE:
NEW RESIDENCE FOR THE
SCHEINER FAMILY
8180 SW 47th AVENUE (ERWIN ROAD)
Miami, Florida 33143

DAVID WEARNE JOHNSON AIA
ARCHITECT

7740 SW 104th Street, Suite 101 Miami, FL 33166
PH. (305)661-8387 FAX. (305)661-7621
AR 0000024

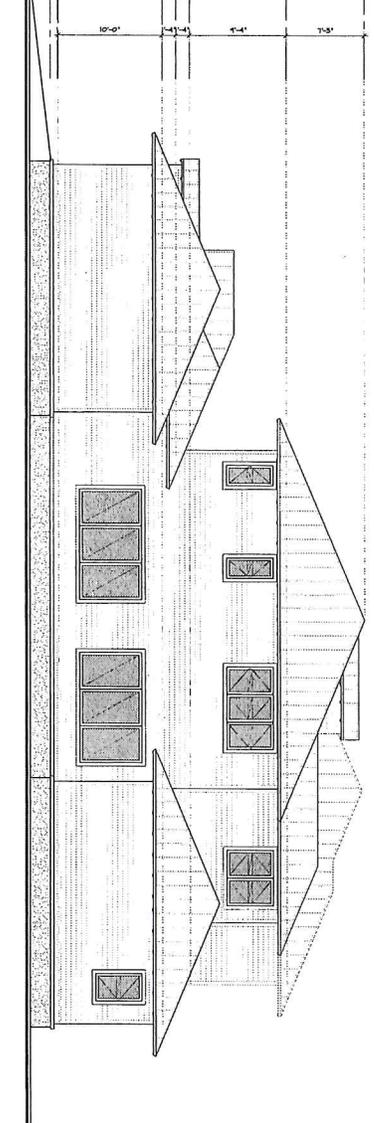
19

20'-0" AFF. FINISH FLOOR
 15'-0" AFF. FINISH FLOOR
 10'-0" AFF. FINISH FLOOR
 5'-0" AFF. FINISH FLOOR
 0'-0" AFF. FINISH FLOOR
 5'-0" AFF. FINISH FLOOR
 10'-0" AFF. FINISH FLOOR
 15'-0" AFF. FINISH FLOOR
 20'-0" AFF. FINISH FLOOR



1 SOUTH ELEVATION

20'-0" AFF. FINISH FLOOR
 15'-0" AFF. FINISH FLOOR
 10'-0" AFF. FINISH FLOOR
 5'-0" AFF. FINISH FLOOR
 0'-0" AFF. FINISH FLOOR
 5'-0" AFF. FINISH FLOOR
 10'-0" AFF. FINISH FLOOR
 15'-0" AFF. FINISH FLOOR
 20'-0" AFF. FINISH FLOOR



2 EAST ELEVATION

RECEIVED
 2/14/15
 FEB 26 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DIVISION
 By: *[Signature]*

ARCHITECT
 DAVID WEARNE JOHNSON AIA
 7740 SW 104th Street, Suite 101 Miami, FL 33158
 PH. (305) 661-8387 FAX. (305) 661-7021
 AR 0008224

A-5

DATE	REVISION

CONSULTANT
 DRAWING TITLE
 EXTERIOR ELEVATIONS

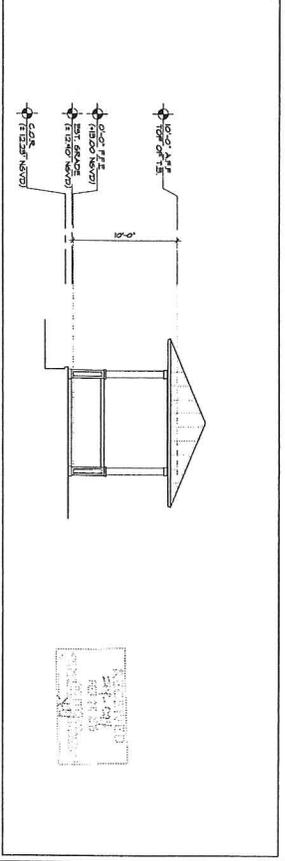
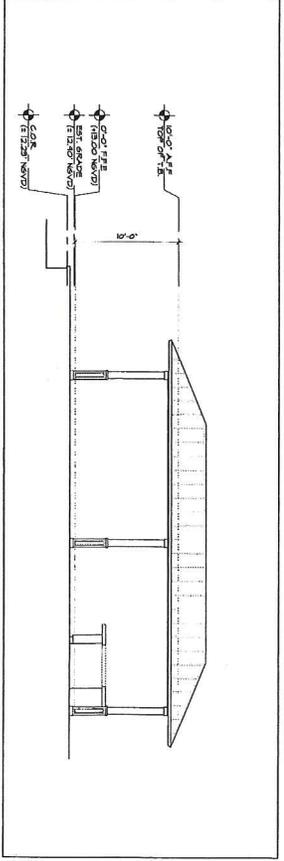
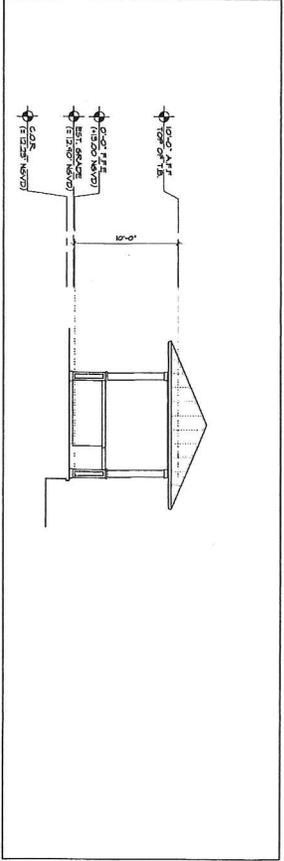
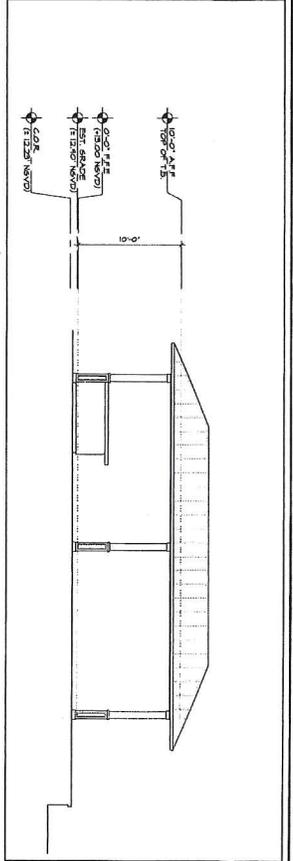
PROJECT TITLE
 NEW RESIDENCE FOR THE
 SCHEINER FAMILY
 8100 SW 47th AVENUE (ERWIN ROAD)
 Miami, Florida 33143

ARCHITECT
 DAVID WEARNE JOHNSON AIA
 7740 SW 104th Street, Suite 101 Miami, FL 33158
 PH. (305) 661-8387 FAX. (305) 661-7021
 AR 0008224

SCALE
 1/8" = 1'-0"

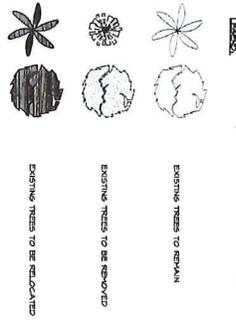
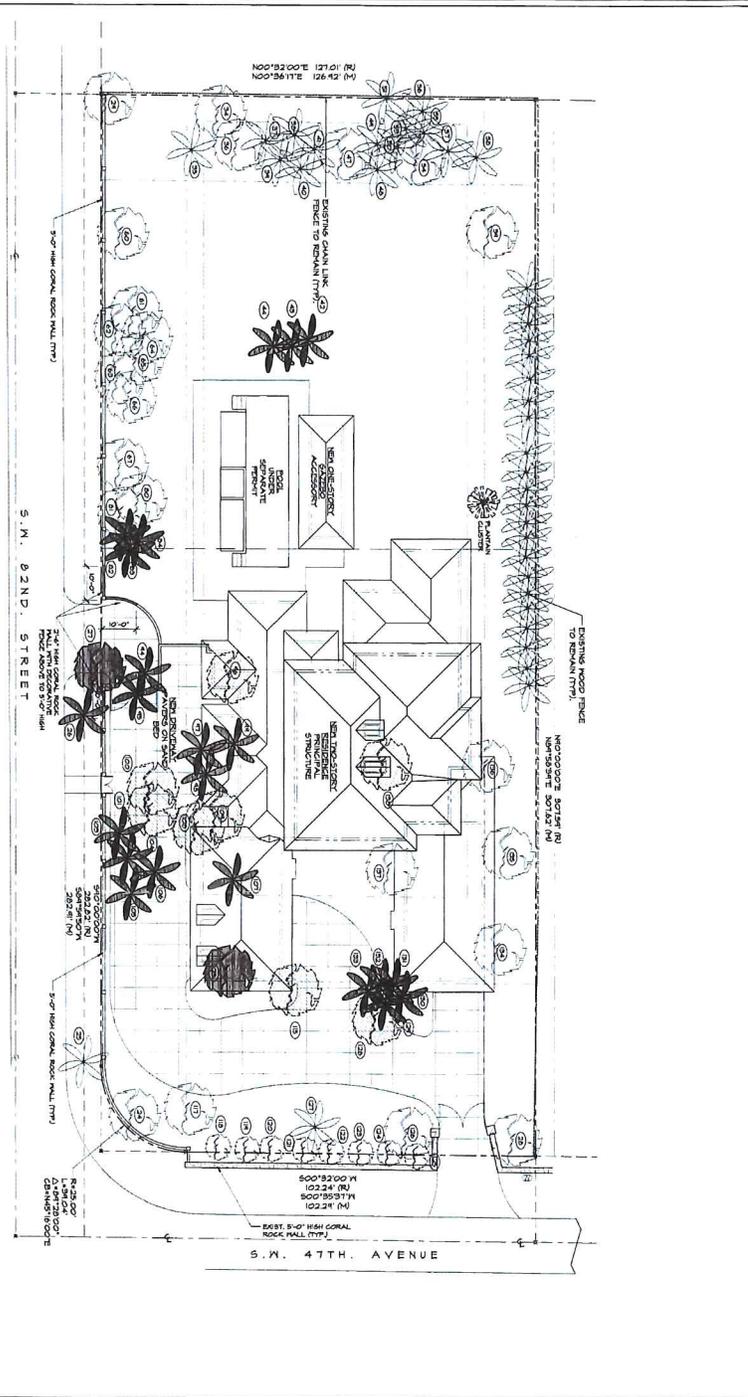
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 214-044
 FEB 26 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULAR AFFAIRS AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *XIX*



SHEET NO. A-7	DATE REVISION DATE	CONSULTANT DRAWING TITLE EXTERIOR ELEVATIONS	PROJECT TITLE: NEW RESIDENCE FOR THE SCHEINER FAMILY 8180 SW 47th AVENUE (ERWIN ROAD) Miami, Florida 33143	DAVID WEARNE JOHNSON AIA ARCHITECT 7740 SW 104th Street, Suite 101 Miami, FL 33156 PH: (305)961-8187 FAX: (305)961-7261 AR 0005824	SEAL
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22

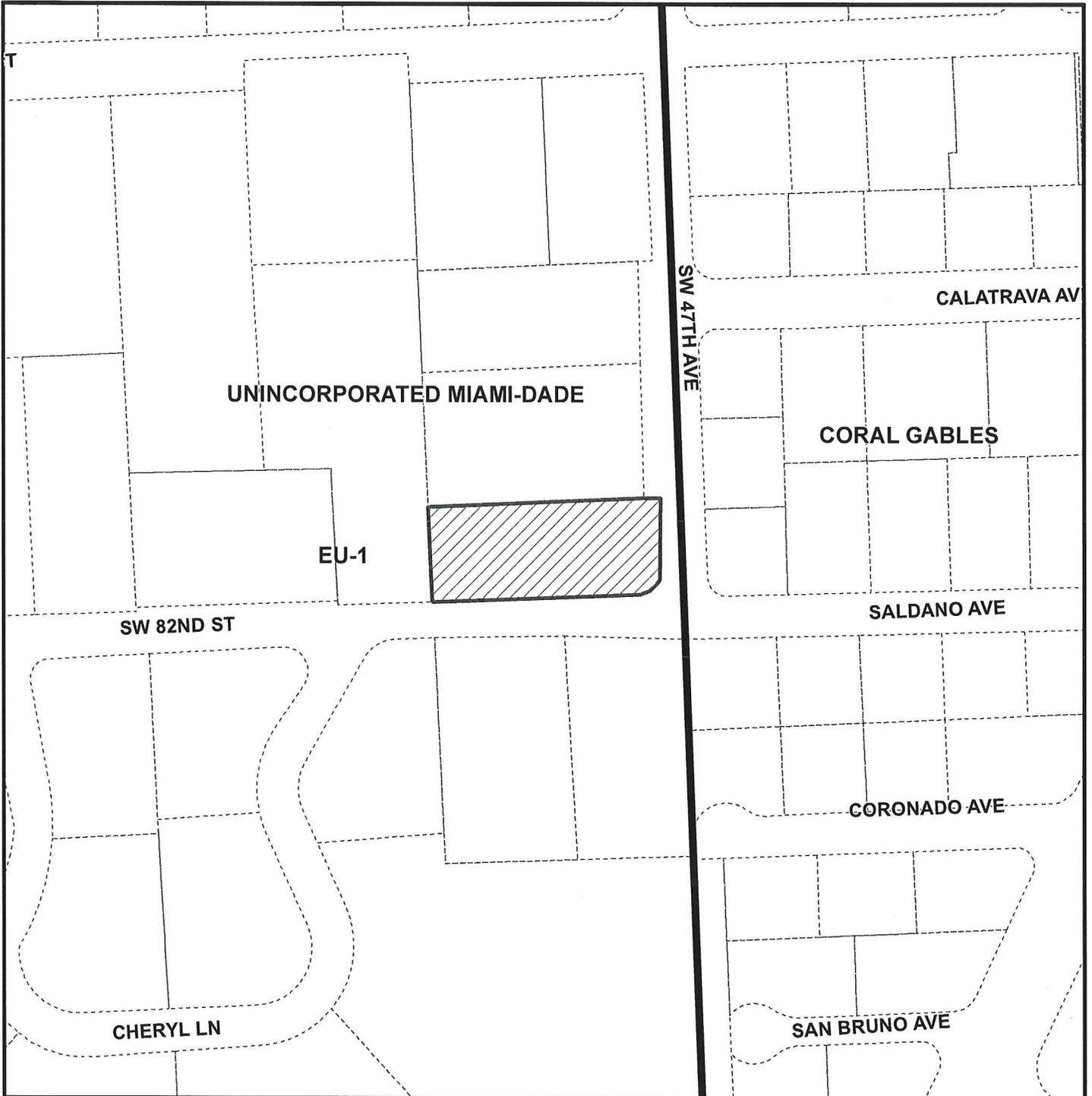


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 24-cqy
 FEB 26 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF RESILIENT AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By: *[Signature]*

RECEIVED
 24-cqy
 FEB 26 2015

<p>1 TREE DISPOSITION PLAN SCALE: 1/8" = 1'-0"</p>	<p>PROJECT TITLE: NEW RESIDENCE FOR THE SCHEINER FAMILY 8180 SW 47th AVENUE (ERWIN ROAD) Miami, Florida 33143</p>	<p>CONSULTANT: DAVID WEARNE JOHNSON AIA ARCHITECT 7740 SW 104th Street, Suite 101 Miami, FL 33186 PH. (305)661-6587 FAX. (305)661-7651 AR 0008924</p>	<p>DATE: _____ DRAWING TITLE: TREE DISPOSITION PLAN</p>
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23



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000094

Section: 31 Township: 54 Range: 41
 Applicant: J. DAVID & JOAN SCHEINER
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, September 16, 2014

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2014000094

Legend

-  MDC STL Index Poly
-  Subject Property
-  Zoning

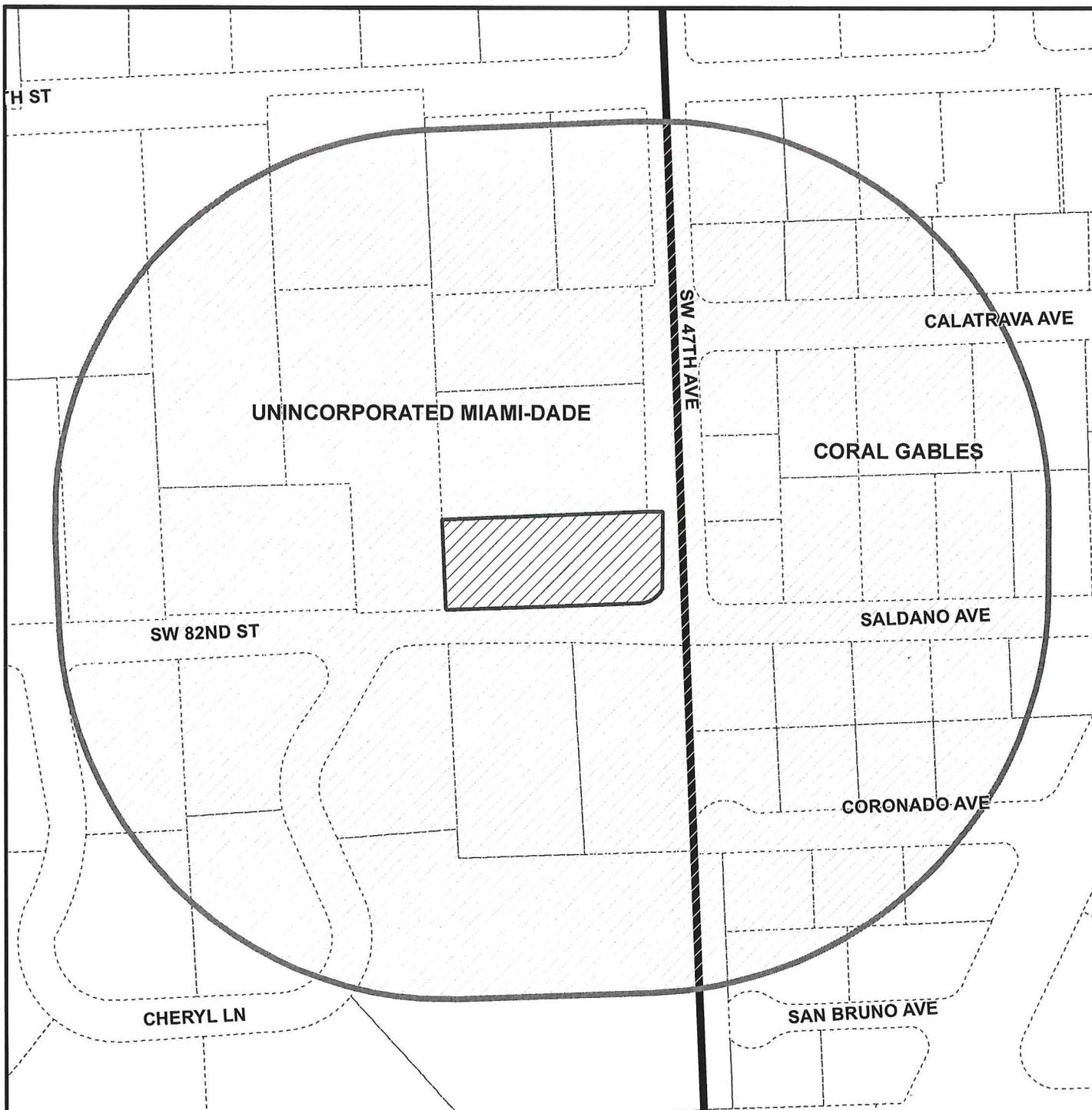


Section: 31 Township: 54 Range: 41
 Applicant: J. DAVID & JOAN SCHEINER
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS



SKETCH CREATED ON: Tuesday, September 16, 2014

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
RADIUS MAP

Section: 31 Township: 54 Range: 41
 Applicant: J. DAVID & JOAN SCHEINER
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS

Process Number
Z2014000094
 RADIUS: 500

Legend

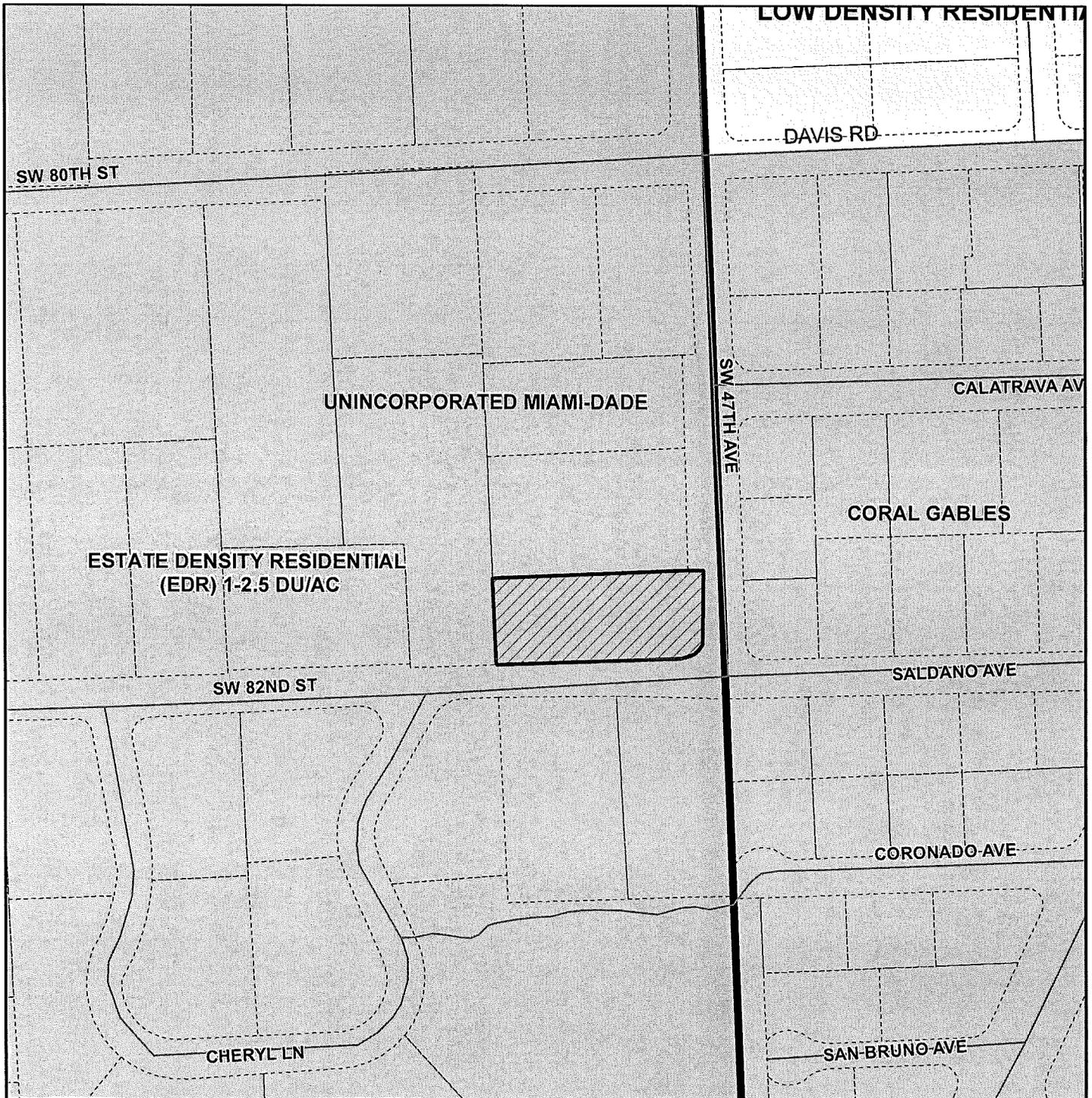
-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



MIAMI-DADE
COUNTY

SKETCH CREATED ON: Tuesday, September 16, 2014

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000094



Section: 31 Township: 54 Range: 41
 Applicant: J. DAVID & JOAN SCHEINER
 Zoning Board: C12
 Commission District: 7
 Drafter ID: GGARCIA
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, September 16, 2014

REVISION	DATE	BY

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

PH: Z14-142 (15-6-CZ12-4)

June 9, 2015

Item No. 4

Recommendation Summary	
Commission District	8
Applicants	CMG Homes-10201, LLC
Summary of Requests	The applicant is seeking to allow a district boundary change from AU to EU-M.
Location	10201 SW 136 Street, Miami, Florida.
Property Size	154.12' X 260'
Existing Zoning	AU, Agricultural District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval.

REQUEST:

DISTRICT BOUNDARY CHANGE from AU to EU-M.

PROJECT DESCRIPTION:

The applicant seeks to rezone the subject parcel from AU, Agricultural District, to EU-M, Single Family Modified Estate District.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 10201 SW 136 Street. Staff notes that the surrounding properties are all zoned EU-M, Single Family Modified Estate District and contain single-family residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Estate Density Residential*** on the Adopted 2020-2030 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. Approval of the application would allow the applicant to develop the parcel with a maximum of 2 residential units which is the maximum allowed under the density threshold of the LUP map. Further, the subject property is surrounded by EU-M zoned properties. As such and also for the reasons stated in the zoning analysis below, the rezoning of the subject property to EU-M would be **compatible** with the surrounding area and **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map, the CDMP's Land Use Element interpretative text for the Estate Density Residential category; and with the Land Use Element **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the subject parcel to EU-M, Single-Family Modified Estate District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that the approval of the applicant's request to rezone the property will be **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Additionally, staff notes that the memorandum from the Environmental Division of RER indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Furthermore, staff is of the opinion that the proposed zone change to EU-M is **compatible** with the residential developmental trend as evidenced by similar approvals in the surrounding area, which is comprised of EU-M zoned single-family residences. **Therefore, staff recommends approval of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval.

CONDITIONS FOR APPROVAL: None.

NK:MW:NN:CH:JV



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

non

ZONING RECOMMENDATION ADDENDUM

CMG Homes-10201, LLC
Z14-142

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

Estate Density (Pg. I-31)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
Objective LU-4 (Pg. I-9)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>
--	--

ZONING RECOMMENDATION ADDENDUM

CMG Homes-10201, LLC
Z14-142

	<p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
--	---

4. CMG HOMES-10201, LLC
(Applicant)

15-6-CZ12-4 (14-142)
Area 12/District 08
Hearing Date: 06/09/15

Property Owner (if different from applicant) **CMG HOMES 10201, INC.**

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: March 25, 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: #Z2014000142-1st Revision
CMG Homes - 10201, LLC
10201 SW 136th Street, Miami, FL 33176
DBC from AU to EU-M
(AU) (0 Acres)
17-55-40

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

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

Potable Water Service

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

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

Wastewater Disposal

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

Stormwater Management

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

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

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

Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

DERM has no objection to the proposed application provided that the change is conditioned on preservation of specimen trees as required under the Comprehensive Development Master Plan (CDMP) and Chapter 24 of the Code.

Pursuant to Objective Con-8I of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on any of the subject parcels, they shall be removed prior to development or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

An aerial review of the subject property indicates the possible presence of significant stands of Brazilian Pepper (*Schinus terebinthifolius*). DERM approval is conditioned on the removal of Brazilian Pepper and all other exotic pest plant and nuisance species on the lists previously mentioned.

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

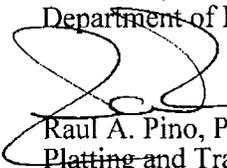
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: January 07, 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: Z2014000142
Name: CMG Homes 10201, LLC
Location: 10201 SW 136th Street
Section 17 Township 55 South Range 40 East

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

This property must comply with Chapter 28 of the Miami-Dade County Code. Please contact the Land Development Division at 305-375-2141 for platting requirements. Any road dedications and improvements required will be accomplished thru the recording of a plat..

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

Sta.#		LOS present	LOS w/project
9710	SW 102 Ave. S/O SW 136 St..	C	C

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

Memorandum



Date: December 31, 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: CMG Homes 10201, LLC (#14_142)

The Public Works & Waste Management Department (PWWM), Waste Operations, 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, Fiscal Management and Planning Division at 305-375-1354. **The PWWM has no objections to the proposed application.**

Application: *CMG Homes 10201, LLC*, requests a district boundary change from Agricultural (AU) to Estates, Modified Single Family (EU-M).

Size: The subject property is approximately 0.93 acres.

Location: The subject property is located at 10201 SW 136th 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 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 Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the district boundary change to Estates, Modified Single Family to establish two single family homes on the property, meets the County Code definition of "residential units." As such, residential units constructed on the property will receive PWWM waste collection service.

Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained on the Department's website at <http://www.miamidade.gov/publicworks/recycling.asp>.

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: January 8, 2015

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

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

Subject: Z2014000142: CMG HOMES-10201, INC

Application Name: CMG HOMES-10201, INC

Project Location: The site is located at 10201 SW 136 ST, Miami-Dade County.

Proposed Development: The request is for a district boundary change from AU to EU-M for 2 single-family residential dwelling units.

Impact and demand: This application proposes a development not to exceed 2 single family dwelling units resulting in an impact of less than .02 acres to the Level of Service. The site is located in Park Benefit District 2 which has a surplus of 419.32 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: October 1, 2014

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

From: Ysela Llorca, Director
Miami-Dade Transit 

Subject: FY15 Blanket Concurrency Approval for Transit

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the August 2014 Metrobus/Metrorail service area we find that MDT meets or exceeds the Level-of-Service Standards (LOS) for mass transit established in Policy MT-1A of the County's Comprehensive Development Master Plan for Miami-Dade County.

With this memo we re-authorize your Department to review and approve concurrency applications in all areas of unincorporated Miami-Dade County.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2014 to September 30, 2015, or until canceled by written notice from my office.

Should your staff need further assistance with mass transit concurrency information, they may contact Nilia Cartaya, Principal Planner, in our Department. Thank you for your continued cooperation on these important matters.

c: Albert A. Hernandez, P.E., MDT
Monica D. Cejas, P.E., MDT
Gerald E. Bryan, MDT
Eric Zahn, MDT
Nilia Cartaya, MDT
Douglas K. Robinson, MDT
Jaqueline Carranza, MDT
Mark R. Woerner, RER
Helen A. Brown, RER

Memorandum



Date: 21-JAN-15
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2014000142

Fire Prevention Unit:

1992

Service Impact/Demand

Development for the above Z2014000142 located at 10201 SW 136 ST, MIAMI-DADE COUNTY, FLORIDA. in Police Grid No objection. is proposed as the following:

<u>2 DU</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>0.54</u> Office	square feet	<u>Residential</u> institutional	square feet
<u>No Impact</u> Retail	square feet	<u>Residential</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.54 alarms-annually.
The estimated average travel time is: 8:03 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
04

Planned Service Expansions:

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

Fire Planning Additional Comments

N/A

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

CMG HOMES-10201, LLC

10201 SW 136 STREET,
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

JUNE 9, 2015

Z2014000142

DATE

HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

May 21, 2015

Neighborhood Regulations:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

BUILDING SUPPORT REGULATIONS:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

VIOLATOR:

CMG HOMES-10201, LLC

OUTSTANDING LIENS AND FINES:

As of May 21, 2015, there are no Outstanding Liens, Fees, 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: CMG HOMES-10201, LLC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
CMG FAMILY MANAGEMENT, LLC. Oscar Garcia	100% 50%
255 UNIVERSITY DRIVE Icer Palacio	50%
CORAL GABLES, FLORIDA 33144	

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.



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

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

Signature: _____
(Applicant)

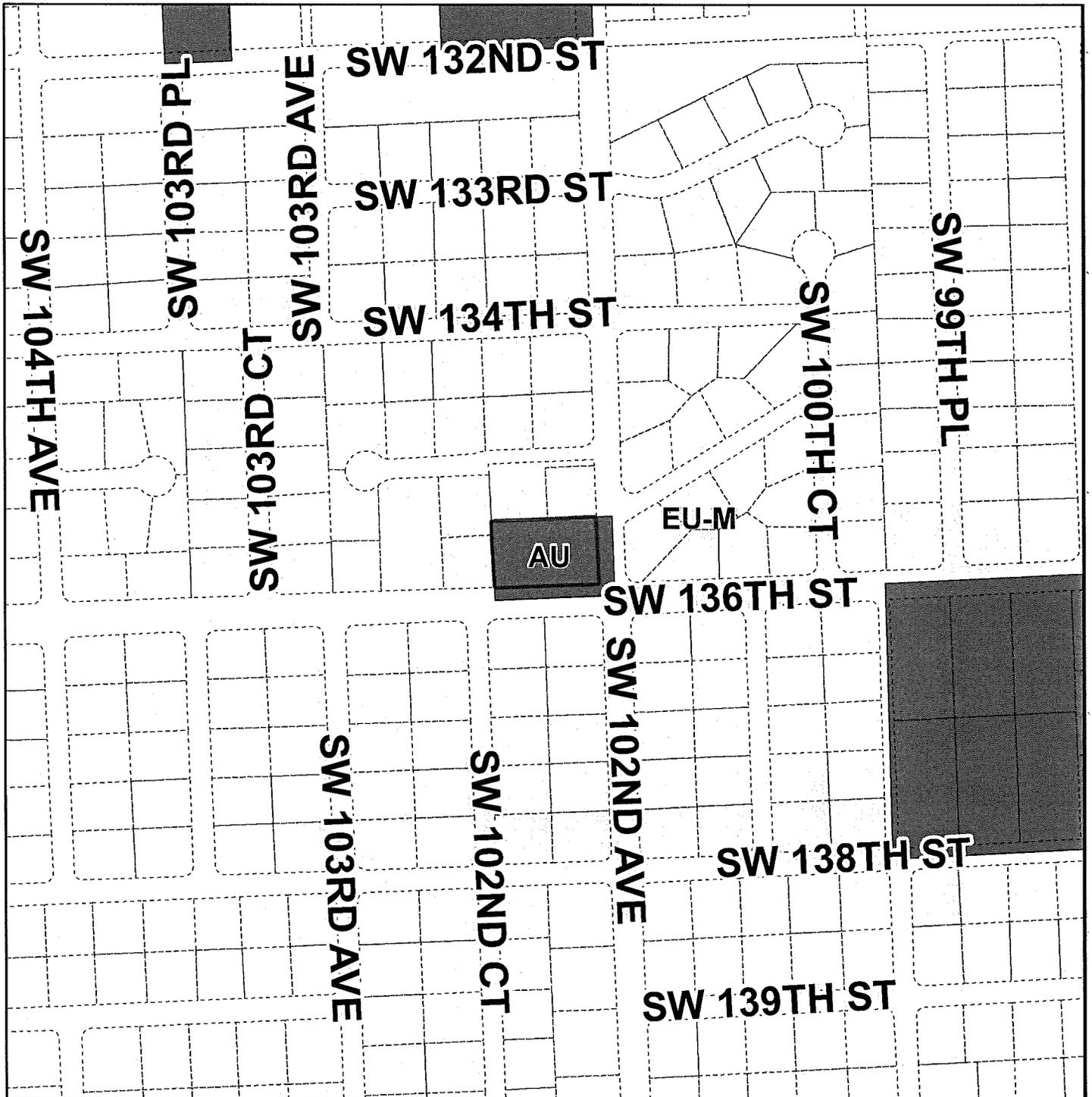
Sworn to and subscribed before me this 3RD day of December 14, 2014. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)



My commission expires: August 26, 2017

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000142



Section: 17 Township: 55 Range: 40
 Applicant: CMG HOMES-1-2-1, INC
 Zoning Board: C12
 Commission District: 8
 Drafter ID: E.CESPEDES
 Scale: NTS

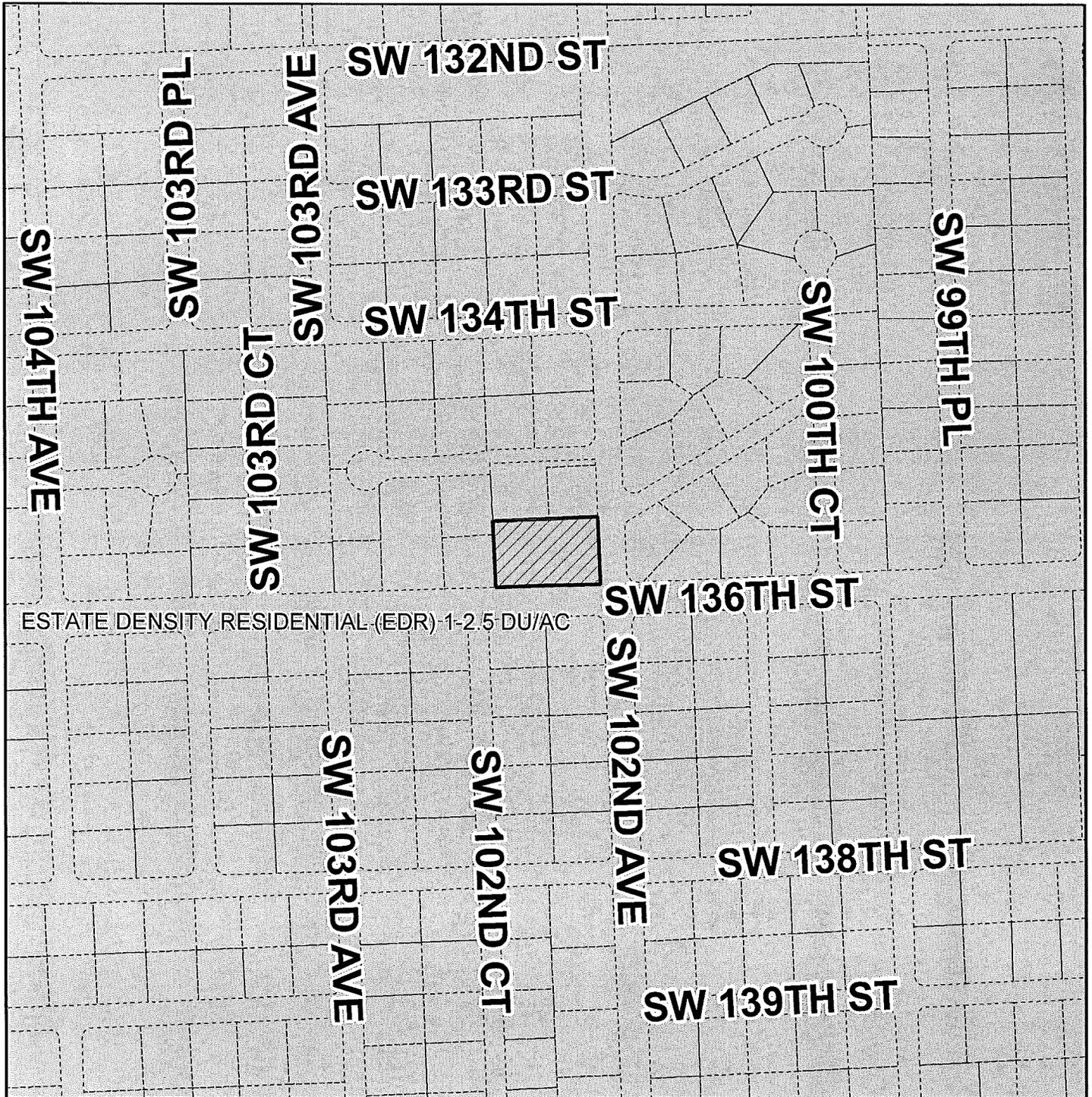
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-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, December 22, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000142



Section: 17 Township: 55 Range: 40
 Applicant: CMG HOMES-1-2-1, INC
 Zoning Board: C12
 Commission District: 8
 Drafter ID: E.CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, December 22, 2014

REVISION	DATE	BY

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

PH: Z15-015 (15-6-CZ12-5)

June 9, 2015

Item No. 5

Recommendation Summary	
Commission District	7
Applicant	Narciso Ruiz
Summary of Requests	The applicant is seeking to permit a proposed addition to a single-family residence setback less than required from the front (south) property line.
Location	5831 SW 51 Street, Miami-Dade County, Florida.
Property Size	75' x 100'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Density Residential, 2.5 to 6 dua (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	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit a proposed addition to a single-family residence setback 15' (25' required) from the front (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Private Residence", as prepared by Berry Design Studio, dated stamped received 3/2/15, consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plan submitted depicts the existing 1,234 sq. ft. single-family residence with the proposed two-story addition, which will encroach 10' into the front (south) setback area.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 5831 SW 51 Street. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to permit the proposed two-story addition to the single-family residence which will provide the applicant with additional living area. For the reasons that will be expanded upon in the zoning analysis below, staff opines that any visual impact that the proposed addition will have on the surrounding, primarily one-story residences is likely to be minimal.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. The approval of the request sought in the application will allow the existing terrace addition to the single-family residence setback less than permitted, will not add additional dwelling units to the site beyond what is allowed by the CDMP Low Density Residential Category, Land Use Element interpretative text, and will not change the single-family detached use. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions, is **consistent** with the uses allowed under the Low Density Residential Land use category text and the density threshold of CDMP Low Density Residential Communities LUP map designation.

ZONING ANALYSIS:

The applicant seeks to permit the residence with the proposed two-story addition that will setback 15' (25' required) from the front (south) property line. When the aforementioned application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and for the reasons stated below would be **compatible** with same. The subject property is an interior lot located within an established residential district, developed under the RU-1, Single-Family Residential District regulations.

Staff notes that the proposed two-story addition, which includes a garage, bedrooms/bathrooms, and a music room, result in an encroachment of less than 50% of the linear frontage of the residence into the front (south) setback area. Although no other approvals of similar requests for a reduction of the front setback requirements were found in the surrounding area, staff opines that the request is not out character with the current zoning regulations for RU-1 properties platted after 2002. If this property had been platted after 2002, said regulations would have allowed a 15' front setback for 50% of the lineal footage of the width of the house and 25' for the balance; except 20' for attached garages. Therefore, staff opines that approval of the request would maintain the basic intent and purpose of the aforementioned zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community, and therefore, will be compatible with the surrounding residential uses. Further, staff opines that the proposed development will not have a negative visual impact on the residences located to the south, which will still be spaced approximately 90' from the residence. **Based on the aforementioned analysis, staff recommends approval with**

conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards.

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Private Residence", as prepared by Berry Design Studio, dated stamped received 3/2/15, consisting of 4 sheets. Except any future additions on the property which conform to zoning code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:EJ:CH



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

ZONING RECOMMENDATION ADDENDUM

Narcisso Ruiz
Z15-015

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

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

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

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

5. NARCISO RUIZ
(Applicant)

15-6-CZ12-5 (15-015)
Area 12/District 07
Hearing Date: 06/09/15

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: March 20, 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 #Z2015000015
Narciso Ruiz
5831 SW 51st Street, Miami, FL 33155
Non-Use Variance to permit an addition to a single family residence
setback less than required from property lines.
(RU-1) (0.172 Acres)
24-54-40

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.

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water.

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

Section 24-49 of the Code of Miami-Dade County 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. Based on the information submitted with this zoning application, it does not appear that specimen-sized trees (trunk diameter 18 inches or greater) would be impacted by the proposed project.

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 staff 305-372-6574 for additional information regarding 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: March 13, 2015

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

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

Subject: Z2015000015
Name: Narciso Ruiz
Location: 5831 SW 51 Street
Section 24 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 requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

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

Memorandum



Date: March 13, 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: Narciso Ruiz (#15_015)

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

The application requests a non-use variance of setback requirements for a property which contains a single family home. The application will have no PWWM impact or any associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division, at 305-375-1354.

Memorandum



Date: March 24, 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: Z2015000015: NARCISO RUIZ

Application Name: NARCISO RUIZ

Project Location: The site is located at 5831 SW 51 ST, Miami-Dade County.

Proposed Development: The request is for non-use variance for setbacks less than required for an existing single-family residential lot.

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: 30-MAR-15
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2015000015

Fire Prevention Unit:

No objection to the site plan with a 3/2/15 RER received date.

Service Impact/Demand

Development for the above Z2015000015
located at 5831 SW 51 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1639 is proposed as the following:

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

Based on this development information, estimated service impact is: No Impact. 0.27 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: 6:21 minutes

Planned Service Expansions:

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

Fire Planning Additional Comments

N/A

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

NARCISCO RUIZ

5831 SW 51 STREET
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

JUNE 9, 2015

Z2015000015

DATE

HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

May 21, 2015

Neighborhood Regulations:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

BUILDING SUPPORT REGULATIONS:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

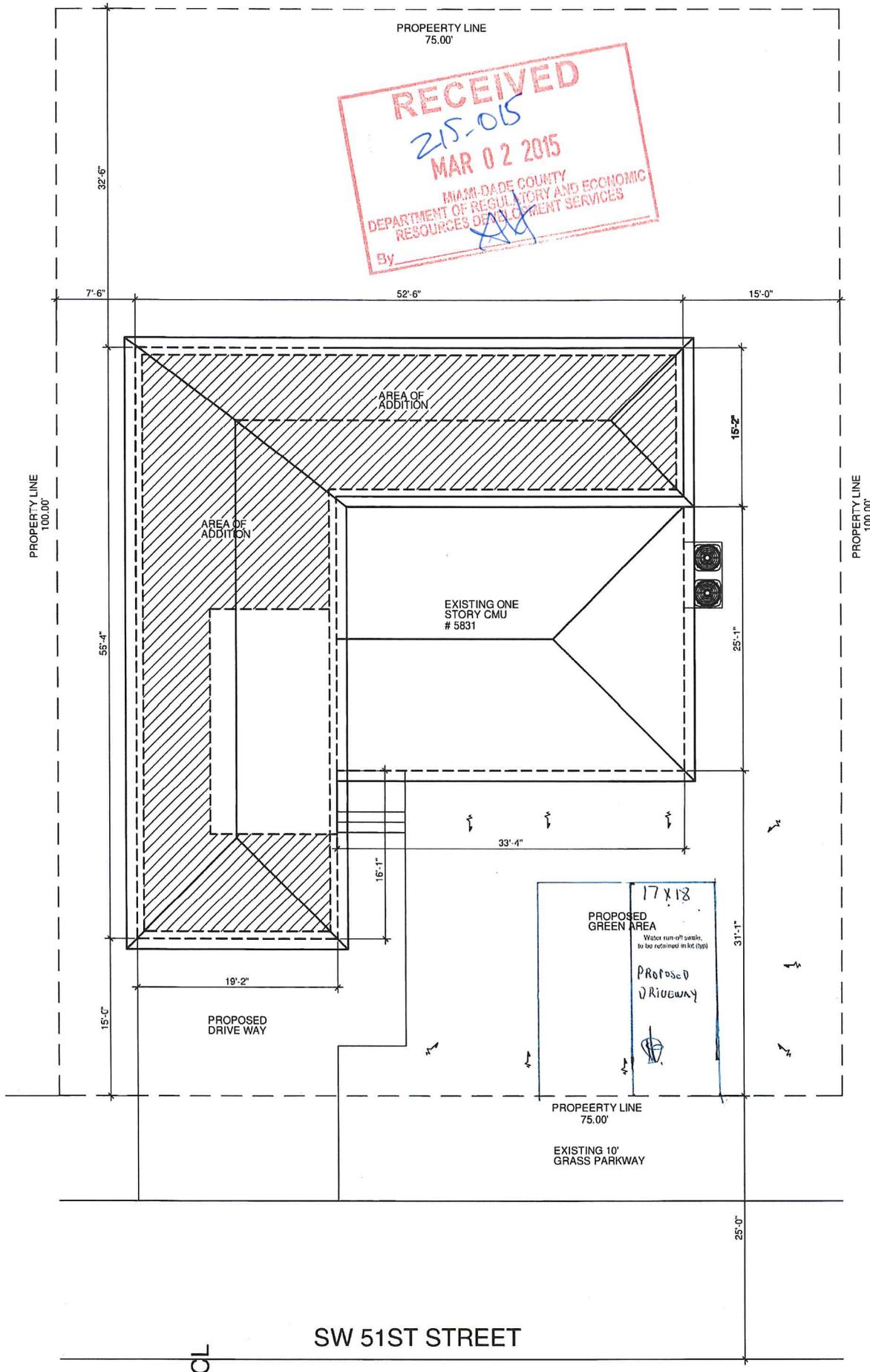
VIOLATOR:

Narciso Ruiz

OUTSTANDING LIENS AND FINES:

As of May 21, 2015, there are no Outstanding Liens, Fees, or Fines

RECEIVED
215-015
MAR 02 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By *[Signature]*



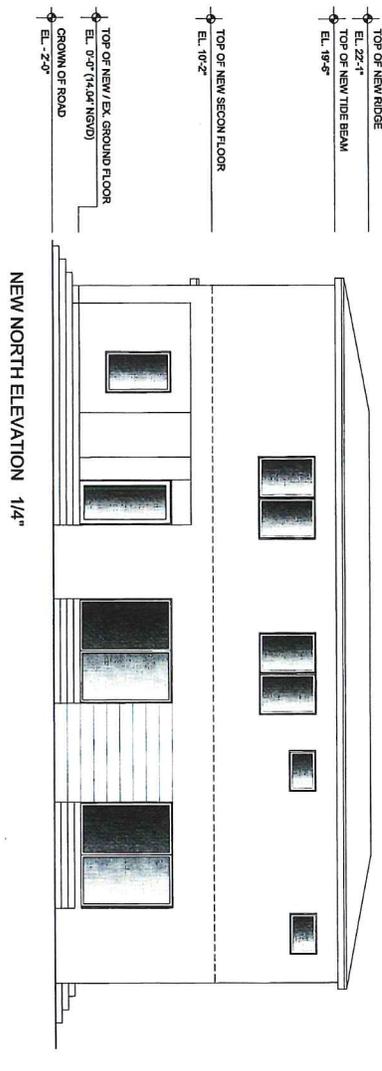
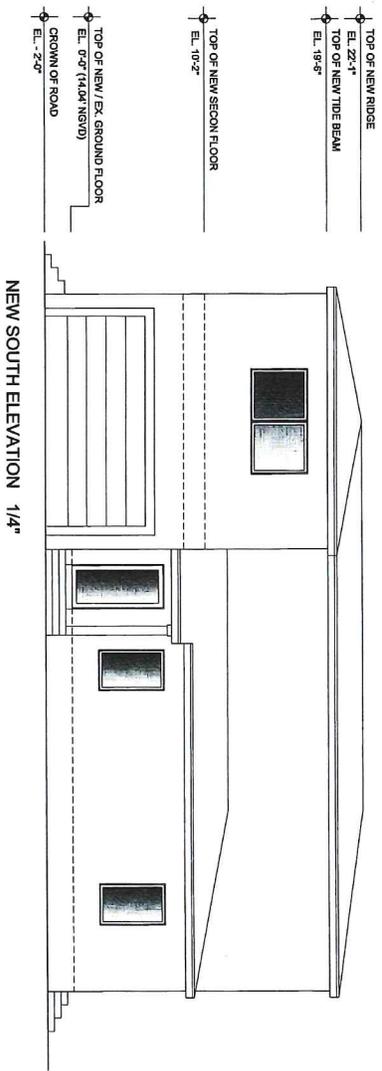
SW 51ST STREET

PROPOSED SITE PLAN

enlarge site plan

13

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 215-015
 MAR 02 2015
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATOR AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 BY *[Signature]*



007

DATE & TIME: 11:00 AM
 DATE: 03/02/2015
 TIME: 11:00 AM
 BY: [Signature]

4016 South St
 Miami, Florida

PRIVATE RESIDENCE

5931 SW 51st STREET
 MIAMI FLORIDA

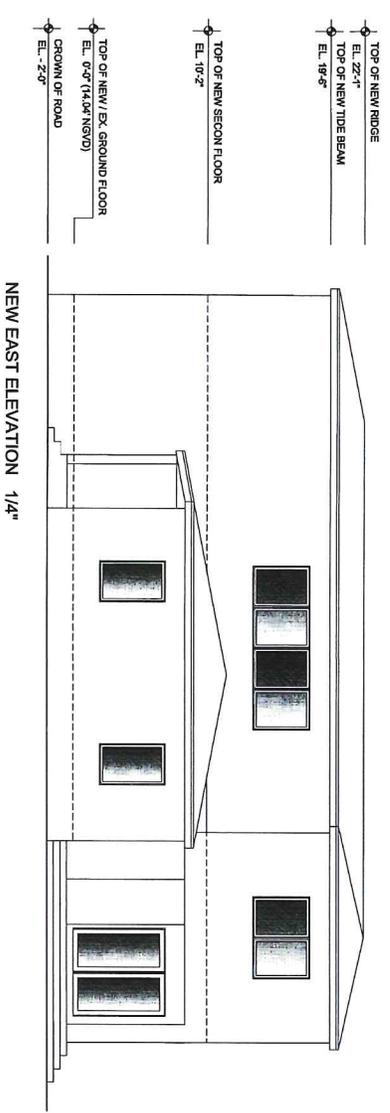
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 DATE 12/22/14
 REVISIONS 03/10

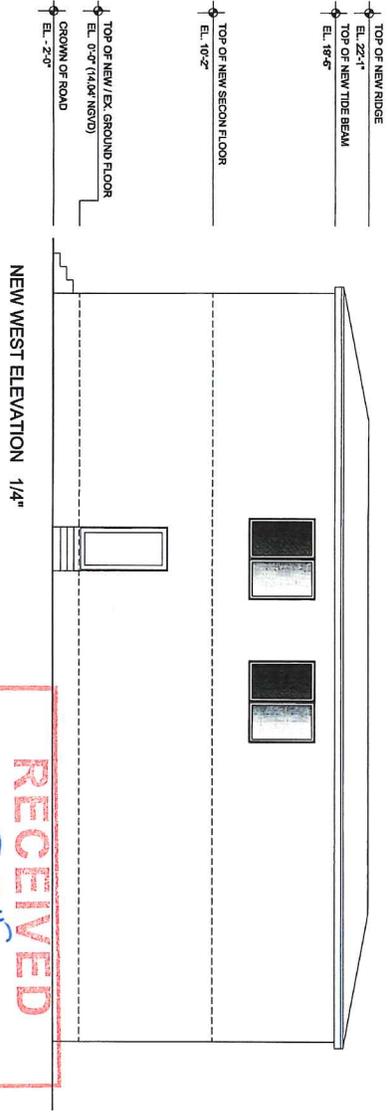
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215-015
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11



NEW EAST ELEVATION 1/4"



NEW WEST ELEVATION 1/4"

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 RESOURCES
 BY: *[Signature]*

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SHEET NO
A-4

PROJECT NO.
 1440
 DATE
 1/22/14
 REVISIONS
 0330

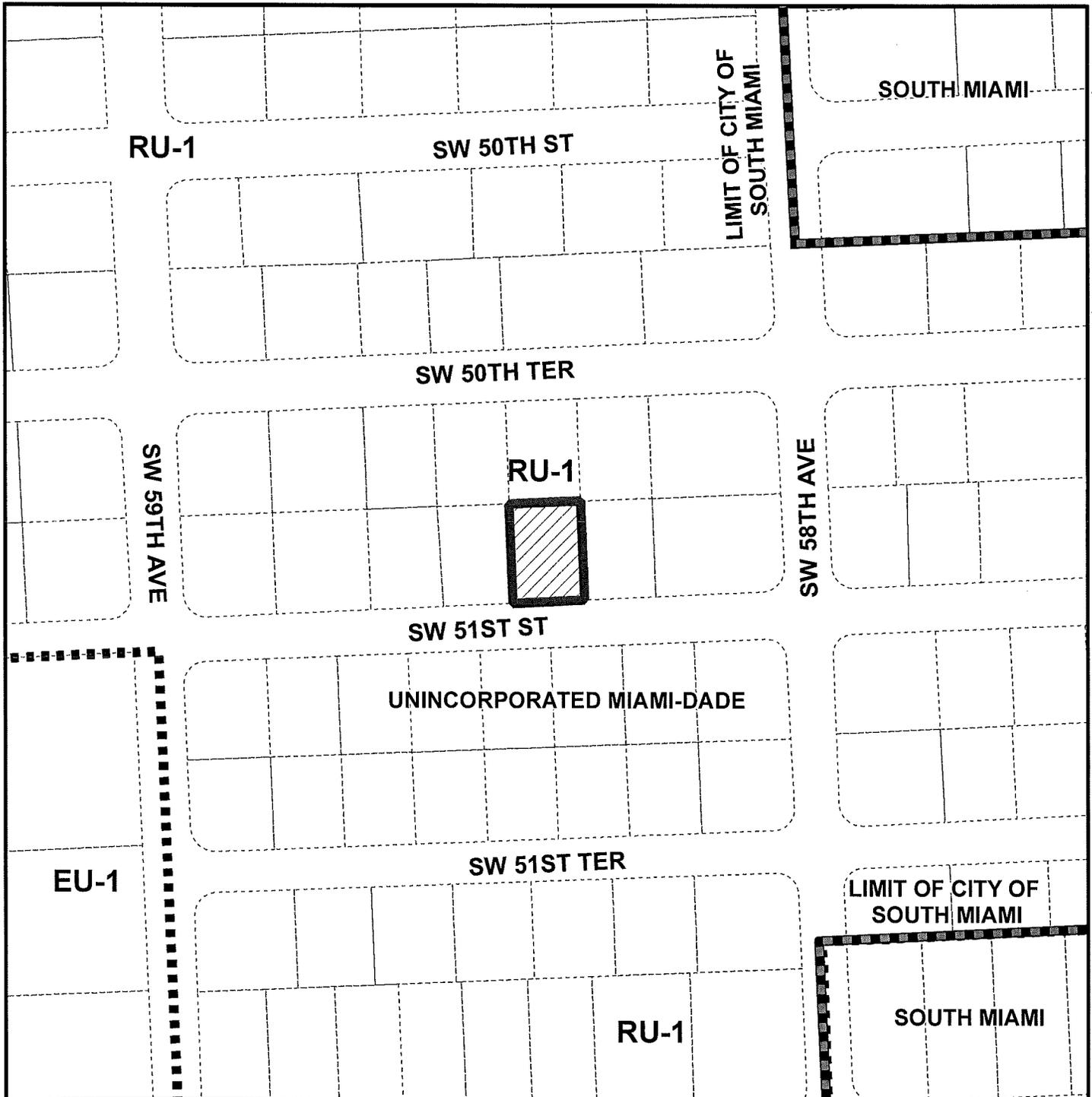
PHOTOGRAPHY
 INTERIORS

PRIVATE RESIDENCE
 5831 SW 51st STREET
 MIAMI FLORIDA

DATE OF PRINTING: 03/11/14
 PRINTED AT: 1440 PROJECT NO. 1440
 1/22/14 DATE



17



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2015000015

Legend

-  Subject Property Case
-  Zoning
-  Municipalities



Section: 24 Township: 54 Range: 40
 Applicant: NARCISO RUIZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Monday, March 9, 2015

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2015000015

Legend



Subject Property

Municipalities

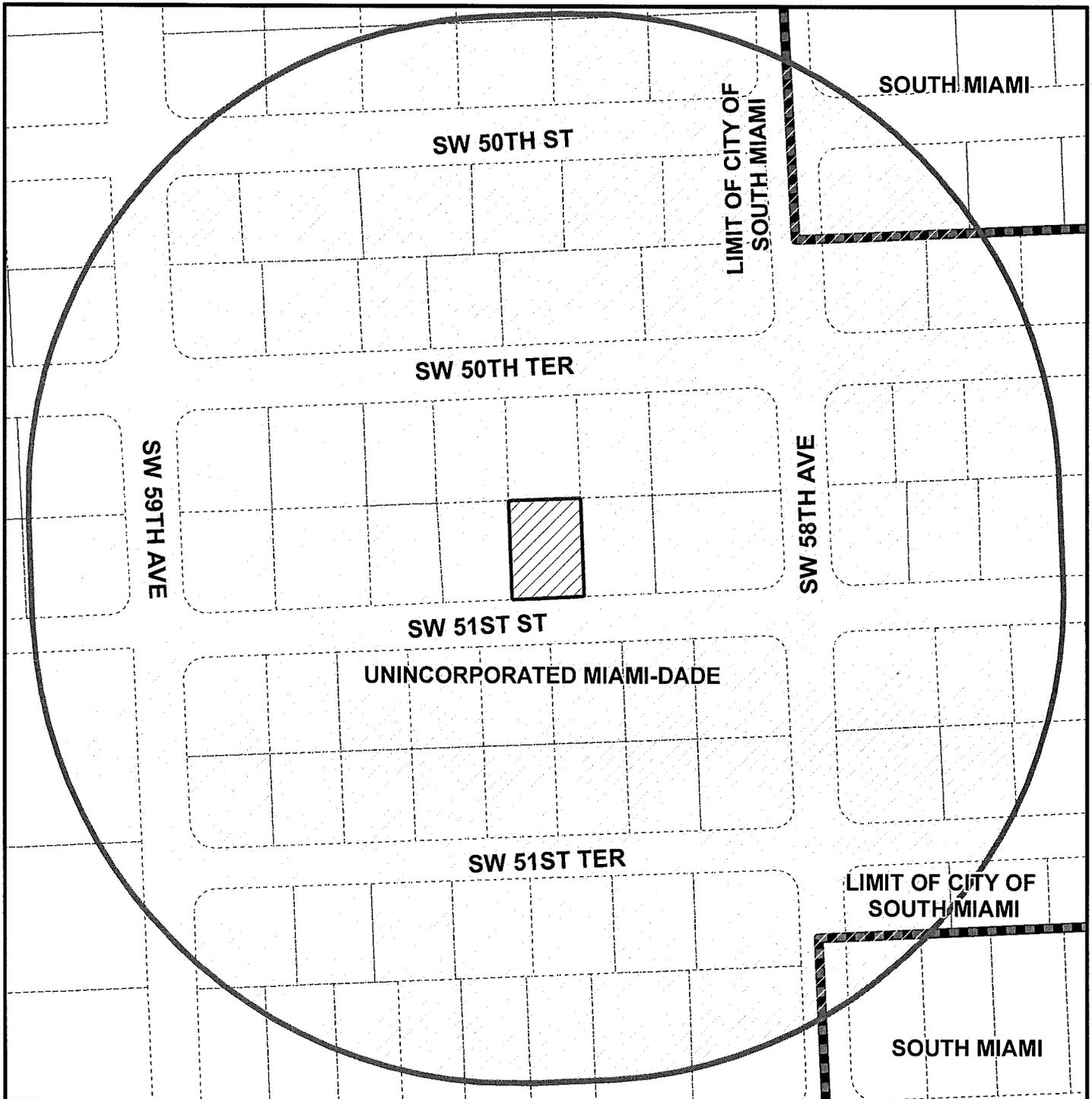


Section: 24 Township: 54 Range: 40
 Applicant: NARCISO RUIZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Monday, March 9, 2015

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
RADIUS MAP

Section: 24 Township: 54 Range: 40
 Applicant: NARCISO RUIZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS

Process Number
Z2015000015
 RADIUS: 500

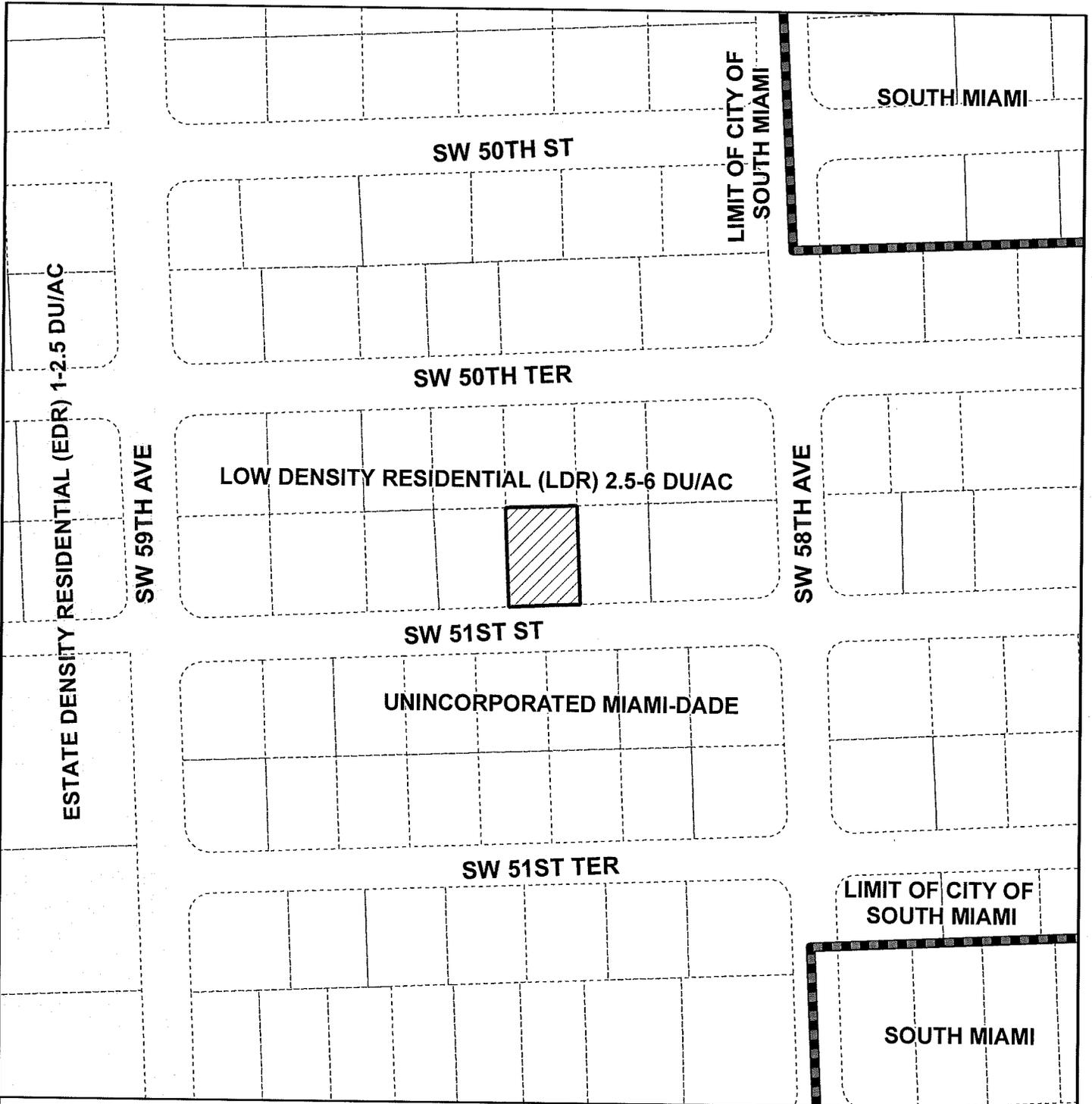
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Monday, March 9, 2015

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2015000015

Section: 24 Township: 54 Range: 40
 Applicant: NARCISO RUIZ
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning
-  Municipalities



SKETCH CREATED ON: Monday, March 9, 2015

REVISION	DATE	BY