

KITS

9-18-2008 Version # 2



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Thursday, October 16, 2008 at 6:00 p.m.

PREVIOUSLY DEFERRED

A. 08-9-CZ14-1 J & I PROPERTIES, INC. 08-1 06-57-39

CURRENT

1. 08-10-CZ14-1 PALM & TOWER III INVESTORS, LLC 06-215 26-57-38 N

2. 08-10-CZ14-2 MARC MASSAR 08-27 01-56-39 N

3. 08-10-CZ14-3 ANTONIO BARBOSA 08-54 22-55-38 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF THURSDAY, OCTOBER 16, 2008

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 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

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. MARC MASSAR (08-10-CZ14-2/08-27)

**1-56-39
Area 14/District 9**

EU-1 to BU-1A

LOCATION: The northeast corner of S.W. 200 Street and S.W. 127 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 305' X 138'

Department of Planning and Zoning Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. ANTONIO BARBOSA (08-10-CZ14-3/08-54)

**22-55-38
Area 14/District 9**

Applicant is requesting to permit a parcel of land with a lot frontage of 165' (200' required) and an area of 2.5 gross acres (5 gross acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey," as prepared by Mojarena & Associates, Inc., dated stamped received 3/19/08 and consisting of 1 sheet and the remaining sheets entitled "Storage Floor Plan and Utility Shed Floor Plan," as prepared by Ariel Clavijo, dated stamped received 7/18/08 and consisting of 2 sheets, for a total of 3 sheets.

LOCATION: Lying approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.5 Gross Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. J & I PROPERTIES, INC.
(Applicant)

08-9-CZ14-1 (08-1)
Area 14/District 8
Hearing Date: 10/16/08

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>
2002	Anne Delk, Trustee	Zone change from GU and AU to EU-1C.	CZAB-14	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 14
MOTION SLIP

#1

APPLICANT'S NAME: **J & I PROPERTIES, INC.**

REPRESENTATIVE: John Jabro

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ14-1 (08-1)	September 17, 2008	CZAB14	08

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>Oct 16, 2008</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:	At the request of the applicant's attorney. The attorney stated that he was recently hired		
	and that he needed time to review the application and meet with staff.		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE	X		
MR.	S	Gary J. DUFEK	X		
DR.	M	Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **RON BERNSTEIN**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANTS: J & I Properties, Inc.

PH: Z08-001 (08-9-CZ14-1)

SECTION: 6-57-39

DATE: October 16, 2008

COMMISSION DISTRICT: 8

ITEM NO.: A

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A. INTRODUCTION

o **REQUEST:**

(1) EU-1C to AU

(2) Applicant is requesting to permit a lot area of 4.216 gross acres (5 gross acres required).

(3) Deletion of the Declaration of Restrictions recorded in Official Record Book 20979, Pages 1428-1435.

The purpose of the request #3 is to remove a covenant restricting the property to a maximum of one single-family residence.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

A boundary survey is on file and may be examined in the Department of Planning and Zoning entitled "29101 SW 127 Avenue," as prepared by Ford, Armenteros & Manucy, Inc. dated stamped received 1/8/08 and consisting of 1 page.

o **SUMMARY OF REQUESTS:** The applicant is seeking to change the zoning on the property from EU-1C, Estates 1 Family 2½ Acres District, to AU, Agricultural District. Additionally, the applicant seeks to permit an AU lot with less lot area than required and to delete a Declaration of Restrictions that limits the use of the property to 1 single-family residence.

o **LOCATION:** 29101 SW 177 Avenue, Miami-Dade County, Florida.

o **SIZE:** 4.216 Acres

o **IMPACT:** The approval of the requested district boundary change will allow the applicant to rezone the property to AU, Agricultural District, which will result in an increase of the amount of agricultural land available for the community. However, the approval of the request for less lot area than required could have a negative visual impact on the surrounding area. The removal of the Declaration of Restrictions will release a restriction that limits the overall subject property to no more than 1 single-

family residence. This application will not impact water and sewer services nor bring additional children to the schools in the area.

B. ZONING HEARINGS HISTORY: In December 2002, the subject property was approved for a district boundary change from GU, Interim District, and AU to EU-1C in lieu of EU-1, Single-Family One Acre Estate Residential District, with the acceptance of a proffered covenant limiting the development of the site to one (1) single-family residence.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The subject property is located approximately **2 miles east of and within the Urban Development Boundary (UDB)**, which is SW 197 Avenue along this portion of Miami-Dade County. The Adopted 2015 and 2025 Land Use Plan designates the subject property 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.
2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

No new commercial agricultural use of property may be established within the Urban Development Boundary, except on property designated Agriculture on the LUP map or zoned AU (Agricultural) or GU (Interim). All property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. An additional exception is that land in utility easements or rights-of-way or airport or other large government - owned properties may be approved for new commercial agricultural uses where the use would be compatible with, and would have no unfavorable effect on, the surrounding area. Commercial agricultural uses include, without limitation, all uses of property associated with commercial horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; apiculture; pisciculture, when the property is used principally for the production of tropical fish; all forms of farm production; and all other such uses, except retail nurseries and retail greenhouses.

Incidental agricultural use of property specifically authorized by zoning which is otherwise consistent with the LUP map does not constitute commercial agriculture use within the meaning of this provision.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1C; vacant land

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: GU and AU; plant nursery

Estate Density Residential, 1 to 2.5 dua

SOUTH: GU and AU; vacant land

Estate Density Residential, 1 to 2.5 dua

EAST: AU; vacant land

Estate Density Residential, 1 to 2.5 dua

WEST: EU-S; church
 AU: nursery/fruit stand

Estate Density Residential, 1 to 2.5 dua

The 4.216-acre subject property is located approximately 2 miles east of and within the UDB, at 29101 SW 177 Avenue. The property is mostly surrounded on four sides by larger properties that are zoned AU, Agricultural District, and GU, Interim District, two of which are currently vacant. The remaining property that is partially aligned with the western property line across SW 177 Avenue, is zoned EU-S, Estate Suburban Single-Family District, and is currently occupied by a church.

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey submitted)
Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Access:	Acceptable
Parking Layout/Circulation:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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:

- (1) 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;

- (2) 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;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) 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;
- (5) 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.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

33-311(A)(7) (Generalized Modification Standards) 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; 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 dangerous hazard, or provoke excessive overcrowding or 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.

Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing). The Community Zoning Appeals Board shall approve application to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred from the September 17, 2008, Community Zoning Appeals Board 14 (CZAB-14) meeting at the applicant's request. The 4.216-acre subject property is located approximately 2 miles east of and within the UDB, at 29101 SW 177 Avenue. The surrounding area is characterized by vacant farmland, nurseries and a church. The applicant is seeking a district boundary change on the property from EU-1C, Estates Single-Family 2 ½ acre District, to AU, Agricultural District (request #1). Additionally, the applicant seeks to permit a lot area of 4.216 gross acres (request #2.) and Deletion of the Declaration of Restrictions recorded in Official Record Book 20979, restricting the property to one single-family residence (request #3). The subject property was approved for a district boundary change from AU to EU-1C, pursuant to Resolution #CZAB14-11-02, in December 2002, at which time the then applicant proffered a Declaration of Restrictions, which among other things, provided that the property shall be limited to a maximum of one (1) single-family residence. The AU zoning regulations require a minimum lot size of 5 acres.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The Public Works Department (**PWD**) has **no objections** to this application. They have indicated that road dedications and improvements will be accomplished through the recording of a plat, but have stated that since the development abuts a state maintained road (SW 177 Avenue), the applicant must contact the district office as certain restrictions will apply. According to their memorandum, this application will not generate

any additional **PM** daily peak hour **vehicle trips**. The Miami-Dade Fire Rescue Department (**MDFR**) also has **no objections** to the application and indicates that the estimated response time is **6:30 minutes**.

The approval of the requested district boundary change would allow the applicant to rezone the property to AU to allow agricultural uses. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this subject property, which as previously mentioned, lies 2 miles east of and within the UDB, for **Estate Density Residential** use. This land use designation of the LUP map is typically characterized by detached estates, which utilize only a small portion of the total parcel, and permits a minimum of 1 to a maximum of 2.5 dwelling units per gross acre. The subject property was rezoned from AU to EU-1C in lieu of EU-1, Estates Single-Family 1 Acre District, in December 2002, pursuant to Resolution #CZAB14-11-02, and is mainly surrounded by properties zoned AU and GU, Interim District, and one property zoned EU-S, Estates Suburban Single-Family District, developed with a church, which partially abuts the subject property to the west. The surrounding AU and GU zoned properties are existing lawful residential and non-residential uses and zoning that are not specifically depicted on the LUP map but according to the interpretative text of the CDMP are deemed to be consistent with the Master Plan as provided in the section titled "Concepts and Limitations of the Land Use Plan Map." Therefore, staff opines, that approval of the requested district boundary change to AU would be contrary to this interpretation. Further, the interpretative text of the CDMP states that no new commercial agricultural use of property may be established within the UDB, except on property designated Agriculture on the LUP map. The interpretative text also states that all property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. Therefore, staff opines that the approval of the requested district boundary change to AU would be contrary to and **inconsistent** with the interpretative text of the CDMP. As such, staff opines that the rezoning of the 4.216-acre subject property to AU **within the UDB** would be **inconsistent** with the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development 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. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. Further, the Board shall consider whether the development, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed agricultural development is **inconsistent** with the Estate Density Residential LUP Map designation of the CDMP. Staff notes that the Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Again, staff notes that the subject property **is within the UDB**. As previously mentioned, the interpretative text of the CDMP indicates that no new commercial agricultural use of property may be established within the UDB, except on property designated Agriculture on the LUP map or zoned AU or GU. Also, as previously mentioned the property is

currently zoned EU-1C as a result of the approval of a previously requested zone change in 2002. Therefore, the rezoning of this EU-1C property designated Estate Density on the LUP map of the CDMP would be **inconsistent** with the CDMP. Staff acknowledges that the approval of this request would not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM, or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. However, staff's research of the surrounding area did not reveal approvals of any similar requests for rezoning of properties to AU within the UDB. As such, staff opines that the approval of this request to rezone the 4.216-acre subject property to AU within the UDB would be **inconsistent** with the interpretative text of the CDMP and should be denied without prejudice.

Additionally, staff is cognizant of the fact that the requested use is **compatible** with the majority of the surrounding properties, which are currently zoned AU and GU. However, staff maintains that the approval of the applicant's request to rezone the property to AU, though compatible with the surrounding properties, is **inconsistent** with the LUP map designation and the interpretative text of the CDMP and as previously mentioned, should be denied without prejudice.

When request #2, to permit a lot area of 4.216 gross acres (5 gross acres required), is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff opines that this request is germane to the applicant's request to rezone the property to AU which staff does not support. The subject property is currently zoned EU-1C, which requires a minimum lot area of 2.5 acres, which staff notes is adequate for the current zoning. Further, the NUV standards require that the Board 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**, among other things. As previously mentioned, the requested zone change to AU is **inconsistent** with the interpretative text of the CDMP. As such, the requested variance of lot area, which staff opines is germane to the aforementioned request to rezone the property to AU, is **inconsistent** and should be denied without prejudice at this time. Staff therefore recommends that the request to permit a lot area of 4.216 gross acres (5 acres required for an AU parcel) be denied without prejudice under the NUV Standards of Section 33-311(A)(4)(b).

When request #2, is analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the zoning district regulations, said request cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

When request #3, to permit the deletion of a Declaration of Restrictions restricting the development of the site to a maximum of 1 single-family residence, is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed deletion will not, in staff's opinion, generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. However, as previously mentioned the subject property **is inside the UDB, is designated for Estate Density Residential use, and is zoned EU-1C**. Further, as previously mentioned, the interpretative text of the CDMP indicates that no new commercial agricultural use of property may be established within the UDB, except on property designated Agriculture on the LUP map or zoned AU or GU. Staff notes that the applicant wishes to release this restriction in order to

utilize the subject property for agricultural purposes, which staff further notes is **compatible** with the surrounding agricultural uses. However, it should be noted that request #3 is germane to request #1, to rezone the subject site from EU-1C to AU, which is **inconsistent** with the land use regulations as it pertains to the Estate Density Land Use map designation on the subject property. Thus, when considering the necessity for and the reasonableness of the proposal in relation to the surrounding area, staff is of the opinion that request #3 will have an unfavorable effect on same, and will be contrary to the public interest and the basic intent of the interpretative text of the CDMP. As such, staff recommends denial without prejudice of request #3 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze request #3 under said standards and, as such, request #3 should be denied without prejudice under same.

Based on all of the foregoing, staff opines that the requested zone change to rezone the subject site from EU-1C to AU (request #1) is **inconsistent** with the interpretative text of the CDMP. Moreover, it should be noted that requests #2 and #3 are germane to request #1. Accordingly, staff recommends denial without prejudice of requests #1 through #3.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 04/17/08
DATE TYPED: 05/29/08
DATE REVISED: 06/09/08; 08/04/08, 08/29/08, 09/29/08
DATE FINALIZED: 09/29/08
MCL:MTF:LVT:NC:CXH



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning 

Memorandum



Date: January 25, 2008

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

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

Subject: C-14 #Z2008000001
J & I Properties, Inc.
29101 S.W. 177th Avenue
District Boundary Change from EU-IC to AU and
Request to Permit a Lot that Would Not Meet Lot Area Requirements
(EU-1C) (3.96 Acres)
06-57-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

Public water is not available to the subject property. However, 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.

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.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade County Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP), subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at (305)372-6700.

Wetlands

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

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

Tree Preservation

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal 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. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review 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 DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: J & I PROPERTIES, INC

This Department has no objections to this application.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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.



Raul A Pino, P.L.S.

28-APR-08

Memorandum



Date: 17-JAN-08
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000001

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2008000001
located at LYING EAST OF KROME AVE (S.W. 177 AVENUE) APPROXIMATELY 1,528.45' NORTH OF S.W. 296
STREET, MIAMI-DADE COUNTY, FLORIDA
in Police Grid 2552 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: 6:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 6 - Modello - 15890 SW 288 Street
Rescue, BLS Tanker, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

J & I PROPERTIES, INC.

29101 SW 177 Avenue, MIAMI-DADE
COUNTY, FLORIDA

APPLICANT

ADDRESS

Z2008000001

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801004981 was opened based on enforcement history request and inspected on 8-5-08.

No violations were observed and the case was closed.

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: J&I Properties, Inc

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jorge & Isabel Morales</u>	
<u>14185 SW 182 Ave</u>	
<u>Miami, Fl. 33196</u>	

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

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>Jorge Morales - 14185 SW 182 Ave</u>	<u>50%</u>
<u>Isabel Morales - " " "</u>	<u>50%</u>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
[Signature]
JAN - 8 - 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY: *[Signature]*

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

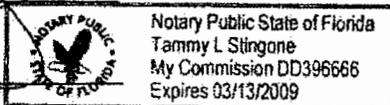
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 14 day of July, 2007 Affiant is personally known to me or has produced Personally known as identification.



[Signature]
(Notary Public)



My commission expires _____

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: [Signature]

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



Boundary Survey SURVEY # FL8899

PROPERTY ADDRESS:
29101 SW 177 Avenue
Homestead, FLORIDA 33030

LEGAL DESCRIPTION:

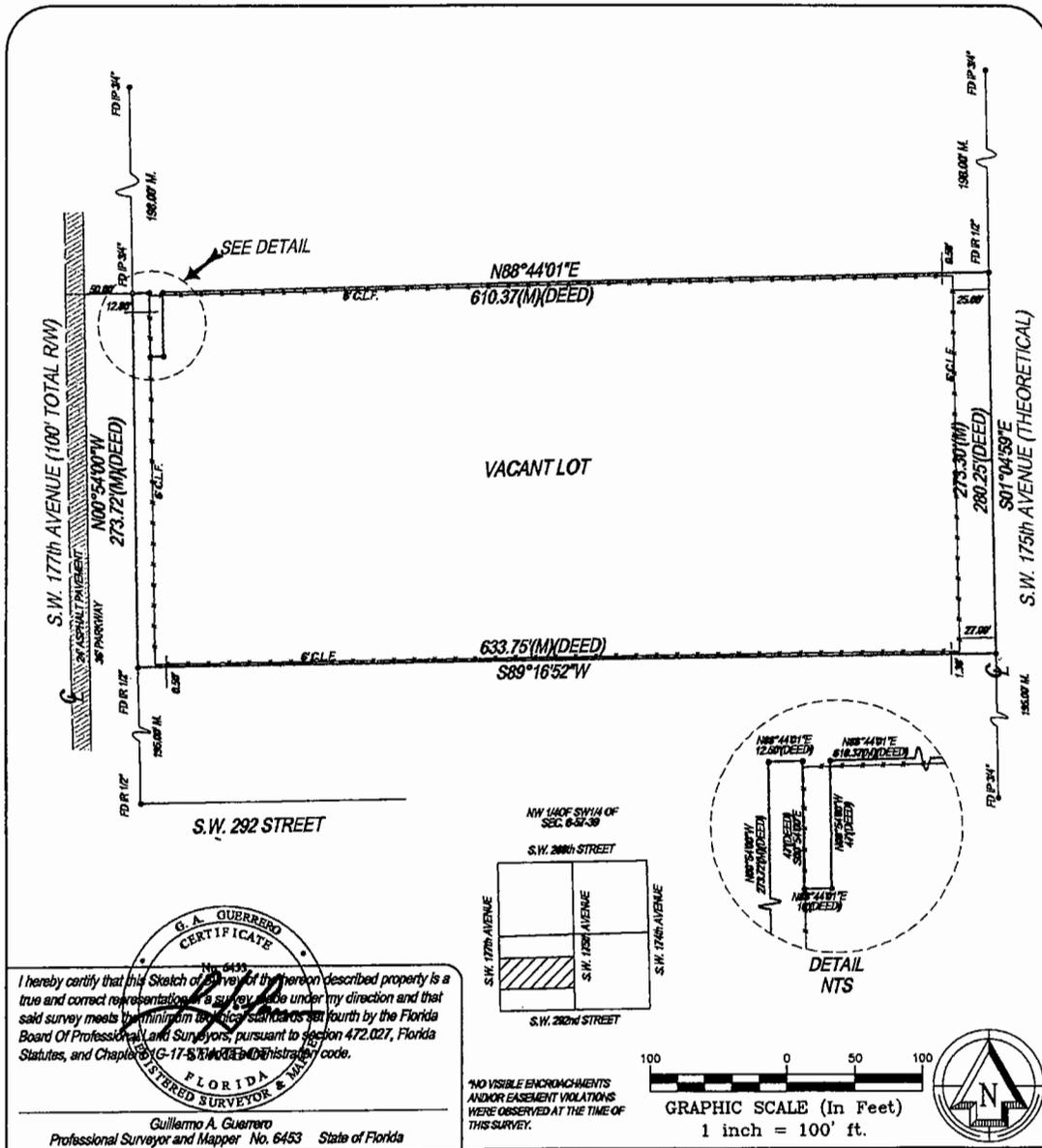
SEE PAGE 3 OF 3

Community Number: 120635
Panel: Q365 Suffix: J
Index Date: 7/17/1993 F.I.R.M. Date: 3/2/1994
Flood Zone X
Field Work: 4/23/2006 Completed: 4/27/2006
Revision History: (rev.0 4/27/2006)

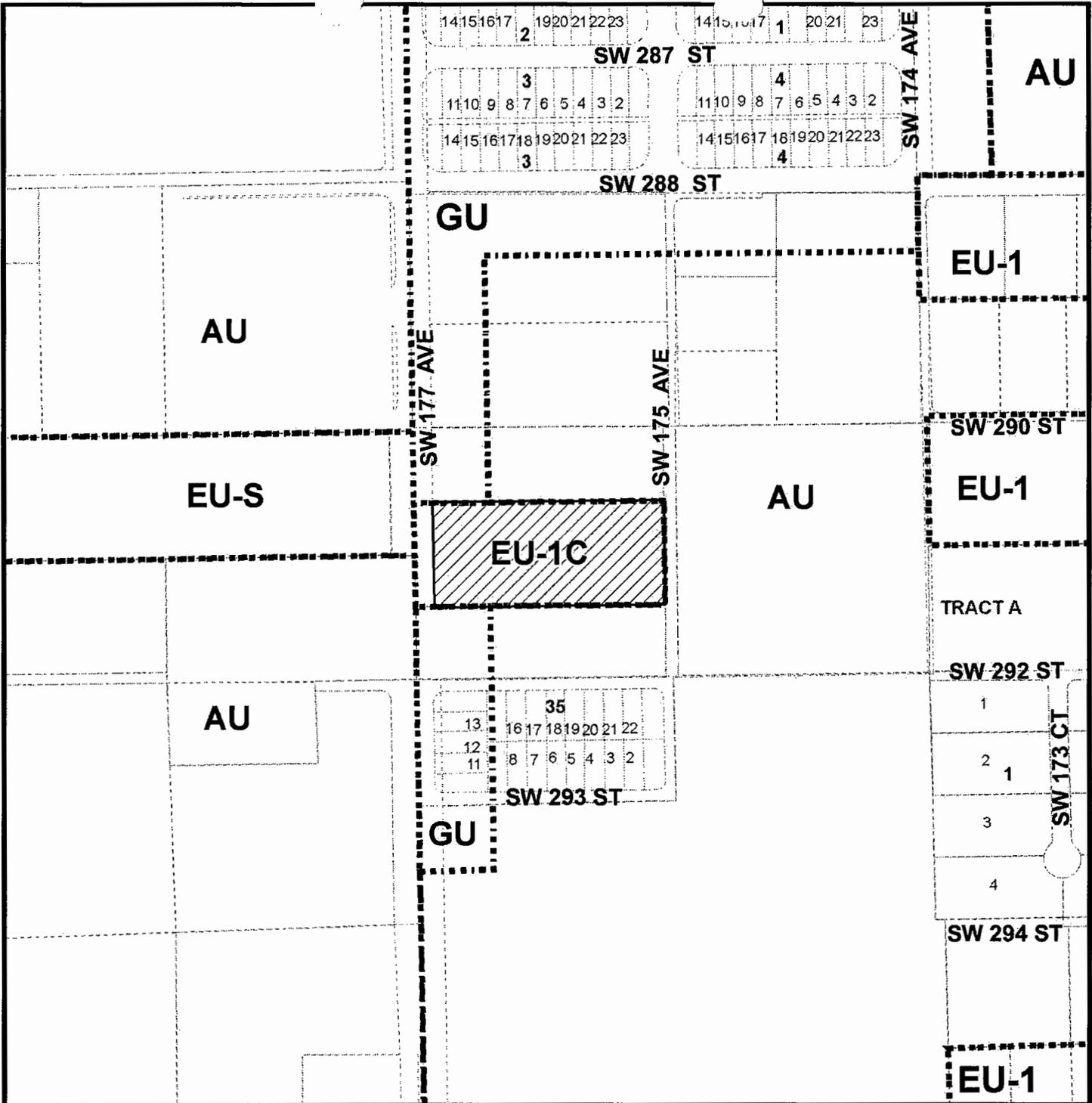
CERTIFIED TO:

JORGE L. & ISABEL MORALES; CARLOS A. ZIEGENHIRT, P.A.; FIDELITY NATIONAL TITLE INSURANCE COMPANY; REGIONS BANK D/B/A/ REGIONS MORTGAGE; ; ATIMA ; ISAOA.

For Surveyors Notes and Legend, see page 2



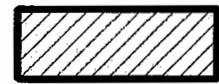
18



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-001

Section: 06 Township: 57 Range: 39
 Applicant: J & I PROPERTIES, INC
 Zoning Board: C14
 District Number: 8
 Drafter ID: N'NAGBE
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 02/11/08

REVISION	DATE	BY

19



**MIAMI-DADE COUNTY
AERIAL**

Process Number
08-001

Section: 06 Township: 57 Range: 39
 Applicant: J & I PROPERTIES, INC
 Zoning Board: C14
 District Number: 8
 Drafter ID: N'NAGBE
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 02/11/08

REVISION	DATE	BY

1. PALM & TOWER III INVESTORS, LLC
(Applicant)

08-10-CZ14-1 (06-215)
Area 14/District 8
Hearing Date: 10/16/08

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.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Palm & Tower III Investors, LLC

PH: Z06-215 (08-10-CZ14-1)

SECTION: 26-57-38

DATE: October 16, 2008

COMMISSION DISTRICT: 8

ITEM NO.: 1

A. INTRODUCTION:

o **REQUEST:**

AU to EU-M

- o **SUMMARY OF REQUEST:** Approval of the request will allow the applicant to change the zoning on the subject property from AU, Agricultural District, to EU-M, Single-family Modified Estate District.

- o **LOCATION:** The southeast corner of S.W. 344 Street and S.W. 193 Avenue, Miami-Dade County, Florida.

- o **SIZE:** 9.48 Gross Acres

- o **IMPACT:** The approval of the requested district boundary change will allow the applicant to provide additional housing units for the community. The rezoning of this site will have an impact on the schools, water and sewer services and traffic in the area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **0.88 of a mile** 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 units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Policy LU-2B.** Priority in the provision of services and facilities and the allocation of

financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map.

4. Urban Development Boundary

The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; Single-family residence and tree grove

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: AU; Single-family residence

Estate Density Residential, 1 to 2.5 dua

SOUTH: AU; Natural Forest Community

Environmentally Protected Park

EAST: BU-1; Fruit and vegetable stand
 AU; Row crops

Estate Density Residential, 1 to 2.5 dua

WEST: GU; Single-family residences
 and vacant lots

Estate Density Residential, 1 to 2.5 dua

The 9.48-acre subject property is located approximately 0.88 of a mile east of and within the Urban Development Boundary (UDB), at the southeast corner of SW 193 Avenue and SW 344 Street (Palm Drive). A fruit and vegetable stand, tree grove, single-family residences, natural forest community, and vacant parcels of land characterize the area where the subject property lies.

E. SITE AND BUILDINGS:

Site Plan Review:

(No plans submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Urban Design: N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

- (1) 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;
- (2) 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;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) 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;
- (5) 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.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	Objects
Parks	No objection*
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objections/14 students

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The 9.48-acre subject property is located approximately 0.88 of a mile east of and within the Urban Development Boundary (UDB), at the southeast corner of SW 193 Avenue and SW 344

Street (Palm Drive). The applicant is seeking a zone change from AU, Agricultural District, to EU-M, Single-family Modified Estates District. A fruit and vegetable stand, tree grove, single-family residences, and vacant parcels of land characterize the area where the subject property lies. Staff notes that the applicant has not submitted plans for the development of the site. Staff notes that although, at the time of advertising for this item, the property had met concurrency review criteria, however, a revised determination from the Public Works Department dated September 8, 2008, reverses said determination. Therefore, this application must be deferred until such time as the application can meet traffic concurrency.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the memorandum submitted by DERM indicates that the subject property lies north and east of county-designated Natural Forest Communities (NFC's), which will be maintained by the periodic use of ecologically prescribed burning. Said management technique reduces wildfire threats and is beneficial to wildlife and the rare plant species harbored by this plant community. Their memorandum indicates that such burning is generally performed once every three years; the subject property lies within the potential smoke dispersion corridor of this pine rockland and hardwood hammock areas and, as such, may be temporarily affected by the periodic smoke events. However, staff notes that the applicant has voluntarily proffered a covenant indicating that, prior to the approval of a final plat for the property, the owner shall record an instrument in the public records of Miami-Dade County to provide a notice for future property owners of the periodic prescribed burning for the NFC located to the south and west of the subject site. Further, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department (PWD)** recently submitted a revised memorandum indicating that they **object** to this application. Their memorandum indicates that this application will generate **14** additional PM daily peak hour vehicle trips and that the distribution of the trips to the adjacent roadways **exceeds** the acceptable Levels of Service (LOS) of the roadways, which are currently operating at **LOS "F"** and **"A"**. Therefore, according to their memorandum, this application **does not meet the traffic concurrency** criteria. As such, this application **must be deferred** until such time as traffic concurrency is met and the PWD issues it written approval. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and has indicated that the proposed zoning will bring **14** additional students into the area's public schools. They indicate that Campbell Drive Elementary School will be affected by this development, which is currently operating at 119% of FISH (Florida Inventory of School Houses) utilization. Additionally, MDCPS indicates that the applicant and the School Board have held a dialogue, and that the applicant has voluntarily proffered a monetary donation over and above impact fees, which will provide the full capital cost of the student stations for the additional students generated by the proposed development. The **Park and Recreation Department** **does not object** to this application, but recommends that the applicant construct SW 13 Street on the southern boundary of the site to protect the U.S. Navy Wells Park located immediately to the south of the subject property. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **6:42**.

The approval of the requested district boundary change will allow the applicant to provide additional housing units for the community. As previously mentioned, the subject site is located approximately 0.88 of a mile east of and within the Urban Development Boundary (UDB). Staff

supports development that is within the UDB, as identified within the **Land Use Policy LU-2B** which states that priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the UDB of the LUP map. The interpretative text of the CDMP provides that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. It should be noted that the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use. This category permits a minimum of 1 unit to a maximum of 2.5 units per gross acre, which would allow the applicant to develop the 9.48-acre site with a minimum of 9 to a maximum of 23 residential units. The subject property is situated at the southeast corner of SW 193 Avenue and SW 344 Street, which is a section-line roadway. The requested EU-M zoning would require a minimum net lot area of 15,000 sq. ft., which would accommodate a maximum of 22 residential lots on the site at a density of 2.42 dwelling units per net acre, which would be **consistent** with Land Use Policy LU-2B, the Estate Density Residential LUP map designation of the CDMP, and the numerical threshold for density permitted therein.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the requested zone change to EU-M would be **consistent** with the Estate Density Residential LUP map designation of the CDMP and the numerical threshold for density. The requested EU-M zoning would allow the development of lots with a minimum net lot area of 15,000 gross square feet as single-family residential building sites. When considering district boundary changes, the Board shall also consider that the proposed development will not have an unfavorable impact on public services and will not have an unfavorable impact on the environment. Additionally when considering zone changes, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County. Staff opines that the proposed zoning would not have an unfavorable impact on the economy and would provide an opportunity to address housing needs within Miami-Dade County. Further, staff notes that the requested zone change to EU-M will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Staff acknowledges that the subject site abuts AU zoned property to the north, south and a portion of the property to the east, as well as GU zoned property to the west and BU-1 zoned property on a portion to the east. However, staff is of the opinion that the rezoning of the subject property to EU-M will be in keeping and would be compatible with the established EU-M, Estate Modified Residential, zoning districts located approximately 990' to the west of the subject site and approximately 1,474' to the southeast of the subject site. Staff further notes that EU-M is the predominant residential district established within this section of land (26-57-38). Moreover, it should be noted that a 50.71-acre property located approximately 326' to the east of the subject site across SW 192 Avenue, was recently granted, among other requests, a zone change from AU to PAD, Planned Area Development District, and was approved for development of a total of 303 dwelling units consisting of 104 single-family homes and 199 townhomes, pursuant to Resolution #Z-25-06. It should also be noted that said approval yields a development density of 5.9 dwelling units per gross acre. As previously mentioned, the requested EU-M zoning would require a minimum net lot area of 15,000 sq. ft., which would accommodate a maximum of 22 residential lots on the site at a density of 2.42 dwelling units

per acre, which staff opines is **compatible** with the approved development density on the PAD zoned property located approximately 326' to the east of the subject site and the established EU-M zoning districts within Section 26-57-38. EU-M zoning provides transitional zoning between the BU-1, Neighborhood Business District, zoned parcel of land located to the east of the subject site and the less intensive GU-zoned property located to the west of the subject site. As such, staff recommends approval of the requested zone change to EU-M, subject to the Board's acceptance of the proffered covenant.

Based on all of the aforementioned, staff opines that the requested zone change to EU-M would be **compatible** with the surrounding area and **consistent** with the Estate Density Residential land use designation of the LUP map of the CDMP. Accordingly, staff recommends approval of the zone change to EU-M, subject to the Board's acceptance of the proffered covenant.

Notwithstanding the above, staff notes that the **PWD objects** to this application and has indicated in their memorandum dated September 8, 2008 that this application **does not meet the traffic concurrency** criteria. As such, this application must be deferred until such time as traffic concurrency is met and the PWD issues it written approval.

I. **RECOMMENDATION:** Deferral.

J. **CONDITIONS:** None.

DATE INSPECTED: 09/05/08
DATE TYPED: 08/28/08
DATE REVISED: 09/08/08; 09/10/08; 10/06/08
DATE FINALIZED: 10/06/08
MCL:MTF:LVT:NC



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

Date: August 10, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management 

Subject: C-14 #Z2006000215
Palm & Tower III Investors, LLC
19250 S.W. 344th Street
District Boundary Change from AU to EU-M
(AU) (9.48 Acres)
26-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application, and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the basic wellfield protection area of the Florida Keys Aqueduct Authority Wellfield. The site is situated within the 100-day and the 210-day travel time contours of said wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code. Since the proposed zoning request is for a residential land use, a hazardous materials or wastes prohibition covenant is not required.

Potable Water Service

The closest public water main is located approximately 2,000 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required, in accordance with Code requirements.

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 2,000 feet from the subject property. Based on the proposed request, the subject property is within a feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines shall be required to comply with exfiltration requirements as applied to wellfield protection areas.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order

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

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade County Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 by DERM for this proposed development order.

Chapter 24-43 of the Code also regulates stormwater disposal methods within public water supply wellfield protection areas. The Code requires that all stormwater runoff shall be retained on-site utilizing only infiltration or seepage type drainage systems on that part of the wellfield protection area that is beyond the 30-day travel time contour, and infiltration only for that part comprehended between 100 feet from the wells, to the 10-day travel time contour. The Code prohibits the disposal of stormwater within 100 feet of the wells. Accordingly, all stormwater collected within this area shall be diverted from the same via concrete swale. Oil and grease interceptors will be required at all catch basins preceding the exfiltration systems.

Wetlands

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

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

Natural Forest Community

The subject property lies north and east of county-designated Natural Forest Communities (NFC's). NFC's are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat, and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor of this pineland. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

Development on parcels adjacent to NFC's must avoid adverse impacts to the preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, and erosion. In order to minimize potential damage to the NFC, an erect barrier should be placed along the edge of the properties prior to commencing any work. Also, in order to avoid causing damage to plants and substrate, heavy machinery should not be parked alongside the road or inside the NFC. Any future development of the site will require an NFC barrier permit from DERM, in order to protect the NFC from potential impacts. The applicant is advised to contact the DERM Natural Resources Planning Section, 305-372-6548, regarding the NFC barrier permit.

Tree Preservation

The subject property contains a tree grove. A Miami-Dade County Tree Removal Permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. Upon development of the subject site, DERM will require that 100% of the tree canopy removed, to be replaced. Furthermore, DERM will also require that at least 50% of the replacement trees be species native to South Florida. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system, and has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review 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, the application meets the minimum requirements of Chapter 24 of the Code; therefore, it may be scheduled for public hearing. Furthermore, this memorandum shall constitute DERM's written approval, as required by the Code.

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: PALM & TOWER III INVESTORS, LLC

This Department objects to this application.

This application does not meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate 14 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-84	SW 344 St. e/o SW 187 Ave.	F	F
F-151	Ingraham Hwy. w/o SW 192 Ave.	A	A

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.

(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.



Raul A Pino, P.L.S.

08-SEP-08



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Miami-Dade County School Board

Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

October 19, 2007

Ms. Maria Teresa Fojo
Interim Assistant Director for Zoning
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: **Palm & Tower III Investors, LLC – No. 06-215**
Southeast corner of SW 344 Street and SW 193 Avenue

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that one of the impacted school facilities, Homestead Middle School, meets the referenced review threshold (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). **It must be noted that the subject property (10 acres) of this application is the mitigation proffered for Application No. 14 of the April 2006 CDMP Amendment Cycle. However, should said application not be approved by Miami-Dade County, the applicant is seeking a zone change on the subject property for which the applicant is also mitigating.**

Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on September 18, 2007, to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the

Facilities Planning

Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

Maria Teresa Fojo
October 19, 2007
Page Two

full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

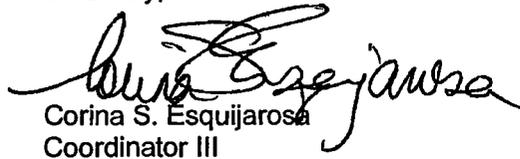
\Pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) +
2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed units are an average of 2,000 square feet (single-family detached), the additional 23 units are estimated to generate approximately \$55,200 (\$2,400 per unit respectively, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,


Corina S. Esquijarosa
Coordinator III

CSE:rr
L-216
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION:	Palm & Tower III Investors, LLC – 06-215
REQUEST:	Zoning change from AU to EU-M
ACRES:	9.48 acres
LOCATION:	Southeast corner of SW 344 Street and SW 193 Avenue
MSA/ MULTIPLIER:	7.5/.60 Single-Family Detached
NUMBER OF UNITS:	23 units
ESTIMATED STUDENT POPULATION:	14
ELEMENTARY:	7
MIDDLE:	3
SENIOR HIGH:	4

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY:	Campbell Drive Elementary – 15790 SW 307 Street
MIDDLE:	Campbell Drive Middle – 900 NE 23 Avenue
SENIOR:	Homestead Senior High – 2351 SE 12 Avenue

All schools are located in Regional Center VI.

*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	CUMMULATIVES
Campbell Drive Elementary	1,147	931	123%	36	119%	1,164
	1,154 *		124%		119%	
Campbell Drive Middle	1,109	1,447	77%	0	77%	1,118
	1,112 *		77%		77%	
Homestead Senior	2,754	2,977	93%	190	87%	3,640
	2,758 *		93%		87%	

* Student population increase as a result of the proposed development

** Estimated number of students (cumulative) based on zoning/land use log (2001-present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Note:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, Campbell Drive Elementary meets the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006)

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Campbell Drive Elementary School Modular Addition (400 student stations)	Design	2010

Proposed Relief Schools

Funding Year

N/A

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan) 1,331

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: Accounting to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$91,686.

CAPITAL COSTS: Based on the State's July 2007 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	7	x	\$18,549	=	\$129,843
MIDDLE	Does not meet review threshold				
SENIOR HIGH	Does not meet review threshold				
Total Potential Capital Cost					\$129,843

*Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Memorandum



Date: 01-AUG-06
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2006000215

Fire Prevention Unit:

NO PLANS AVAILABLE!
Not applicable to Fire Water Engineering Site Requirements at this stage. MDFR Site Requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2006000215
located at 19250 S.W. 344 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2714 is proposed as the following:

<u>24</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: 6.42 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 16 Homestead 325 NW 2 Street
Rescue, ALS Engine, ALS 65' Aerial

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 72 - Florida City - Vicinity of SW 344 Street and 189 Avenue.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped JULY 19 2006. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

PALM & TOWER 111 INVESTORS,
LLC

19250 SW 344 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2006000215

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

7-25-06 No violations.

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: Palm & Tower III Investors, LLC, a Florida limited liability company

NAME AND ADDRESS	Percentage of Stock
See the attached Exhibit "A"	

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

RECEIVED
206-215
JUL 19 2006

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

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 _____

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206-215
JUL 19 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

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.

Signature: _____
Eduardo J. Garcia, Manager Member, Palm & Tower III Investors, LLC

Sworn to and subscribed before me this 17th day of July, 2006. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires _____



Alfredo Xiques
My Commission DD165644
Expires November 17 2006

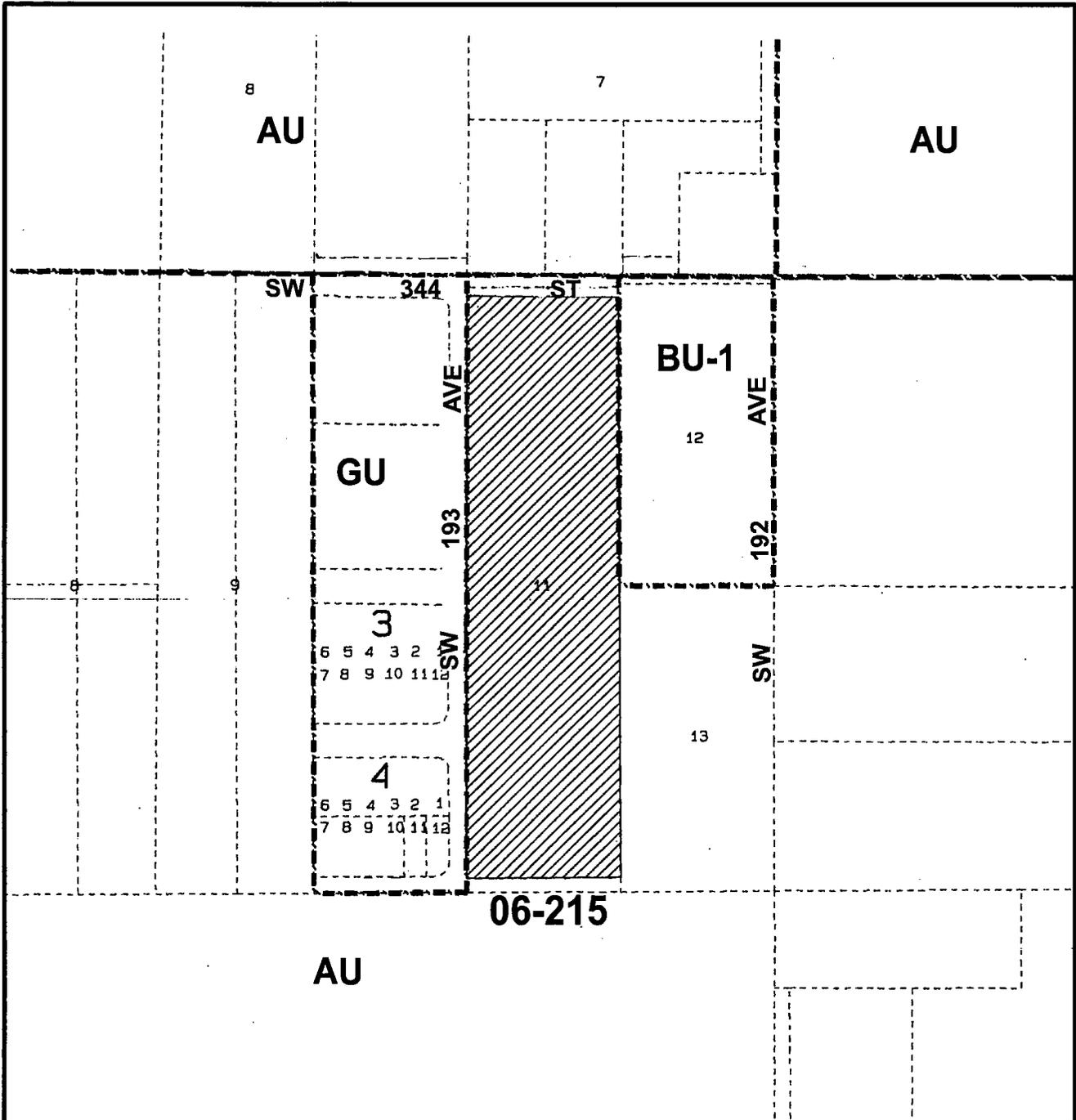
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

Exhibit "A"

Disclosure of Interest

Palm & Tower III Investors, LLC

Jose I. Garcia	2.8728%
Elizabeth J. Garcia	2.8728%
Robert Fabelo and Amelys Fabelo, as tenants by the entireties	5.7455%
Rolando Iglesias and Hilda Iglesias, as tenants by the entireties	5.7455%
Felipe Martinez and Ana Martinez, as tenants by the entireties	1.4364%
Jose Manuel Fernandez and Ana Maria Fernandez, as tenants by the entireties	8.8097%
Hector Castellon and Maíra Castellon, as tenants by the entireties	4.4049%
Carlos A. Vallejo	2.8854%
Maria Vallejo	0.2873%
Mustafa Fazlesabbas Mamujee	2.8440%
Rashida Mamujee	0.2720%
Jose Ramon Brea	4.6959%
Pascuala Victoriano Colado	0.0005%
Jorge M. Morales and Isane M. Salort-Morales, as tenants by the entireties	0.2873%
Jorge Morales and Santiago Morales, as tenants by the entireties	0.1436%
Rafael Juan Salort and Elizabeth Salort, as tenants by the entireties	0.3734%
Natalie A. Inchaustegui	0.0575%
Victor Tarin and Lourdes Tarin, as tenants by the entireties	0.2873%
Antonio Heredia and Teresita Rodriguez-Paez, as tenants by the entireties	0.5745%
Daniel Dudys	1.4364%
Maria Lamas	0.0882%
Jorge Lamas	0.1436%
Jorge Rizo	0.1437%
Otto Travieso	0.3447%
Orestes Veliz	0.1437%
Juan C. Cueto	0.2155%
Jose E. Cueto	0.2155%
Frank Torres and Jacqueline Torres, as tenants by the entireties	0.4308%
Juan and Ivis Mayol, as tenants by the entireties	0.1436%
Ernesto Capole	0.4308%
Rolando Delgado, Sr. and Miriam Delgado, as tenants by the entireties	0.5027%
Rodolfo Suarez, Sr. and Ada Suarez, as tenants by the entireties	0.5027%
Rolando Delgado, Jr. and Julissa Caso Delgado, as tenants by the entireties	7.3648%
Mireya Caso	0.2873%
Orlando Gomez	0.0503%
Eduardo Garcia, Sr.	0.2815%
Eduardo Garcia, Jr.	0.1106%
Orlando F. Garcia	0.1106%
Ana Garcia	0.4223%
Alexa Garcia	0.0080%
Erica Garcia	0.0080%
Orlando A. Garcia	0.0080%
Eduardo E. Garcia	0.0080%
Paola E. Garcia	0.0080%
Eduardo Garcia, Jr. and Aradelys Garcia, as tenants by the entireties	7.3648%
Eduardo Garcia, Sr. and Ana Garcia, as tenants by the entireties	0.2873%
Ambrosio Aznar Vlu	0.4288%
Ambrosio Aznar Alba	0.0043%
Maria Linda Salinas Leon and Hugh Charles Milfer, as tenants by the entireties	0.7182%
Jorge Guerra	2.0408%
Rosa Guerra	2.0408%
Jorge Guerra, Jr.	0.0758%
Vanessa Guerra	0.0758%
Daniel Guerra	0.0758%
Edward Farah and Rosemary Farah, as tenants by the entireties	1.1491%
Diego Ribadeneira	0.2873%
Ron Hall and Saffie Hall, as tenants by the entireties	1.1491%
The Quesada Trust Dated October 16, 2008	0.2873%
Anar Hassam-Michon	0.2873%
Ella Cisneros	2.8727%
Joseph Nader and Ximena Nader, as tenants by the entireties	0.2873%
Jamila Edoe	2.8440%
Eduardo Del Valle	0.4308%
Edward Farah	3.1758%
Ron Hall	1.7322%
Gustavo Quesada	0.8681%
Mayi de la Vega	1.1484%
Otto Boudet-Murias and Mariana Boudet-Murias, as tenants by the entireties	6.2444%
Juan O'Naghten and Mariana Jorge de O'Naghten, as tenants by the entireties	6.5317%
	<hr/>
	100.00%



**MIAMI-DADE COUNTY
HEARING MAP**

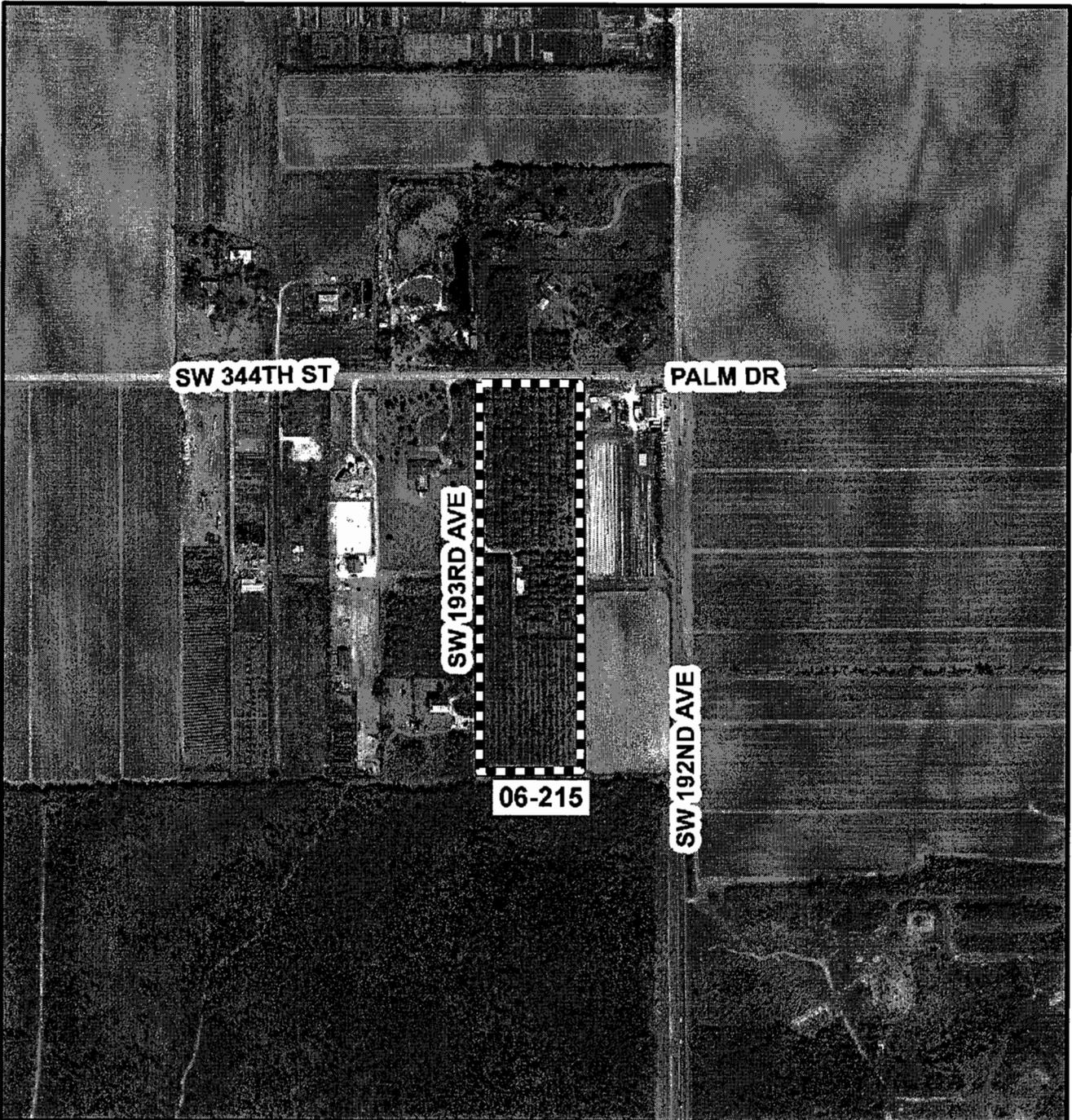
**Section: 26 Township: 57 Range: 38
 Process Number: 06-215
 Applicant: PALM & TOWER 111 INVERSTOR, LLC
 Zoning Board: C14
 District Number: 8
 Drafter ID: JEFFER
 Scale: 1:200'**



 SUBJECT PROPERTY



22



MIAMI-DADE COUNTY
AERIAL

Section: 26 Township: 57 Range: 38
Process Number: 06-215
Applicant: PALM & TOWER 111 INVERSTOR, LLC
Zoning Board: C14
District Number: 8
Drafter ID: JEFFER
Scale: NTS



2. MARC MASSAR
(Applicant)

08-10-CZ14-2 (08-27)
Area 14/District 9
Hearing Date: 10/16/08

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>
1957	Director of Planning & Zoning	Zone change.	ZC	Approved
1957	Director of Planning & Zoning	Zone change.	ZC	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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Marc Massar

PH: Z08-027 (08-10-CZ14-2)

SECTION: 01-56-39

DATE: October 16, 2008

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION

o **REQUEST:**

EU-1 to BU-1A

o **SUMMARY OF REQUEST:**

Approval of this application will change the zoning on the property from EU-1, Single-Family One Acre Estate District, to BU-1A, Limited Business District.

o **LOCATION:** The northeast corner of S.W. 200 Street and S.W. 127 Avenue, Miami-Dade County, Florida.

o **SIZE:** 305' X 138'

o **IMPACT:**

Approval of the rezoning of the property to BU-1A will allow the applicant to provide limited business services to the community. However, said zoning would bring additional traffic and activity to the surrounding community and would impact public services.

B. ZONING HEARINGS HISTORY:

In August 1957, the subject property was approved for a zone change from BU-1A, Limited Business District, to EU-1, Single-Family One Acre Estate District, pursuant to Resolution # 61. This approval was subsequently upheld by the Board of County Commissioners (BCC) in October 1957, pursuant to Resolution # 438.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking

systems. 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 uses.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map.**

Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

3. **Policy LU-4A.** 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.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
EU-1; vacant land	Business & Office
<u>Surrounding Properties</u>	
<u>NORTH:</u> EU-1; single-family residence	Estate Residential Density, 1 to 2.5 dua
<u>SOUTH:</u> BU-1A; vacant land	Business & Office
<u>EAST:</u> EU-1; single-family residence	Estate Residential Density, 1 to 2.5 dua
<u>WEST:</u> BU-1A; vacant land	Business & Office

The subject parcel is located at the northeast corner of S.W. 200 Street and S.W. 127 Avenue. The subject property abuts single-family residences to the north and east and vacant commercially zoned lots to the south, and to the west. A mixture of business activity, a church, single-family residences and vacant lots characterize the area.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	Acceptable
Compatibility:	Acceptable*
Landscape Treatment:	Acceptable
Open Space:	N/A
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

*Subject to the proffered covenant

F. PERTINENT REQUIREMENTS/STANDARDS:

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:

- (1) 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;
- (2) 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;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) 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;

- (5) 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.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No comment
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject parcel is corner lot located at the northeast corner of S.W. 200 Street and S.W. 127 Avenue. The 305' x 138' subject property is located approximately one (1) mile east of and inside the Urban Development Boundary (UDB). The subject property was approved for a CDMP amendment in 2004 to change the Land Use Plan (LUP) map designation from Estate Density to Business and Office and included, as a condition of the approval, a Declaration of Restrictions that limited the development of the property to a bank only, including drive-through tellers, unless the owner is unable to negotiate with a bank or obtain the requisite zoning to situate same on the subject property. The Declaration of Restrictions further allowed that, in the event the owner is unable to develop the property with a bank, the property may be developed with offices, retail uses permitted in the BU-1, Neighborhood Business District, and BU-1A, Limited Business District, and residential uses permitted by the Business and Office designation of the LUP map of the CDMP. Said covenant also restricts food stores permitted in the BU-1 and BU-1A zones to no more than 4,000 square feet of floor area. The applicant submitted six (6) letters from various banks as proof of the failure of his "good faith" efforts to negotiate with the banks to situate one of their branches on the subject property. Therefore the applicant is seeking a zone change from EU-1, Single-Family One Acre Estate District, to BU-1A in order to develop the property with a retail auto parts store, which is one of the uses authorized by the aforementioned Master Plan Amendment Declaration of Restrictions.

Additionally, the applicant has submitted plans that depict the proposed auto parts store with the building fronting onto SW 200 Street. The applicant has designed the building, which will abut residential properties located to the north and east, with adequate buffering in the form of Silver Buttonwood and Dahoon Holly trees along the aforementioned property lines. Additionally, the submitted site plans depict a wide array of trees, to include Live Oak and Orange Geiger among others, along the southern and western property lines and throughout the property, along with hedges comprised of Coco Plum and Jamaican Caper among others. The submitted site plans also show the

garbage dumpster sited away from the north and east property lines that abut residential properties and located. The plans further depict two (2) ingress and egress points onto SW 127 Avenue along the western property line. The applicant's plans show a "right-turn only" sign for traffic exiting from the southernmost egress point, located approximately 42' north from the corner of the intersection of SW 200 Street and SW 127 Avenue. The applicant has voluntarily proffered a covenant limiting the development of the property to the submitted site plans. The area as a whole is characterized with a mixture of business and residential activity, as well as a few of vacant lots.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. They however state in their memorandum that vehicles exiting from the southern driveway will only be permitted to make a right turn and that the existing power pole and guy wire located where the southern driveway is planned will have to be relocated. This application will generate **43 pm** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service on the area roadways which are currently at LOS "B", "C", "D" and "E". The **Miami-Dade Fire Rescue Department** has **no objections** to the application indicates that the estimated response time is **5:36 minutes**.

The approval of the proposed zone change will allow the applicant to provide limited commercial services to the community. As previously mentioned, the subject property was approved for a master plan amendment in 2004 to change the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP) to **Business and Office**. This category accommodates the full range of sales and service activities. Included are **retail**, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. The requested BU-1A zoning allows such uses as grocery stores, restaurants and retail stores. However, approval of the master plan amendment was limited by a Declaration of Restrictions that restricted the development of the property to a bank only, although allowing for alternative development in the event of failure to negotiate the location of a bank on the subject property. The requested retail store to be developed under the BU-1A zoning is an alternate use permitted by the aforementioned Declaration of Restrictions. Additionally, the applicant has voluntarily proffered a covenant that restricts the development of the site to the submitted plans. In staff's opinion, the submitted plans depict sensitivity in relation to the abutting residential properties located to the north and east, in the form of adequate landscape buffering and the siting of the dumpster away from the rear (north) and interior side (west) property lines that abut residential properties. The applicant has also sited the entrances for the proposed retail store to the south and west, which orients the bulk of the activities away from the aforementioned abutting residential properties. It should be noted that minor automotive repairs are permitted inside a building in conjunction with an auto parts store, however the applicant has not indicated such use on the plans submitted in conjunction with this application. Staff

therefore opines that the proposed retail auto parts store use is **compatible** with the surrounding land uses and **consistent** with the range of uses indicated under the interpretative text of the Business and Office LUP map designation of the CDMP and those allowed by the Plan amendment covenant.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will: conform to the Comprehensive Development Master Plan (CDMP) for Miami-Dade County, 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. The proposed retail store is located at the northeast corner of the intersection of section line roads SW 200 Street, and SW 127 Avenue, which facilitate access to the development and form the physical boundaries for the residential zoned properties located to the northeast. The aforementioned section line road, SW 200 Street, also provides access to the Turnpike Expressway located approximately 1.92 miles to the east of the subject property. The limited business use proposed on the site, in the form of a retail auto parts store, will provide additional commercial services to the growing residential community in the surrounding area, thereby creating a positive impact on the economy in the area in the form of retail and employment opportunities likely to be created by this use. Staff notes that the subject property, similar to the properties to the south and west, was recently approved for a CDMP amendment change of LUP map designation to Business and Office. The aforementioned properties located to the south and west were respectively rezoned to BU-1A, pursuant to Resolution #CZAB14-14-03 in March 2003, and Resolution #CZAB14-2-08, in January 2008. Staff further opines that the proposed development, with adequate landscape buffering along the property lines and abundant landscaping throughout the property in the form of trees and hedges, provide a welcome, visually pleasing impact and will not be incompatible with the present residential developments located to the north and east of the subject property. The proposed layout of the retail store site, surrounded by the wide array of trees, to include Live Oak, and Orange Geiger, among others, serves not only to provide a buffer to the residential uses abutting the property, but also alleviates any negative visual impact that may result from the introduction of commercial uses in the area. Staff, therefore, opines that the proposed BU-1A zoning subject to the acceptance of the voluntarily proffered covenant, is **consistent** with the interpretative text of the CDMP, the CDMP Business and Office Land Use Plan map designation, the Plan amendment covenant and **compatible** with the surrounding area. As such, staff recommends approval of the district boundary change from EU-1 to BU-1A, subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:**

Approval of the district boundary change to BU-1A, subject to the Board's acceptance of the proffered covenant.

DATE INSPECTED: 05/12/08
DATE TYPED: 08/22/08
DATE REVISED: 08/27/08, 09/04/08, 09/08/08, 09/10/08
DATE FINALIZED: 09/29/08
MCL:MTF:LVT:NC:CH



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning 

Date: July 9, 2008

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management



Subject: C-14 #Z2008000027-Revised
Marc Massar
Northeast Corner of S.W. 200th Street and S.W. 127th Avenue
District Boundary Change from EU-1 to BU-1A
(EU-1) (0.97 Acres)
01-56-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Wellfield Protection

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

Potable Water Service

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 Code requirements.

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 335 feet from the subject property. Based on the proposed request, the subject property is within a feasible distance for connection to public sanitary sewers. Therefore, connection of the proposed development to the public sanitary sewer system shall be required in accordance with Code requirements. All sewer lines shall be required to comply with exfiltration requirements as applied to wellfield protection areas.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order

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

Stormwater Management

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year / 1-day storm event. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

The applicant is advised that the dumpster area shall not be allowed to drain into the stormwater management system. This area shall be covered or sloped to drain toward a grassy area.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands

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

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

Tree Preservation

Tree Removal Permit 2007-TREE-PER-00286 was issued for the subject property to Marc Massar on July 7, 2008 and is scheduled to expire on July 7, 2009. Tree Removal Permit 2007-TREE-PER-00286 requires the preservation of one regular size royal palm, as identified in DERM-approved permitted plans. The site plan submitted with this application depicts this royal palm to remain. Therefore, DERM may approve the subject application.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2007-TREE-PER-00286 is required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

Enforcement History

DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review 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 DERM's written approval, as required by the Code.

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MARC MASSAR

This Department has no objections to this application.

All vehicles exiting the site from the southern driveway will only be permitted to make a right turn. A right turn only sign will be required at the southern driveway.

The existing power pole and guy wire located where the proposed southern driveway is planned will have to be relocated.

Additional improvements may be required at time of permitting.

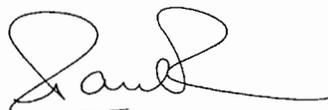
Landscaping/fences must comply with safe sight distance triangle requirements set forth in Sec. 33-11 of the Miami-Dade County Code.

Since this development abuts a State maintained road (SW 200 Street), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 43 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-1116	SW 200 St. w/o SW 127 Ave.	E	E
9788	SW 127 Ave. s/o SW 184 St.	B	B
F-54	SW 186 St. w/o HEFT	C	C
9758	SW 117 Ave. nw/o US-1	D	D
9898	SW 216 St. w/o US-1	B	B

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.



Raul A Pino, P.L.S.

06-MAY-08

Memorandum



Date: 01-MAY-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000027

Fire Prevention Unit:

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped February 6, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

Service Impact/Demand:

Development for the above Z2008000027 located at THE NORTHEAST CORNER OF S.W. 200 STREET AND S.W. 127 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2236 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>7,381</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.20 alarms-annually.
The estimated average travel time is: 5:36 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 52 - South Miami Hgts - 12105 Quail Roost Drive
Rescue, ALS Tanker

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 plans date stamped February 6, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

MARC MASSAR

THE NORTHEAST CORNER OF S.W.
200 STREET AND S.W. 127
AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2008000027

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801002838 was opened based on enforcement history request and inspected on 5-1-08. No violations were observed and case was closed.

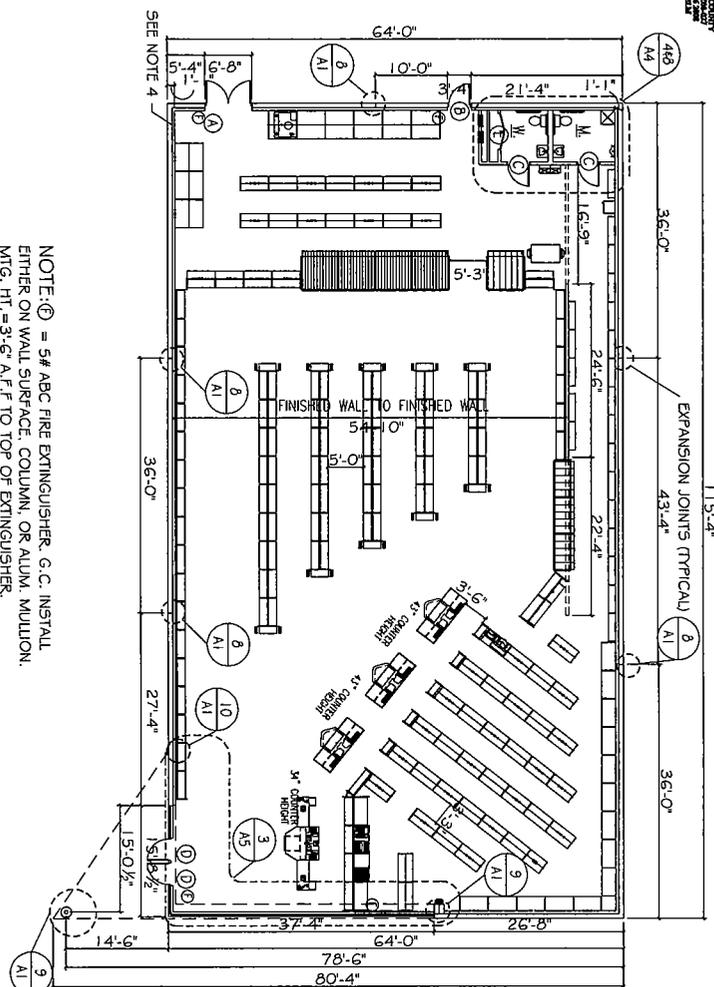
Previous case history;

Case 200701003908 was opened based on complaint of overgrowth and inspected on 7-27-07. A warning notice was posted for a violation of Ch 19-13 (a) overgrowth. A reinspection was conducted on 8-15-07 found to be in compliance and the case was closed.

Case 200801000555 was opened on a complaint of overgrowth. A warning notice was posted for a violation of Ch 19-13(a) overgrowth. A reinspection was conducted on 2-22-08 found to be in compliance and the case was closed.

Case 200801000556 was opened based on a complaint of a broken fence and inspected on 1-28-08. A warning notice was issued for a violation of Ch 33-4.2 (a), chainlink fence in disrepair. A reinspection was conducted on 2-22-08 found to be in compliance and case was closed.

Case 200801002478 was opened based on a complaint of overgrowth. An inspection was conducted on 5-1-08 where no violation was observed and case was closed.



1. REFER TO STRUCTURAL DRAWINGS FOR ALL DETAILS AND REQUIREMENTS REGARDING FOUNDATIONS, WALL REINFORCING, BOND BEAMS, LINTELS, AND ROOF FRAMING.
2. REFER TO CIVIL DRAWINGS FOR LOCATIONS AND DETAILS OF SIDEWALKS, FIRE GUARDS, ETC., AS WELL AS FINISH FLOOR ELEVATION AND EXTERIOR FINISHED GRADES.
3. INSTALL 6" WIDE, 20 GAUGE GALVANIZED SHEET METAL STRIP TO THE INTERIOR FACE OF DRYWALL STUDS AROUND THE ENTIRE PERIMETER OF THE BUILDING. TOP OF STRIP TO BE 93" A.F.F.
4. SEE SHEET M-2 FOR LOCATION OF NON FREEZE YARD HYDRANT AND INSTALLATION REQUIREMENTS.
5. INSTALL 1/2" X 4'-0" X 8'-0" AC PLYWOOD HORIZONTALLY WITH THE LONG EDGE ON THE FLOOR AND THE END JOINT CENTERING ON A STUD. APPLY PLYWOOD TO THE FACE OF GYPSUM BOARD WITH SCREWS TO FACILITATE FUTURE REPLACEMENT. SCREW TO VERTICAL FURRING STRIPS 24" O.C. WHERE BLOCK IS EXPOSED ON THE INTERIOR OF THE STORE.
6. REFER TO SHEET A4 FOR DETAILS OF CURTAIN WALL AT JOIST GIRDER WHERE APPLICABLE. (ALL MULTIPLE SPAN PROTOTYPES)

2 FLOOR PLAN NOTES

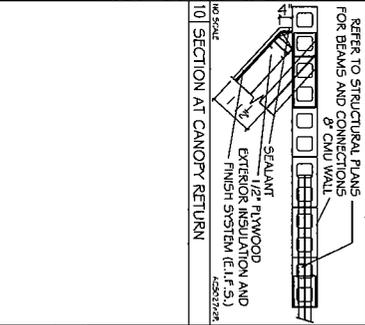
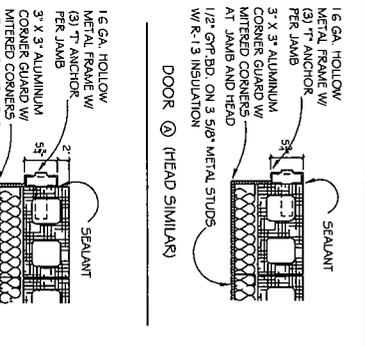
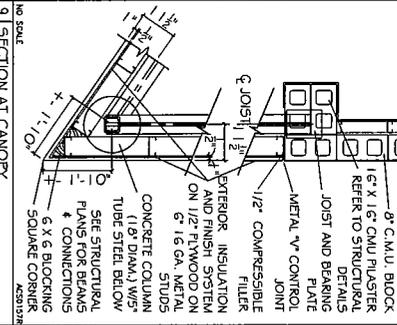
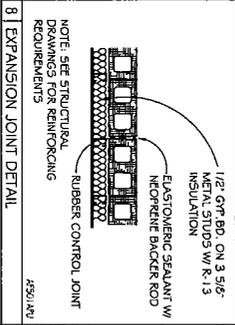
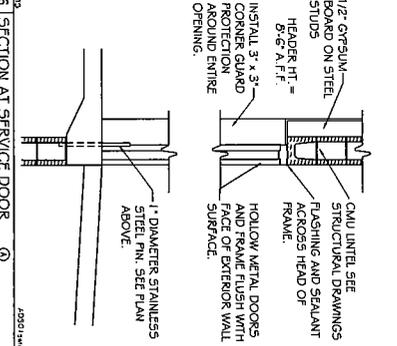
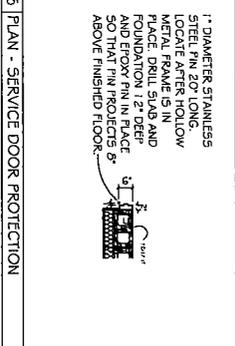
LOCATION	FLOOR	BASE WALLS	CLG.	REM.
A	3-2' x 8'-4"	HOLLOW METAL	5#7/A1	PAIR REQUIRED
B	3-0' x 7'-0"	HOLLOW METAL	7/A1	
C	3-0' x 6'-6"	HOLLOW METAL	7/A1	
D	3-0' x 7'-0"	ALUMINUM W/ GLASS		UNDERCUT DOOR 1"
E	2-6' x 6'-6"	HOLLOW METAL	7/A1	UNDERCUT DOOR 1" (PAIR REQUIRED)

3 ROOM FINISH SCHEDULE

ROOM	FINISH
SALES AREA	●
REST ROOMS	●

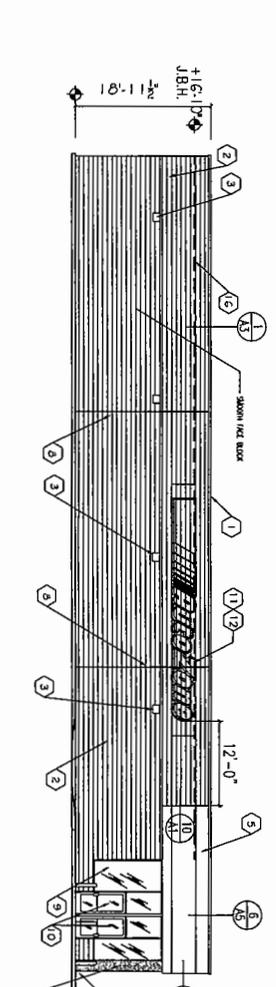
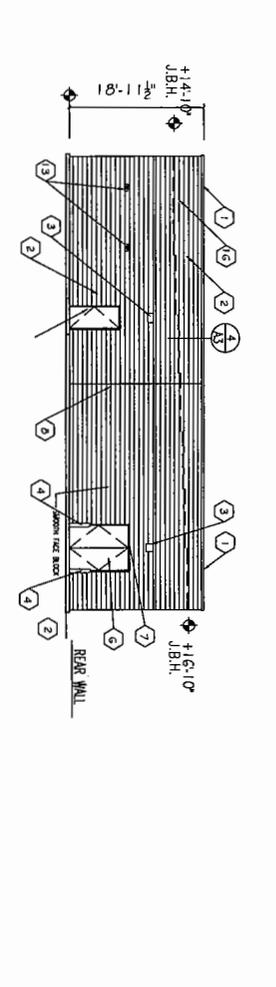
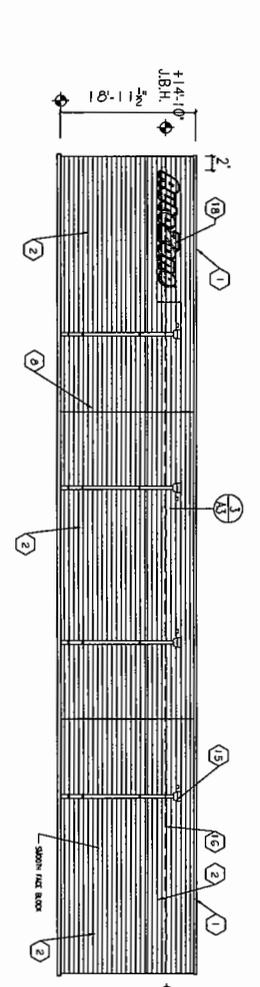
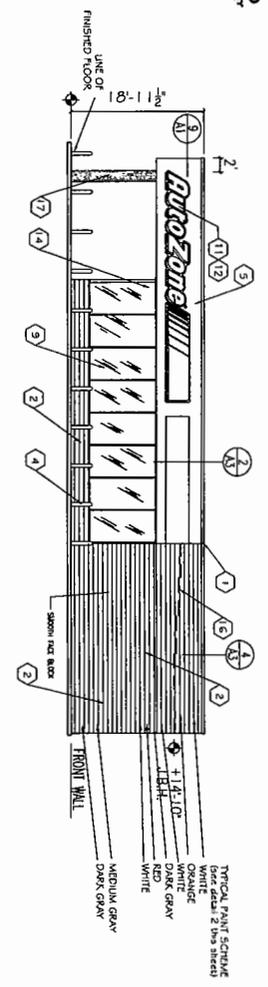
4 DOOR SCHEDULE - HOLLOW METAL DOORS & FRAMES

NO.	SIZE	TYPE	FRAME	JAMB DET.	HEAD DET.	REMARKS
A	3-2' x 8'-4"	HOLLOW METAL	5#7/A1	5#7/A1	5#7/A1	PAIR REQUIRED
B	3-0' x 7'-0"	HOLLOW METAL	7/A1	7/A1	7/A1	
C	3-0' x 6'-6"	HOLLOW METAL	7/A1	7/A1	7/A1	
D	3-0' x 7'-0"	ALUMINUM W/ GLASS				REFER TO SHEET A5 FOR STOREFRONT ELEVATIONS AND DETAILS.
E	2-6' x 6'-6"	HOLLOW METAL	7/A1	7/A1	7/A1	UNDERCUT DOOR 1" (PAIR REQUIRED)



DATE	REVISIONS	Prepared For: AutoZone STORE DEVELOPMENT Store No. E969 QUAILROOST DRIVE MIAMI FL	AutoZone, Inc. 123 South Front Street Memphis, Tennessee 38103 TEL: (901) FAX: (901) 495-8424
	SCALE: AS NOTED		
A1		FLOOR PLAN / DOOR SCH / WALL DETAILS	

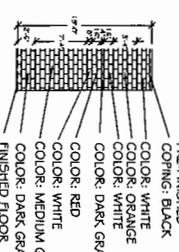
82



- TYPICAL PAINT SCHEME
 1. WHITE
 2. DARK GRAY
 3. MEDIUM GRAY
 4. RED
 5. ORANGE
 6. WHITE
 7. DARK GRAY
 8. WHITE
 9. MEDIUM GRAY
 10. DARK GRAY

- 1. PRE-FINISHED ALUMINUM CORING COLOR: BLACK
- 2. CMU WALL SEE PAINT DETAIL SCHEME THIS SHEET
- 3. WALL MOUNTED LIGHT FIXTURE
- 4. PIPE GUARD WITH RED STRIKE
- 5. W/C. WHITE EXTERIOR INSULATED FINISH - PAINT WHITE
- 6. PAINT HOLLOW METAL DOORS) RED
- 7. PAINT HOLLOW METAL FRAMES) BLACK
- 8. EXPANSION JOINT
- 9. ALUMINUM STOREFRONT - RED KNIFE FINISH
- 10. GLASS AND ALUMINUM DOORS - CLEAR ANODIZED FINISH
- 11. WALL SIGN - 42" HIGH LETTERS - RED FACES
- 12. WALL SIGN - 42" HIGH STRIPES - ORANGE FACES
- 13. TOILET WALL VENTS PAINT TO MATCH WALL
- 14. STORE ADDRESSES - 6" WHITE REFLECTIVE NUMBERS
- 15. SCISSORS AND DOWNSPROUTS, PAINTED TO MATCH OVERLAP SCISSORS TOP AND 5" SPOKE 150W.
- 16. BOND BEAM AT ROOF LINE
- 17. 12" O.D. GALVANIZED METAL PIPE FILLED WITH CONCRETE, PAINT RED
- 18. WALL SIGN - 36" HIGH LETTERS

- NO SCALE
- 1 ELEVATION KEY NOTES
- NOTE: CENTER ALL WALL SIGNAGE VERTICALLY ON THE ORANGE STRIPE. PAINT ORANGE STRIPE TO WITHIN 2" OF WALL SIGN. DO NOT PAINT ORANGE STRIPE BEHIND SIGN. CONTINUE ORANGE STRIPE ON E.I.F.S. ABOVE STOREFRONT.



- 2 EXTERIOR WALL COLOR SCHEME
- GENERAL NOTES:
- REFER TO SECTION 0900 OF THE SPECIFICATIONS FOR PAINT AND EXTERIOR COATINGS.
 - PAINT RESTROOM WALL VENTS TO MATCH THE ADJACENT WALL COLOR.
 - SEALANT AT EXPANSION JOINTS TO MATCH ADJACENT WALL COLOR.
 - ALL MASONRY JOINTS TO BE CONCAVE TOOLED.

- 3 GENERAL NOTES
- SIGNAGE NOTES:
- GENERAL CONTRACTOR SHALL RECEIVE AND INSTALL OWNER FINISHED WALL MOUNTED SIGN IN THE LOCATIONS INDICATED ON THE DRAWINGS. SIGN IS INTERNALLY ILLUMINATED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.
 - INSTALL SIGN AND ANCHORAGE IN ACCORDANCE WITH ATTACHED SIGN MANUFACTURER'S DRAWINGS. SEE 5N-1.
 - SEE SHEET E3 FOR LOCATIONS OF 1-BOXES TERMINATING EACH WALL SIGN CIRCUIT.

- 4 SIGNAGE NOTES - BUILDING

J.B.H. = JOIST BROWING HEIGHT

AutoZone, Inc.
 123 South Front Street
 Memphis, Tennessee 38103
 TEL: (901) FAX: (901) 495-8424

AutoZone STORE DEVELOPMENT
 Prepared For: Store No. E969
 QUAILROOST DRIVE
 MIAMI FL
 EXTERIOR ELEVATIONS & NOTES

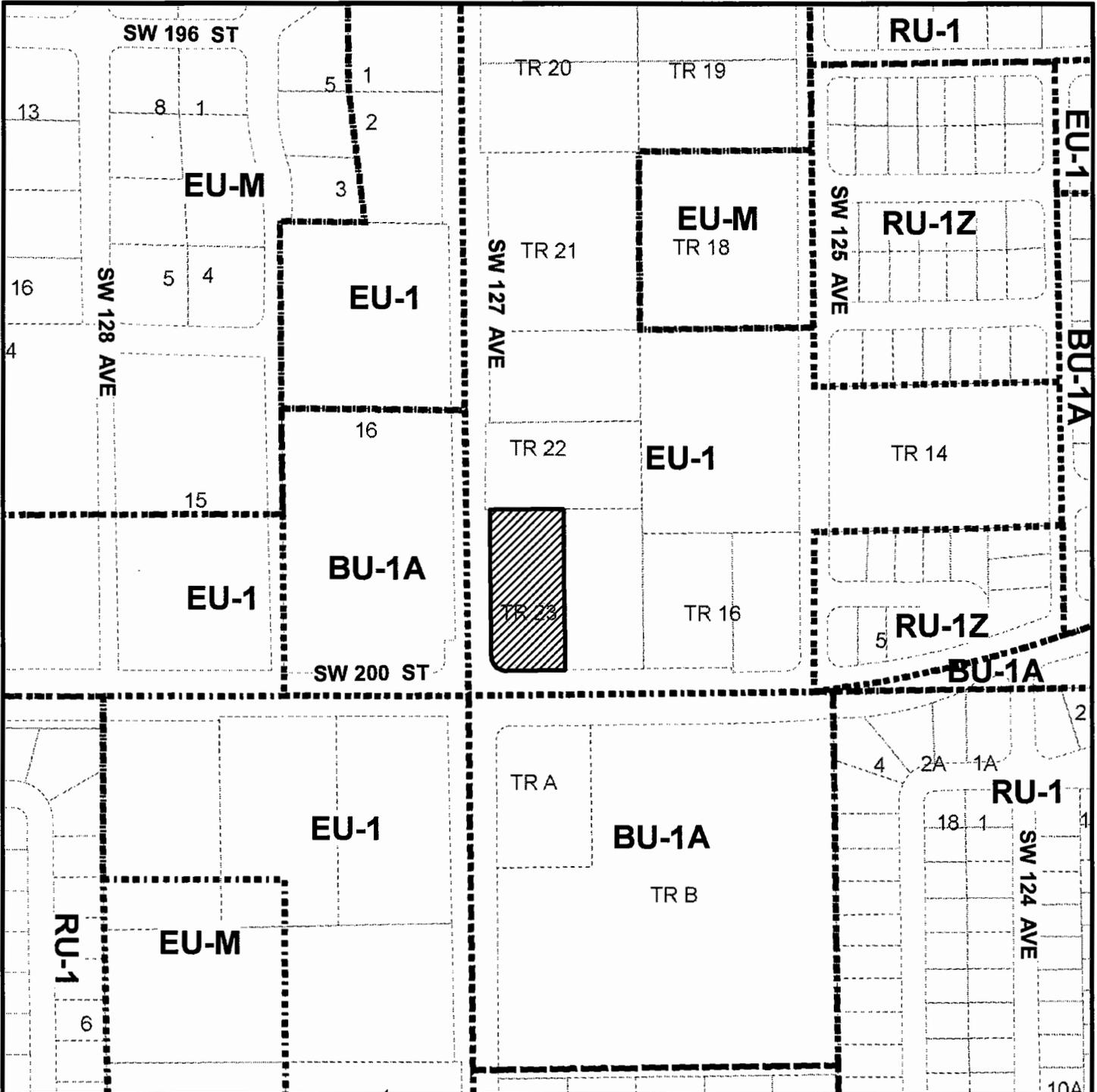
REVISIONS
1.
2.
3.
4.

SCALE: AS NOTED

DATE: _____

PROTOTYPE SIZE
 7/2-RIGHT

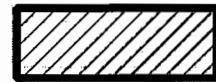
A2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-027

Section: 01 Township: 56 Range: 39
 Applicant: MARC MASSAR
 Zoning Board: C14
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 03/06/08

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
AERIAL**

Process Number
08-027

Section: 01 Township: 56 Range: 39
 Applicant: MARC MASSAR
 Zoning Board: C14
 District Number: 09
 Drafter ID: ALFREDO
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 03/06/08

REVISION	DATE	BY

3. ANTONIO BARBOSA
(Applicant)

08-10-CZ14-3 (08-54)
Area 14/District 9
Hearing Date: 10/16/08

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>
1988	Oswaldo Garcia	Permit trailer as watchmen quarters.	ZAB	Denied without prejudice

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Antonio Barbosa

PH: Z08-054 (08-10-CZ14-3)

SECTION: 22-55-38

DATE: October 16, 2008

COMMISSION DISTRICT: 9

ITEM NO.: 3

A. INTRODUCTION:

o **REQUESTS:**

Applicant is requesting to permit a parcel of land with a lot frontage of 165' (200' required) and an area of 2.50 gross acres (5 acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey," as prepared by Mojarena & Associates, Inc., dated stamped received 3/19/08 and consisting of 1 sheet and the remaining sheets entitled "Storage Floor Plan and Utility Shed Floor Plan," as prepared by Ariel Clavijo, dated stamped received 7/18/08 and consisting of 2 sheets, for a total of 3 sheets.

o **SUMMARY OF REQUESTS:**

The request will allow the applicant to develop a parcel of land with less frontage than required in the GU, Interim District.

o **LOCATION:** Lying approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida.

o **SIZE:** 2.50 gross acres

o **IMPACT:** The approval of the reduced lot frontage would allow the applicant to establish a non-conforming GU, Interim District, parcel of land. The reduced area and lot frontage may lead to similar requests being sought in the area by setting a precedent.

B. ZONING HEARINGS HISTORY:

In August 1988, pursuant to Resolution No. 4-ZAB-325-88, an unusual use request to permit a trailer as a watchman's quarters was denied with prejudice by the Zoning Appeals Board.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The subject property is located approximately **4 miles west of and outside of the UDB**. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Open Land**. The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity

such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.

2. Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.
3. Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.
4. **Open Land Subarea 4** (East Everglades Residential Areas). This subarea is bounded on the north, west and southwest by Everglades National Park, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County) and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; Nursery

Open Land (Subarea 4)

Surrounding Properties:

<u>NORTH:</u> GU; Single-family residence	Open Land (Subarea 4)
<u>SOUTH:</u> GU; Single-family residence	Open Land (Subarea 4)
<u>EAST:</u> GU; Vacant	Open Land (Subarea 4)
<u>WEST:</u> GU; Vacant	Open Land (Subarea 4)

The subject parcel is located approximately 165' north of S.W. 144th, between S.W. 202 Avenue and S.W. 203 Avenue, Miami-Dade County, Florida. Plant nurseries, vacant parcels and single-family residences on large lots characterize the surrounding area. The subject property is located approximately 1.5 mile west of Levee 31N, approximately 4 miles west of and outside of the Urban Development Boundary (UDB) line.

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey and floor plans submitted.)
Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Sec. 33B-25. Authorized uses.

(A) Management Area 1:

(1) *Permitted uses:*

- (a) Agricultural use, and
- (b) Agricultural support housing at a density of no greater than one (1) unit per forty (40) acres, or
- (c) Single-family detached dwelling units at a density of no greater than one (1) unit per forty (40) acres.

(2) *Conditional uses:*

- (a) Single-family detached dwelling units at a density of no greater than one (1) unit per five (5) acres in that portion of Management Area 1 which had an established residential character as of January 14, 1981, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten-year flood event. This area is defined as all of Sections 14, 21, 22, 23, 27, 28; the south one-half of Section 11 and the south one-half of the north one-half of Section 11; the east one-half of Section 15; the east one-half of Section 16; all land in Section 26 which lies northerly and westerly of Levee L-31-N; the east one-half of the east one-half of Section 29; all within Township 55 South and Range 38 East.
- (b) Residential dwelling units at a density of no greater than one (1) dwelling unit per twenty (20) acres, provided that:
 - 1. The dwelling unit is ancillary to an established agricultural operation involving less than forty (40) acres, and
 - 2. Occupancy of the dwelling is limited to the owner, operator or employees of the established agricultural operation, and
 - 3. The parcel was not in common ownership with any adjacent parcel of land on or after January 14, 1981.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is zoned GU, Interim District, and is located approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, which is approximately **4 miles west of and outside of the Urban Development Boundary (UDB)** and approximately 1.5 miles west of Containment Levee 31-N, which demarcates the easternmost boundary of this Management Subarea 1 of the East Everglades Zoning Overlay area. For edification, the East Everglades Zoning Overlay Ordinance was enacted January 19, 1981 pursuant to Ordinance No. 81-1. Although zoned GU, Interim District, with no agricultural trend, the area is characteristically agricultural in nature and staff notes that agricultural uses are permitted by the East Everglades Zoning District. The applicant has indicated in the submitted Letter of Intent that they wish to utilize the parcel for a plant nursery. As such, the applicant is requesting to permit a parcel of land with a frontage of 165' (200' required) and an area of 2.27 acres (5 acres required). The subject property lies in a section of land (22-55-38) that is zoned GU. The GU zoning district requires lots to contain a minimum of 5 gross acres and a minimum lot frontage (width) of 200'. The subject property lies within the boundaries of the "East Everglades Zoning Overlay Ordinance and Section 33B-25(A) allows agricultural use for those properties located within Management Area 1. Additionally, the applicant has submitted a boundary survey and floor plans indicating the location of two existing sheds.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** and has indicated that this land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Their memorandum indicates that this application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. Further, their memorandum indicates that the application meets the traffic concurrency criteria. The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to this application and MDFRD has indicated that the average response time for this site is **13:32** minutes.

If approved, this application will allow the applicant the continued use for agricultural purposes only of a sub-standard sized, GU zoned parcel of land, which lies within the Management Area 1 within the East Everglades. Staff cites Section 33B-25(A)(1)(a) which indicates that agricultural uses are permitted as a matter of right in Management Area 1. Therefore, staff is of the opinion that the requested establishment of the lot for agricultural uses meets the criteria under Section 33B-25 since the proposed use is **consistent** with the purposes, goals, objectives and standards of the East Everglades Management Plan and that it may minimally affect the ecological integrity of the East Everglades provided that the applicant adheres to all environmental guidelines as determined by DERM.

The Comprehensive Development Master Plan (CDMP) designates this area as **Open Land (Subarea 4)** on the Land Use Plan (LUP) map. Uses which may be considered for approval in this area are **seasonal agriculture**, and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten year flood event in keeping with the adopted East Everglades zoning overlay regulation as found in Section 33B, Zoning Code of Miami-Dade County, and compatible and necessary utility facilities. The interpretative text of the Land Use Element of the CDMP further stipulates that uses that could compromise groundwater quality shall not occur in this area. The applicant is requesting to utilize the parcel of land as a plant nursery and has not requested any residential uses on the site. Therefore, the development of a plant nursery on a parcel of land containing 2.27 gross acres in a region that Chapter 33B of the Zoning Code designates as Management Area 1 of the East

Everglades Overlay Zone would not be contrary to the basic intent and purpose of the Zoning Code. The primary purpose of the East Everglade Overlay Ordinance is to minimize population growth in an area that is subject to periodic flooding. The intent of this density restriction is to prevent the problems that may rise from the accumulation of adverse environmental impacts from residential usages within an area that receives no flood protection. Such problems may include the need for a considerable infusion of public resources during flooding events, and the damage to private property, which will occur when individuals make physical improvements in areas with high flood risks and no floodwater removal capacity. Since the applicant is proposing a plant nursery, staff is of the opinion that the approval of this request, subject to stringent conditions on the use, will not result in an undue burden to public services and, therefore, the use will be **consistent** with the LUP map and the interpretative text of the CDMP of this **Open Land** category.

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of this application will result in unnecessary hardship. As such, this application cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

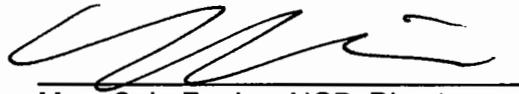
When the applicant's request is analyzed under Section 33-311(A)(4)(b) (NUV), staff is of the opinion that the approval of this application with conditions maintains the basic intent and purpose of the land use regulations. The request to permit a parcel of land with a lot frontage of 165' (200' required) and a lot area of 2.27 acres (5 gross acres required), would allow the applicant to establish the parcel of land for seasonal agricultural purposes. Staff opines that the requested use, subject to restrictions, is compatible with the surrounding area that is characterized by other agricultural uses. Historically, staff notes that there have been no applications denied by Community Zoning Appeals Board #14 (CZAB 14) that have sought similar requests to establish parcels as sites with less frontage and lot area for agricultural use only that are located within the 8 square mile area of Management Area 1 (Agriculture with Existing Residential Character). Yet, many denials can be found in the area for the establishment of single-family residences on similarly sized parcels as the subject property. In 2005, another property also located within the 8 square mile Management Area 1 of the East Everglades, approximately one mile to the west of the subject property, was unanimously approved by CZAB-14 for an exact request as the subject property to permit a plant nursery on a parcel of land with 2.5 gross acres and with a lot frontage of 165', pursuant to Resolution No. CZAB14-52-05. The subject property is neighbored to the north by a 5-acre single family residence, to the east is a 8-acre vacant parcel, to the west is a 5-acre parcel and to the south is a similarly sized 2-acre parcel and a 4-acre nursery. Staff will require, as a condition of approval, that the applicant submit to the Department of Planning and Zoning a Declaration of Use Agreement restricting the plant nursery use on the property to seasonal use only. Staff is of the opinion that the request to permit a parcel of land for agricultural uses with less lot area and lot frontage than required is compatible with the area and should be approved with conditions under Section 33-311(A)(4)(b) (NUV). Staff will require as a condition of approval that residential uses be prohibited on the site since residential occupancy on a parcel of land with the size of the subject property is in direct conflict with the requirements of this area of the East Everglade Zoning Overlay. Therefore, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV).

- I. **RECOMMENDATION:** Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That the applicant submit a Declaration of Use Agreement in recordable form which is acceptable to the Director of the Department of Planning and Zoning that restricts the use on the property to seasonal agricultural use only prior to the issuance of a building permit or a Certificate of Use.
2. That the applicant obtain a Certificate of Use for the plant nursery from the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That no residential use be permitted on the site.

DATE INSPECTED: 04/08/08
DATE TYPED: 08/21/08
DATE REVISED: 08/21/08, 08/25/08, 09/08/08, 09/9/08, 09/10/08
DATE FINALIZED: 09/29/08
MCL:MTF:LVT:CH:CI



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: April 9, 2008

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

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

Subject: C-14 #Z2008000054
Antonio Barbosa
14350 S.W. 202nd Avenue
Request to Permit a Plant Nursery in the GU Zone with Less Area and
Frontage than Required
(GU) (2.3 Acres)
22-55-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Wetlands

The subject property is located within a designated wetland basin; however, the property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal 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. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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 DERM's written approval, as required by the Code.

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

PH# Z2008000054
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ANTONIO BARBOSA

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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.



Raul A Pino, P.L.S.

20-JUN-08

Memorandum



Date: 27-MAR-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000054

Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2008000054
 located at LYING WEST OF S.W. 202 AVENUE, APPROXIMATELY 165' NORTH OF S.W. 144 STREET, MIAMI,
 FLORIDA
 in Police Grid 2005 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: 13:32 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 36 - Hammocks - 10001 Hammock Blvd.
 Rescue, ALS 50' Sqrt, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ANTONIO BARBOSA

LYING WEST OF S.W. 202
AVENUE, APPROXIMATELY 165'
NORTH OF S.W. 144 STREET,
MIAMI, FLORIDA

APPLICANT

ADDRESS

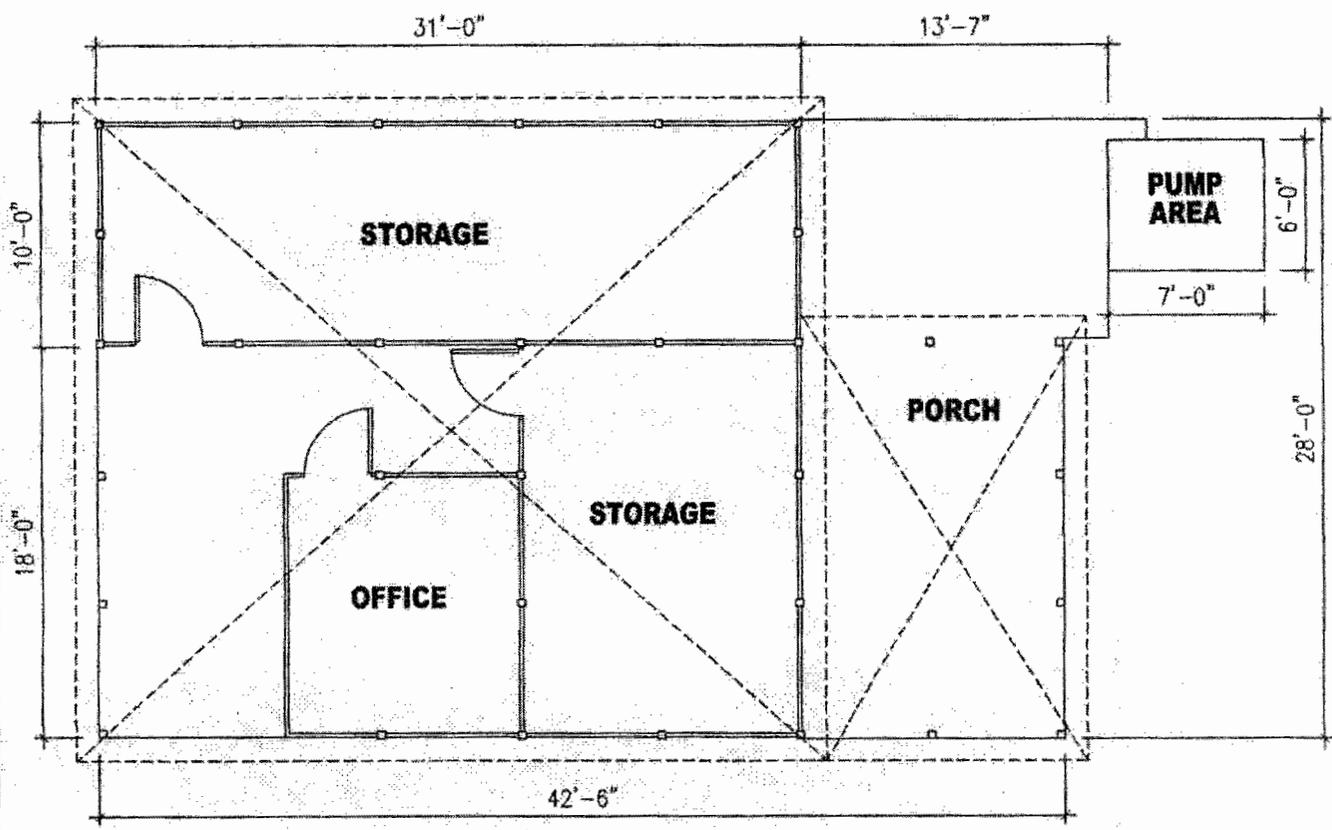
Z2008000054

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations. No History

Beck, Allen

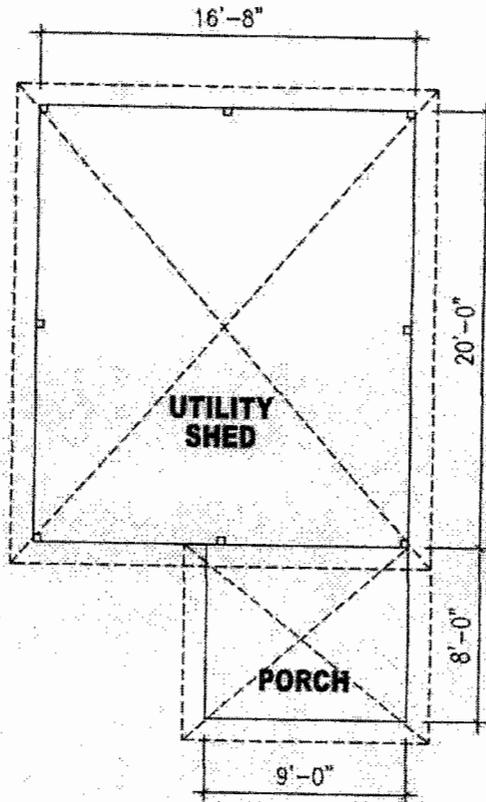


1 FLOOR PLAN

RECEIVED
 208.054
 JUL 18 2008

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

Antonio Barbosa 14350 sw 202nd Avenue		Revision	Date 07-01-2008
Sheet Name STORAGE FLOOR PLAN	Prepair by Ariel Clavijo	Scale 1/8"=1'-0"	Sheet No. 01



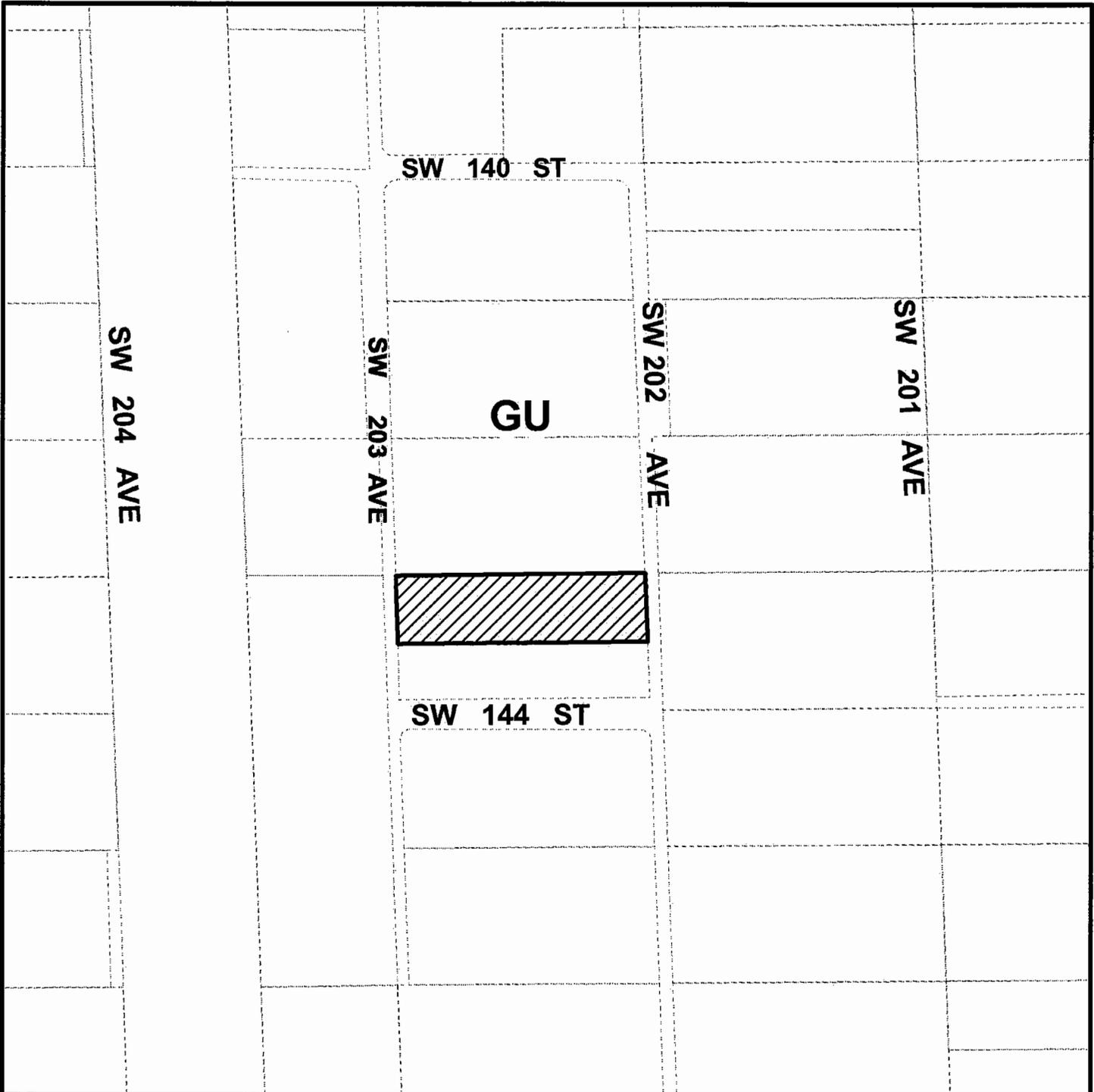
① **FLOOR PLAN** 

RECEIVED
 208-054
 JUL 18 2008

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT

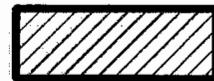
BY 

Antonio Barbosa 14350 sw 202nd Avenue		Revision	Date 07-01-2008
Sheet Name UTILITY SHED FLOOR PLAN	Prepair by Ariel Clavijo	Scale 1/8"=1'-0"	Sheet No. 02



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-054



SUBJECT PROPERTY

Section: 22 Township: 55 Range: 38
 Applicant: ANTONIO BARBOSA
 Zoning Board: C14
 District Number: 9
 Drafter ID: JEFFER
 Scale: NTS



CREATED ON: 03/28/08

REVISION	DATE	BY
		17



**MIAMI-DADE COUNTY
AERIAL**

Process Number
08-054



SUBJECT PROPERTY

Section: 22 Township: 55 Range: 38
 Applicant: ANTONIO BARBOSA
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